

EIR Request (received 23 July 2025) - Reference: DFI/2025-0355

Freedom of Information Request: A5 Western Transport Corridor Meetings

I am writing to formally request, under the provisions of the Freedom of Information Act 2000, a copy of the relevant documentation regarding the seven meetings between DAERA and the Department for Infrastructure (DfI) that were held between December 2023 and May 2024 in relation to the A5 Western Transport Corridor. These meetings, as referenced in the letter from Minister Andrew Muir MLA, were related to assisting DfI in the preparation of their response to the climate-related recommendations made by the Planning Appeals Commission (PAC).

Specifically, I request the following information:

1. The dates, agendas and attendees of the seven meetings between DAERA and DfI that took place between December 2023 and May 2024 regarding the A5 Western Transport Corridor.
2. Any minutes or notes taken during these meetings, that detail the discussions and outcomes concerning the preparation of DfI's response to the climate-related recommendations made by the Planning Appeals Commission (PAC).
3. Any correspondence (emails, letters, etc.) between DAERA and DfI regarding these meetings and the associated climate-related recommendations, including any drafts of responses or documents shared in preparation for these meetings.
4. Any relevant reports or documents provided by DAERA to DfI during this period related to emissions targets, carbon budgets, and the Climate Action Plan, as mentioned in the Minister's letter to MLA Patsy McGlone on July 22nd 2025.

I would be grateful if the information could be provided in an accessible format, preferably in electronic form (PDF or Word documents). If you require any further clarification regarding this request, please do not hesitate to contact me.

Response (issued 31 October 2025)

I refer to your email dated 23 July 2025, requesting copy of *the relevant documentation regarding the seven meetings between DAERA and the Department for Infrastructure (DfI) that were held between December 2023 and May 2024 in relation to the A5 Western Transport Corridor*. Specifically, you requested:

1. *The dates, agendas and attendees of the seven meetings between DAERA and DfI that took place between December 2023 and May 2024 regarding the A5 Western Transport Corridor.*
2. *Any minutes or notes taken during these meetings, that detail the discussions and outcomes concerning the preparation of DfI's response to the climate-related recommendations made by the Planning Appeals Commission (PAC).*
3. *Any correspondence (emails, letters, etc.) between DAERA and DfI regarding these meetings and the associated climate-related recommendations, including any drafts of responses or documents shared in preparation for these meetings.*
4. *Any relevant reports or documents provided by DAERA to DfI during this period related to emissions targets, carbon budgets, and the Climate Action Plan, as mentioned in the Minister's letter to MLA Patsy McGlone on July 22nd 2025.*

In considering your request on behalf of the Department I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004, as opposed to the FOI Act 2000. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information. EIR gives rights of public access to environmental information held by public authorities.

A guide explaining the Environmental Information Regulations can be found at: [Guide to the Environmental Information Regulations | ICO](#).

Firstly, please accept my apologies for the significant delay in issuing a response to this request. However, you will appreciate that it has been an exceptionally busy period for the A5 project team following the ruling against the Department on 23 June.

The Department has completed its search on the information requested and can confirm it holds same. We are aware of an identical request that was issued to the Department of Agriculture, Environment and Rural Affairs (DAERA). DAERA withheld some of the information that you had requested under four EIR exceptions from the general public right of access to recorded environmental information held by public authorities. Some of the information withheld, under Reg. 12(3) and 13(1), was third party personal information, commonly used information that would identify both living individuals outside of the organisation itself and relatively junior members of staff. The other exceptions DAERA relied upon were Reg. 12(4)(d): material in the course of completion, unfinished documents or incomplete data, Reg. 12(4)(e): internal communications, and Reg. 12(5)(b): the course of justice and inquiries. The first two of those exceptions will often be used to help protect the

process of policy-making, while Reg. 12(5)(b) provides necessary protections for information associated with litigation and for privileged communications between lawyer and client.

While I am satisfied that DAERA's application of the four exceptions listed in its response to your request to that Department was reasonable, and strong public interest arguments could be made for the application of all four exceptions in this response, I will focus my consideration on the use of Reg. 12(5)(b).

You will be aware that the Department for Infrastructure has lodged an Appeal against the Judgement delivered on 23 June 2025. You will also be aware that DAERA have now applied to the court to formally intervene in the appeal. In light of this position, it was appropriate for DfI to liaise closely with both DAERA and Departmental Solicitors Office colleagues in consideration of your request. Following this consultation process, I must confirm to you that the information that had been withheld by DAERA in its response to your EIR request is expected to form part of that Department's evidence for the Appeal.

DAERA's position is that it would not be appropriate to place into the public domain, at this stage, information that will form part of its legal arguments, before the Courts have had the opportunity to give it due consideration. In relation to the information falling within the scope of your request, the Department for Infrastructure holds exactly the same information as DAERA. This Department can therefore only provide the same information as has already been provided to you by DAERA under the request referenced 'DAERA 25-381'.

I have considered the public interest in disclosure at this time and I am satisfied that it supports continuing use of the Reg. 12(5)(b) exception to withhold the information that you have sought. While the other exceptions DAERA relied upon are also likely to be engaged and applicable in this case, the public interest arguments are strongest and clearest with regard to the need to protect the ongoing legal processes in which DfI and DAERA are involved. I am satisfied, therefore, that the public interest, at this time, would only support the disclosure of the information that has already been provided to you by DAERA, in order to protect the Appeal process that has been entered into with regard to the A5 WTC.

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