

## **EIR Request (received 17 September 2021) - Reference: DFI/2021-0**

I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000.

Please send me:

1. *Full details of the consultation process involved before the removal of trees and grassland from Strangford view entrance, (off Irish Street, Killyleagh) which was carried out by DFI workers from 14th to 16th September 2021.*
2. *Specifically, who and how many people were consulted (residents and elected representatives); how was the consultation carried out and; what were the findings of the consultation?*
3. *Who made the final decision for this work to be carried out?*
4. *What was the total cost of the removal of trees, grassland and subsequent tarmac work?*
5. *What other tree, plant, shrub or grass removing work is pending or being considering for Killyleagh and when is said work scheduled to be carried out?*

## **Response (issued 15 October 2021)**

Thank you for your email dated 17<sup>th</sup> September requesting, under the Freedom of Information Act, any information held by this office to include:

1. *Full details of the consultation process involved before the removal of trees and grassland from Strangford view entrance, (off Irish Street, Killyleagh) which was carried out by DFI workers from 14th to 16th September 2021.*
2. *Specifically, who and how many people were consulted (residents and elected representatives); how was the consultation carried out and; what were the findings of the consultation?*
3. *Who made the final decision for this work to be carried out?*
4. *What was the total cost of the removal of trees, grassland and subsequent tarmac work?*
5. *What other tree, plant, shrub or grass removing work is pending or being considering for Killyleagh and when is said work scheduled to be carried out?*

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 (EIR), as opposed to Freedom of Information Act 2000. Your request is for information that relates to activities, policies or plans that affect the environment. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/what-are-the-eir/>.

The Environmental Information Regulations established general public rights of access to environmental information held by public authorities, similar to the general rights established under FOI. There is no provision for privileged access to information, it may either be released to the World at large, or it must be withheld. Any information provided in response to an information request (either FOI or EIR) is considered to have been placed in the public domain.

In response to your request I can confirm that the Department does hold some of the information requested, and will address your questions in order:

1. Since 2018 three Public Representatives from different political parties have contacted the Department's local Section Office following complaints from their constituents, who reside in Strangford View, regarding the overall condition of the development including the two grassed areas at the entrance. Copies of all written correspondence are attached.

All consultation took place between the residents of Strangford View and the local elected representatives; no further public consultation was undertaken.

You will note that the attached information has been redacted. The redacted information constitutes third party personal data within the meaning of the Data Protection Act 1998 (DPA). A public authority may only release third party personal data if to do so would be fair, lawful and would meet the conditions in Schedule 2 of the DPA. The Department may not disclose personal information to the public in contravention of any of the data protection principles, and must consider all consequences of disclosure in each case.

Sections of the requested information is therefore withheld under the exception provided under EIR by Regulations 12(3) & 13: personal information. I am satisfied that the public interest is best served by withholding this information therefore personal data such as names and phone numbers have been redacted from the information provided.;

2. Please see previous response;

3. The local Section Engineer, Mr Stephen Duffy, made the decision to remove the trees as part of a wider programme of improvement works within Strangford View;
4. At the time of writing, no final measurement has been agreed with the contractor therefore the final cost is not available at present. The cost of the work is estimated to be around £2,000; and
5. Currently we have no further work programmed for Killyleagh that involves the removal of vegetation.

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