

EIR Request (received 03 August 2022) - Reference: DFI/2022-0243

Under EIR we would like to request the following information with regard to proposed plans to fell trees as part of a flood alleviation scheme at Greenbank Industrial Estate, Newry:

1. Copies of all emails between DfI and the independent arborist hired for the Greenbank case.
2. If this arborist is [a named individual] and given the information with which you have been provided today, do you regard his AIA as reliable; and
3. Whether you intend to explain the... 2012 Tree Survey/Report to the elected representatives before any decision is taken on the fate of those Newry Oaks which now face the threat of felling during the bird nesting season.

Response (issued 31 August 2022)

Thank you for your email of 3 August 2022 requesting information in relation to the threat to fell oaks around Knox Peebles Stream/Greenbank, Estate, Newry, during bird nesting season.

In considering your request on behalf of the Department I have determined that the information requested falls under the Environment Information Regulations 2004 (EIR), as opposed to FOI. 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:

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

I have responded to the specific issues you have raised as follows:-

1. In response to your request, I can confirm that there have been no emails between the Department for Infrastructure and the independent arborist hired for the Greenbank case.
2. The AIA has been completed in compliance with the Department's requirements.
3. Previous planning reports are unrelated to the ongoing works in Greenbank Estate as part of the Newry Flood Alleviation Scheme. The AIA has been shared with all elected representatives with follow up meetings held in August to discuss the report in detail. An assessment of nesting birds and bats was undertaken in June 2022 by a separate

independent Ecological Consultant to determine if there was any evidence of birds nesting in the trees scheduled for felling. While no behaviours were recorded that clearly indicated the presence of actively nesting species, a precautionary approach is being taken with the works now scheduled to occur outside the bird nesting season.

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