

EIR Request (received 23 February 2023) - Reference: DFI/2023-0081

As a freedom of information request, we would be grateful if you could confirm if there have been any other documented records of the lighting breaking/shattering, with any glass falling at the accident locus, at Blackstaff Westlink/M1 Underpass (Jct. 1, Broadway Roundabout), other than a 05 December 2021 alleged accident.

Response (issued 15 March 2023)

I refer to your Freedom of Information request received by the Department's Claims Unit on 23 February 2023. The request makes reference to a claim submitted on behalf of their client re: an alleged incident dated 5 December 2021 (DfI Ref C2103591). The attached claim form refers to the location of the incident as a "*roof light at the M1 Underpass (Rise Structure) Blackstaff.*"

The letter requested the above information.

"confirm if there have been any other documented records of the lighting breaking/shattering, with any glass falling at the accident locus."

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/>.

As the road is inspected and maintained, and the records held, under a Design Build Finance Operate Contract the request was forwarded to the DBFO company, Highway Management (City) Ltd. Information held by third parties, in any way for the purposes of a public authority are deemed to be held by the public authority under the Environmental Information Regulations 2004.

The Department received a response from Highway Management (City) Ltd on 15 March 2023. This response advised that: "*There have been no other documented instances similar to this incident at this location or anywhere else on the DBFO1 network.*"

The Department, therefore, does not hold any records of incidents of roof lights shattering.

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