

EIR Request (received 04 October 2023) - Reference: DFI/2023-0370

I would be obliged if you could provide the following information.

1. Costs associated with replacing lighting on Beersbridge Road (BT5) in Belfast.
2. The cost of replacing the columns.
3. The reason for replacing the columns on this stretch of road when many of the existing columns were of excellent quality and only the heads needed changed to LED.
4. Are the new columns British made or have they been imported from elsewhere?

Response (issued 30 October 2023)

Thank you for your email dated 4 October 2023 in which you request information on the replacement lighting scheme on Beersbridge Road, Belfast. As this issue falls within my area of responsibility, I have been asked to reply on behalf of the Department.

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/foi-eir-and-access-to-information/guide-to-the-environmental-information-regulations/>.

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 for Infrastructure does hold information related to your request. As EIR relates to public rights of access to

information, I must consider whether information is suitable for release to the world at large, and not solely to the applicant. I have examined the information you requested and carried out a public interest test to determine whether this information is suitable for release to the public.

In relation to the queries raised in your correspondence, I can advise the following:

1. Costs associated with replacing lighting on Beersbridge Road (BT5) in Belfast.

The final costs of the replacement street lighting installation are not yet known, however they are estimated at approximately £240,000.

2. The cost of replacing the columns.

Following consideration of the public interest in this case, I have determined that this information is not suitable for release and has been withheld for the following reason.

The withheld information constitutes commercially sensitive information which, being neither trivial nor in the public domain, meets the Common Law's necessary quality of confidence. The information is being withheld from disclosure to protect the legitimate economic interests of both the Department and third parties.

Disclosure of this commercially confidential information would undermine the third party's reasonable and actionable expectation of confidentiality. The information is current and placing it in the public domain would cause harm to the current street lighting contractor carrying out the works.

Disclosure would clearly allow the public, in particular economic competitors, to identify commercial rates/costs for carrying out these activities. This would have the effect of creating a competitive advantage for competitors and would clearly have an adverse effect on the commercial position of the current street lighting contractor.

Making the information available to the public would damage the Department's own legitimate economic interests. It would compromise future competitive tendering for these services and would prevent the Department achieving the best value for money for the public purse.

The information has therefore been withheld under the exception provided under EIR by Regulation 12(5)(e): confidentiality of commercial or industrial information. I am satisfied that the public interest is best served by withholding this information.

3. The reason for replacing the columns on this stretch of road when many of the existing columns were of excellent quality and only the heads needed changed to LED.

The design life of a street lighting column is 25 years, the lighting columns replaced in Beersbridge Road were installed over 40 years ago.

The installation was tested as part of the Department's electrical inspection and testing programme and both the columns and underground cable network were found to have significant defects. The installation was deemed to have reached the end of its serviceable life and if left in place, was likely to have deteriorated to a point where it would present a safety risk to the public. It was therefore added to the Department's capital replacement programme and the entire installation, including underground cabling was replaced.

4. *Are the new columns British made or have they been imported from elsewhere?*

The new columns were manufactured in the United Kingdom.

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