

EIR Request (received 23 October 2023) - Reference: DFI/2023-0400

To whom it may concern I find it amazing that after a year of investigating you have no further information available at this time.

Therefore I request, under the Freedom of Information Act, details of:

1. all works carried out in relation to the culvert on the Dundrum Road, Dromara adjacent to Elmfield House
2. further to this any works carried out to relieve the flooding to your land.
3. all public records pertaining to the work carried out, any monies paid in relation to this work, including but not limited to maps, records of telephone conversations, emails, site visits, records of exchanges with the land owners
4. Further to this all exchanges which have taken place over the past 20 days.

Response (issued 17 November 2023)

Thank you for your email of 23 October 2023 requesting information under the Freedom of Information Act 2000 for the above information.

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 response to your requests, I can advise as follows:

1. *All works carried out in relation to the culvert on the Dundrum Road , Dromara adjacent to Elmfield House.*

Please find attached works order and redacted invoice for the works completed at the culvert on Dundrum Road, Dromara, total cost £13,643.04. Details included under Dundrum Road Culvert document 2.

2. *Further to this any works carried out to relieve the flooding to your land.*

No further works have been completed since 8 June 22.

3. *All public records pertaining to the work carried out, any monies paid in relation to this work, including but not limited to maps, records of telephone conversations, emails, site visits, records of exchanges with the land owners.*

Please find attached information held by DfI TRAM Lisburn and Castlereagh Section Office. Details included under Dundrum Road Culvert document 3.

4. *Further to this all exchanges which have taken place over the past 20 days.*

Please find attached information held by DfI TRAM Lisburn and Castlereagh Section Office. Details included under Dundrum Road Culvert document 4.

You will note that some of the information attached has been redacted, as I have determined that some of the requested information is not suitable for release for the following reasons.

The redacted information constitutes third party personal data within the meaning of the Data Protection Act 2018 (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, 3 or 4 of the DPA. The Department may not disclose personal information to the public in contravention of any of the data protection principles (Article 5(1) UK General Data Protection Regulation or sections 34(1) and 85(1) DPA) and must consider all consequences of disclosure in each case.

The redacted 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.

The information provided has therefore been redacted under the exception provided under EIR by Regulation 12(3) & 13: personal information and 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.

In addition, I provide a summary of the background below to set the context of the site:

- DfI TRAM Lisburn & Castlereagh Section Office completed works to the Culvert on Dundrum Road, Dromara following a report that a section of the inlet to the culvert had completely collapsed and was causing flooding to nearby agricultural land.
- DfI TRAM Lisburn & Castlereagh Section Office subsequently instructed their Small Scale & Responsive contractor to carry out the necessary works to remove the evident blockage which included the removal of stone and debris at the inlet to the culvert to a height of approximately 1 metre. Two sections of 1.5m concrete pipes (in height) were installed over a length of 5m to allow water to discharge through the culvert to alleviate the evident flooding in the surrounding area. These works were completed between 6 - 8 June 2022. It should be noted that the contractor was unable to dig further into the river-bed while installing these pipes due to the possibility of under mining the adjacent foundations of the masonry wall which maintains the road structure. These works were successful in removing the immediate blockage and allowed water to flow again through the culvert.
- DfI TRAM is aware that the lands adjacent to the culvert on the Dundrum Road, Dromara has a history of flooding and are currently recorded as a floodplain by DfI Rivers. A map detailing the present day designation has been included under Dundrum Road Culvert document 1 for your information. This information can be accessed using the following link. [Flood Maps \(NI\) \(arcgis.com\)](https://arcgis.com).
- DfI TRAM is aware that the works completed to date do not provide a long term/sustainable solution however the interim measure undertaken have significantly lessened the immediate flooding severity in the area. DfI TRAM have concluded that the only way to deliver this scheme to the required standards as set out in schedule 6 by DfI Rivers would be for a new culvert be designed and built with the necessary approvals in place and as such a brief has been issued to our internal consultant to commence the design of the scheme. Progression of the scheme will be subject to the necessary bidding processes for funding.

DfI TRAM would acknowledge that there has been some delay between the issuing of the first brief and the most recent correspondence, staff resources and responding to emergency

events makes it exceptionally difficult to keep abreast of the progress of all proposed schemes.

DfI TRAM remain committed to delivering a replacement culvert scheme on Dundrum, Dromara however the scheme will require a full design with Technical and Geotechnical Approval. This will take time to prepare and will require significant capital resource to deliver the scheme along with a bid for funding.

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