

EIR Request (received 26 & 27 February 2024) - Reference: DFI/2024-0087

I would like to request access to all information held by the Department of Infrastructure relating to and in connection with arboricultural works conducted in Nov/Dec 2023 along the A22 Killyleagh Road, Co. Down. This would cover the 2km section of the A22 from the Quoile Bridge to the junction of Greystown/Scaddy Road.

This request would cover all professional advice, surveys, correspondence of either electronic or paper means and file notes of meetings etc relating to these works.

Response (issued 14 March 2024)

Thank you for your emails of 26 & 27 February 2024 requesting all information held by the Department of Infrastructure relating to and in connection with arboricultural works conducted in Nov/Dec 2023 along the A22 Killyleagh Road, Co. Down. This would cover the 2km section of the A22 from the Quoile Bridge to the junction of Greystown/Scaddy Road.

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/>.

In response to your request, I can confirm that the Department for Infrastructure does hold information related to your request.

Please find attached the application for the road closures as submitted by Premier Traffic Systems on the behalf of Finnebrogue Estate along with the Road Closure Order and a diversion map.

I should explain that the road closure application incorrectly states that the road closure was for work to be carried out by the Department. This was an administrative error and was not the case. The road closure was to facilitate tree-cutting work carried out by the Finnebrogue Estate. I can confirm that the Department was not involved in the operation, other than considering and approving the road closure.

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 and can advise that some of this information is suitable for release.

Following consideration of the public interest in this case, I attach all information held that is suitable for disclosure to the public. However, I have determined that some of the requested information is not suitable for release and the attached records have been redacted for the following reason.

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 information provided has therefore been redacted under the exception provided under EIR by Regulation 12(3) & 13: personal information. I am satisfied that the public interest is best served by withholding this information.

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