

FOI Request (received 23 January 2019) - Reference: DFI/2019-0031

I wish to seek information from the Department for Infrastructure relating to their responsibilities to the village of Armoy under the Rural Needs Act NI 2016.

It will be well documented by your officials that Armoy Community Association, the political representatives for this area, teachers, parents and school children themselves have been requesting gritting in the vicinity of St. Olcan's Primary School, Armoy ([202 Glenshesk Road, BT538XJ](#)). In November 2016, Minister Hazzard rejected the request to Mervyn Storey MLA (Ref: DfI/COR/1669/2016).

Since then, the Rural Needs Act 2016 has come into effect, putting your department under a responsibility to collect information on how it meets the needs of a rural area like Armoy. (S2(a) Rural Needs Act (NI) 2016).

The safety of our children is the most basic rural, indeed human, need. You have a statutory obligation to show due regard to rural needs. I am requesting how you can show this due regard through the non-salting or abject refusal to salt over a number of years of the Glenshesk Road.

I fail to see how due regard can be given to rural needs when each sub-zero day in Winter means the safety of the 90 children who make the treacherous journey to school each day on the unsalted Glenshesk Road is compromised.

As the responsible officer for your department, you must provide DAERA with information on how your department is showing its due regard for rural needs under your reporting obligations (S3(1)(a) Rural Needs Act 2016). I would appreciate if you could share with me the Armoy-related information here. If you think it not to be appropriate, I will request such information under Freedom of Information rights. If such information is not specific to the Armoy level, can I ask you how you can say with certainty that your department is showing due regard for rural needs if you do not have sufficient information to substantiate such an assertion.

Response (issued 26 February 2019)

Thank you for your emails of 23, 30 January and 25 February 2019 to Mrs. Godfrey, in which you raised the issue of gritting of roads in the vicinity of St. Olcan's Primary School, Armoy, and made a request for information under the Freedom of Information Act 2000 (FOI). You provided some photographs of the area as attachments to your e-mail of 30 January. Mrs.

Godfrey has asked me to reply on her behalf. My apologies for the delay in responding to you.

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 FOI. 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/>.

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, information provided in response to a request is considered to have been placed in the public domain. 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.

Gritting of roads is a discretionary service. The limited funding available to the Department limits the level of service that can be provided. The Department must therefore make decisions about where gritting should be carried out, in accordance with its Winter Service policy, which is set out at: https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/winter-service-rsppg-e022_0.pdf

Gritting of roads is primarily linked to traffic volumes and this applies equally to both urban and rural locations. The majority of gritted roads are rural roads where there is a speed limit greater than 40mph.

Where schools are located on rural roads carrying low traffic volumes, secondary salting will be provided to schools which have had to close due to inaccessibility associated solely with the presence of snow or ice on the adjacent road network.

Regrettably, under the criteria set out in the Winter Service policy, gritting or secondary salting in the vicinity of St. Olcan's Primary School cannot be provided within the limited funding to the Department.

You also sought information about the application of the Rural Needs Act (Northern Ireland) 2016 to this Department. Section 1 of that Act requires NI Departments and a range of other

public authorities (listed in the Schedule to the Act) to have due regard to rural needs when developing and implementing policies and when designing and delivering public services.

The Act came into force on 01 June 2017. Seven Rural Needs Impact Assessments were completed by policymakers in the Department for Infrastructure during the financial year 2017-2018 and the Department provided information on these in its annual return to DAERA. None of these Impact Assessments related to Armoy.

The information provided to DAERA in respect of the seven Assessments completed during 2017-2018 was published in the DAERA Rural Needs Annual Monitoring Report 2017-2018. A copy of that report can be found at <https://www.daera-ni.gov.uk/publications/rural-needs-annual-monitoring-reports>.

With regard to the Freedom of Information element of your request, as noted above, none of the information provided to DAERA related to Armoy.

Copyright notice

The supply of information under the Freedom of Information Act or the Environmental Information Regulations does not give the recipient or organisation that receives it the automatic right to reuse it in any way that would infringe copyright. Information supplied continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can also be used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents provided by a government department or agency will be protected by Crown Copyright. Most Crown Copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information, please see [The National Archives website](#).

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party please see the [Intellectual Property Office's website](#).