

## **EIR Request (received 22 February 2019) - Reference: DFI/2019-0076**

Please treat this as a formal request under the Freedom of Information Act.

Our group requires the following:

1. All Internal and external correspondence between the Department for Infrastructure and Armagh City, Banbridge and Craigavon Borough Council concerning 'Knockiveagh', 'Knock Iveagh', '15 or 15A Iveagh Road', 'Knock Iveagh Round Cairn', 'Knock Iveagh Cairn', 'Iveagh Road', 'Lisnacroppan Road', 'Ayr Power', 'a named individual', 'GoFibre Ltd', 'Airfibre Ltd' or 'BT32 5QZ'. This should include field notes, letters, emails, email attachments (sent or received) by employees of the Department for Infrastructure, or any of its consultants, or advisors; which contain reference to 'Knockiveagh', 'Knock Iveagh', '15 or 15A Iveagh Road', 'Knock Iveagh Round Cairn', 'Knock Iveagh Cairn', 'Iveagh Road', 'Lisnacroppan Road', 'Ayr Power', 'a named individual', 'GoFibre Ltd', 'Airfibre Ltd' or 'BT32 5QZ'.
2. Any and all internal memos, records, notes or other communications relating to 'Knockiveagh', 'Knock Iveagh', '15 or 15A Iveagh Road', 'Knock Iveagh Round Cairn', 'Knock Iveagh Cairn', 'Iveagh Road', 'Lisnacroppan Road', 'Ayr Power', 'a named individual', 'GoFibre Ltd', 'Airfibre Ltd' or 'BT32 5QZ'.
3. Notes or minutes (in any form) of any meeting (internal or public, formal or informal), concerning any of the above. This includes, but is not limited to, correspondence, emails, notes of telephone calls and site visits, meetings, and any other correspondence, between 5th September 2017 and 22nd February 2019.
4. Briefing notes, internal memos, emails, correspondence, notes of telephone conversations or any documentation provided to the (then) Permanent Secretary Mr Peter May concerning Knock Iveagh in October and November 2017 (specifically relating to advice from Mr May received in relation to two letters he sent in reply to an individual who had contacted him on behalf of the Friends of Knock Iveagh).

## **Response (issued 19 April 2019)**

Thank you for your emails dated 22 February and 15 April 2019 requesting, under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, all information held by the Department for Infrastructure (DfI) Planning as above.

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/>.

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.

In response to your request, under the Environmental Information Regulations 2004 Part 3 12(5)(d) it has not been possible to release all information relating to your request at this stage, as disclosure of certain information held would adversely affect the confidentiality of the proceedings and actions currently under consideration by Armagh, Banbridge and Craigavon Council. However, where appropriate and following the completion of a public interest test, I have released the information (attached), which I consider does not adversely affect the confidentiality of the proceedings and actions currently under consideration by Armagh, Banbridge and Craigavon Council.

I can also confirm that the Department has written to the Armagh, Banbridge and Craigavon Council seeking an updated position on their considerations of the planning and enforcement matters at Knock Iveagh and will, upon receipt of clarification revisit your FOI and EIR request contained in the emails dated 22 February and 15 April 2019.

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