

EIR Request (received 31 May 2019) - Reference: DFI/2019-0197

I am writing on behalf of a constituent seeking clarification on what appears to be a refusal to provide the costs for the upgrade works to two Translink railway crossings in my constituency.

My colleague, has corresponded with Translink on two occasions seeking the financial outlay for what is known as Allison's crossing at Scotchtown Road in Bellarena, Limavady and the crossing known as McConaghy's crossing at Shore Avenue, Myroe in Limavady, crossing number XL 196. Translink state that such information would be exempt from release however, the constituent has insisted that Translink's interpretation of the FOI process is incorrect.

I write to request under the Freedom of Information Act (FOI) the costs incurred by the Department for upgrade at the locations detailed above, as it is difficult to understand why such information would be exempt.

Response (issued 17 July 2019)

Thank you for your letter dated 30 May 2019 requesting, under the Freedom of Information Act, any information held by this office to include the costs incurred for the upgrade of works at Allison's crossing at Scotchtown Road in Bellarena, Limavady and the crossing at McConaghy's, Shore Avenue at Myroe in Limavady.

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/>.

Firstly, may I apologise for the delay in replying to your request for information. In response to your request, I can confirm that Translink has re-examined the request from your colleague and will be replying directly to him on this matter. A copy of the reply will also be issued to your office.

In response to your request, I can confirm the following:

- 1 the Department does not hold any information in relation to Allison's Crossing at Scotchtown Road, Bellerena; and
- 2 in relation to the upgrade of the McConaghy/Brolley Crossings XL196 and XL197, the costs incurred were £1,124,432.

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