

**EIR Request (received 01 November 2021, clarified 09 November 2021) -
Reference: DFI/2021-0398**

Information relating to the current position of Alexander Drive, Warrenpoint, Co. Down.

Can you provide the following?

1. Copies of all correspondence or records of notifications to a named individual or that individual's representatives regarding the pedestrian access from a specific property onto Alexander Drive.
2. Copies of all public records regarding Alexander Drive from the time it was purchased from a named family to present day.
3. Copies of the legislation regarding turning bays and the obstruction of the same.
4. Copies of your Department's complaints process as we consider taking the next step in that process.

Response (issued 02 December 2021)

Thank you for your email dated 01 November 2021 requesting, under the Freedom of Information Act, any information held by this office to include the above information.

And your clarification received on 09 November 2021;

- *It is not the information held solely by Roads Service Southern Division, but held by your DFI as a whole.*
- *All information held by DFI relating to Alexander and my boundary with DFI.*
- *Timescale is everything you have.*

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, as opposed to the FOI Act 2000.

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/>.

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 request, I can confirm that the Department does hold some information about Alexander Drive, Warrenpoint.

In response to the specific questions asked:

- 1 Please see attached copies of information held by the Department relating to Alexander Drive Warrenpoint including copies of correspondence, details of public enquiries, road safety inspection records, defect repair records and street lighting fault records.

The Department has assessed a number of planning applications along Alexander Drive over the years. This information is available to view through the public planning portal or through requesting the information from Newry, Mourne and Down Council Planning Department.

I can advise that as NI Water are a separate public authority you may wish to email them directly for any information that they may hold using the following email address:

waterline@niwater.com

I can confirm that the Department has no records pertaining to the original purchase of the site since this would have been a matter for the original developer. The Department only became responsible for the road and associated assets within Alexander Drive following construction and adoption into the public road network in 1989.

Following consideration of the public interest in this case, I have determined that some of the information is not suitable for release.

The requested information constitutes third party personal data within the meaning of the Data Protection Act 1998 (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 of the DPA. The Department may not disclose personal information to the public in contravention of any of the data protection principles, and must consider all consequences of disclosure in each case.

Sections of the requested information is therefore withheld under the exception provided under EIR by Regulations 12(3) & 13: personal information. I am satisfied that the public interest is best served by withholding this information therefore personal data such as names and phone numbers have been redacted from the information provided.

- 2 Please see the answer provided to Q1, above.
3. There is no legislation applicable to turning bays however there are design standards. The turning bay at Alexander Drive would have been built to the standard of the time of

construction and prior to adoption, therefore any current standards are not applicable. I would point out that there is no legal necessity placed upon the Department to improve such features with the only statutory obligation being to maintain the asset in reasonable condition as per its original construction.

Obstruction of any part of the public road network is a matter for the PSNI under Article 88 of the Roads (NI) Order 1993. You may wish to contact them with regard to any obstructions.

4. The following is a link to the Department's Complaints process:

<https://www.infrastructure-ni.gov.uk/dfi-complaints-procedure>.

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