

## **EIR Request (received 14 September 2022) - Reference: DFI/2022-0306**

[Information about the proposed felling of oak trees at the planned flood alleviation scheme, Greenbank Industrial Estate, Newry.]

Thank you for your response, which unfortunately does not acknowledge or take into account the age of the trees being removed, nor the local knowledge regarding flooding history, local protests and objections to their removal.

1. Please could you direct me to the Department's "re-assessment of all potential options" (referred to in the letter), which I am sure must be in the public domain. Was this an environmental impact statement? What exactly will the consequences of the removal of these trees be on the flora, fauna and biodiversity of the area?
2. Please could you also direct me to the written plans for 'reinstatement', that is, how many trees will be replanted to compensate for the loss of these trees, what age those trees are, where they will be planted and when. I would also like assurances that these plans have been drawn up and will be carried out in consultation with a biodiversity officer. Please could you direct me to evidence of this engagement with biodiversity specialists.

We are in a Climate Emergency and need to be responding in new, agile ways to the catastrophes facing us. There seems to be no evidence in the response from DfI Rivers that the environmental impact of the flood alleviation scheme has been taken into account at all.

## **Response (issued 18 October 2022)**

Thank you for your email of 14<sup>th</sup> September 2022 requesting copies of records constituting the Department's "reassessment of all potential options" and the plans for reinstatement in relation to the proposed felling of trees at the planned flood alleviation scheme, Greenbank Industrial Estate, Newry.

In considering the request on behalf of the Department I have determined that the information requested falls under the Environment Information Regulations 2004 (EIR), as opposed to FOI. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information. EIR gives rights of public access to environmental information held by public authorities.

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/>.

I will respond to the specific issues you have raised as follows:-

1. I can confirm that the Department for Infrastructure holds the attached options review report. This review is not an environmental impact statement. As the EIR relate 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 a public interest test has been carried out to determine whether this information is suitable for release to the public.

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) 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/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.

2. I also attach the current tree re-planting plan which has been designed by environmental specialists within the Department's partner consultant. The Department has taken every opportunity to maximise tree re-planting as part of this scheme. It is currently proposed to re-plant approximately 50 semi mature trees before April 2023 as part of this phase of the Department's work in Newry.

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