

NIEA
Natural Environment Division



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

Our reference: DAERA/26-293

██████████
Via ██████████ [@gmail.com](mailto:██████████@gmail.com)

Natural Science
2nd Floor, Clare House
303 Airport Road West
Sydenham Intake
Belfast, BT3 9ED
Tel: 028 905 69509

Email:
CDP@daera-ni.gov.uk

10th July 2026

Dear ██████████

Environmental Information Regulations 2004

I refer to your request for information received by the Department on 5th June 2026 that sought all information held by DAERA relating to tree works, vegetation clearance, or associated farming activities at or near Ardlough Road, Brookhill House, Londonderry, from 1 January 2026 to present.

The information you have requested falls under the Environmental Information Regulations (EIR) 2004.

The Department has considered your request and has responded as below to the five matters you have asked to be included but not limited to this information request.

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1. All correspondence (including emails, letters, file notes, and internal communications) between DAERA and:

Gerry Carroll MLA or his office;

- **any other MLA, elected representative, or political office;**
- **any third party, including members of the public, community groups, or organisations.**

I can confirm the Department holds the information within the scope of your request. Some of this information can be partially released and some withheld. See ANNEXES A, B & C.

2. Any complaints, reports, or referrals received relating to:

- **tree felling or tree works;**
- **environmental concerns;**
- **wildlife or nesting birds;**
- **water pollution;**
- **public access or safety;**
- **Brookhill house, Ardrough Road, ASSI, SAC, or the River Faughan in connection with the above location.**

I can confirm the Department holds information within the scope of your request> Some of this information can be partially released and some is to be withheld. See ANNEXES A, B & C.

3. Any internal communications, briefings, or reports generated in response to such correspondence or complaints.

I can confirm the Department holds information within the scope of your request. Some of this information can be partially released, and some is to be withheld. See ANNEXES A, B & C.

4. Records identifying:

- **the date on which concerns were first raised;**
- **the source or origin of those concerns**
- **any actions taken by your organisation in response.**

I can confirm the Department holds information within the scope of your request. Some of this information is to be partially withheld, some fully withheld. See ANNEXES A, B & C

5. Any site inspection reports, photographs, or assessments relating to the above matters.

I can confirm the Department holds information within the scope of your request. Some of this information is to be partially withheld, some fully withheld. See ANNEXES A, B & C

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Regarding the information requested that the Department has decided to withhold:

The Department cannot release information that relates to environmental enforcement investigations as it considers Regulation 12(5)(9b) – Course of Justice, to be engaged.

As part of the legislation the Department is required to consider the public interest in disclosure. A Public Interest Test has been carried out and is attached as **Annex A**

Regarding the records requested that the Department has decided to partially release:

This included information that is considered to be personal data of which you are not the data subject; therefore, the Department has decided not to disclose this information. Regulations 12(3) 13(1) provide an exception from disclosure. In these instances, the Department is required to consider if disclosure would breach the first Data Protection Principle which states that processing must be lawful, fair and transparent. A lawful-fairness test has been conducted and attached as **Annex B**.

In summary, the Department has considered this element and has determined that no lawful basis for disclosure under EIR exists, bearing in mind that any such disclosure must be considered in terms of disclosure to the “world at large”, and not just you the requester. Consequently, the personal data falling within the scope of this request has been withheld.

The attached **Annex C** contains the information within the scope of your request that can be released.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department.

If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Ballykelly House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department's decision.

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Yours sincerely,



Conservation Designations and Protection

Enc.

ANNEX A

ANNEX B

ANNEX C

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ANNEX A: Public Interest Test – Environmental Information Regulations (EIR)

Reference Number – DAERA/26-293

Requested Information

From Thomas McLaughlin: thomas.tmles@gmail.com

An email was received by the Department from Mr Thomas McLaughlin on 5th June 2026 that sought all information held by DAERA relating to tree works, vegetation clearance, or associated farming activities at or near Ardlough Road, Brookhill House, Londonderry, from 1 January 2026 to present.

Mr McLaughlin's request has required a Public Interest Test (PIT) with regard to the disclosure/withholding any information held on the matter by the Department.

Exemption / Exception under

consideration EIR 2004 - Regulation 12.-

(5)(b)

“the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.”

Reasons why the public interest would favour disclosure:

- There is a presumption in favour of disclosure.

Reasons why the public interest would favour withholding:

- Releasing the information would adversely affect the ability of the Department to conduct investigations pursuant to Police and Criminal Evidence investigation guidelines.
- The risk of revealing information would considerably weaken the Department's position in relation to its investigation strategy.
- Releasing the information requested would adversely affect the ability of a person to receive a fair trial.

Conclusion

In relation to the above request whilst there is merit in demonstrating openness and transparency, the release of the information at this time, given its sensitive nature, would undermine the ability of a person to receive a fair trial.

The public interest in with holding the information strongly outweighs the public interest in disclosing the information.

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ANNEX B: LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-293 - Environmental Information Regulations 2004 (EIR)

Request Details:

From Thomas McLaughlin: thomas.tmles@gmail.com

An email was received by the Department from Mr Thomas McLaughlin on 5th June 2026 that sought all information held by DAERA relating to tree works, vegetation clearance, or associated farming activities at or near Ardrough Road, Brookhill House, Londonderry, from 1 January 2026 to present.

Brief description of the Personal Data falling within the scope of the request

The above request is considered to include personal data held by the Department.

LAWFULNESS

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful bases for processing are set out in Article 6 of the GDPR and the ICO expects at least one of two lawful bases (Consent / Legitimate Interest) to apply before the personal data held can be disclosed.

- ☐ **Consent:** This will apply when the data subject(s) clear consent exists that allows you to disclose the personal data falling within the scope of this request.
- ☐ **Legitimate interests:** the processing is necessary for the Department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

Consideration of Legitimate Interests

1. PURPOSE

As the disclosure of personal data under EIR is a disclosure to the world at large, doing so on the strength of a requester's private interests alone could constitute a disproportionate and unwarranted level of interference with the data subject(s) rights and freedoms, particularly their right to privacy and family life under the Human Rights Act 1998.

2. NECESSITY

The right of access under FOI or EIR does not in itself constitute a **pressing social need**. The Department has considered and not identified any such need for the data subject's right to privacy to be interfered with.

CONCLUSION

Having considered all of the information contained within this test, the Department has established that, on balance, there is no lawful basis for the disclosure of personal data falling within the scope of the request.

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ANNEX C

(Click on the 4 attachments attached to the email with this letter)

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