

**Environmental Marine Fisheries
Group**
Resource Efficiency Division



Our reference: **DAERA/24-132**

██████████ via email

██

Environmental Crime Unit
Kondyke Building
Gasworks Business Park
Belfast
BT7 2JA

Tel: 02890 569533

Email: environmentalcrime@daera-ni.gov.uk

10 April 2024

Dear ██████████

Environmental Information Regulations 2004

I refer to your request for information received by the Department on 14 March 2024 that sought details of Development of site at Ballycorr Road Ballyclare ref: 241/24 DAERA report covering the full details of inspection, remediation agreed in 2021, follow up activities, next stage clean up and eventual sign off.

I can advise that the Department has completed its search and can confirm that it holds all of the information you requested.

The Department has decided not to disclose some of the information you requested as it considers Exception 12(5)(b) was engaged, in view of the ongoing investigation, as disclosure would otherwise impact on any future legal proceedings. In these instances, the Department is legislatively required to consider the public interest in disclosure. An associated Public Interest Test has been conducted and is attached for your information at **Annex A**.

There is a previous incident Ref 279/21 relating to the site at Ballycorr Road Ballyclare which the Department can provide information on regarding details of site inspections.

However, some of the information held constitutes personal data of which you are not the data subject. 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.

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The Department has considered this element within the test attached at Annex B and has determined that no lawful basis for disclosure under EIR exists. Please bear in mind that any disclosure must be considered in terms of disclosure to the “world at large” and not just to you, the requester. Consequently, third party personal data falling within the scope of this request has been withheld.

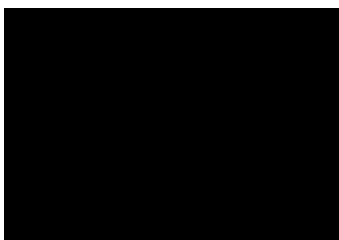
The information held which can be disclosed is attached at Annex C.

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, Jubilee 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.

Yours sincerely,

A large black rectangular redaction box covering the signature area.A black rectangular redaction box covering contact information.

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