

Public Interest Test – EIR

Reference Number – DAERA/26-114

Requested Information

EIR REQUEST 4: Pollution Incidents and Enforcement All records of water pollution incidents, complaints, and enforcement investigations for Upper Dromore Road area:

- Incident reports received via DAERA 24-hour hotline (0800 80 70 60)
- Investigation reports and photographic evidence
- Laboratory analysis of water samples (sediment, chemical parameters)
- Enforcement notices or warning letters issued
- Prosecutions initiated under Water (NI) Order 1999
- Settlement agreements or remediation undertakings obtained from developers

Exemption / Exception under consideration

Regulation 12(4)(a) – Information not held

Reasons why the public interest would favour disclosure:

- The right of the public to have access to information
- Release of the information would demonstrate openness and transparency regarding actions taken by the NIEA
- If the information were held, disclosure could help public scrutiny of whether environmental safeguards are effective.

Reasons why the public interest would favour withholding:

- There is an inherent public interest in accurate and lawful responses. Providing fabricated, speculative or incomplete information would mislead the public and undermine confidence in environmental regulation.
- Attempting to locate, reconstruct, or acquire information the authority does not hold would place unreasonable burdens on staff and divert resources from statutory functions.
- It is in the public interest to make clear when another body — such as an environmental regulator, private contractor, or different authority — is the appropriate holder of the requested information.

Balance of Public Interest

While there is strong public interest in transparency around environmental monitoring, this cannot outweigh the fact that the authority does not hold the requested information. Maintaining the exception supports clarity, legal compliance,

and prevents the release of incorrect or misleading material. On balance, the public interest in maintaining the exception outweighs the public interest in disclosure.

Conclusion

Following consideration of the Public Interest Test, the Department must refuse the request under Regulation 12(4)(a) of the Environmental Information Regulations 2004 because the authority does not hold the information requested.

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Water Pollution Response and Enforcement Team