

Reference Number: **DAERA/26-360**

Request Details:

EIR regarding use of bird scarers at Crosshill Landfill Site

Northern Ireland Environment Agency
Waste Regulation and Enforcement
Division



Department of

**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Depairtment o'

**Fairmin, Environment
an' Kintra Matthers**

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NIEA Regulation Unit

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Lisburn

Tonagh

BT28 3AL

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daera.informationmanager@daera-ni.gov.uk

26 June 2026

Dear ██████████

Environmental Information Regulation 2004

With regard to your request for information received by the Department on 28 May 2026 which sought the information request as copied in Appendix A:

This document will respond to your questions 1 through 8 below:

Q1 Regulation 6 (form and format) has been engaged and the permit can be found on the public register at [Pollution Prevention and Control permitted processes | Public registers | DAERA](#), and using the search term "Crosshill"

Q2 & 3 Regulation 6 (form and format) has been engaged and the sites management plan with regard to noise and bird control can be found on the public register at [Pollution Prevention and Control permitted processes | Public registers | DAERA](#), and using the search term "Crosshill".

Q4,5 & 6 Under Regulation 12(4)(a) the Department is excepted from the duty to disclose the information on the grounds that the information sought is not held.

Q7 The department has received 3 noise complaints regarding the bird scarers on site, these were received on the following dates.

14th May 2024 – Bird Scarer

29th May 2024 – Bird Scarer

6th February 2025 – Bird Scarer

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Q8 I can advise that the Department has completed its search and can confirm that it holds the information you requested which has been combined into one document and is attached in the response email. A public interest test has been completed for this request and is attached as appendix B and a lawfulness test is attached in appendix 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,

Waste Permitting

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Appendix A

28 May 2026

Subject: Request for Environmental Information (EIR) – Eastwoods, 18 Crosshill Road, Crumlin BT29 4BQ

Dear Sir/Madam,

Request for information under the Environmental Information Regulations 2004.

I am writing to request environmental information held by DAERA and the Northern Ireland Environment Agency (NIEA) relating to the waste management installation operated at Eastwoods, 18 Crosshill Road, Crumlin BT29 4BQ ("the site"), concerning the use of bird scarers at the site and any associated noise.

As this request relates to a permitted installation and to emissions (including noise) into the environment, it is environmental information and I ask that it be handled under the Environmental Information Regulations 2004, with a response within 20 working days.

To assist you, I have framed this request around the site's regulatory file rather than around "complaints" correspondence alone. I understand from DAERA's Retention and Disposal Schedule that records of this kind are held under classification 8.45 (Regulatory Enforcement – Waste), which covers inspection reports, annual assessments, notices, monitoring and reporting data, and correspondence between the department and the regulated entity, and which carries a final action of "Permanent – Retained by DAERA"; and under classification 8.3 (Applications – Licences / Waste Management Licences), also "Permanent – Retained by DAERA". On that basis the information below should still be held for the entire period requested.

For the period 1 January 2020 to the date of this request, please provide:

1. A copy of the current PPC permit and/or Waste Management Licence for the site, including all conditions relating to noise, nuisance and hours of operation, together with any variations to those conditions.
2. All records held on the site's regulatory file relating to bird scarers and/or noise, including officer site-visit reports, file notes, inspection reports and annual assessments.
3. Details of any conditions, directions, agreements or restrictions governing the operation of bird scarers at the site – including any limits on hours of operation, firing frequency (reports per hour) and positioning – stating in each case whether these are formal permit conditions, an enforcement or variation notice, or voluntary operator measures.
4. All correspondence between NIEA/DAERA and the operator concerning bird scarers and/or noise at the site.
5. Details and results of any noise assessment or measurement carried out by or on behalf of NIEA in relation to the site, including the method used (for example BS 4142), the measurement locations, the reference time periods, and any acoustic feature corrections applied (for example for impulsivity).

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6. Any internal decisions, determinations or assessment records as to whether bird scarer noise from the site does or does not breach the site's permit/licence conditions, and the reasons for that conclusion.

7. The record of complaints received concerning noise and/or bird scarers at the site, including dates received and the category recorded.

8. Any correspondence between NIEA/DAERA and Antrim & Newtownabbey Borough Council concerning noise or nuisance at the site.

For the avoidance of doubt, this request relates to the period from 1 January 2020 to date. I note that my complaints since May 2024 remain unresolved and that I am now making this request, so the related records are subject to a retention hold under the "holds" provision of DAERA's Retention and Disposal Schedule and may not be destroyed pending resolution.

Confidentiality: I ask that my identity and personal details (my name, address and contact details) be treated as confidential and not be disclosed to the site operator or to any other third party. Where any of the information I have requested is provided to, discussed with, or sought from the operator in the course of handling this request, please do not identify me as the requester or as a complainant. I understand my personal data should in any event be protected under the data protection exception in the EIR / the Data Protection Act 2018 when handling any onward request for this correspondence. If for any reason you consider you may be unable to withhold my identity, please contact me before disclosing it so that I can decide how to proceed.

If you intend to withhold any part of this information, please cite the specific exception and address the public interest test, and please still release the remainder. If any item is said to have been destroyed within the period requested, please provide the corresponding disposal log / destruction record. If any part is unclear or you consider it likely to exceed cost limits, please contact me so that I can refine it rather than refusing it outright.

I am content to receive the response by email.

APPENDIX B

Public Interest Test – EIR

Reference Number – DAERA/26-360

Requested Information

Please see appendix A

Exceptions under consideration

Regulation 12(5)(e) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect— the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Regulation 12(3) To the extent that the information requested includes personal data of which the applicant is not the data subject, the personal data shall not be disclosed otherwise than in accordance with regulation 13.

Reasons why the public interest would favour disclosure:

- DAERA is committed to conducting its business in a manner that is as open and transparent as possible.
- Disclosure would provide insight to the public on how complaints are responded too.

Reasons why the public interest would favour withholding:

- When information is the personal data of someone other than the applicant, Regulation 12(3) requires you not to disclose that personal data, except in accordance with regulation 13. Regulation 13 prohibits you from disclosing third party personal data if this would contravene the UK GDPR or the DPA 2018.

Conclusion

Following consideration of the Public Interest Test the Department has decided to release any information regarding the request. The reasons favouring disclosing this information significantly outweighs the reasons favouring withholding it.

Waste Permitting Team

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APPENDIX C

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-360 - Environmental Information Regulations 2004 (EIR)

Request Details: Please see Appendix A question 8.

LAWFULNESS

Please identify the lawful basis for processing

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

The lawful basis for processing is 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 FOIA or 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 third party personal data falling within the scope of the request [of which the requester is not the data subject.]

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