

Reference Number: DAERA/26-460

Request Details:

Information held by the NIEA identified in the Enforcement Notice dated 7 June 2024

Waste Permitting Team
PPC Team



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

[REDACTED]
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E-mail: daera.informationmanager@daera-ni.gov.uk

10 August 2026

Dear [REDACTED],

Environmental Information Regulation 2004

Dear [REDACTED],

Thank you for your request for environmental information dated 7th July 2026 concerning PPC Permit P0145/06A (Lisbane Landfill).

I request the following recorded information covering the period 11 November 2022 to the present.

1. Awareness of the access dependency

Records sufficient to identify the date that NIEA first became aware that the permit holder required permission or authorisation from the landowner to access or operate pollution-control infrastructure associated with PPC Permit P0145/06A.

2. Recorded information underpinning NIEA's regulatory assessment

Any recorded information that informed or recorded NIEA's assessment of the operator access dependency identified in the Enforcement Notice dated 7 June 2024, including recorded consideration of:

- the operator's ability to comply with PPC Permit P0145/06A;
- whether the operator retained practical control of the environmental infrastructure necessary to discharge its obligations under the permit;
- whether dependence upon the landowner for access had regulatory implications; and
- whether any regulatory action or change to NIEA's regulatory approach was considered necessary.
- whether the operator retained sufficient practical control of the regulated facility to continue discharging the obligations of the permit holder;

3. Access arrangements

Any recorded information describing or evidencing the legal or practical arrangements relied upon by the permit holder to access infrastructure necessary for:

- landfill gas management;
- leachate management;
- environmental monitoring; or
- any other pollution-control functions.

4. Operation of the regulated facility

Any recorded information in which NIEA considered or recorded:

- which entity was carrying on the waste management activities regulated by PPC Permit P0145/06A; or
- any change in the respective operational roles or responsibilities of Bluesky Resource Recovery Ltd and NWP Enviro Ltd relevant to the operation of the regulated facility.

5. Resolution or continuation of the access dependency

Any recorded information held by NIEA identifying whether the operator access dependency referred to in the Enforcement Notice dated 7 June 2024:

- was subsequently resolved;
- remained in existence after 7 June 2024;
- remains in existence at the date of this request; or
- was otherwise superseded by alternative access or operational arrangements.

This includes any recorded information identifying when NIEA considered the access dependency to have ceased (if applicable) and the basis upon which that conclusion was reached.

For each category, please confirm whether information is held and, where held, disclose it. Where information is withheld, please identify the exception relied upon and provide the corresponding public interest assessment.

If you consider any aspect of this request capable of refinement, I would be grateful for advice and assistance under Regulation 9 before refusing the request.

Yours faithfully,

The Northern Ireland Environment Agency (NIEA) has considered your request under the Environmental Information Regulations 2004 (EIR). On this occasion the Department will apply the EIR Regulation 12(4)(c), for requests formulated in too general a matter. Please see attached Public Interest Test for further information.

To enable us to process your request, you may wish to narrow its scope

- Limiting the request to a specific category of records (e.g., enforcement records).
- Restricting the time period covered.
- Prioritising one or two of the five information categories identified in your request.

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 Team

APPENDIX A

Public Interest Test – Environmental Information Regulations

Reference Number – DAERA/26-460

Requested Information:

Dear NIEA Information Team,

Please treat this as a request for environmental information under the Environmental Information Regulations 2004.

I request recorded environmental information held by the Northern Ireland Environment Agency relating to operator access, operator control and the regulatory implications of the access dependency identified in the Enforcement Notice dated 7 June 2024 concerning PPC Permit P0145/06A (Lisbane Landfill).

The Schedule to that Enforcement Notice records that the permit holder, Bluesky Resource Recovery Ltd, was required to obtain written authorisation from the landowner, NWP Enviro Ltd, in order to undertake essential pollution-control functions.

For the avoidance of doubt, the information sought is not the identity of the permit holder recorded on PPC Permit P0145/06A. Rather, it is the recorded information underlying NIEA's regulatory assessment of the operator access dependency identified in the Enforcement Notice dated 7 June 2024 and its implications for compliance with the permit.

I request the following recorded information covering the period 11 November 2022 to the present.

1. Awareness of the access dependency

Records sufficient to identify the date that NIEA first became aware that the permit holder required permission or authorisation from the landowner to access or operate pollution-control infrastructure associated with PPC Permit P0145/06A.

2. Recorded information underpinning NIEA's regulatory assessment

Any recorded information that informed or recorded NIEA's assessment of the operator access dependency identified in the Enforcement Notice dated 7 June 2024, including recorded consideration of:

- the operator's ability to comply with PPC Permit P0145/06A;**
- whether the operator retained practical control of the environmental infrastructure necessary to discharge its obligations under the permit;**
- whether dependence upon the landowner for access had regulatory implications; and**
- whether any regulatory action or change to NIEA's regulatory approach was considered necessary.**

- whether the operator retained sufficient practical control of the regulated facility to continue discharging the obligations of the permit holder;

3. Access arrangements

Any recorded information describing or evidencing the legal or practical arrangements relied upon by the permit holder to access infrastructure necessary for:

- landfill gas management;
- leachate management;
- environmental monitoring; or
- any other pollution-control functions.

4. Operation of the regulated facility

Any recorded information in which NIEA considered or recorded:

- which entity was carrying on the waste management activities regulated by PPC Permit P0145/06A; or
- any change in the respective operational roles or responsibilities of Bluesky Resource Recovery Ltd and NWP Enviro Ltd relevant to the operation of the regulated facility.

5. Resolution or continuation of the access dependency

Any recorded information held by NIEA identifying whether the operator access dependency referred to in the Enforcement Notice dated 7 June 2024:

- was subsequently resolved;
- remained in existence after 7 June 2024;
- remains in existence at the date of this request; or
- was otherwise superseded by alternative access or operational arrangements.

This includes any recorded information identifying when NIEA considered the access dependency to have ceased (if applicable) and the basis upon which that conclusion was reached.

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For each category, please confirm whether information is held and, where held, disclose it. Where information is withheld, please identify the exception relied upon and provide the corresponding public interest assessment.

If you consider any aspect of this request capable of refinement, I would be grateful for advice and assistance under Regulation 9 before refusing the request.

Yours faithfully,

Exemption / Exceptions under consideration

Regulation 12(4)(c) – Requests formulated in too general a manner.

Reasons why the public interest would favour disclosure:

- Everyone has the right to access environmental information.
- Disclosure of the information would provide confidence that the regulators decision making processes have been carried out fairly and without fear or favour.

Reasons why the public interest would favour withholding:

- The request is extremely broad in scope and covers numerous categories of information over a period of more than three years.
- The breadth of the request makes it difficult to identify the specific information of interest without further clarification.
- Considerable resources would be required to identify, review and assess all information that may potentially fall within scope.

Conclusion

Following consideration of the Public Interest Test, the Department has decided that it would not be in the public interest to fulfil the request made by the requestor.

Waste Permitting Team.