Annex B Public Interest Test – EIR

Reference Number – DAERA/26-620

Requested Information

Please provide the following, covering from now to the formulation of the Moy Park Litter Utilisation Strategy ('the Strategy'):

1) A copy of each version Moy Park Litter Utilisation Strategy (e.g. from the July 2025 version to when it was first produced in c2014);

2) Moy Park submits an annual summary of their litter management outlets to NIEA for audit purposes. Please provide a copy of these for each year from 2025 to back to the first one (2014?);

3) Any memorandum of understandings, or similar document, with Moy Park related to the Strategy;

4) Any internal DAERA/NIEA guidance which explains the Strategy. This would include guidance for staff which consider PPC permit applications;

5) Any guidance documents issued to Planners in the Councils which explain the Strategy;

6) Any Internal Memo/Submission for the Minister (or Perm Sec) relating to the Strategy.

Please provide a copy of the most recent Moy Park Litter Utilisation Strategy

Exemption / Exception under consideration

Regulation 12 (5) (e) confidentiality of commercial or industrial information.

Reasons for Disclosure:

- There is a general public interest in the openness and transparency of government e.g. in the regulation of permitted sites;
- To show compliance with the EIR by disclosing information held by the Department as a Public Authority;
- Provide assurance that the Department is operating within the appropriate legislative framework and justice is being seen to be done;
- Access to official information can improve public confidence and trust and Departments have a duty to operate transparently;
- Regulation 12(2) requires the Department of Agriculture Environment and Rural Affairs (DAERA) to apply a presumption in favour of disclosure.

Reasons for Non-Disclosure:

- The information was provided in confidence and is commercial or industrial in nature as it relates to the business plans / interests of a third party organisation(s).
- Disclosure would affect the process of any future information being provided and undermining the Department’s continued working relationship with the third parties, which better informs DAERA officials in delivering effective regulation and services.
- Commercially sensitive information has been shared within the meetings and in correspondence with the Department. The commercial interests of the business would be damaged by allowing the public or competitors to gain access to information not in the public domain.

- The confidentiality would be adversely affected by disclosure. Disclosure would create economic harm to the company by giving competitors access to commercially valuable information which would increase the risk of loss of revenue.
- It related to contingency and future plans about the utilisation of poultry litter which would be commercially disadvantageous to the company if made public.

Conclusion

It has been determined that under Regulation 12 (5) (e) of EIR, the public interest in maintaining the exception outweighs the public interest in disclosing the information at this stage. The business provided information in confidence, and the expectation would be that it remains in the Department's confidence and not processed any further. The commercial interests and reputation of the business and its competitiveness would be undermined by allowing the world at large, especially competitor's access to this information.

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NIEA Industrial Pollution and Radiochemical Inspectorate