

Public Interest Test – EIR

Reference Numbers – DAERA/26-584

Requested Information

The requester has asked for all environmental information relating to relating to Montupet (UK) Ltd / Linamar at Dunmurry Industrial Estate, Belfast, covering the period from 1 January 2000 to present, including:

1. Complaints concerning odours, smells, emissions, fumes, smoke, dust, air pollution or chemical releases;
2. Inspection, investigation and site visit records relating to complaints;
3. Correspondence between DAERA/NIEA and the operator concerning odour, emissions and environmental compliance;
4. Improvement Notices, Warning Letters, Enforcement Notices and Compliance Assessment Reports;
5. Emissions monitoring data, including data relating to amines and VOCs;
6. Odour, air emissions and abatement management documentation;
7. Records of meetings, emails, file notes or minutes relating to complaints;
8. Records relating to actions arising from the 2018 “damp cloth” odour investigation;
9. Records relating to fires, explosions, chemical incidents or accidental releases;
10. A year summary of complaints concerning the site.

Following a search of records, the Department has identified that it holds a substantial volume of information falling within the scope of the request. Approximately 5,352 records have been identified as potentially relevant.

Exemption / Exception under consideration

Manifestly unreasonable under Regulation 12(4)(b) of the Environmental Information Regulations 2004.

Reasons why the public interest would favour disclosure:

- EIR Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure and DAERA is committed to conducting its business in a manner that is as open and transparent as possible.
- 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:

- Complying with the volume of information requested would apply an unjustified level of distress & disruption to staff already working in difficult circumstances due to already busy workloads.
- The time commitment to fulfil these requests in full would pose a disproportionate burden on the Department and would involve an unreasonable diversion of resources including staff resources from essential and statutory responsibilities.
- The requestor's right of access does not justify the commitment of a significant sum of public money and resources to collect the information.

Estimated time to complete request as it currently stands

This equates to in excess of 374 hours of staff time, and this estimate only related to an initial review. It does not include:

- Detailed review with considerations of exemptions/exceptions
- Detailed record information being added to the Schedule of Records
- Redaction of sensitive information
- Quality assurance and oversight
- Preparation of the disclosure response

Subsequently the true time cost is likely to be significantly higher.

Conclusion

Following consideration of the Public Interest Test the Department has decided that on balance, the public interest in maintaining the exception / exemption outweighs the public interest in disclosing the information. The Department considers these to be manifestly unreasonable requests based on the cost and burden of dealing with the requests and consequent diversion of resources in dealing with these requests.

Conor Dolan



Industrial Pollution and Radiochemical Inspectorate