

Reference Number: DAERA/26-496
Request Details: Regen – all records

Northern Ireland Environment Agency
Waste & Industrial Pollution Regulation
and Enforcement Division



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment
an' Kintra Matthers**

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24 August 2026

Dear [REDACTED]

Environmental Information Regulation 2004

I refer to your request for information received by the Department on 24 July 2026 that sought the following information:

Please see information request below in Appendix A

After careful consideration, the Northern Ireland Environment Agency (NIEA) is refusing your request under Regulation 12(4)(b) of the Environmental Information Regulations 2004, on the grounds that it is **manifestly unreasonable**.

Reason for Refusal

- Your request is extremely broad, seeking information across multiple categories and timelines.
- Compiling, reviewing, and redacting all responsive records would require a disproportionate amount of staff time and resources, diverting NIEA from its core regulatory and compliance duties.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

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- The Information Commissioner's Office (ICO) guidance and case law (Dransfield v ICO & Devon CC) support refusal where the burden is excessive or the request is vexatious.

Public Interest Test

NIEA has considered the public interest in disclosing environmental information. While transparency is important, in this case the burden imposed by your requests outweighs the public interest in disclosure. Please see appendix **B** for the public interest test.

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

Dear Northern Ireland Environment Agency,

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

I request full copies of all inspection records, reports, and associated material held by NIEA relating to Re-Gen Waste at the following facilities:

1. Shepherds Drive facility.
2. Derraboy Road facility, including both new sheds.
3. Warrenpoint Port facility.

For each site, please provide all records from the commencement of operations to the present date, including:

- All routine, complaint-led, follow-up, compliance, and enforcement inspection reports.
- All photographs taken during inspections, both internal and external.
- All associated notes, notebook entries, attendance records, site visit records, audit sheets, emails, and correspondence relating to those inspections.
- Any enforcement notices, warning letters, compliance assessment reports, remedial action requirements, or follow-up records.
- Any site plans, drawings, maps, diagrams, or other referenced documents relied upon during inspections.

In addition, please provide any records, guidance, instructions, photographs, annotations, inspection notes, or other documents showing how NIEA inspectors distinguish between SRF and RDF bales during site inspections.

This part of the request specifically includes:

- Any written guidance or operational instructions used by inspectors.
- Any records showing whether the colour of bale wrap is used as an indicator of bale type.
- Any documents identifying what visual, documentary, sampling, labelling, or handling features are relied upon to distinguish SRF from RDF.
- Any records showing how inspectors verify whether a bale described by an operator as SRF or RDF is correctly classified.

For the avoidance of doubt, this request includes records which explain how an inspector knows the difference between SRF and RDF bales in practice, and what documentary or evidential basis supports that distinction.

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This request is made in the context of the public interest in transparency around waste handling, inspection, and regulatory oversight. In ICO decision notice IC-393464-G2Y2

https://eu-west-1.protection.sophos.com?d=ico.org.uk&u=aHR0cHM6Ly9pY28ub3JnLnVrL21lZGlhMj8wdWpnanB2aS9pYy0zOTM0NjQtZzJ5Mi5wZGY=&i=NjU1NTQ1Y2Y2MjBmMmMyMzA0ZGUxOTVj&t=YW5PV0lPeHNRRjdRcUFoanVyemhnSG5mNINDVXJCZnpxaFJxZDBWUldwZz0=&h=3e4febb9b9294f4399d885c09ade5d35&s=AVNPUEhUT0NF TkNSWVBUSVYp6-o2AV_xtA-

[wRyO8KnYKFa9xJ5Gta1SVt30S7hOEwtaX2sBcHH5frLPUIfYvB50](https://eu-west-1.protection.sophos.com?d=ico.org.uk&u=aHR0cHM6Ly9pY28ub3JnLnVrL21lZGlhMj8wdWpnanB2aS9pYy0zOTM0NjQtZzJ5Mi5wZGY=&i=NjU1NTQ1Y2Y2MjBmMmMyMzA0ZGUxOTVj&t=YW5PV0lPeHNRRjdRcUFoanVyemhnSG5mNINDVXJCZnpxaFJxZDBWUldwZz0=&h=3e4febb9b9294f4399d885c09ade5d35&s=AVNPUEhUT0NF TkNSWVBUSVYp6-o2AV_xtA-wRyO8KnYKFa9xJ5Gta1SVt30S7hOEwtaX2sBcHH5frLPUIfYvB50) dated 10 March 2026, the Commissioner held that a request concerning Re-Gen Waste had serious purpose and value because it concerned the handling of waste, and also noted that the Re-Gen contract had caused controversy because the company is based in Northern Ireland and waste was being transported there. The decision further records the complainant's concern that Re-Gen's operations at Warrenpoint Port had attracted regulatory concern and licence-related issues from the Northern Ireland Environment Agency in a residential port area.

Given that context, there is a strong public interest in understanding the inspection history of these facilities and the basis on which waste bales are identified, recorded, and assessed by NIEA officers.

If any part of this request is considered too broad, please provide advice and assistance under regulation 9 so that the request can be refined rather than refused. If any information is withheld, please identify each exception relied upon and explain why it applies.

I would prefer to receive the information in electronic form, preferably as PDF files.

Yours faithfully,

John Kerr

APPENDIX B

Public Interest Test – Environmental Information Regulations

Reference Number – DAERA/26-496

Requested Information:

Please see Appendix A

Exemption / Exceptions under consideration

Regulation 12(4)(b) – Manifestly Unreasonable / vexatious.

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:

- Complying with the volume of information requested would apply an unjustified level of disruption to staff already working in difficult circumstances due to already busy workloads.
- The requestor's right of access does not justify the commitment of a significant sum of public money and resources to collect the information.
- The Department has already supplied a very significant amount of information from numerous previous requests which can be viewed online. Some of the information now requested asks again for information already supplied. The motivation, value and serious purpose for the numerous requests are unclear but the pattern appear to relate to a campaign. The requests appear to be wide ranging fishing expeditions across several sites. The numerous requests appear to have a significant AI component. The Department also notes the large number of other correspondences from Mr Kerr.

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. The Department considers this to be manifestly unreasonable / vexatious based on the burden of dealing with the request and consequent diversion of resources in dealing with this query. Advice has been provided to refine the request.

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