

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**

Deapairtment o'

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

Our reference: DAERA/26-730



NIEA Regulation Unit
17 Antrim Road, Tonagh, Lisburn, BT283AL
Tel: 028 9056 9353
Email: wml.queries@daera-ni.gov.uk

09 October 2026

Dear [REDACTED],

Environmental Information Regulations (EIR)

I refer to your request for information received by the Department on 9 September 2026 and a further update on 16 September 2026, in relation to ReGen Waste Ltd, Warrenpoint Harbour which requested:

Please provide all CAR reports since July 2023, 2024, 2025 and 2026 and any associated external olfactory tour notes; and

If this is more expedient may I ask for the olfactory reports (previously referred to in my last email to you) under EIR please.

As explained in the information sheet enclosed with the acknowledgement letter, under certain conditions, the department has the right to refuse to respond to a request for information. Under Regulation 12(4)(b) of the EIR, the department may refuse to comply with a request for information where it is considered to be manifestly unreasonable.

Sustainability at the heart of a living, working, active landscape valued by everyone.

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.



The Department has determined your request to be manifestly unreasonable on the grounds of cost and diversion of resources and considered Regulation 12 (4) (b) of the Environmental Information Regulations to be engaged.

The Department has always accepted a greater burden when responding to requests for environmental information than other information, however, in this instance, it considers complying with this request to be overly burdensome, in so far as it will divert the existing resources available to the department to such an extent that the delivery of its public services would be affected.

The Department has determined that the cost to comply with your request to be over **£752**, a breakdown of how this figure was reached is in the table below:

Number of potential records identified	Time to review each record and extract information	Time taken @ £25/hr of staff time	Total
361 records	361 x 5 minutes = 1805 minutes	1805 / 60 = 30.08 Hours x £25=	£752

In these instances, the Department is required to consider the public interest in complying with the request. A Public Interest Test has been conducted and is attached as **Annex 1**.

NIEA may be able to provide advice and assistance to help you submit a more focused request. If you can narrow the scope of your request by specifying particular dates or date ranges, specific incidents, events or locations of interest and/or a defined period of time it may make the request more manageable and enable us to conduct proportionate searches for the information held.

Should you wish to refine your request, please submit a revised request setting out the more specific information you are seeking, and we will be happy to consider it.

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 Internal 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.

Sustainability at the heart of a living, working, active landscape valued by everyone.

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.



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 Licensing Team

***Sustainability** at the heart of a living, working, active landscape valued by everyone.*

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.



ANNEX 1

Public Interest Test – EIR Reference Number – DAERA/26-730

Requested Information

Please provide all CAR reports since July 2023, 2024, 2025 and 2026 and any associated external olfactory tour notes; and

If this is more expedient may I ask for the olfactory reports (previously referred to in my last email to you) under EIR please.

Exceptions under consideration

Regulation 12(4)(b) - the request for information is manifestly unreasonable.

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 promote transparency and accountability in relation to the Department's regulation of the site.
- There is a legitimate public interest in access to environmental information concerning odour, complaints, monitoring and regulatory compliance.
- Disclosure could assist the public in understanding the information held by the Department and the regulatory action taken in response to concerns about the site.

Reasons why the public interest would favour withholding:

- Complying with the request in full would require the Department to identify, retrieve and review information potentially held across a range of records and correspondence, this would place a disproportionate burden on the Department.
- The work required to comply would involve a significant diversion of staff resources away from the Department's essential regulatory and statutory responsibilities. This would adversely affect the Department's ability to deliver its wider public services.
- The requestor's right of access does not justify the commitment of a significant sum of public money and resources to collect the information.

Sustainability at the heart of a living, working, active landscape valued by everyone.

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.



Conclusion

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

Waste Licensing Team

Sustainability at the heart of a living, working, active landscape valued by everyone.

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.

