

Public Interest Test – EIR

Reference Number – DAERA/23-417

Requested Information:

The final reports relating to each project:

1. Bryne Looby, Guildford, Surrey – Mobuoy Road waste soil mix groundwater remediation
2. Queen’s University Belfast – Bio-electrical systems and technology
3. SiRiUS Geotechnical and Environmental Ltd, Durham, County Durham – Combined active hydrological and biological capping systems
4. Agri-Foods and Biosciences Institute (AFBI) – Sustainable leachate management solutions using energy crops
5. AFBI – Evaluation of filter materials for treatment of leachate

Outcome/Final Report from AFBI on environmental site capping trials funded by the DARA E&I fund commenced in July 2020.

Exemption / Exception under consideration

NIEA are considering redacting the names of contractor staff who completed the investigations that are detailed in the requested reports.

The following exceptions, as set out in the Environmental Information Regulations 2004, are under consideration.

- Regulation 12(4)(a) – it does not hold that information when an applicant’s request is received;
- Regulation 12(5)(e) – the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Each application of the exceptions is individually considered below in a public interest test (“PIT”).

Regulation 12(4)(a)

Reasons why the public interest would favour disclosure of material still in the course of completion, unfinished documents or incomplete data

- Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure;
- DAERA is committed to conducting its business in a manner that is as open and transparent as possible;
- There is wide public interest in matters concerning the environment, and in particular there is a wide public interest in providing material relating to this site.

Reasons why the public interest would favour withholding:

- The Department requires a safe space in order to develop its proposals for the management of the site. It is considered that the release of the redacted material would adversely prejudice the decision-making process. Once a final decision has been taken, the matter may be revisited upon request.
- The Department asserts that there is a strong public interest in the ongoing development of the policy with respect to the site remaining internal, until such times as a final decision has been taken.
- Department wants to provide some protection from having to spend time and resources explaining or justifying ideas that are not or may never be final.

Conclusion

The report requested has not been completed yet and therefore is not available for release.

Regulation 12(5)(e)

Reasons why the public interest would favour disclosure of material.

- Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure;
- DAERA is committed to conducting its business in a manner that is as open and transparent as possible;
- There is wide public interest in matters concerning the environment, and in particular there is a wide public interest in providing material relating to this site.
- There is a strong public interest in the public knowing how public money is spent.

Reasons why the public interest would favour withholding:

- The terms of the initiative provided for confidentiality.
- There is an inherent public interest in maintaining commercial confidences. Third parties could be discouraged from future SBRI initiatives if this information was disclosed.
- In the Department's assessment, the disclosure of this information could adversely affect the competition participants.

Conclusion

Following consideration of the Public Interest Test the Department has decided that on balance, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Maintaining commercial confidences is important due to the future need for remediation and the appointment of an Integrated Supply Team (IST) and engagement with third parties.





Mobuoy Remediation Project