

EIR Request (received 03 January 2024) - Reference: DFI/2024-0001

WHA/NIEA position on compliance or non-compliance of Re-Gen Waste.

In reference to the long-running and ongoing stink scandal created by Warrenpoint Harbour Authority and tenant Re-Gen Waste, we note that the story (most recently in yesterday's Irish News) continues to generate the kind of headlines which are becoming a public embarrassment, not only to residents and businesses in Warrenpoint but also in the whole South Down - North Louth area.

In normal circumstances, it would be reasonable to expect that it is a cause of embarrassment to WHA and Re-Gen too - unless you are in a state of denial or even self-deception in regard to the reality of the situation.

With the latter point in mind, we note... [Warrenpoint Harbour Authority's] long standing position (in various written statements and... statement on Frank Mitchell's U105 Radio show) that, according to NIEA, Re-Gen Waste Ltd has been compliant throughout the stink scandal period.

As you are probably aware, Chris Hazzard MP held a meeting with NIEA on December 20th 2023.

His quote following that meeting would appear to directly contradict Warrenpoint Harbor Authority's position:

"Ordinarily NIEA would have 4 inspections of a facility such as that at Warrenpoint per year - NIEA confirmed that this year they have inspected Regen's facility in Warrenpoint 12 times due to the public's complaints.

Notices - On those occasions they issued 4 non-compliance notices; these related to: Odour, RDF Bail Stamps; Storage of bails outside the designated 'Red Line' boundary; and Control of Pests i.e flies. "

This is clearly a case of non-compliance on four points as identified by NIEA.

Can you please urgently clarify your position on this and, under FoI or EIR as appropriate, please supply us with all records of your communications with NIEA from July 1st to December 31st 2023.

...statements in recent weeks also refer to daily communications with Re-Gen Waste regarding this stink scandal issue.

Please supply us with all emails and notes of phone calls or meetings (with Re-Gen Waste Ltd) for the same period, July 1st to December 31st 2023.

Response (issued 04 January 2024)

I refer to your request received by this Department on 3 January 2024 in which you request information under the Environmental Information Regulations 2004.

Your request stated:

'Under FoI or EIR as appropriate, please supply us with all records of your communications with NIEA from July 1st to December 31st 2023.

Your statements in recent weeks also refer to daily communications with Re-Gen Waste regarding this stink scandal issue.

Please supply us with all emails and notes of phone calls or meetings (with Re-Gen Waste Ltd) for the same period, July 1st to December 31st 2023'.

In considering your request on behalf of the Department, I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004 (EIR), as opposed to Freedom of Information Act 2000. Your request is for information that relates to activities, policies or plans that affect the environment. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-the-environmental-information-regulations/>.

The Environmental Information Regulations established general public rights of access to environmental information held by public authorities, similar to the general rights established under FOI. There is no provision for privileged access to information, it may either be released to the World at large, or it must be withheld. Any information provided in response to an information request (either FOI or EIR) is considered to have been placed in the public domain.

In response to your request, I can advise you that the Department for Infrastructure does not hold any information relevant to your request.

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