

REFERENCE

2526073

RELEASE DATE

June 2025

SUBJECT

Please provide details of the Public Private Partnership NI Water has entered into with Veolia Ltd, including:

- Duration of the agreement.
- Valuation (in £) of the agreement and how much NI Water and/or DfI is paying towards this each year.
- Records of any decision-making around the same
- Any documents or information that can be shared relating to the agreement.
- Any reports in relation to the same (in relation to, for instance, monitoring, annual statements, value for money).
- Please provide details of payments/budget allocations towards such agreements with Veolia and any other firms involved with processing and/or incinerating NI Water waste (sewage) since 2010.

RESPONSE

NI Water has not entered into a PPP with Veolia, but rather a PPP with Glen Water Ltd,, a special purpose company which is a partnership between Veolia Water and Semperian Asset Management Ltd. and is treating the remainder of this request as if it refers to this PPP arrangement with Glen Water Ltd.

Duration of the agreement.

The Operational period of the contract is 24 years. The contract is due to expire on 7 March 2032.

Valuation (in £) of the agreement and how much NI Water and/or DfI is paying towards this each year.

Please find below details of past and projected expenditure. For your reference, the Department for Infrastructure (DfI) does not make any payments under this contract, as it is not a party to the contract.

Past expenditure

Financial Year	Unitary Charge Payment (£)
2007-08	1.48 Million
2008-09	5.80 Million
2009-10	10.05 Million
2010-11	22.69 Million
2011-12	22.59 Million
2012-13	24.26 Million
2013-14	24.83 Million
2014-15	25.26 Million
2015-16	26.10 Million
2016-17	26.41 Million
2017-18	26.92 Million
2018-19	26.25 Million
2019-20	28.78 Million
2020-21	29.41 Million
2021-22	27.09 Million
2022-23	27.24 Million
2023-24	35.28 Million
Total	355.16 Million

Future anticipated expenditure

Financial Year	Unitary Charge Payment (£)
2024-25	34.32 Million
2025-26	33.72 Million
2026-27	34.74 Million
2027-28	35.88 Million
2028-29	37.17 Million
2029-30	38.11 Million
2030-31	39.28 Million
2031-32	37.29 Million
Total	290.51 Million

Records of any decision-making around the same.

Your query does not clearly define the types of decisions to which you refer. Both parties have made and continue to make operational and commercial decisions on a daily basis over the entire contract period. As such, under our Regulation 9 duty to advise and assist, I would advise that should you wish to pursue this element of your request, please provide more clarity of the specific type of decision you are seeking information about. At present, this request is too general and unclear and, as such, is lawfully exempt under Regulation 12(4)(c) of the EIR.

Pending such clarification, the Company cannot confirm whether the information is held. Therefore, NI Water seeks to rely on Regulation 12(4)(c) of the EIR (the request is formulated in too general a manner). This link to the Information Commissioner's Office's [guidance on this Regulation](#) may assist.

All exceptions under the EIR are qualified and so, in deciding whether to disclose the requested information, NI Water must consider the public interest. However, this is not possible where it is not known what the required information is and whether it is held by NI Water.

In the interim, NI Water is unable to proceed with this element of your request until we receive a greater degree of precision/clarification of the information you wish to receive. Please note that the 20-working-day time limit will begin again if clarification is received.

Any documents or information that can be shared relating to the agreement.

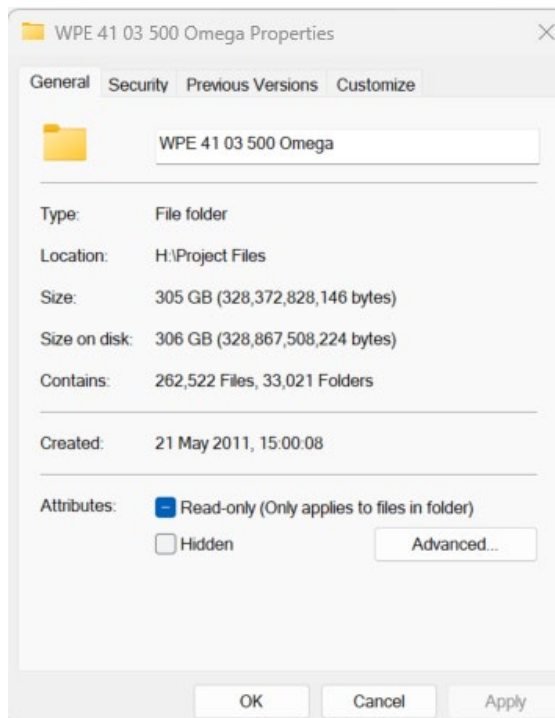
Again, this query is not sufficiently defined in terms of what is being sought and NI Water would therefore refer you again to the above information at point (iii) relating to Regulation 12(4)(c) (too general or unclear) and would remind you that your request needs to clearly specify what documentation you are looking for. If NI Water receives a more clearly defined query, the 20 working-day timeframe for response will restart for this point.

Any reports in relation to the same (in relation to, for instance, monitoring, annual statements, value for money).

Contractor performance and compliance is monitored and measured daily, weekly, and monthly, depending on the obligations. These records are voluminous in both paper (approximately 1/3 of a 30-foot steel secure storage container holding records between 2007 and 2011) and electronic format since 2011. See the screen shot below evidencing 262k files, 33k folders and 300+ GB of data for the Omega Contract since 2011).

As I am sure you will understand, NI Water asserts that this element of your request is manifestly unreasonable due to the time, cost and undue diversion of staff and resources necessary to locate, extract and review all such records relating to monitoring performance or compliance.

As such, in relation to this part of your request, the exception at Regulation 12(4)(b) is engaged and you can find the relevant public interest test at Annex B.



Please provide details of payments/budget allocations towards such agreements with Veolia and any other firms involved with processing and/or incinerating NI Water waste (sewage) since 2010.

Please see below an assembled summary of the relevant Annual Information Return published by NI Water to the Northern Ireland Authority for Utility Regulator since 2010, which sets out

- i. the payments by NI Water to the Contractor (Glen Water), and
- ii. the payments the Contractor (Glen Water) makes to the Operator (Veolia Water)

for the disposal of sludges either through incineration or by alternative disposal routes when incineration is not possible.

These parties are contracted/subcontracted to provide a sludge disposal service, and not specifically a charge for incineration only. Furthermore, NI Water does not hold, nor would it be commercially entitled to, records of any payments the Operator (Veolia) makes to their supply chain for providing external resources to deliver the overall sludge services (i.e., external process, mechanical, electrical, instrumentation, civil engineering, consumables related services).

AIR Period	Date Range	Payment from NI Water to Glen Water Ltd for the investment in and operation of sludge disposal service		Payments from Glen Water Ltd to Veolia Water Outsourcing Ltd for subcontracted operation and maintenance	
AIR11	April 2010- Mar 2011	£8.574m		£4.810m	
AIR12	April 2011- Mar 2012	£8.875m		£5.220m	
AIR13	April 2012- Mar 2013	£8.864m		£5.300m	
AIR14	April 2013- Mar 2014	£9.342m		£5.500m	
AIR15	April 2014- Mar 2015	£10.533m		£5.750m	
AIR16	April 2015- Mar 2016	£10.396m		£6.990m	
AIR17	April 2016- Mar 2017	£11.595m		£6.850m	
AIR18	April 2017- Mar 2018	£11.393m		£6.284m	
AIR19	April 2018- Mar 2019	£11.795m		£7.076m	
AIR20	April 2019- Mar 2020	£12.133m		£6.841m	
AIR21	April 2020- Mar 2021	£12.211m		£6.924m	
AIR22	April 2021- Mar 2022	£11.032m		£6.859m	
AIR23	April 2022- Mar 2023	£11.490m		£7.404m	
AIR24	April 2023- Mar 2024	£12.030m		£8.132m	
AIR 25	April 2024- Mar 2025	Figures not yet validated or presented to NIAUR			

Regulation 12(4)(b) of the EIR – manifestly unreasonable

This Regulation provides that: “*a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable*”.

The Information Commissioner’s Office (ICO) considers that information requested should be released unless the public interest weighs in favour of withholding such information. There is an inherent presumption in favour of disclosure of environmental information held by public authorities.

There is a public interest in the information requested being released because this demonstrates NI Water’s willingness to be open and transparent in complying with the Regulations.

However, in assessing the case against disclosure, the ICO has acknowledged that the amount of time required to respond to a request can make it manifestly unreasonable. The ICO also considers, and NI Water agrees, that Regulation 12(4)(b) of the EIR does not operate as an equivalent to Section 12 (Cost prohibitive) of the Freedom of Information Act (FOIA).

This is because Section 12 involves a straight calculation of the cost of complying with a request and, under the FOIA, such an approach allows a public authority to consider the request in isolation from other factors, including their ability to meet the request or the extent to which the time required to meet the request would detract from other functions.

The ICO considers, and NI Water accepts, that Regulation 12(4)(b) of the EIR operates quite differently, in that there is no “appropriate limit” to act as a cut-off point when responding to requests.

The ICO requires that the request itself be manifestly unreasonable, not just the time required for complying with it. In practice, Regulation 12(4)(b) requires public

authorities to consider a request for environmental information more broadly, taking the time to respond to the request as only one factor to be considered along with others, such as the cost required, the interference with the normal conduct of the public authority's activities, or whether compliance entails a significant diversion of resources from other functions.

To allow NI Water to determine whether Regulation 12(4)(b) would provide a robust exception and would be correct in this instance, we have considered the following:

- Time for compliance
- The cost of compliance
- Whether compliance would equate to a significant diversion of resources
- Whether compliance would interfere with the normal conduct of NI Water's activities

Time for compliance

Based on similar exercises, it is estimated would take far in excess of 18 working hours to adequately and accurately comply with your requests. It would involve the search and retrieval of identified documents matching the parameters of your request from over the course of 17 years.

The time of 18 hours is not a figure that NI Water has arbitrarily chosen. This is the amount of time that has been deemed "appropriate" or reasonable under information access guidance. In fact, it would be so complicated to perform such an exercise that a more precise estimation of the time it would take has not been possible. Performing a test extrapolation to estimate the time would not be possible without going ahead and performing the search.

NI Water would therefore deem full compliance with your request as taking an unreasonable amount of time.

Cost of compliance

In recognising that, under the EIR, there is no statutory equivalent to the “*appropriate limit*” for cost under the FOIA, in its deliberations, NI Water has also been able to draw upon guidance from the ICO that states a public authority may only legitimately refuse requests for information on fees grounds under the FOIA if it would take more than 18 hours to:

1. Manually determine whether it holds the information requested;
2. manually locate the information requested;
3. manually retrieve the information from a document containing it; and
4. manually extract the information from a document containing it.

While these guidelines do not constitute a strict test to be used under the EIR, they are a helpful group of guiding principles for identifying the actions that can be considered when determining whether a request is manifestly unreasonable.

As stated under “Time for Compliance” above, it is estimated that searching for and retrieving all documents captured by the parameters of your request would take in excess of 18 hours. At a rate of £25 per hour for any staff time involved, regardless of grade (in line with the rate applicable under FOIA by virtue of The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004), to fully respond to your request, this would exceed, by some considerable margin, the guidance figure of £450 that is considered appropriate or reasonable.

Significant diversion of resources and Interference with the normal conduct of NI Water’s activities

For NI Water to provide you with the requested information would necessitate the specialised knowledge and dedicated resources for an extended period of time to:

- determine whether NI Water holds the information;
- locate the information;
- retrieve the information; and
- extract the information from a system containing it.

The information would then need to be reviewed for potential elements not suitable for disclosure. This would divert a key member of an extremely small team for an extended period of time from other legislatively time-bound items of work at an extraordinarily busy time. The retrieval of the data would be significant, severely impacting on those duties by the time needed to comply fully with your request, which is what makes the request manifestly unreasonable.

As I hope you can appreciate from the above, compliance with the request as it stands would divert resources away from the provision of public services for which NI Water is mandated.

In applying the public interest test under the EIR, I have reached the view, given the nature of the information requested, the timing of the request, and the reasons detailed above, that the public interest in withholding the information is greater than the public interest in disclosing the information.