

ANNEX A

Public Interest Test – EIR

Reference Number – DAERA/24-208

Requested Information being withheld.

The requester has sought:

1. *A list of all current and previous exemption permits, to the Fisheries Act(NI)1966 issued to Fisheries and Hydros from 2003, what they were issued for and the dates they were issued.*
2. *On the granting of the above exemption permits please provide an account of how many times the adjoining fishery was consulted as outlined in the guidance contained in the application for the granting of an exemption and within the Inland Fisheries Advisory Handbook*

PROTECTING FISH:GUIDELINES FOR WATER ABSTRACTORS (written by G. O'Neill & S. Connor (2003) (Revised 2011) from 2003 until the March 2024 when this guidance was changed.

- a. *This clause reads as follows:*
- b. *“In such cases the law permits the Department to issue an exemption permit containing such conditions as the Department considers will provide equal or better fish protection at the site. **These permits will only be issued after consultation with the abstractor, the Department and directly adjacent fishery owners.**”*

Exemption / Exception under consideration

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.

Reasons why the public interest would favour disclosure:

- 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.
- DAERA is dedicated to improving public awareness and comprehension of environmental issues.

Reasons why the public interest would favour withholding:

- The public interest in maintaining this exception lies in protecting DAERA from exposure to disproportionate burden or to an unjustified level of disruption or in handling this information request.
- As the information requested has not been collated, the Department considers the request to be manifestly unreasonable on the grounds of cost.
- Dealing with manifestly unreasonable requests may strain DAERA resources and prevent it from delivering mainstream services or answering other requests.

Conclusion

The Department has decided that, on balance, the information should be withheld because the public interest in maintaining the exception outweighs the public interest in disclosing the information.

