

**Environment Marine & Fisheries  
Group**  
Marine & Fisheries Division



Department of  
**Agriculture, Environment  
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil  
agus Gnóthaí Tuaithe**

Department of

**Fairmin, Environment  
an' Kintra Matthers**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

Our reference: DAERA/24-208

[REDACTED]

[REDACTED]

**Marine & Fisheries Division**

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15 May 2024

Dear [REDACTED]

**Environmental Information Regulations 2004**

I refer to your request for information received by the Department on 19 April 2024 which 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*

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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.



*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.**”*

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. The Department considers the request to be manifestly unreasonable on the grounds of cost. The Department estimates the cost of compliance with this request to be £2,562.50 and a summary of how the figure has been reached is outlined below:

Description	At X minutes per record = X Hours	Total estimated cost. Hours X £25/hr
Locating the information	1,230 records x 1min /60 = 20.5 hrs	£512.50
Retrieving the information	1,230 records x 1min /60 = 20.5 hrs	£512.50
Extracting the information	1,230 records x 1min /60 = 20.5 hrs	£512.50
Consideration of exceptions and putting the disclosable information into the required format.	1,230 records x 2mins /60 = 41 hrs	£1,025.00

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 at Annex A.

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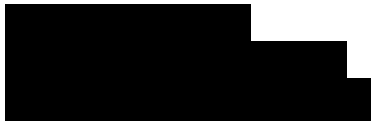
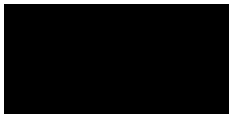
When a request is refused on the grounds of cost, in line with Regulation 9(1), the department is required to provide advice and assistance on how your request could be refined in order to reduce the cost. In this instance, you may wish to reduce the time period or refine which exemption permits you wish to request.

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](mailto: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.

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,



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