

DAERA/25-133: Public Interest Test (PIT)

Assessment of EIR request from requester -
Tandragee Environmental Action (TEA),

Subject of public interest test

Request for baseline monitoring or survey information relied upon by Inland Fisheries in relation to planning application **LA08/2022/0505/F**, including fisheries survey and habitat datasets held within ArcGIS Pro.

Exceptions being considered

The Department has decided not to disclose certain elements of the requested information as they fall under Regulation 12(5)(g) of the Environmental Information Regulations 2004 – disclosure would adversely affect the protection of the environment to which the information relates. For completeness, Regulation 12(4)(a) (information not held) was also engaged; as no information was held, the public interest test is satisfied by explanation of non-holding and no further balancing exercise was required.

Reasons for Disclosure:

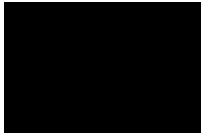
- I. Regulation 12(2) of the Environmental Information Regulations 2004 requires DAERA to apply a presumption in favour of disclosure.
- II. DAERA is committed to conducting its business in an open and transparent manner and to promoting public confidence in environmental decision-making.
- III. Disclosure of environmental information can assist public understanding of how fisheries interests are considered within the planning consultation process.

Reasons against Disclosure:

- I. The spatial datasets include precise location information relating to sensitive fisheries and habitats.
- II. Disclosure of this information could facilitate interference with fish stocks, illegal fishing activity, or disturbance of sensitive habitats, resulting in harm to fisheries interests and the wider aquatic environment.
- III. There is a strong public interest in ensuring that sensitive fisheries information is protected to prevent environmental damage and to support the sustainable management and conservation of fish populations.
- IV. Disclosure of raw GIS datasets would not materially enhance public understanding of the planning decision, given that the Inland Fisheries consultation response has already been published on the Public Planning Portal.

Conclusion:

In considering the Public Interest Test in relation to the use of Regulation 12(5)(g), the Department has concluded that, while there is a public interest in transparency, this is outweighed by the public interest in protecting sensitive fisheries and habitats from harm. On balance, the Department considers that the exception is maintained and that the withheld information should not be disclosed.



DAERA Inland Fisheries