

Public Interest Test –EIR

Reference Number – DAERA/26-128

Requested Information

On **28 June 2017**, the Court of Appeal (Northern Ireland) ruled in proceedings brought by Friends of the Earth that:

1. Sand extraction from Lough Neagh was **unlawful** as it breached the Environmental Impact Assessment Directive and the Habitats Directive
2. The Northern Ireland government had acted unlawfully by failing to issue a Stop Notice
3. The decision not to stop extraction was **quashed**

The Court ordered that a Stop Notice be issued to halt extraction.

Nine years later (February 2025), no Stop Notice has been issued and extraction continues.

Information Requested

I request the following information held by DAERA and/or NIEA:

1. Decision-Making Process (28 June 2017 - 31 December 2017)

All documents, including but not limited to:

- Internal emails and correspondence between DAERA and NIEA officials regarding the Court of Appeal ruling dated 28 June 2017
- Minutes of meetings where the ruling was discussed
- Legal advice received regarding enforcement options
- Risk assessments conducted regarding non-enforcement
- Communications with the sand extraction companies following the ruling
- Any memoranda or briefing notes prepared for ministers regarding the ruling

2. Ongoing Non-Enforcement (1 January 2018 to present)

All documents regarding:

- Subsequent internal discussions about why the Stop Notice was not issued
- Any assessments of legal liability for non-enforcement
- Communications with sand extraction companies regarding the ongoing situation
- Any complaints received about non-enforcement and responses thereto
- Changes in policy or approach to enforcement over this period

3. Legal Advice

All legal advice (whether internal or external) received regarding:

- The obligation to comply with the Court of Appeal ruling
- The consequences of non-enforcement
- Potential compensation claims from sand extraction companies if enforcement occurred
- Any time limits or conditions on enforcement

Exemption / Exception under consideration

Regulation 12(4)(a) of the Environmental Regulations 2004

Reasons why the public interest would favour disclosure:

Reasons why the public interest would favour withholding:

- Information is not held by the Department

Conclusion

A search of records was carried out and no information is held in relation any of the queries raised by the requester.

[REDACTED]

Conservation, Designation and Protection Branch