

Reference Number – DAERA/26-513

Requested Information

Disclosure of all information held by DAERA relating to the recent application to the court for a deprivation order concerning cattle euthanised in the Fivemiletown area.

Exemption / Exception under consideration - Section 22 – Information intended for future publication.

The information requested relates to matters that fall within the scope of the Independent External Review established by Minister Muir to examine DAERA's planning, decision making and implementation of the operation undertaken in Fivemiletown on 29 and 30 June 2026. The review is currently ongoing and will finish in a report. Subject to legal, data protection and other relevant considerations, the report and the Department's response will be published, in the interests of transparency and public confidence.

Reasons why the public interest would favour disclosure:

There is a very strong public interest in openness and transparency regarding the circumstances surrounding the operation. The operation has attracted exceptional levels of public, political and media attention and has generated significant concern, anger and distress amongst sections of the farming community, animal welfare groups, elected representatives and the wider public. The strength of public feeling has been reflected in extensive correspondence to the Department, media coverage, public demonstrations and scrutiny by the Agriculture, Environment and Rural Affairs Committee.

There is a widespread perception amongst some stakeholders and members of the public that mistakes may have been made in the planning, decision making or implementation of the operation. As a result, there is a strong public interest in understanding the actions taken by the Department, the rationale for those actions and whether all reasonable alternatives were fully considered. Disclosure could help inform public debate, increase understanding of the Department's decision-making processes and provide reassurance that decisions have been subject to appropriate scrutiny.

There is also a significant public interest in maintaining confidence in public authorities where concerns have been raised about the exercise of statutory powers. Disclosure could contribute to accountability, assist in addressing speculation regarding the operation and help demonstrate that the Department is committed to transparency in relation to matters of substantial public concern.

Reasons why the public interest would favour withholding:

There is a particularly strong public interest in allowing the Independent External Review to conclude and report before information that forms part of, or relates directly to, the matters under consideration is disclosed. The review has been established by Minister Muir in response to the exceptional level of public, political and media interest generated by the operation and is intended to provide an independent, evidence-based assessment of the planning, decision making and implementation of the operation. The reviewer will have access to all relevant records, evidence and witnesses to enable a full examination of the issues raised.

The Department recognises that the operation has generated significant public concern,

anger and scrutiny, with considerable interest from elected representatives, stakeholder organisations, the farming community and members of the public. It is precisely because of the strength of feeling and the high level of public interest that it is essential that the review is allowed to proceed independently and reach its conclusions without the risk of its work being undermined by the premature release of information.

Disclosure of information at this stage could compromise the ability to present the review's findings in a complete, balanced and properly contextualised manner. It could result in partial or incomplete information entering the public domain before all relevant evidence has been considered, increasing the risk of misunderstanding, speculation or inaccurate conclusions being drawn regarding matters that remain under review. Given the level of public concern surrounding the operation, there is significant public interest in ensuring that conclusions are based on a full assessment of the available evidence rather than on individual records released in isolation.

There is also a strong public interest in ensuring that nothing is done which could jeopardise, undermine or prejudice the independence, effectiveness or credibility of the review process. The review was established specifically to provide assurance regarding the circumstances of the operation and to identify lessons for future deprivation order interventions. Releasing information relating to matters currently under examination risks detracting from the review process and could diminish public confidence in its ability to provide a comprehensive and reliable assessment.

Furthermore, there is a public interest in ensuring that officials, stakeholders and other individuals are able to engage fully and candidly with the review while it remains ongoing, thereby supporting the production of a thorough, accurate and robust report. The Department has already committed to publishing the report, subject to legal, data protection and other relevant considerations, as soon as possible upon completion. The information is therefore intended for publication within a relatively short timeframe through a process specifically designed to provide a complete and independent account of the matters in question.

Conclusion

While the Department fully recognises the substantial public interest in understanding the circumstances surrounding the Fivemiletown operation, including the concern and anger expressed by many members of the public, stakeholders and elected representatives, it considers that the greater public interest currently lies in protecting the integrity of the Independent External Review process. Allowing the review to conclude before releasing information relating to matters within its scope will help ensure that findings are presented in a comprehensive, evidence based and properly contextualised manner, and that public confidence in the independence and effectiveness of the review is maintained. Accordingly, the public interest favours withholding the information until the review has been completed and its findings published. It is the Department's expectation that the review should be completed by early Autumn 2026, or more quickly if possible.