

Public Interest Test – EIR

Reference Number – DAERA/26-698

Requested Information

Details of all records and communications (both physical and electronic) concerning a meeting held between Nicholas Ashley-Cooper, the 12th Earl of Shaftesbury, and Minister Muir.

Exemption / Exception under consideration

Exception engaged - Regulation 12(4)(e) – internal communications.

Reasons why the public interest would favour disclosure:

- Transparency and Accountability

Disclosure would promote openness regarding how the authority considered and developed its position. It would enable the public to understand the basis of decisions affecting environmental matters and enhance confidence in the authority's actions.

- Public Participation in Environmental Decision-Making

Environmental information attracts a particularly strong public interest in disclosure. Releasing the information would assist informed public debate and allow stakeholders to engage more effectively in matters affecting the environment.

- Improved Scrutiny and Trust

Disclosure would allow the public to assess whether relevant factors were properly considered. Greater transparency can enhance public confidence in the integrity and robustness of the authority's decision-making processes.

Reasons why the public interest would favour withholding:

- Preserving a Safe Space for Internal Deliberation
- The information consists of internal communications recording candid discussions, preliminary views, options, and advice. Disclosure would undermine the private thinking space necessary for officials to explore issues freely before reaching a settled position. This could prejudice the quality of ongoing or future decision-making.
- Avoiding a Chilling Effect on Future Communications

Officials and advisers must be able to exchange frank and candid views without concern that incomplete or exploratory discussions will be subject to immediate public scrutiny. Disclosure could inhibit the willingness of staff to express views openly, reducing the effectiveness and quality of future internal discussions.

- Protecting Effective Decision-Making and Good Administration

Releasing internal communications could cause misunderstanding where comments represent developing views rather than final positions. There is a strong public interest in ensuring that decisions are reached through robust internal consideration before information enters the public domain.

- In this case, the need to protect the integrity of the decision-making process outweighs the benefits of immediate disclosure.

Conclusion

Following consideration of the Public Interest Test the Department has decided not to disclose the information.

The authority recognises the significant public interest in transparency, accountability and public participation in environmental matters. However, the withheld information comprises internal communications containing candid discussions and developing views exchanged as part of the authority's deliberative process. Disclosure would erode the safe space required for frank internal debate, create a chilling effect on future communications, and prejudice the effectiveness of decision-making. On balance, the public interest in maintaining the exception under Regulation 12(4)(e) outweighs the public interest in disclosure.

Lough Neagh Delivery and Governance