

ANNEX A

Public Interest Test – EIR

Reference Number – DAERA/26-663

Requested Information being withheld

The following information relating to inspections of the hydroelectric installation operating from Neilsbrook Weir on the River Main:

- What records are kept for these inspections?
- When was the last recorded date of inspection?

Exemption / Exception under consideration

Regulation 12(5)(b) of the Environmental Information Regulations 2004: the course of justice and inquiries exception.

Reasons why the public interest would favour disclosure:

- Regulation 12(2) requires the Department to apply a presumption in favour of disclosure.
- Disclosure would promote openness and transparency regarding the Department's inspection and enforcement activities.
- Disclosure may assist public understanding of how the Department monitors compliance with fisheries legislation.

Reasons why the public interest would favour withholding:

- The information relates to site inspections and associated enforcement activity concerning potential breaches of the Fisheries Act (Northern Ireland) 1966.
- Disclosure at this time would adversely affect the Department's ability to conduct an ongoing inquiry and any subsequent enforcement proceedings.
- Premature disclosure could reveal information relevant to the inquiry, including the nature and timing of inspection activity and matters identified during inspections.
- Disclosure outside the established investigation and court processes could compromise the Department's ability to investigate the matters concerned and determine what enforcement action, if any, is appropriate.

Conclusion

The Department has applied the presumption in favour of disclosure. However, it considers that, at this time, the public interest in protecting the integrity of the ongoing inquiry and any subsequent enforcement proceedings outweighs the public interest in disclosure.

The information requested will therefore be withheld under Regulation 12(5)(b) of the Environmental Information Regulations 2004.



**DAERA Inland Fisheries
Marine and Fisheries Division**