

Public Interest Test –EIR

Reference Number – DAERA/26-758

Requested Information

Provision of discharge consent limits to the Public Local Inquiry (Dalradian gold)

Exemption / Exception under consideration

Regulation 12 (4) (a) Material not held

Regulation 12 (5) (b) Course of justice and Inquiries

Reasons why the public interest would favour disclosure:

- The public have a legitimate right to access to information held by Government Departments which may relate to them or their property.
- Access to official information can improve public confidence and trust and Departments have a duty to operate transparently.
- The application is the subject of a public local inquiry where this information may be relevant to discussions.

Reasons why the public interest would favour withholding:

Regulation 12 (4) (a) Material not held

- The Department is unable to disclose information which it does not hold or where records were not created.

Course of justice and inquiries, para 12 (5) b

- Legal professional privilege (LPP) exists to ensure complete fairness in legal proceedings. LPP protects advice given by a lawyer to a client and confidential communications between them about that advice.
- Disclosure of such advice may adversely impact the course of the Inquiry given it would involve public access to privileged information when the inquiry is still ongoing
- These issues remain live given no decisions have been taken on the applications and the recommendations of the Commission will inform those decisions.

Conclusion

Following consideration of the Public Interest Test the Department has decided that the identified information should be withheld on the basis that the grounds for disclosure do not outweigh those for withholding the information which falls within the scope of the identified exemptions.

**Water Regulation
Northern Ireland Environment Agency.**