Environment, Marine and Fisheries Group
Marine and Fisheries Division

Department of
Agriculture, Environment and Rural Affairs
An Roinn
Talmhaíochta, Comhshaoil agus Gnóthaí Tuaithe
Depairtment o'
Fairmin, Environment an' Kintra Matthers
www.daera-ni.gov.uk

Reference Number: DAERA/26-700

[redacted]
No Gas Caverns Ltd

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30 October 2026

Dear [redacted]

Environmental Information Regulation 2004

I refer to your email dated 9 September 2026 requesting information held by the Department of Agriculture, Environment & Rural Affairs (DAERA), under the Freedom of Information Act 2000 (FOI). You requested the following information: -

1. **To advise if Islandmagee Energy Ltd has submitted a marine licence application; and**
2. **To advise of any discussions had regarding intent to do so held between this company and the Department and provide copies of correspondence.**

In considering your request on behalf of the Department I have determined that the information requested falls under the Environment Information Regulations 2004 (EIR), as opposed to FOI. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information. EIR gives rights of public access to environmental information held by public authorities.

A guide explaining the Environmental Information Regulations can be found at: Guide to the Environmental Information Regulations | ICO.

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Item 1- To advise if Islandmagee Energy Ltd has submitted a marine licence application

I can confirm that the Department has not received a marine licence application from Islandmagee Energy Ltd as of the date of this response.

Item 2- To advise of any discussions had regarding intent to do so held between this company and the Department and provide copies of correspondence.

I can confirm that the Department holds some information in relation to a Pre-Application Discussion (PAD) with Islandmagee Energy Ltd. As EIR relates to public rights of access to information, I must consider whether information is suitable for release to the world at large, and not solely to the applicant. I have examined the information you requested and carried out a public interest test to determine whether this information is suitable for release to the public. I attach all that is suitable for disclosure to the public.

Some information/details have been redacted from the information released, but these relate to personal information, e.g. signatures, personal telephone numbers and e-mail addresses which would clearly identify the names and addresses of individuals. The redacted information constitutes third party personal data within the meaning of the Data Protection Act 2018 (DPA). A public authority may only release third party personal data if to do so would be fair, lawful and would meet the conditions in Schedule 2, 3 or 4 of the DPA.

The information provided has, therefore, been redacted under the exception provided under EIR by Regulations 12(3) & (13): personal information. I am satisfied that the public interest is best served by withholding this information.

Some of the information that you had requested is not suitable for disclosure and has been withheld.

Under Regulation 12(1)(a) of the EIR, a public authority may refuse to disclose environmental information where an exception to disclosure applies under Regulation 12(4) or 12(5), and where the public interest in maintaining the exception outweighs the public interest in disclosure.

The Department considers that Regulation 12(5)(e) – *'the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest'* is engaged in respect of the withheld information. The information is commercially sensitive, and. the Department therefore considers that disclosure would adversely affect the confidentiality of information and the exception is engaged.

Additionally, the information withheld was voluntarily provided by the agent/applicant during the PAD process. The applicant is under no legal obligation to provide this information, has not consented to its disclosure, and disclosure would adversely

affect the applicant's interests by revealing information supplied in confidence at an early stage of project development. The Department therefore considers that Regulation 12(5)(f) is engaged:

(f) The interests of the person who provided the information where that person -

(i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;

(ii)did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and

(iii)has not consented to its disclosure.

The public interest in protecting the interests of persons who engage voluntarily and openly in the PAD process outweighs the public interest in disclosure in this case.

An associated Public Interest Test has been conducted and is attached for your information at **Annex A.** The Department has considered this element within the test attached at **Annex B** and has determined that no lawful basis for disclosure under EIR exists.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact the Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Jubilee House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department's decision.

Yours sincerely

[redacted]

Enc: -
Email of 30 September 2025 (DAERA / RPS TetraTech)
Letter of 11 November 2025 (RPS TetraTech)

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Annex A - Public Interest Test – EIR

Reference Number – DAERA/26-700

Requested Information

Information held on a marine licence application by Islandmagee Energy Ltd and any associated discussions and correspondence regarding discussions had regarding intent to do so & requirements to be fulfilled.

Exception under consideration

Exception Regulation 12(5)(e) - Confidentiality of commercial or industrial information

Reasons why the public interest would favour disclosure:

- Promotes transparency and accountability in the Departments decision-making process.
- Improves the public understanding on how environmental decisions are being determined.
- Facilitates public scrutiny of regulatory activities affecting the marine environment.
- Enhances confidence in the licensing/ approval process

Reasons why the public interest would favour withholding:

- The information relates to confidential pre-application discussions on proposals that remain under development.
- Disclosure could prejudice legitimate economic interests by revealing commercially sensitive information.
- Disclosure may undermine the effectiveness of the pre-application process by discouraging open engagement with the Department.

Conclusion

Following consideration of the Public Interest Test, the Department has concluded that the public interest in maintaining the exception outweighs the public interest in disclosure. While there is a clear public interest in transparency and accountability, greater weight has been attached to protecting confidential commercial information and maintaining effective pre-application engagement. The information is therefore withheld under Regulation 12(5)(e) of the Environmental Information Regulations 2004.

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Exception under consideration

Exception Regulation 12(5)(f) – Interests of the person who provided the information

Reasons why the public interest would favour disclosure:

- Promotes transparency and accountability in the Departments decision-making process.
- Improves the public understanding on how environmental decisions are being determined.
- Facilitates public scrutiny of regulatory activities affecting the marine environment.

Reasons why the public interest would favour withholding:

- The information was provided voluntarily by a third party during pre application engagement and was not required by legislation to be supplied
- Disclosure may undermine the effectiveness of the pre-application process by discouraging open engagement with the Department.
- Maintaining confidentiality supports effective engagement during the pre application stage, and assists the Department in obtaining comprehensive information to inform regulatory decisions.
- The applicant has not consented to disclosure of the information

Conclusion

Following consideration of the Public Interest Test, the Department has concluded that the public interest in maintaining the exception outweighs the public interest in disclosure. While there is a clear public interest in transparency and accountability, greater weight has been attached to protecting the interests of the third party who voluntarily provided the information and maintaining effective pre-application engagement. The information is therefore withheld under Regulation 12(5)(f) of the Environmental Information Regulations 2004.

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Exception under consideration

Exception Regulation 13 – Personal data

Reasons why the public interest would favour disclosure:

- Promotes transparency and accountability in the Departments decision-making process.
- Improves the public understanding how environmental decisions are being determined.
- Facilitates public scrutiny of regulatory activities affecting the marine environment.
- Enhances confidence in the licensing/ approval process

Reasons why the public interest would favour withholding:

- Individuals have a reasonable expectation that their personal data will remain confidential
- Disclosure would be to the world at large, and no lawful basis for disclosure has been identified
- Disclosure would result in unwarranted intrusion into individuals' privacy rights
- Transparency can be achieved through disclosure of the requested information with personal data redacted.

Conclusion

The Department has considered the requirements of the UK GDPR and Data Protection Act 2018 and is satisfied that disclosure of the personal data would be unlawful and unfair. Accordingly, personal data should be withheld under Regulation 13 of the Environmental Information Regulations (EIR) 2004, while the remaining information should be disclosed.

[redacted]
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ANNEX B - LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-700 - Environmental Information Regulations 2004 (EIR)

Request Details:
Information held on a marine licence application by Islandmagee Energy Ltd and any associated discussions regarding intent to do so

Brief description of the Personal Data falling within the scope of the request

The requested information contains personal data, including the names and contact details of individuals involved in correspondence and discussions relating to the matter under consideration. Data redacted from Appendices 1 & 2 includes personal as opposed to business names, addresses, phone numbers and email addresses. It also includes the redaction of signatures.

LAWFULNESS

Personal data is processed when it is lawfully disclosed in response to an EIR request.

The lawful basis for processing is set out in Article 6 of the GDPR and the ICO expects at least one of two lawful bases (Consent / Legitimate Interest) to apply before the personal data held can be disclosed.

Consent: This will apply when the data subject(s) clear consent exists that allows you to disclose the personal data falling within the scope of this request.

Legitimate interests: The processing is necessary for the Department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

Consideration of Legitimate Interests

1. PURPOSE
As the disclosure of personal data under FOIA or EIR is a disclosure to the world at large, doing so on the strength of a requester's private interests alone could constitute a disproportionate and unwarranted level of interference with the data subject(s) rights and freedoms, particularly their right to privacy and family life under the Human Rights Act 1998.

2. NECESSITY
The right of access under FOI or EIR does not in itself constitute a **pressing social need**. The Department has considered and not identified any such need for the data subject's right to privacy to be interfered with.

CONCLUSION
Having considered all the information contained within this test, the Department has established that, on balance, there is no lawful basis for the disclosure of third party personal data falling within the scope of the request of which the requester is not the data subject. The Department is satisfied that disclosure of personal data would be

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unlawful, unfair and not transparent. Accordingly, personal data should be withheld under Regulation 13 of the Environmental Information Regulations (EIR) 2004, while the remaining information should be disclosed.

[redacted]
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