26 April

Ashley Glover

Received by e-mail

**Re: AIE request AIE-021-2022**

Dear Mr Glover,

I refer to the request you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) (hereafter referred to as the AIE Regulations) for access to information held by Bord na Móna relating to Reports provided by Bord na Móna to NPWS (called quarterly monitoring reports) for the Enhanced Decommissioning Rehabilitation and Restoration Scheme EDRRS

Article 7(11) of the AIE Regulations applies to a number of records within the scope of your request. In accordance with this Article third party consultation has taken place.

**Result of the internal review of this decision**

As you will be aware from the acknowledgement of your request for an internal review, I was assigned to review your request. I made a decision on this review on 22 April 2022.

I understand that you have accepted the redaction of commercially sensitive information in the documents requested. You are appealing the one month timeframe granted by this Department to Bord na Móna to review (the decision to partially release the requested information) and make an appeal.

I have examined the records relevant to this request based on the updated grounds of the appeal relating to the timeframe for the Bord na Móna review. I have decided that the decision made by the initial decision-maker should stand, viz:

The records in question should be partially released in the public interest, following one month to allow Bord na Móna to review and appeal the decision. In my opinion, the review period of one month does not diminish the overall principle of transparency in this case.

I understand that Bord na Móna have been made aware of the provisions of the AIE Regulations relating to third party appeals to the Commissioner for Environmental Information. Article 12(4)(a)(i) of the AIE Regulations provide that such an appeal must be made within one month of receipt of notification. If no third party appeal is made to the Commissioner within one month, the records in question will be partially released to you. If an appeal is made the records will not be released unless the Commissioner decides that they should be released. You will be informed by this Department if an appeal is made to the Commissioner for Environmental Information.

**Public interest test**

Furthermore, in accordance with Article 10(3) and 10(4) I have weighed the public interest served by disclosure against the interest served by refusal of your request. I have determined that the public interest would not be served by disclosing the information you request, **in advance of the original timescale notified to you**,to enable Bord na Móna to complete the review process. This Department must make all reasonable efforts to seek the consent or otherwise of Bord na Móna prior to release of the information

**Right of Appeal**

In accordance with Article 12(3) of the AIE Regulations you may appeal this decision to the Commissioner for Environmental Information. If you wish to appeal, you must do so, within one month of receipt of this notification, to:

The Office of the Commissioner for Environmental Information,  
6 Earlsfort Terrace, Dublin 2, D02 W773.

Phone: +353-1-639 5689

Email: [info@ocei.ie](mailto:info@ocei.ie)

It is also possible to appeal online, see the website of the Commissioner for further details <https://www.ocei.ie/>.

The fee for such an appeal is €50 or €15 if you are the holder of a medical card or the dependent of the holder of a medical card.

**Contact details**

Please contact me at 01 8882275 or [keith.leonard@housing.gov.ie](mailto:keith.leonard@housing.gov.ie) if I can assist you in any matter relating to your request.

Yours sincerely,

Keith Leonard

Acting National Director for Fire & Emergency Management