



15 December 2024
Mr Neil Foulkes
Neilfoulkes62@gmail.com

Re: AAIE Request 22 1403 OCE-132879-J3K2Z3

AIE requests received from you to date in 2024: 224

Dear Mr Foulkes,

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 this the Department of Agriculture, Food, and the Marine (DAFM).

Your AIE Request

All information in relation to the contract awarded by the Forest Service of DAFM to a team comprising Auxilia Consultants, Forestry Services Ltd and Western Forestry Coop to undertake a training needs analysis (TNA) around the licencing process for afforestation, forest roads and tree felling and the application process for the Native Woodland Conservation Scheme (NWCS).

This includes methodology, consultation responses, reports, details of meetings, etc.

Your Internal Review Request

OCEI has instructed the Department to carry out a new internal review.

Summary of Decision

I have decided on this Internal Review request on 15 December 2024. My decision is to vary the decision of the Internal Review made on the 27 November 2022.

My decision is the part grant your request. I have identified seventy-seven (77) records that are relevant to your request. I have granted thirty-three (33) records in full, and I have part-granted three (3) which are redacted of personal information under article 8(a)(i) of the AIE Regulations. I have refused forty-one (41) records, as detailed below.

Article 7(3)(i)

Eleven (11) records are refused as they are publicly available as follows:

- Afforestation Grant and Premium Scheme 2014-2020
- Directive 2009/147/EC – Birds Directive
- Coford Forest Road Manual



- Directive 2011/92/EU – EIA Directive
- Felling Decision Tool
- Directive 92/43/EEC – Habitats Directive
- Native Woodland Conservation Scheme Document September 2015
- Terms & Conditions for the Registration of Foresters and Forestry Companies Forestry Programme 2015-2020 (Register of Foresters)
- S.I. No. 191 of 2017
- Standards of Felling & Reforestation - Version October 2019
- Training Needs Analysis

Article 8(a)(iv)

Three (3) records are refused as they would adversely affect the confidentiality of the proceedings of a public authority, in that they relate to internal standard operating procedures for different schemes. Under section 30(1)(a) of the Freedom of Information Act 2014,

30. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(a) prejudice the effectiveness of tests, examinations, investigations, inquiries or audits conducted by or on behalf of an FOI body or the procedures or methods employed for the conduct thereof.

Article 9(1)(b)

Two (2) records are refused as disclosure would adversely affect the course of justice, including one concerning privileged legal advice. In accordance with article 10(3) and 10(4), I have weighed the public interest served by disclosure against the interest served by part refusal of these records. I have determined that the public interest would not be served by releasing these records. The factors in favour of release of these records are the making available to the public, where practical and allowed under the law, in a transparent manner, information affecting the environment. I have decided that, on balance, the public interest in this case is best served by withholding this information, as I do not believe that the public interest served by the disclosure of this information outweighs the need to protect privileged legal advice and legal strategies of the Department, and the need to protect the Department's ability to effectively defend itself legally.

Article 9(1)(c)

Eleven (11) records are refused as disclosure of the records would adversely affect commercial confidentiality, including contracts, the awarding of contracts etc. In accordance with article 10(3) and 10(4), I have weighed the public interest served by disclosure against the interest served by part refusal of these records. I have determined that the public interest would not be served by releasing these records. The factors in favour of release of these records are the making available to the public, where practical and allowed under the law, in a transparent manner, information affecting the environment. I have decided that, on balance, the public interest in this case is best served by withholding this information, as I do not believe that the public interest served by the disclosure of this information outweighs the legitimate economic interest of the parties concerned that is protected by law.



Article 9(2)(d)

Fourteen (14) records are refused as they concern internal communications of public authorities. These records relate, *inter alia*, confidentiality agreements, setting up of payments, internal deliberations etc. In accordance with article 10(3) and 10(4), I have weighed the public interest served by disclosure against the interest served by part refusal of these records. I have determined that the public interest would not be served by releasing these records. The factors in favour of release of these records are the making available to the public, where practical and allowed under the law, in a transparent manner, information affecting the environment. I have decided that, on balance, the public interest in this case is best served by withholding this information, as I do not believe that the public interest served by the disclosure of this information would inhibit the internal deliberative processes and disclose sensitive information.

Article 8(a)(i)

Where information was partially refused, in accordance with article 10(3) and 10(4), I have weighed the public interest served by disclosure against the interest served by part refusal of your request. I have determined that the public interest would not be served by disclosing the redacted information you request. The factors in favour of release of this information are the making available to the public, where practical and allowed under the law, in a transparent manner, information affecting the environment. The factors in favour of withholding this information are the fact that the disclosure of personal information to a third party adversely affects the confidentiality of that information. Releasing an individual's personal information violates their right to privacy and confidentiality. DAFM needs to weigh the potential impact of disclosure against the need for transparency, in this case I am of the opinion that your information request is not compromised by redaction of personal information in the aforementioned records.

Article 10(5)

Please note that in making my decision, I have considered article 10(5), which states that,

Nothing in articles 8 or 9 shall authorise a public authority not to make available environmental information which, although held with information to which article 8 or 9 relates, may be separated from such information.

Schedule of Records

Please see schedule of records for information on records released. This lists the records that I consider relevant to your request. It provides a brief description of each record and the decision I have made on each record. Where I have decided to partially refuse access to a record, it specifies the article of the AIE Regulations under which this refusal has been made.



Designated Decision-Maker

With reference to article 11(2), the decision-maker who has reviewed this decision is a person unconnected with the original decision whose rank is the same as, or higher than, that of the original decision.

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

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.

Yours sincerely,

AIE Unit

Forestry Division

Department of Agriculture, Food & the Marine

Johnstown Castle Estate

County Wexford