

**An Roinn Talmhaíochta,  
Bia agus Mara**  
Department of Agriculture,  
Food and the Marine  
12 February 2025  
Mr Neil Foulkes  
[neilfoulkes62@gmail.com](mailto:neilfoulkes62@gmail.com)



**Re: AAIE Request 24 731**

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**

*For the period indicated October 2024, I wish to receive*

*1) A copy of all information submitted in relation to applications made under the new Native Tree Area Scheme. This includes additional information to applications that were made prior to the dates indicated.*

*To include*

*a) Application documentation, including reference number, excluding any personal information*

*b) A map of the proposed area in GIS format (shapefile/s and attribute data); please note that these are material information and DAFM hold the information in that format. \*\*\*\*This includes any GIS files submitted by applicants. Please note that any alternative must be functionally equivalent.*

*If DAFM intends to refuse this element of my request under Article 9 (2)(a) then please detail the precise process that would be required of the Forestry mapping team to meet this request.*

*2) Information on any approvals under the Scheme*

*3) The number of applications that have been digitised in to mapped format.*

**Summary of AIE Decision**

The original decision maker part granted your request, providing 140 records in relation to parts 1a and 2 of your request, 52 of which were redacted under article 8(a)(i) of the AIE Regulations. In relation to part 1b of your request, the information was refused under articles 9(1)(c) and 9(1)(d), with the original decision maker stating that the information requested was covered by the National Mapping Agreement (NMA). Information was also provided in relation to part 3 of your request.



## Your Internal Review Request

*I wish to request an internal review of this decision.*

*The information requested is NOT covered by the NMA.*

## Summary of Decision

I have decided on your Internal Review request on 12 February 2025. My decision is to vary the original decision for the following reasons:

- I have reviewed the searches completed in relation to the original request and I have conducted additional searches and I am satisfied that all records have been identified in relation to parts 1a, 2 and 3 of your request. I also a satisfied that the original decision make was correct in refusing the redacted information under article 8(a)(i) of the AIE Regulations.
- In relation to part 1b of your request, I have concluded after a review of the original decision that the information refused should be released.

Where information has been refused or partially refused, the following article(s) of SI 133/2007 apply:

*8(a)(i) A public authority shall not make available environmental information in accordance with article 7 where disclosure of the information would adversely affect the confidentiality of personal information relating to a natural person who has not consented to the disclosure of the information, and where that confidentiality is otherwise protected by law.*

It is my decision that the confidentiality of the records in question is otherwise protected by law under Section 37(1) of the Freedom of Information Act 2014. This provides that:

*37. (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).*

## Searches Conducted

Following the assignment of this Internal Review to me, the following searches were undertaken:

- An APEX report was run to extract all Native Tree Area Scheme applications received in October 2024.
- An APEX report was run to extract all Native Tree Area Scheme applications approved in October 2024.
- A check of iFORIS to ensure all relevant records were identified.
- Mr Frank Barrett, Grade 2 Forestry Inspector, was contacted in relation to a map of NTAS applications received and approved in October 2024.



## **Public Interest Test**

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, as protected by law.

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.

## **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](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.



Yours sincerely,

AIE Unit  
Forestry Division  
Department of Agriculture, Food & the Marine  
Johnstown Castle Estate  
County Wexford