

## Summary of decision-making

Statement of Reasons for the Decision made on request for Access to Information on the Environment 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)

**AIE REQUEST NUMBER: 054-2023**

**REQUESTER NAME: Right to Know**

### SUMMARY OF REQUEST:

- Agenda and minutes for the years 2017 to 2023 (to date)
- Reports to the Minister for the same period

### SUMMARY OF DECISION:

NUMBER OF RECORDS COVERED BY THE REQUEST	145
NUMBER OF RECORDS WHICH WILL BE RELEASED IN FULL (R)	Nil
NUMBER OF RECORDS FOR WHICH RELEASE IS BEING DEFERRED (DR)	Nil
NUMBER OF RECORDS WHICH WILL BE RELEASED WITH IN PART/WITH DELETIONS (RWD)	145
NUMBER OF RECORDS WHICH WILL NOT BE RELEASED (NR)	Nil

Details of the records covered by this request are set out in the attached schedule. Opposite each record the letters R, DR, RWD or NR appear, depending on whether they are being released in full, release is being deferred, released in part or not released (see summary above).

Full access has not been given to all the records requested as the Department considers it appropriate to apply some of the exemption provisions of regulations governing AIE. The schedule attached indicates the relevant provision of the AIE regulations (S.I. 133 of 2007) which covers this exemption. The schedule gives brief reasons why the exemption is being applied and copies of the relevant regulations are attached for your information.

Further information on the main factors taken into account in reaching this decision is outlined in the summary of the findings. If you have any further queries on this matter please contact the undersigned:

**Name of decision maker:** Ciara Carberry

**Date of Decision:** 11 March 2025      **Phone:** 01 5393126

## Summary of Findings

### 1. Findings on material issues taken into account in reaching this decision

- 145 records were examined and cross-checked.
- Each record was considered and is proposed for partial release and applied with Public Interest test. It is considered that the redaction of personal data does not impact the quality or readability of the record being considered for release.
- Third Party Consent: The Department is required to make efforts to determine if the third parties consent or refuse to release their data. There were approx. 40 Appellants – a letter issued seeking consent to release personal data e.g. name, the names of relatives or friends who may have accompanied appellant to the appeal hearing and information which could identify lands that were considered under the appeal process including maps, photos, boundary details and description of the site. Third parties did not consent to the release of their data and, in fact, many appellants expressed significant concern about releasing their data. If they did not reply providing consent, it is not proposed to release personally identifiable information.
- A number of records were prepared by an ecologist on behalf of the appellant. Financial support is provided to the appellant for the preparation of this report. It is proposed to redact names and company details (along with appellant personal details). Again, public interest is applied and the remainder of the record is proposed for release.
- A number of records were prepared by the Board – guidelines for the board advise their work is subject to FOI and AIE – while appellants' personal details were redacted, Board member names and recommendations are recommended for release. Public Interest is served by the proposed release showing a transparent and open system of appeals and is not impacted by the redaction of the personal details.
- Scientific Unit were consulted in respect of the 35 NPWS reports. They have indicated that there is no public interest served by refusing access to records and where necessary we have redacted any personal data for appellants. The remainder of the record is recommended for release.

### 2. Public Interest factors taken into account in this decision.

Article 10(3) & (4): Public Interest: - A number of factors were considered in favour of release of data of the records. Namely, the public's right of access to information under AIE regulations, ensuring openness and transparency of organisation's functions. Furthermore, in relation to the redactions, 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 redacted which you request.

### **3. Right of Appeal**

Under Article 11 of the AIE Regulations, you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of the staff of this Department, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

In the event that you wish to make such an appeal, you can do so by writing to the Information Officer, Strategic and Business Support Unit, Department of Housing, Planning and Local Government, Newtown Road, Wexford, Y35 AP90, referring to this decision, quoting your AIE reference number (AIE-054-2023). You must make your appeal within one month of the date of this notification, (the making of a late appeal may be permitted in certain circumstances). The decision of a review will be communicated to you within one month.