



01st May 2025

Mr Neil Foulkes

neilfoulkes62@gmail.com

Re: AIE / OCEI Internal Review 23 418 (OCE-143453-T7Z3T0)

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) for:

Your AIE Request

I wish to request under the Access to Information on the Environment Regulations;

1) The latest working draft version and the latest completed draft version of the SEA Environmental Report of Ireland's Forest Strategy Implementation Plan

2) Related correspondence to Item 1 between the Department and the Consultants producing the Report

3) The latest working draft version and the latest completed draft version of the Stage 1 AA Screening and Stage 2 AA Natura Impact Report (NIR) of Ireland's Forest Strategy Implementation Plan

4) Related correspondence to Item 3 between the Department and the Consultants producing the Report

Please note that completed draft versions are not covered by Article 9(2)(c). Refusal of working drafts are subject to the weighing of the public interest. These documents are of significant public significance and any weighing of the public interest must be specific to the records requested.

OCEI Decision

The Department informed the appellant that these AIE requests were being combined on temporal lines in order to alleviate the administrative burden on staff. The Department part granted the request, providing records in full for some elements of the 8 requests, providing redacted records for other parts, and refusing some parts of the 8 requests in full. The Department did not however, provide sufficient reasons to the appellant for the decision to make redactions in the released records, or for the decision to refuse records which were not released in full.

It is clear from my review of the relevant decision-making records in each of these appeals that the Department's decision-making process was not satisfactory having regard to the responsibilities



placed on public authorities by the AIE Regulations, therefore it is not possible for the appellant to discern why his requests have been refused.

Given the circumstances of the appeals subject to this decision, I am satisfied that the most efficient way to deal with these appeals is to remit each case to the Department for review of the relevant decisions. While it would have been open to me to seek further submissions from the Department in respect of each appeal, I am satisfied that the AIE regime is best served by dealing with these cases in this manner. This decision therefore annuls the internal review decisions in each appeal and the Department should now issue a new internal review decision to the appellant in each case. The Department should include adequate reasoning to the appellant for its new internal review decision in each case

Having carried out a review under article 12(5) of the AIE Regulations, I annul the decision of the Department in each appeal. The Department should now issue a new internal review decision in each case.

Summary of Decision

I have decided on your AIE / OCEI Review request on 01st May 2025. My decision is to vary the decision to refuse your initial request on the basis that 19 records have been found which are relevant to your; fifteen (15) of which have been grant in full and four (4) of which have been part granted with redaction.

Where information has been refused or partially refused, the following articles 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).

8(a)(ii) A public authority shall not make available environmental information in accordance with article 7 where disclosure of the information would adversely affect the interests of any person who, voluntarily and without being under, or capable of being put under, a legal obligation to do so, supplied the information requested, unless that person has consented to the release of that information.

9(2)(c) A public authority may refuse to make environmental information available where the request concerns material in the course of completion, or unfinished documents or data.



Search Conducted

Following the allocation of this Internal Review to me the following searches were carried out.

- Subject Matter Expert Janet Farrell HEO Forestry Policy Section was contacted and asked to search her emails, folders and drives for records relating to SEA and Ireland's Forest Strategy Implementation Plan
- Keywords searched for were: "SEA, Environment, AA, Arup, Natura Impact" searches were conducted in the shared drives and the Department eDocs system in relation to the scope of your request and filtered as per the keywords outlined above.

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

With regard to article 10(6), which states,

Where a request is refused pursuant to article 9(2)(c) because it concerns material in the course of completion, the public authority shall inform the applicant of the name of the authority preparing the material and the estimated time needed for completion.

I can confirm that the Decision-Maker at the time of the initial AIE request was correct in redacting some of the records which were in the course of completion and had not been published. They have all been completed now and are on the website at:

[Environmental Assessment Reports for Forest Strategy Implementation Plan including the Forestry Programme 2023-2027](#)

Right of review

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, unconnected with the original decision, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

If you wish to request an internal review, you can do so by emailing FOI Unit at freedomofinformation@agriculture.gov.ie referring to this decision, quoting the AIE reference number. This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

Yours sincerely,

AIE Unit,

Forestry Division,

Department of Agriculture, Food & the Marine,

Johnstown Castle Estate,

Co. Wexford.