



05<sup>th</sup> June 2026  
Mr Neil Foulkes  
Neilfoulkes62@gmail.com

**Re: AAIE Request 26 089**

Dear Mr Foulkes,

I refer to the request you made on 27<sup>th</sup> March 2026 and your request for an internal review made on 06<sup>th</sup> May 2026, 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**

*Under the Access to Information on the Environment Regulations, in electronic format;*

*I seek the following information held by or for DAFM from 1 January 2021 to date:*

- 1. All records concerning the conception, design, development, appraisal and advancement of the Derryclare Forest to Bog project, including internal correspondence, meeting records, submissions, draft proposals and decision records.*
- 2. All records concerning the use of Derryclare as a pilot, model, precedent or template for future forest to bog restoration projects, including any standard methodology, framework, guidance, template, lessons-learned document, policy paper or rollout proposal.*
- 3. All records concerning funding for the project, including approvals, sanction, budget allocations, cost estimates, funding source, grant/payment records, conditions attached to funding, and any assessment of value for money or outcomes.*
- 4. All records of engagement with Coillte and/or NPWS concerning the project's development, funding, mitigation design, and its use as a model for future projects.*
- 5. All records showing how DAFM addressed any issue of role separation, independence, objectivity or conflict of interest arising from DAFM's involvement in funding/developing the project while also acting as licensing authority.*

*Please interpret this request broadly.*

*Please provide a schedule of records with your decision.*

*Please ensure that all records provided are compatible with Assistive Technology.*



## Summary of AIE Decision

As one of the Subject Matter Experts was on extended leave an initial informal extension request was requested from you. You agreed to the extension request. On return of the SME it was the AIE section was informed further SME's were required. A second informal extension request was requested from you, however, in your response on 06<sup>th</sup> May 2026, you felt, in order to protect your statutory rights that an internal review based on a deemed refusal would be more appropriate.

## Your Internal Review Request

*Thank you for following up. I feel that it is in my best interest in order to protect my statutory rights for me to request an internal review based on a deemed refusal of my request.*

## Summary of Decision

I have decided on your Internal Review request on 05<sup>th</sup> June 2026. My decision is to vary the original decision.

The basis for my decision is that I have identified thirty-five (35) records held by the Department in relation to your request, of which:

- Nine (9) are granted in full.
- Twenty-One (21) of which are part granted, with redactions.
- Three (3) are refused as they are in the public domain.
- Two (2) are refused as they are internal communications.

Details of records and the items they pertain to will be provided with the schedule of records.

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

- 7(1) *A public authority shall, notwithstanding any other statutory provision and subject only to these Regulations, make available to the applicant any environmental information, the subject of the request, held by, or for, the public authority.*
- 7(3)(a) *Where a request has been made to a public authority for access to environmental information in a particular form or manner, access shall be given in that form or manner unless-*
- (i) *the information is already available to the public in another form or manner that is easily accessible.*
- 8 *A public authority shall not make available environmental information in accordance with article 7 where disclosure of the information-*
- (a) *would adversely affect-*
- (i) *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.*



9(1) *A public authority may refuse to make available environmental information where disclosure of the information requested would adversely affect-*

*(a) international relations, national defence or public security.*

9 (1) *A public authority may refuse to make available environmental information where disclosure of the information requested would adversely affect-*

*(c) commercial or industrial confidentiality, where such confidentiality is provided for in national or Community law to protect a legitimate economic interest.*

9(2) *A public authority may refuse to make environmental information available where the request-*

*(d) concerns internal communications of public authorities, taking into account the public interest served by the disclosure.*

## **Searches Conducted**

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

- (i) A searching email was sent to the Forestry Inspector Grade 2, in the Environment Section and Subject Matter Expert (SME) involved in the Derryclare Bog Project. The SME completed searches, using the keywords 'Derryclare' & 'Bog Restoration' in the following areas:
- Email Inbox
  - eDocs Shared Drive
  - Local Shared Drive
  - Officers Own Drive

The SME identified twelve (12) records relevant to your request. The SME also identified a further SME in relation to your request.

- (ii) A searching email was sent to the HEO and AP, in the Coillte Corporate Governance Unit, both Subject Matter Experts (SME) involved in the Derryclare Bog Project. The SME's completed searches, using the keywords:
- Derryclare forest to bog project
  - Derryclare pilot
  - Derryclare project
  - Forest to bog restoration

in the following areas:

- Email Inbox
- eDocs Shared Drive
- Local Shared Drive
- Officers Own Drive

The SME identified twenty-three (23) records relevant to your request.



## **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 and the 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.

### **Article 8(a)(i)**

The factors in favour of withholding are that the disclosure of personal information such as staff mobile phone numbers to a third party adversely affects the confidentiality of that information. There is little to no public interest in the release of mobile numbers to the public which is similar information to that determined not to be in the public interest to release in the Commissioner's decision in OCE-161017-J5W7L2.

It is my decision that the confidentiality of the records in question is otherwise protected by law under Regulation (EU) 2016/679 (GDPR) and the Data Protection Act 2018.

### **Article 9(1)(a)**

The factors in favour of withholding the information that is refused under article 9(1)(a) is that it is reasonable to expect that access to internal links, were they to be released into the public domain at large, would compromise the security of the Department's I.T. systems. I have concluded that the larger public interest in access to internal links is non-existent. In consideration of the above, I have decided that the public interest in maintaining high standards of I.T. security outweighs the public interest in release.

### **Article 9(1)(c)**

The figures in question relate to tender processes and associated costs both to date and planned, made to third-party contractors for specific works, and their disclosure could adversely affect the contractors' legitimate economic interests. In particular, public release of such cost data could undermine the integrity of future tendering processes by revealing pricing structures, enabling competitors to undercut bids, and distorting market dynamics. It could also damage Coillte's commercial relationships with suppliers, who may be reluctant to engage in future contracts if sensitive financial information is routinely disclosed. The redactions are necessary to safeguard commercial confidentiality protected by law.

In applying Article 9(1)(c), I have considered the public interest in disclosure and acknowledges the importance of transparency in environmental matters. However, the public interest in accessing the specific cost information does not outweigh the potential harm that disclosure would cause to the commercial interests of the contractors involved. The figures redacted reflect competitively negotiated rates and form part of the contractors' pricing strategies. Disclosure could undermine fair competition in future procurement processes and damage Coillte's ability to secure value for money in future contracts. On balance, the commercial harm likely to result from disclosure outweighs the marginal public benefit of releasing the specific cost figures.



### Article 9(2)(d)

The redacted information contains observations or opinions from staff which amount to internal deliberation. I have considered the public interest test in the Department's necessity for transparency in relation to environmental information; however, I have also considered the public interest served by protecting the Department's ability to communicate freely on operational project matters such as the ones in these records. It is reasonable to expect that the release of these discussions would inhibit the free-thinking space for deliberations. It would also be reasonable to conclude that where deliberations are forced into the public domain, this would act as a deterrent for experts to communicate and provide valuable input on important issues or measures in the future which would impact the quality of services provided by the Department and in turn have a negative impact on the environment. After careful consideration I have decided that a release of these records would disclose the substance of internal staff discussions and breach the free-thinking space of the Department, which is necessary for effective administration.

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.*

### Summary of Records

Please see below summary of records identified for release in Table 1 below.

**Table 1 - Breakdown of Records for Release**

Description	Number of Records
Reports	4
Correspondence	26
Maps/Photos	2
Notes	3
<b>Total</b>	<b>35</b>

### Fees

As detailed on our website ([gov.ie](http://gov.ie) - [Access to Information on the Environment \(AIE\) \(www.gov.ie\)](http://www.gov.ie)) and noted in the acknowledgement email which issued to you upon receipt of this request, article 15 of the AIE Regulations allows a public authority to charge a reasonable fee for the cost of supplying environmental information. The records requested in this instance are not of a nature that would be publicly disseminated or published in the normal course of business for the Department. As such, a charge will apply to your AIE request. The charge is based on a rate of €20 per hour for search, retrieval, compilation & copying. I have completed our review of your AIE request and have compiled the information that the Department holds related to your request.

I have calculated that completing your AIE request took **134 minutes**, therefore a charge of **€40** will be applied to your AIE request.



Details of the actions taken during the search and retrieval process, along with a breakdown of the total fee are included in Table 2 below.

**Table 2 - Fees**

Action	Time spent (in minutes)	Cost €
Search and Retrieval (Time spent locating and identifying relevant files/records)	87	29
Compilation (Time spent considering exemptions and completing redactions where required and compiling to final format for release)	42	14
Preparation of Schedule	5	1.67
<b>Total Amount</b>	134	44.67
<b>Chargeable Amount*</b>	120	40

If you are a medical card holder search, retrieval and compilation fees will be reduced to €6 per hour. If you wish to avail of the reduced rate, please provide the following documents:

- A copy of your medical card
- A completed Medical Card Consent Form

**These documents must be sent to [AIE@agriculture.gov.ie](mailto:AIE@agriculture.gov.ie) to avail of the reduced fees.** The documents must be provided as outlined and confirmation of receipt confirmed before making contact to pay the fee. A copy of the Medical Card Consent form is available here: [gov.ie](http://gov.ie) - [Access to Information on the Environment \(AIE\) \(www.gov.ie\)](http://www.gov.ie) .

\*The chargeable amount for medical card holders for this AIE request is €12

### Payment

Payment can be made by credit/debit card over the phone between 09.15am – 12.45pm and 2pm – 5pm Monday to Friday (excluding bank holidays).

Please phone **049-4352053**, where card details will be taken, and payment processed. During this call, you will be asked for your name, address and phone number and the reference number of the AIE concerned. This is to enable matching the payment to the AIE. The information will not be retained, once the payment is validated and attached to a submission. The Department cannot accept responsibility for incorrect AIE reference numbers.

Payment will be required in advance of disclosure. **If payment is not received within 30 days it will be assumed that the information is no longer required, and DAFM is not obliged to furnish the information sought in your request.**

The above records outlined in Table 1 and a schedule of the records will be provided once payment has been confirmed.



### **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,

### **Forestry AIE Unit**

Forestry Division

Department of Agriculture, Food & the Marine

Johnstown Castle Estate

County Wexford