

04/06/2025

Re: Freedom of Information request 202503 – Request Part-Granted.

Dear

I refer to your request originally dated and received on the 23rd of April 2025, and the revised scope received by this office on 07th of May 2025, which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

- 1. I am seeking records from 1 July 2023 to present only.*
- 2. I wish to limit the request to records relating to the following two sites only:*
 - *The former Machinery Yard site in Newbridge*
 - *The Cherry Avenue lands in Kildare Town*
- 3. I am specifically requesting correspondence and meeting records between the LDA and the following stakeholders:*
 - *Kildare County Council*
 - *Department of Housing, Local Government and Heritage*

To clarify, I am seeking:

- *Correspondence (emails, letters, memos) between the LDA and the above stakeholders concerning these sites.*
- *Any meeting agendas, minutes, notes, or briefings held between these parties regarding the sites.*
- *Any internal LDA reports or evaluations referring to development potential or proposals for these two sites.*

I wish to inform you that I have decided to part - grant your request on the 04th of June 2025.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decisions to deny access.

On receipt your request was forwarded to the relevant sections within the LDA to identify records held which were within the scope of your request as set out above.

There were two records identified as within the scope of your request relating to one of the site requested, namely the Newbridge Industrial Estate or Machinery Yard site as identified by you.

- Record 1-an extract from minutes of a meeting between Kildare County Council and the LDA on 13/05/2024.

• **Record 2**-an extract from presentation provided by the LDA to Kildare County Council on 13th May 2024.

These records are attached to this decision letter for your information.

One redaction has been applied to Record 1 under Sections 36 (1) of the Act. This redaction is detailed in the Schedule of Records in **Appendix 1**.

Section 36 states that:

Commercially Sensitive Information

36. (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains

- (b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or*
- (c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.*

I am cognisant of the fact that the release of information under the Act is, in essence, a release to the public at large. I am satisfied that the release of certain sensitive information contained within these records would prejudice the ability of the LDA to carry out negotiations with other state bodies, in this case Kildare County Council.

Furthermore, releasing this information could prejudice any current or future negotiations by the LDA with Kildare County Council or other bodies.

I am refusing the release of parts of the records under the provisions of section 36(1)(b) & 36(1)(c) as they contain commercially sensitive information.

Public Interest Test

There is a Public Interest Test associated with section 36 of the FOI Act whereby my decision must be made having fully considered the harm and public interest relevant to this request. I have considered the public interest issues which arise in your request, and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of organisational functions to the greatest possible extent.
- The public interest in members of the public exercising their rights under the FOI Act.
- That there is more than just a transitory interest by the public in this information being released.
- The right to commercial confidentiality is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records as detailed in your request, I have taken into the account the following:

- Allowing a public body to hold commercial information, in this case including appraisals of land, without undue access by members of the public.
- That the LDA is not prevented or impeded from the effective pursuit of its legitimate business.
- That the LDA can conduct its commercial activities with external stakeholders, including with other State or Semi-State entities in this case a local authority, in a confidential manner.
- That external companies are allowed to provide the LDA with confidential information without fear of release.

Having balanced the public interest factors both for and against the release, I decided that the public interest in preserving the information and the reasonable expectation that information can be maintained in a confidential manner by the LDA outweighs the public interest which would be served were the detail released to you.

2. Right of Appeal

In the event that you are unhappy with this decision you may appeal against it. If you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Land Development Agency, 4th Floor, Ashford House, Tara Street, Dublin 2 or by e-mail to foi@lda.ie.

Please note that the fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Head of Finance, Land Development Agency, 2nd Floor, Ashford House, Tara Street, Dublin 2.

Payment can be made by electronic means, using the following details:

The Land Development Agency DAC
IE61AIBK93101264101092
BIC: AIBKIE2D

You must ensure that your FOI reference number (**FOI 202503**) is included in the payment details.

You should make your appeal within 4 weeks of the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve complete reconsideration of the matter by a more senior member of the staff of this body.

Please be advised that the Land Development Agency replies under Freedom of Information may be released into the public domain via our website at lda.ie. Personal



An Ghníomhaireacht Forbartha Talún
The Land Development Agency

details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact me by telephone on (01) 9103400.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Szyszko', is written over a thin blue horizontal line.

Monika Szyszko,
Senior Compliance Manager

Appendix 1: Schedule of Records

Requester name:				Request Re:202503	
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1	Record 1 extract of minutes from a meeting between LDA and KCC dated 13/5/2024	One sentence	36	Commercially sensitive Information	Part-Grant
2	Record 2 a slide from a presentation given to KCC on 13/5/2024	N/A	N/A	N/A	Grant
		Total number of pages			2
		Total number of pages for full release			1
		Total number of pages for partial release			1
		Total number of pages being withheld			0

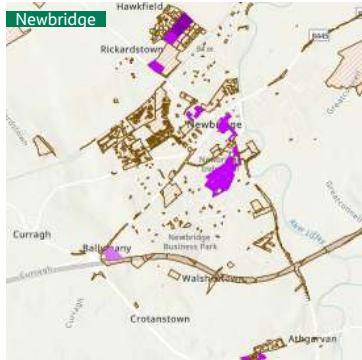
Record 1

Kildare County Council RRPL meeting 13/05/2024 2pm

Attendees Dearbhla Lawson, Alan Kelly, Sinéad O'Donoghue, Cillian Lehmann, Siobhán Campbell, Sonya Kavanagh, Annette Aspell, Alan Dunney, Aoife Brannegan, Patrick Henderson, David Creighton

Site	Settlement	Kildare comments
Newbridge Industrial Estate (larger)	Newbridge	Many freeholds have been bought out by licensees. KCC doesn't own the entirety of what is identified in the map. [REDACTED] [REDACTED] [REDACTED]

Sites Identified in Kildare County Council for consideration - Newbridge



- Newbridge Local Area Plan 2025 – 2031 currently being prepared



Newbridge Industrial Estate

- Address: Newbridge Industrial Estate, Newbridge, Co. Kildare, W12Y497
- Registered Owners: Kildare County Council
- Occupiers: Newbridge Industrial Estate, Newbridge Youth Training and Development Centre
- Site Size: 16.7ha
- Zoning: Industrial and Warehousing
- No relevant planning history



Newbridge Industrial Site

- Address: Athgarvan Rd, Kilbelin, Newbridge, Co. Kildare, Ireland
- Registered Owners: Kildare County Council
- Occupiers: Crystal Clean Whitewater Shopping Centre Newbridge
- Site Size: 1.1ha
- Zoning: Town Centre
- No relevant planning history

<https://www.stotles.com/explore/notices/24ace640-f6d0-4509-9d76-9a2c36a44907/masterplanning-multi-disciplinary-design-team-services-to-prepare-a-framework-masterplan-for-the-naas-north-west-quadrant-county-kildare>