

18/06/2024

Re: Freedom of Information request 202413 – Request Refused.

Dear,

I refer to your request, dated and received on the 20th of May 2024, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

A copy of the LDA commissioned evaluation of the potential for the Cathal Brugha Barracks to be repurposed as a new housing-led mixed-use community.

I wish to inform you that I have decided to refuse your request on Tuesday, June 18, 2024.

The purpose of this letter is to explain that decision.

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

Details of your request were provided to the relevant sections within the LDA to identify records held which were within the scope of your request.

The FOI Act 2014 provides that in certain circumstances, a public body may refuse the release of certain records or part thereof. As such these records have been refused under Section 29(1) of the Freedom of Information Act, 2014. These records are detailed in the Schedule of Records in **Appendix 1**.

The LDA has been undertaking a feasibility study regarding the Cathal Brugha Barracks as part of a wider process underway to assess the potential for the Barracks site. This is part of the deliberative process with key stakeholder engagement and due consideration being undertaken at each stage. This work is in draft and confidential and ongoing as part of a deliberative process, and not available at this time for sharing.

Section 29(1) of the Freedom of Information Act 2014 refers as follows:

Deliberations of FOI bodies

29(1) A head may refuse to grant an FOI request-

(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes), and

(b) the granting of the request would, in the opinion of the head, be contrary to the public interest,

and, without prejudice to the generality of paragraph (b), the head shall, in determining whether to grant or refuse to grant the request, consider whether the grant thereof would be contrary to the public interest by reason of the fact that the requester

concerned would thereby become aware of a significant decision that the body proposes to make.

Public Interest Test

As per section 29 of the FOI Act, I have considered the public interest issues which arise in this case 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.
- The public interest in demonstrating value for money in relation to a public body's activities.
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied.
- That there is more than just a transitory interest by the public in this information.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to make its decisions without undue intrusion into the process.
- The public interest is not best served by releasing these records.
- This record was commissioned to inform the decision of the Land Development Agency and other public bodies.
- Internal evidence within these records show they are part of a process which has not yet been concluded.
- The documents outline options for the Agency and other FOI bodies which would be pre-empted should the record be released at present.
- Premature release could negatively affect future decision-making processes.
- Premature release could contaminate the decision-making process.

A public interest test was carried out when considering the release of the records but, having balanced the factors both for and against the release, I have, on balance, decided that the public interest in preserving the integrity of the decision-making process would be better served by withholding the relevant parts of these records.

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, 2nd Floor, Ashford House, Tara Street, Dublin 2 or by e-mail to foi@lda.ie.

Please note that a 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 202413**) is included in the payment details.

You should make your appeal within 4 weeks from 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 a 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 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,



Monika Szyszko,
Senior Compliance Manager

Appendix 1: Schedule of Records

Requester name: Re:202413					Request
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1-69	Record 1 Report	Entire Document Withheld	29	Deliberations of FOI bodies	Refuse
70-326	Record 2 Appendices	Entire Document Withheld	29	Deliberations of FOI bodies	Refuse
		Total number of pages			326
		Total number of pages for full release			0
		Total number of pages for partial release			0
		Total number of pages being withheld			326