



5th, April 2023
Right to Know
requests@righttoknow.ie

Re: AIE request AIE-040-2023

Dear Right to Know

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 Department of Housing, Local Government and Heritage relating to *request any records in relation to NPWS enforcement actions / inspections / inspectors site notes / related correspondence for water abstraction within SACs for potato farming / processing in Kilkenny*

Summary of Decision

I made a decision on your request on 5th April, 2023. I have identified **48** records which relate to your request. I have decided that you should be granted access in full to **12** records. I am granting access to a further **35** records with some information redacted by reason of Article 8(a)(i) – personal information relating to a third party. In the case of the remaining **1** record I have decided that these should be refused under the AIE Regulations pursuant to Article 8 (a) (1)

Grounds that, subject to article 10, mandate a refusal

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,

Schedule of records

I have attached a schedule of records with this letter. This lists the records that I consider relevant to your request. It provides a brief description of each record and the decision I have made on each record. Where I have decided to refuse or partially refuse access to a record, it specifies the Article of the AIE Regulations under which this refusal has been made. For these records, it also records how I have applied the public interest test pursuant to Article 10(3) and 10(4).

Emissions



In reaching the above decision and where information has been refused under Article 8 and/or 9(1)(c), I have in accordance with Article 10(1), examined whether your request relates to information on emissions into the environment and have determined that it does not.

Public interest test

Furthermore, 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 you requested.

Charges

In accordance with Article 15 of the AIE Regulations, I propose to charge a fee €0.

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 writing to Anthony Dowd, AIE Officer, 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.

Please contact me at Padraig.Comerford@npws.gov.ie if I can assist you in any matter relating to your request.

Yours sincerely,

Padraig Comerford

Divisional Manager