



Right to Know
requests@righttoknow.ie

02/06/2023

Our Ref: AIE request 6-1-2023

Decision Letter

Dear Sir/Madam,

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 the Office of Public Works (OPW) relating to:

“Under the AIE Regs to request copies of

- 1) all Section 50s granted*
- 2) all Section 50s refused*
- 3) all Section 9s granted*
- 4) all Section 9s refused*
- 5) all Section 47s granted*
- 6) all Section 47s refused*

Please include the initial Application Form AND the OPW documents granting/ refusing the consent

For the purposes of this AIE, please consider the years 2021, 2022 and 2023 to date

For the purposes of this AIE, active disclosure via publication of consents on [gov.ie](https://www.gov.ie) or similar will suffice

<https://www.gov.ie/en/publication/957aa7-consent-requirements-constructionalteration-of-watercourseinfrastru/>

Notes:

Section 50: Arterial Drainage Act, 1945 *The consent of the Commissioners is required by bodies and persons proposing to carry out construction/alteration works on bridges and culverts.*

Section 9: Arterial Drainage Amendment Act, 1995 *The Commissioners may consent to alterations to existing watercourses or structures in Drainage Schemes if the proposed works would not increase the risk of flooding or have a negative impact on drainage of land.*

Section 47: Arterial Drainage Act, 1945 *Any person planning to erect or alter a weir must first get consent from the Commissioners or all the affected landowners.”*

As you are aware from the initial acknowledgement letter of 05/04/2023, I am the decision-maker dealing with your request and may be contacted at patrick.gaines@opw.ie

Due to the volume, complexity and geographical location of the information, I was unable to make a final decision on your request within one month from the date on which the request was received. Accordingly, under Article 7 (2) (b) of the AIE Regulations, I extended the timeframe for dealing with your request by one further month in my letter dated 03/05/2023. I undertook to notify you of my decision as soon as possible, but at the latest by 02/06/2023.

Summary of Decision

I made a decision on your request on 02/06/2023, and I am part- releasing the information under Article (3) (a) (ii) of the AIE Regulations, with redactions, and I set out my reasons below.

‘(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—

(ii) access in another form or manner would be reasonable.

(b) Where a public authority decides to make available environmental information other than in the form or manner specified in the request, the reason therefore shall be given by the public authority in writing.’

Applications for consents are received across three geographical locations, and Head Office in Trim. They are received in electronic and paper format. While the OPW seek to make a decision on a consent within eight weeks, this is not always possible due to the application contents. The OPW as lead agency for flood risk management in Ireland assess the submitted design proposal, and it may require further communication between parties before a decision may be reached. This may result in the consent being granted some considerable time after the original application date.

Where an application status is marked as ‘request for information’ (RFI), a request from the OPW has issued to the applicant/agent for further/revised information.

The applications and subsequent communications contain large amounts of personal data, and the OPW must be mindful of the General Data Protection Act, when considering the release of data.

I acknowledge Article 5 (1) (d) of the AIE Regulations regarding the maintaining of registers or lists of the environmental information held by the authority, and the provision of access to the registers or lists under Article (5) (5) of the AIE Regulations. The OPW is currently reviewing this process regarding consents.

As the data being provided to you within the scope of your request comprises 294 records, this will result in the redacting of large volumes of communications and information. I must consider the resource nature of this task regarding multiple communications. As such, the information identified within the scope of your request is being made available to you in a list format with redactions.

Consent granted from the Commissioners of Public Works in Ireland does not confer planning permission. Planning permission is a matter for each Local Authority within their administrative area.

Schedule of Records

I have identified 294 records. I have also enclosed a schedule with this letter that lists the documents being released along with a brief description of each document. If you identify any application that you seek further information on, or wish to discuss any matter relating to your request, please contact myself by telephone at 046-942 2446 or by email at patrick.gaines@opw.ie.

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 the Office of Public Works, 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 foiunit@opw.ie, referring to this decision, quoting the AIE reference number 06-1-2023. 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,

Patrick Gaines

Patrick Gaines
Flood Projects Management,
The Office of Public Works.