

Summary of decision-making for internal reviewer

STATEMENT OF REASONS FOR THE DECISION MADE ON REQUEST FOR ACCESS TO INFORMATION ON THE ENVIRONMENT UNDER REGULATIONS 2007 (S.I. No. 133 of 2007)

AIE REQUEST NUMBER: AIE/2010/015

REQUESTER NAME: Mr Pat Swords

SUMMARY OF REQUEST FOR INTERNAL REVIEW:

Mr Swords requested an internal review, in particular on the decision made in respect of part two of his original request: "What is the official position of the Department of the Environment with regard to the processing of licenses and permits, such as a foreshore application, within an appropriate timeframe and the 2001 Prevention of Corruption (Amendment) Act of 2001".

SUMMARY OF DECISION:

NUMBER OF RECORDS COVERED BY THE REQUEST	5
NUMBER OF RECORDS WHICH WILL BE RELEASED IN FULL (R)	0
NUMBER OF RECORDS FOR WHICH RELEASE IS BEING DEFERRED (DR)	0
NUMBER OF RECORDS WHICH WILL BE RELEASED WITH IN PART/WITH DELETIONS (RWD)	0
NUMBER OF RECORDS WHICH WILL NOT BE RELEASED (NR)	5

Details of the records covered by this request for internal review are set out in the attached schedule. Opposite each record the letters R, DR, RWD or NR appear, depending on whether they are being released in full, release is being deferred, released in part or not released (see summary above).

Full access has not been given to all the records requested as the Department considers it appropriate to apply some of the exemption provisions of the AIE regulations. The schedule attached indicates the relevant provision of the AIE regulations which covers this exemption. The schedule gives brief reasons why the exemption is being applied and copies of the relevant section of the regulations are attached for your information.

Further information on the main factors taken into account in reaching this decision is outlined in the summary of the findings. If you have any further queries on this matter please contact the undersigned:

Name of Reviewer: Fiona Quinn

Phone: 053-9117340

Date of Decision by Reviewer: 2 December 2010

Summary of Findings

1. Findings on material issues taken into account in reaching this decision

- In respect of part one of the request, I agree with the decision maker that the five records available in respect of the foreshore application by Dublin City Council for the proposed Dublin Waste to Energy Plant at Poolbeg, Dublin are exempt under Section 3(2) of the European Communities (Access to Information on the Environment) Regulations 2007. I consider that the Department / Minister is acting in a judicial or legislative capacity in exercise of a statutory function under the Foreshore Act in this regard.
- In respect of part two of the request, I have confirmed that there are no records available.

2. Public Interest factors taken into account in this decision.

I have considered the public interest factors relating to the release of the 5 available records and, given the legislative / quasi-judicial function of the Department / Minister in regard to the assessment of foreshore applications, I consider that it would not serve the public interest to vary the decision made as to do so might undermine the foreshore application system.