

An Roinn Caiteachais Phoiblí  
Sheachadadh PFN agus Athchóirithe  
Department of Public Expenditure  
NDP Delivery and Reform



Ref: S1583 PAC33

23 February, 2024

Ms. Catherine Smyth  
Committee Secretariat  
Committee of Public Accounts  
Leinster House  
Dublin 2

Dear Ms. Smyth

I refer to your letter on behalf of the Committee of Public Accounts dated 9 February, 2024 requesting information for the Committee on a number of matters.

This information sought is detailed in the attached briefing note, which follows the headings set out in your letter.

I trust that this information will be of assistance to the Committee.

Yours sincerely

David Moloney  
Secretary General



## **Information Notes requested by the Committee of Public Accounts in letter of 9 February, 2024**

### **1. In relation to the mid-term review of the NDP 2021-2030:**

**(a) How far advanced is the review?**

**(b) What is the expected completion date?**

The Minister for Public Expenditure, NDP Delivery and Reform set out the proposed approach to updating the National Development Plan (NDP) ceilings out to 2026 in a Memorandum for the Information of the Government brought to Government on 20 December, 2023.

The primary aim of this update is to identify the adjustments and re-alignments which are required to the NDP in order to deliver on Government policy priorities. However, in setting revised NDP allocations by sector out to 2026, there is a requirement on all Departments to assure Government that investment plans will be delivered, on time and budget, while also achieving value for money.

The revision of the NDP allocations out to 2026 will see an additional €2.25 billion from windfall tax receipts allocated to capital expenditure over the period 2024-26 and will facilitate the progression of important projects and enable more rapid development of key Programme for Government commitments, such the delivery of actions to fulfil our climate action plan commitments, the provision of more housing and enhanced education facilities.

In this regard, additional capital expenditure of €250 million is being made available for 2024 from windfall exchequer receipts, with a further €2 billion being made available across 2025 (€750 million) and 2026 (€1.25 billion).

Recognising the capacity constraints in the economy, it is intended that the additional funding will be targeted at projects that are at the appropriate stage of development for advancement in 2025 and 2026. This would include the consideration of which sectors have been able to utilise existing NDP allocations in recent years and who have a good track record of delivery.

An independent evaluation of NDP priorities and capacity was published by the ESRI in January 2024. This report is currently informing the Minister for Public Expenditure, NDP Delivery and Reform, his Ministerial colleagues and officials as they engage with Departments and agencies on their NDP allocations to 2026.

A series of Ministerial bilaterals has already been held in relation to this process, as well as extensive engagement at official level. The process of negotiating the updated NDP allocations to 2026 with Departments is ongoing.

2. **In relation to Walter Scott House on Military Road;**  
 (a) **Regarding the additional units being accommodated in this building, how are the additional people being accommodated?**  
 (b) **Is additional off-site car parking being used and paid for?**

The response to this query is included along with the related response to Item 4 below.

3. **The Committee requests that it be provided with the detailed note and scenario analysis regarding mitigation of delays and cost overruns on the national train control centre project, which was due to be provided by the National Transport Authority to the Department.**

As the Committee Secretariat has been advised by my Department, this is a matter for the Department of Transport and we understand that the Secretariat will write to the relevant Accounting Officer separately.

4. **In relation to the ongoing work at Garda Headquarters in the Phoenix Park:**  
 (a) **The Committee requests all costs to date that relate to the use of Clyde House and the Navan Road Intreo centre on a temporary basis by the Gardaí and an update on the Garda Headquarters project.**  
 (b) **Whether the project is likely to be completed on time and within budget.**

As noted already, this response addressed Items 2 and 4. A number of projects were undertaken to respond to the original decant numbers of Harcourt Square, the recent recruitment of additional Garda personnel and the Garda Commissioner's restructuring of the specialist units. All accommodation solutions were agreed with An Garda Síochána. The opportunity was also taken to resolve other Garda Accommodation issues. The Office of Public Works (OPW) and An Garda Síochána managed the move of almost 10% of the overall Garda numbers at the end of 2022.

The OPW assisted An Garda Síochána in mapping out its property requirements in the Dublin area in line with its workforce plans and identified the following solutions to accommodate staff that were accommodated in Harcourt Square and other Garda premises:

- **Garda National Support Services Headquarters, Walter Scott House** - The development consists of the construction of a new six and four storey office building with a green roof and central atrium, over two floors basement car parking with ancillary accommodation, on a site of circa 0.86 ha. A contract was awarded in February 2020 and the building was handed over to AGS on 1 November, 2022. The official opening of Walter Scott House took place on 25 November, 2022.
- **Heuston Station - National Train Control Centre (NTCC)** - This project was delivered by the National Transport Authority for Irish Rail. The Lease was executed by the OPW in November 2022 and AGS Command and Control moved into the NTCC in November 2022.

- **Garda HQ, Block J** - This project relates to the full refurbishment of an existing building in Garda HQ to accommodate a specialist Unit of AGS partly based in Harcourt Square. The building is one of the original nineteenth century RIC buildings and a Protected Structure. It was in poor condition and required fabric upgrade works. The Project was completed in November 2023 and handed over to An Garda Síochána for them to complete their ICT fit out. The specialist unit have moved into their new accommodation in early February 2024 and the building will be fully occupied by the end of the week beginning 19 February, 2024. The Total Project Budget is commercially sensitive at this time as final account negotiations on the construction final account are still ongoing.
- **Clyde House, Blanchardstown** - The lease for Clyde House was executed by the OPW in July 2022 and the Landlord fit-out achieved Substantial Completion in Q3 2023. Two Bureaus that were based in Harcourt Square moved into Clyde House in Q4 2023. Costs associated with Clyde House to date are as follows:
  - a. Rent - €734,503.42 Incl VAT
  - b. Services charges - €365,630.80 Incl VAT
  - c. Insurance - €10,854.17 Incl VAT
  - d. Car-park licence fee - €57,681.54 Incl VAT
  - e. Landlord fit-out costs - As the final account for the fit out works has not been agreed between all parties, the costings are commercially sensitive.
- **Dublin Castle** - The Office of Assistant Commissioner, Dublin Metropolitan Region previously based in Harcourt Square was relocated into existing Garda accommodation in Dublin Castle in early December 2022.
- **Former Intreo Office Navan Road** - Contingency Plans were developed in the event that the Garda Security and Crime Operations Centre project and/ or the other associated projects were not fully completed to meet the vacation deadline from Harcourt Square. When it became apparent that the works to both Clyde House would not be completed in time, an interim solution was agreed with AGS in the former Intreo Office, Navan Road, Dublin 7. The fit out costs are €136,776.66 Incl VAT.

The Office of Public Works maximised the car parking provided at Walter Scott House by providing a double basement over the total extent of the site. It is aware of additional off-site car parking acquired by An Garda Síochána in the Royal Hospital Kilmainham, amounting to 36 spaces.

5. In relation to the National Cyber Security Centre, the Committee requests the following;
- (a) The business case for the use of Grant Thornton for the provision of procurement consultancy.
  - (b) Whether this decision was made before or after the cyber-attack on the HSE.

As the Committee Secretariat has been advised by my Department, the National Cyber Security Centre (NCSC) is a Division of the Department of Environment, Climate and Communications. Therefore, any use of external consultancy by the NCSC is a matter for that Department and we understand that the Secretariat will write to the relevant Accounting Officer separately.

6. In relation to capital works for flood relief, the Committee requests the following information;
- (a) What is the Department doing to expedite flood relief schemes?
  - (b) A breakdown of the number of flood relief schemes at each stage and the costs for each scheme.
  - (c) A briefing note regarding the timelines for flood relief projects which are in progress, including how long it is taking for the Department to get consents through.
  - (d) An update in relation to timelines for completion of the Crossmolina, Midleton and Mountmellick schemes.
  - (e) The Department's response to a suggestion that the Department of Public Expenditure, NDP Delivery and Reform's role as competent authority to sign off on the consents in relation to projects covered by the Arterial Drainage Act be assigned to another body.
  - (f) Whether consideration has been given to expanding the Department's in-house expertise in relation to environmental assessment in order to reduce reliance on consultancy.

- (a) What is the Department doing to expedite flood relief schemes?

The Minister for Public Expenditure, NDP Delivery and Reform's role in the provision of flood relief schemes is confined to being the consenting authority for flood relief schemes which are prepared by the Office of Public Works under the Arterial Drainage Acts 1945 and 1995. In accordance with the European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2019, the Minister undertakes an independent assessment of the environmental impacts of proposed flood relief schemes. Following the Judicial Review process regarding the Blackpool Flood Relief Scheme, the Department commissioned legal counsel to provide legal advices on the relevant legal tests that apply in respect to the consent process, accounting for the learnings of the Judicial Review as well as wider case law in this area. This legal advice has underpinned new measures adopted by the Department to improve the robustness of the consent process. This is an effort to ensure that the consent process is compliant and can withstand legal challenges brought under Judicial Reviews and associated delays.

**(b) A breakdown of the number of flood relief schemes at each stage and the costs for each scheme.**

This material has been supplied by the OPW.

Major flood relief schemes involve complex engineering and construction operations. The process follows a number of stages from feasibility through design, planning, detailed design and construction which require lengthy planning and decision lead-in times.

High-level project budgets were provided originally as part of the National Catchment-based Flood Risk Assessment and Management (CFRAM) Programme in 2018. Throughout the scheme-delivery stages, project budgets of flood relief schemes are continually monitored and reviewed by OPW in partnership with the Local Authorities. The accuracy of the project budget is enhanced as schemes move through the stages and design is finalised and consent is obtained. The most appropriate time to determine the project cost is at the point in the project lifecycle when the contract for construction is to be awarded, in line with Approval Gate 3 of the Infrastructure Guidelines.

Below is a breakdown of the number of flood relief schemes at each stage. The costs for schemes at the earlier stages of the project lifecycle are estimated costs. In summary, as of February 2024:

- The OPW has invested some €550m in 55 completed schemes that are providing protection to over 13,000 properties and an economic benefit to the State in damages and losses avoided estimated to be in the region of €2 billion.
- There are currently 7 schemes at Construction Stage (Stage 4), which are outlined in **Appendix 1**. These schemes will cost over €120m and will provide protection, when complete, to over 1,700 properties.
- There are 5 schemes at Detailed Design / Works Procurement Stage (Stage 3) which are outlined in **Appendix 2**. These schemes will cost over €157m and will provide protection, when complete, to over 1,800 properties when complete.
- There are 3 schemes at Planning / Development Consent Stage (Stage 2), which are outlined in **Appendix 3**.
- There are 51 schemes at Preliminary Design and Development Stage (Stage 1) or Preliminary Business Case/Scoping Stage, which includes 4 Tranche II Pilot schemes. These schemes are outlined in **Appendix 4**.
- There are 29 small schemes being progressed by the Local Authorities that are outlined in **Appendix 5**.

**(c) A briefing note regarding the timelines for flood relief projects which are in progress, including how long it is taking for the Department to get consents through.**

The average timeframes for consent decisions to be reached was set out in previous correspondence to the Committee on 17 January, 2024. The note provided to the Committee also set out the factors that can influence the amount of time required to carry out the consent process.

To summarise, the average turnaround time of a process where a decision has been made under Section 7E of the Regulations is 27 months. The timescale for individual projects is



dependent on the complexity of the scheme, the level of assessment required as determined by the EIA/AA Screening process, the nature and significance of any supplementary information that may be required from the developer (the Commissioners of Public Works) and the volume of submissions received during public consultations which must be considered in reaching a reasoned conclusion on the environmental impacts of the scheme. Unforeseen consequences of legal challenges and required follow-on action can also have significant impacts on the timelines for discharging this function.

The outcome of the Judicial Review process into the Minister's decision to provide consent to the River Bride (Blackpool) scheme has had a significant effect on scheme which have been submitted to the Minister in recent years, as the Minister has set out in considerable detail in response to Parliamentary Questions recently on 8 February, 2024.

Following the Judicial Review process, the Department commissioned legal counsel to provide legal advices on the relevant legal tests that apply in respect to the consent process, accounting for the learnings of the Judicial Review as well as wider case law in this area. Having received this advice, the Department implemented new measures such as the development of new instructions for consultants retained by the Department to underpin the examination of schemes. This has informed further information requests to the OPW in respect of the Blackpool and Crossmolina schemes as a means of advancing this process with a view to ensuring a reasonable conclusion on the environmental impacts of these schemes can be arrived at. Failure to undertake the process in line with relevant legal tests as defined by developing case law would leave future consent decisions vulnerable to challenge. This work is therefore necessary to ensure a compliant process is carried out in line with the Regulatory Framework.

**(d) An update in relation to timelines for completion of the Crossmolina, Midleton and Mountmellick schemes.**

**Crossmolina**

The position regarding the Crossmolina flood relief scheme is unchanged from the position set out by the Minister in response to Parliamentary Questions on 8 February, 2024.

An initial period of public consultation was held between December 2020 and January 2021 regarding the proposed flood relief scheme, after which my Department sought supplementary information from the Office of Public Works in line with Section 7E(4) of the Regulations. This additional information was supplied by the Office of Public Works in July 2021.

During this period, a decision to confirm the River Bride scheme in Blackpool, County Cork, was challenged under Judicial Review. This had impacts on the process underpinning the consent process for Crossmolina, as the Department was required to consider the legal arguments at play to ensure ongoing compliance with the Regulations. Following the conclusion of these proceedings in early 2022, the Department sought legal advice on the grounds raised and updated its procedures accordingly.



The supplementary information received contained 'significant additional' information in relation to the effects on the environment of the proposed scheme. In accordance with Section 7C(3), a second period of public consultation was then held, finishing in July 2022. On the foot of expert advice from the environmental consultants retained by the Department, additional supplementary information was requested from the OPW in July 2023 in order to reach a full, reasoned conclusion of the environmental impacts of the scheme as required by the Regulations.

The Office of Public Works submitted this supplementary information in November 2023 and it is currently being examined by the environmental consultants retained by my Department. The supplementary information is being examined by the retained consultants in order to determine whether the information supplied is considered to be 'significant' in line with Section 7C(3) of the Regulations. The information is also being examined to ensure that it is sufficient to allow a full, reasoned conclusion on the environmental impacts of the proposed scheme. A report on these matters is expected to be received in the near term and next steps will be determined at that stage.

### **Midleton**

In relation to timeline for the Midleton Flood Relief Scheme, the next major milestone is seeking planning consent. The OPW and local authorities do not have powers to expedite these schemes arising from the damage caused by flooding events and the delivery of all schemes must meet all of the regulatory and planning requirements.

There are two possible options for planning consent: Part 10 of the Planning and Development Act, 2000 (as amended), and the Arterial Drainage Acts, 1945 and 1995 (as amended). The potential impact on programme and delivery of the scheme under each option is being considered to inform a decision on the consent route to be adopted. The decision on planning consent route will consider the risks to a judicial challenge and the route that brings least risk to delivering the scheme in the most efficient manner. The OPW and Cork County Council are working to identify the most expedient planning route and expect to reach a decision shortly that will provide a basis to give a clearer indication of scheduled timeline.

### **Mountmellick**

The Mountmellick Flood Relief Scheme is currently in the latter phase of Stage 1: Scheme Preliminary Design and Development. The key remaining deliverables for Stage 1 include the finalisation of the Options Report and the Environmental Impact Assessment Report, which are due to be completed by the scheme's consultants in Q1 2024. Following the completion of an Environmental Impact Assessment Report, it is envisaged that an application for planning consent for the Mountmellick Flood Relief Scheme will be submitted by Laois County Council to An Bord Pleanála under Part 10 of the Planning and Development Act 2000 (as amended) in Q2 2024. To facilitate the submission of a planning application, Laois County Council is currently engaging with relevant landowners and preparing relevant documentation. Subject to planning consent, and following a period for detailed design, it is envisaged that construction will commence in Q2 2025 and be substantially complete prior to end of 2026.

While every effort is being made to progress the Mountmellick Flood Relief Scheme, programme delays have arisen in Stage 1 due to a variety of factors, including change in scope to include a larger scheme area and increased complexity of scheme. Other issues contributing to delay in Stage 1 include assessment of Davitt Road drainage network, resolution of flooding north of Convent Bridge and development of the new Owenass Bridge on the site of the existing bridge. These additions were identified as necessary to protect the town to the required standard of protection following detailed analysis by the engineering consultants in conjunction with the project steering group.

**(e) The Department's response to a suggestion that the Department of Public Expenditure, NDP Delivery and Reform's role as competent authority to sign off on the consents in relation to projects covered by the Arterial Drainage Act be assigned to another body.**

The Minister for Public Expenditure, NDP Delivery and Reform is the competent authority for schemes submitted under the Arterial Drainage Acts 1945 and 1995 (as amended). Any transfer of the Minister's consenting role would require primary legislation. The Minister provided a statement to the Oireachtas on 28 November, 2023 outlining that he had asked the Department to examine administrative and legislative options in this regard. This work is ongoing, which includes engagement with relevant Departments about how the consent process can be streamlined and what legislative provisions may be required to transfer responsibility for the assessment and confirmation of flood relief schemes to an appropriate body. This work is referenced under 'All Other Legislation' category in the Government Legislation Programme for the Spring 2024 Session. Any policy decision on new legislation is ultimately a matter for the Government.

**(f) Whether consideration has been given to expanding the Department's in-house expertise in relation to environmental assessment in order to reduce reliance on consultancy.**

Article 13A of the European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2019 mandates that the Minister for Public Expenditure, NDP Delivery and Reform carry out his obligations under the Regulations in a manner which is objective and avoids him being subject to a conflict of interest. The use of independent environmental consultants achieves the separation necessary between the commissioners of a scheme and the consenting authority to ensure compliance with the Regulations.

**Appendix 1: Schemes at Construction Stage**

<b>Scheme</b>	<b>Project Budget</b>
Athlone Flood Alleviation Scheme	€26.5m
Glashaboy (Glanmire / Sallybrook) Flood Relief Scheme	€38.8m
Morell River Flood Management Scheme	€12.0m
River Mall (Templemore) Flood Relief Scheme	€21.0m
Springfield Flood Relief Scheme	€5.2m
Whitechurch Stream Flood Alleviation Scheme	€8.5m
Poddle River Flood Alleviation Scheme	€10.4m

**Appendix 2: Schemes at Detailed Design / Works Procurement Stage**

<b>Scheme</b>	<b>Project Budget</b>
Arklow (Avoca River) Flood Relief Scheme	€56.8m
Crossmolina Flood Relief Scheme <sup>1</sup>	€14.6m
Dublin City (River Wad - Phase 1B) Flood Relief Scheme	€0.7m
King's Island Flood Relief Scheme	€63.0m
Morrison's Island Public Realm and Flood Defence Project, Cork	€22.4m

**Appendix 3: Schemes at Planning / Development Consent Stage**

<b>Scheme</b>	<b>Project Budget</b>
Bride River (Blackpool) Flood Relief Scheme	€20.5m
Lower Lee (Cork City) Flood Relief Scheme	€200m
Raphoe Flood Relief Scheme	€12m

**Appendix 4: Schemes at Preliminary Design and Development (Stage 1) or Preliminary Business Case/Scoping Stage**

<b>Scheme</b>	<b>Total Project Budget (€)</b>
Adare Flood Relief Scheme	€17m
Athy Flood Relief Scheme	€10.4m
Ballina Flood Relief Scheme	€30m
Ballinasloe Flood Relief Scheme	€8.6m
Ballinhassig Flood Relief Scheme	€1.7m
Ballybofey - Stranorlar Flood Relief Scheme	€4.4m
Ballymakeery/Ballyvourney Flood Relief Scheme	€18m
Baltray Flood Relief Scheme	Note*
Bantry Flood Relief Scheme	€21m
Buncrana - Luddan Flood Relief Scheme	€6.8m
Burnfoot Flood Relief Scheme	€13.6m
Camac River Flood Alleviation Scheme	€50m
Carlingford & Greenore Flood Relief Scheme	€36.3m
Carrick on Shannon Flood Relief Scheme	€5.6m
Carrigaline Flood Relief Scheme	€3.4m

<sup>1</sup> Crossmolina is currently with DPENDR for Confirmation. Detailed design is being progressed for the scheme while the planning process is underway.

Castleconnell Flood Relief Scheme	€10.5m
Castlefinn Flood Relief Scheme	€8.1m
Cavan Town Flood Relief Scheme	€7.3m
Dodder Phase 3 (Clonskeagh Road Bridge to Orwell Road Bridge) Flood Relief Scheme	€7.6m
Donegal Town Flood Relief Scheme	€8.5m
Drogheda Flood Relief Scheme	€34.8m
Dundalk and Ardee Flood Relief Schemes	€80m
Enniscorthy Flood Relief Scheme	€50m
Freshford Flood Relief Scheme	€3.8m
Galway City Flood Relief Scheme	€9.5m
Graigenamanagh-Tinnahinch Flood Relief Scheme	€12m
Kenmare Flood Relief Scheme	€10m
Kilkee Flood Relief Scheme	€6.6m
Letterkenny Flood Relief Scheme	€4.3m
Lifford Flood Relief Scheme	€17.5m
Limerick City & Environs Flood Relief Scheme	€46m
Lough Funshinagh Flood Relief Scheme	€1.7m
Loughlinstown Flood Relief Scheme	€9.6m
Macroom Flood Relief Scheme	€2.1m
Malahide Flood Relief Scheme	€3.2m
Marlfield Lake Flood Relief Scheme	€5.4m
Midleton Flood Relief Scheme	€50m
Mountmellick Flood Relief Scheme	€6.8m
Naas Flood Relief Scheme	€14.2m
Nenagh Flood Relief Scheme	€2.8m
Piltown Flood Relief Scheme	€1.6m
Portarlington Flood Relief Scheme	€17.2m
Portmarnock (Strand Road) Flood Relief Scheme	€2.1m
Ramelton Flood Relief Scheme	€12.1m
Rosslare, Co, Wexford	€7.6m
Sandymount (Phase 1 & 2) Flood Relief Scheme	€20m
Shannon Town and Environs Flood Relief Scheme	€40.6m
Skerries (Mill Stream) Flood Relief Scheme	€1.5m
South Galway (Gort Lowlands) Flood Relief Scheme	€20m
Tralee Flood Relief Scheme	€48m
Wexford Flood Relief Scheme	€9.5m

\* Scheme being progressed as part of the Drogheda Flood Relief Scheme therefore the project budget provided for the Drogheda scheme also provides for the Baltray Scheme.

**Appendix 5: Small Schemes**

<b>Scheme</b>	<b>Project Budget</b>
Abbeydorney Flood Relief Scheme	€0.3m
Aglish Flood Relief Scheme	€0.2m
Ardee Flood Relief Scheme	Note*
Athea Flood Relief Scheme	€2.4m
Avoca Flood Relief Scheme	€1m
Ballyduff Flood Relief Scheme	€0.8m
Ballyhale Flood Relief Scheme	€2.1m
Banna Flood Relief Scheme	€0.1m
Bogganfin Flood Defence Scheme	€1.5m
Bunratty Flood Relief Scheme	€0.8m
Carlow Flood Relief Scheme	€0.2m
Clifden Flood Relief Scheme	€6.5m
Clonaslee Flood Relief Scheme	€0.4m
Glenties Flood Relief Scheme	€0.6m
Golden Flood Relief Scheme	€1.0m
Holycross Flood Relief Scheme	€0.3m
Kerrykeel (Carrowkeel) Flood Relief Scheme	€0.03m
Killaloe/Ballina Flood Relief Scheme	€0.3m
Kilrush Flood Relief Scheme	€0.2m
Knocklofty Flood Relief Scheme	€0.4m
Leitrim Village Flood Relief Scheme	€1.0m
Leixlip Scheme	€0.7m
Longford Flood Relief Scheme	€0.1m
Mohill Flood Relief Scheme	€0.3m
Mornington Flood Relief Scheme Augmentation	€0.5m
Na Dúnaibh (Downings) Flood Relief Scheme (Na Dúnaibh FRS)	€6.5m
Rahan Flood Relief Scheme	€0.03m
Rathbraghan Flood Relief Scheme	€0.3m
Rathkeale Flood Relief Scheme	€0.3m

\* Scheme being progressed as part of the Dundalk Flood Relief Scheme, therefore the project budget provided for the Dundalk scheme also provides for the Ardee Scheme.

