

Questionnaire for the

**REPORT OF IRELAND FOR 2003-2005
ON THE IMPLEMENTATION OF THE ESPOO
CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

for the period mid-2003 to end of 2005

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PART I – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

Please provide the information requested below in Part I, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*

European Communities (Environmental Impact Assessment) Regulations 1989 (SI No. 349 of 1989)
European Communities (Environmental Impact Assessment)(Amendment)Regulations 1994 (SI No. 84 of 1994)
Local Government (Planning and Development) Regulations 1996 (SI No. 101 of 1996)
European Communities (Environmental Impact Assessment)(Amendment) Regulations 1989 (SI No. 351 of 1989)
Local Government (Planning and Development) Regulations 1999 (SI No 92 of 1999)
European Communities (Environmental Impact Assessment)(Amendment) Regulations 1999 (SI No. 93 of 1999)
Planning and Development Act 2000 (SI No. 30 of 2000)
Planning and Development Regulations 2001 (SI No. 600 of 2001)
Local Government (Planning and Development) Amendment Regulations 2001 (SI No. 538 of 2001)
Local Government (Planning and Development) Amendment regulations 2001 (SI No. 539 of 2001)
Planning and Development Regulations 2005 (SI No. 364 of 2005)
Planning and Development Regulations 2006 (SI No. 685 of 2006)
European Communities (Environmental Impact Assessment) Amendment Regulations 2006 (SI No. 659 of 2006)

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*
 - a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

The Planning and Development Regulations 2001 (SI No. 600 of 2001) sets out the circumstances where an EIA is required. A mandatory requirement for EIA exists for development projects falling within Annex 1 projects of EU Directive 85/337/EEC as amended by Directive 97/11/EC, which is in accord with the provisions of the 'Espoo (EIA) Convention'.

In addition, projects falling below the thresholds set out in the Regulations (which are lower than the thresholds set out in the Directive) are also subject to EIA where the consent authority considers that the development would be likely to have a considerable effect on the environment. Consent authorities are required to formally decide whether or not a project would or would not be likely to have significant effects on the environment. Decisions must be recorded and made available to the public.

In general, Ireland operates very open and transparent consent systems and public participation is a key element of such systems. For example, Irish planning law actively provides for third party participation at all stages of the planning process, whether that be development plans, planning application or planning appeal stages. Indeed, Ireland is one of the few countries in Europe to have a third party appeal system.

County, city, town or local area development planning provides a framework within which all planning applications are determined. Public participation is actively encouraged during the planning process. In relation to individual planning applications, extensive public notification is a requirement for all applications. The press and site notices must give details of the application, indicate if an EIS is to be submitted with the application and invite submissions or observations from the public. Any member of the public or interest group (regardless of geographic location or other restriction) is entitled to make a submission on a planning application. The press notice must be inserted in a newspaper with a sufficiently large circulation in the functional area of the planning consent authority. In addition, the public has full access to all documentation, including any EIS submitted with a planning application.

Part 10 of the Planning and Development Regulations 2001 makes specific provision for development applications that would be likely to have significant effects on the environment of a transboundary State. In such circumstances, the Minister for the Environment, Heritage and Local Government and/or the transboundary State may require the planning authority or An Bord Pleanála (Irish Planning Appeals Board) to furnish all relevant details and documentation relating to the application. The relevant authority shall enter into consultations with the transboundary State. No decision, to grant permission or otherwise, may be made until after the views of the transboundary State have been received or the consultations are otherwise complete. No time limit is put on such consultations.

Transboundary consultations are most relevant in the context of projects close to the border with Northern Ireland. Recent examples of transboundary projects are windfarm and biomass developments. Procedures for consultation between relevant Irish and Northern Irish authorities are well established and work well in practice

- b. Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

Given that the relevant Irish planning law fully transposes EU Directive 85/337/EEC as amended by Directive 97/11/EC, the transboundary EIA procedure is reflective of the procedures detailed in the Convention.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

The main authorities responsible for transboundary EIA procedures and consultations are the relevant local planning authorities and An Bord Pleanála. The Minister for the Environment, Heritage and Local Government must be notified of any development application likely to have a significant impact on the environment of a transboundary State.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases under the Convention? If so, name it. If not, do you intend to establish such an authority?*

Details of transboundary EIA cases are notified to the Minister for the Environment, Heritage and Local Government. The Ministry records all such cases. Local planning authorities and An Bord Pleanála record details of cases relevant to their functional areas.

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

Whilst there would be close ongoing liaison and co-operation between Ireland and relevant transboundary States in relation to cross-border projects, any such projects would be subject to planning laws and regulations in each respective State. This includes all EIA requirements.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

Yes.

Schedule 5 of the Planning and Development Regulations 2001 details the development projects requiring EIA (transboundary or otherwise)

"Article 93
SCHEDULE 5

DEVELOPMENT FOR THE PURPOSES OF PART 10

PART 1

1. A crude oil refinery (excluding undertakings manufacturing only lubricants from crude oil) or an installation for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2. (a) A thermal power station or other combustion installation with a heat output of 300 megawatts or more.

(b) A nuclear power station or other nuclear reactor including the dismantling or decommissioning of such a power station or reactor¹ (except a research installation for the

production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3. (a) All installations for the reprocessing of irradiated nuclear fuel.
- (b) Installations designed -
 - for the production or enrichment of nuclear fuel,
 - for the processing of irradiated nuclear fuel or high level radioactive waste,
 - for the final disposal of irradiated fuel,
 - solely for the final disposal of radioactive waste,
 - solely for the storage (planned for more than 10 years) of irradiated fuels or radioactive waste in a different site than the production site.
4. (a) Integrated works for the initial smelting of cast iron and steel.
- (b) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.
5. An installation for the extraction of asbestos or for the processing and transformation of asbestos or products containing asbestos-
 - (a) in case the installation produces asbestos-cement products, where the annual production would exceed 20,000 tonnes of finished products,
 - (b) in case the installation produces friction material, where the annual production would exceed 50 tonnes of finished products, or
 - (c) in other cases, where the installation would utilise more than 200 tonnes of asbestos per year.
6. Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are-
 - (a) for the production of basic organic chemicals,
 - (b) for the production of basic inorganic chemicals,
 - (c) for the production of phosphorous, nitrogen or potassium based fertilisers (simple or compound fertilisers),
 - (d) for the production of basic plant health products and of biocides,

(e) for the production of basic pharmaceutical products using a chemical or biological process,

(f) for the production of explosives.

7. A line for long-distance railway traffic, or an airport² with a basic runway length of 2,100 metres or more.

8. (a) Inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 tonnes.

(b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.

9. Waste disposal installations for the incineration, chemical treatment as defined in Annex IIA to Directive 75/442/EEC³ under heading D9, or landfill of hazardous waste (i.e. waste to which Directive 91/689/EEC⁴ applies).

10. Waste disposal installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9, of non-hazardous waste with a capacity exceeding 100 tonnes per day.

11. Groundwater abstraction or artificial groundwater recharge schemes, where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

12. (a) Works for the transfer of water resources between river basins, where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year.

(b) In all other cases, works for the transfer of water resources between river basins, where the multi-annual average flow of the basin of abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred exceeds 5 per cent of this flow.

13. Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC⁵.

14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.

15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

16. Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 millimetres and a length of more than 40 kilometres.

17. Installations for the intensive rearing of poultry or pigs with more than-

(a) 85,000 places for broilers, 60,000 places for hens,

(b) 3,000 places for production pigs (over 30 kilograms),

(c) 900 places for sows.

18. Industrial plants for the-

(a) production of pulp from timber or similar fibrous materials,

(b) production of paper and board with a production capacity exceeding 200 tonnes per day.

19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares.

20. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.

21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tonnes or more.

1 Nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.

2 In this context, "airport" means an airport which complies with the definition in the 1944 Chicago Convention for setting up the International Civil Aviation Organisation (Annex IV).

3 OJ No. L 194, 25.7.1995, p. 39. Directive as amended by Commission Decision 94/3/EC (OJ No. L 5, 7.1.1994, p. 15).

4 OJ No. L 337, 31.12.1991, p. 20. Directive as amended by Directive 94/31 EC (OJ No. L 168, 2.7.1994, p. 28).

5 OJ No. L 135, 30.6.1991, p. 40. Directive as amended by the 1994 Act of Accession.

PART 2

1. Agriculture, Silviculture and Aquaculture

- (a) Projects for the restructuring of rural land holdings, where the area to be restructured would be greater than 100 hectares.
- (b) The use of uncultivated land or semi-natural areas for intensive agricultural purposes, where the area to be used for such purposes would be greater than 100 hectares.
- (c) Water management projects for agriculture, including irrigation and land drainage projects, where the catchment area involved would be greater than 1,000 hectares, or where more than 20 hectares of wetland would be affected.
- (d) (i) Initial afforestation which would involve an area of 50 hectares or more.
 - (ii) Replacement of broadleaf high forest by conifer species, where the area involved would be greater than 10 hectares.
 - (iii) Deforestation for the purpose of conversion to another type of land use, where the area to be deforested would be greater than 10 hectares of natural woodlands or 70 hectares of conifer forest.
- (e) (i) Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.
 - (ii) Installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit.
- (f) Seawater fish breeding installations with an output which would exceed 100 tonnes per annum; all fish breeding installations consisting of cage rearing in lakes; all fish breeding installations upstream of drinking water intakes; other freshwater fish breeding installations which would exceed 1 million smolts and with less than 1 cubic metre per second per 1 million smolts low flow diluting water.
- (g) Reclamation of land from the sea, where the area of reclaimed land would be greater than 10 hectares.

2. Extractive Industry

- (a) Peat extraction which would involve a new or extended area of 30 hectares or more.
- (b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.

- (c) All extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1999.
- (d) Extraction of stone, gravel, sand or clay by marine dredging (other than maintenance dredging), where the area involved would be greater than 5 hectares or, in the case of fluvial dredging (other than maintenance dredging), where the length of river involved would be greater than 500 metres.
- (e) All geothermal drilling and drilling for the storage of nuclear waste material; drilling, other than test drilling, for water supplies, where the expected supply would exceed 2 million cubic metres per annum.
- (f) All surface industrial installations for the extraction of coal, petroleum (excluding natural gas), ores or bituminous shale not included in Part 1 of this Schedule.
- (g) All extraction of petroleum (excluding natural gas) not included in Part 1 of this Schedule.
- (h) All onshore extraction of natural gas and offshore extraction of natural gas (where the extraction would take place within 10 kilometres of the shoreline) not included in Part 1 of this Schedule.

3. Energy Industry

- (a) Industrial installations for the production of electricity, steam and hot water not included in Part 1 of this Schedule with a heat output of 300 megawatts or more.
- (b) Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.
- (c) Installations for surface storage of natural gas, where the storage capacity would exceed 200 tonnes.
- (d) Installations for underground storage of combustible gases, where the storage capacity would exceed 200 tonnes.
- (e) Installations for the surface storage of fossil fuels, where the storage capacity would exceed 100,000 tonnes.
- (f) Installations for industrial briquetting of coal and lignite, where the production capacity would exceed 150 tonnes per day.
- (g) Installations for the processing and storage of radioactive waste not included in Part 1 of this Schedule.
- (h) Installations for hydroelectric energy production with an output of 20 megawatts or more, or where the new or extended superficial area of water impounded would be 30 hectares or more, or where there would be a 30 per cent change in the maximum, minimum or mean flows in the main river channel.

(i) Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.

4. Production and processing of metals

(a) All installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting.

(b) Installations for the processing of ferrous metals-

(i) hot-rolling mills and smitheries with hammers, where the production area would be greater than 500 square metres,

(ii) application of protective fused metal coats, where the production area would be greater than 100 square metres.

(c) Ferrous metal foundries with a batch capacity of 5 tonnes or more or where the production area would be greater than 500 square metres.

(d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining foundry casting etc.), where the melting capacity would exceed 0.5 tonnes or where the production area would be greater than 500 square metres.

(e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the production area would be greater than 100 square metres.

(f) All installations for manufacture and assembly of motor vehicles or manufacture of motor-vehicle engines.

(g) Shipyards, where the area would be 5 hectares or more, or with capacity for vessels of 10,000 tonnes or more (dead-weight).

(h) All installations for the construction of aircraft with a seating capacity exceeding 10 passengers.

(i) Manufacture of railway equipment, where the production area would be greater than 100 square metres.

(j) Swaging by explosives, where the floor area would be greater than 100 square metres.

(k) All installations for the roasting and sintering of metallic ores.

5. Mineral Industry

(a) All coke ovens (dry coal distillation).

- (b) All installations for the manufacture of cement.
- (c) All installations for the production of asbestos and the manufacture of asbestos based products not included in Part 1 of this Schedule.
- (d) Installations for the manufacture of glass, including glass fibre, where the production capacity would exceed 5,000 tonnes per annum.
- (e) All installations for smelting mineral substances including the production of mineral fibres.
- (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, or with a kiln capacity exceeding 4 cubic metres and with a setting density per kiln exceeding 300 kilograms per cubic metre.

6. Chemical Industry (development not included in Part 1 of this Schedule)

- (a) Installations for treatment of intermediate products and production of chemicals using a chemical or biological process.
- (b) All installations for production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides using a chemical or biological process.
- (c) Storage facilities for petroleum, where the storage capacity would exceed 50,000 tonnes.
- (d) Storage facilities for petrochemical and chemical products, where such facilities are storage to which the provisions of Articles 9, 11 and 13 of Council Directive 96/82/EC6 apply.

7. Food Industry

- (a) Installations for manufacture of vegetable and animal oils and fats, where the capacity for processing raw materials would exceed 40 tonnes per day.
- (b) Installations for packing and canning of animal and vegetable products, where the capacity for processing raw materials would exceed 100 tonnes per day.
- (c) Installations for manufacture of dairy products, where the processing capacity would exceed 50 million gallons of milk equivalent per annum.
- (d) Installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes per annum.
- (e) Installations for confectionery and syrup manufacture, where the production capacity would exceed 100,000 tonnes per annum.

(f) Installations for the slaughter of animals, where the daily capacity would exceed 1,500 units and where units have the following equivalents:-

1 sheep	=	1 unit
1 pig	=	2 units
1 head of cattle	=	5 units

(g) All industrial starch manufacturing installations.

(h) All fish-meal and fish-oil factories.

(i) All sugar factories.

8. Textile, leather, wood and paper industries

(a) All installations for the production of paper and board not included in Part 1 of this Schedule.

(b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation or dyeing of fibres or textiles), where the treatment capacity would exceed 10 tonnes per day.

(c) Plants for the tanning of hides and skins, where the treatment capacity would exceed 100 skins per day.

(d) Cellulose-processing and production installations, where the production capacity would exceed 10,000 tonnes per annum.

9. Rubber Industry

Installations for manufacture and treatment of elastomer based products, where the production capacity would exceed 10,000 tonnes per annum.

10. Infrastructure projects

(a) Industrial estate development projects, where the area would exceed 15 hectares.

(b) (i) Construction of more than 500 dwelling units.

(ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.

(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

(c) All construction of railways and of intermodal transshipment facilities and of intermodal terminals not included in Part 1 of this Schedule which would exceed 15 hectares in area.

(d) All airfields not included in Part 1 of this Schedule with paved runways which would exceed 800 metres in length.

(e) New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500 metres in length.

(f) (i) Inland waterway construction not included in Part 1 of this Schedule which would extend over a length exceeding 2 kilometres.

(ii) Canalisation and flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 1,000 hectares or where more than 20 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.

(g) Dams and other installations not included in Part 1 of this Schedule which are designed to hold water or store it on a long-term basis, where the new or extended area of water impounded would be 30 hectares or more.

(h) All tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport.

(i) (i) Oil pipelines and associated installations not included in Part 1 of this Schedule, where the length of new pipeline would exceed 40 kilometres.

(ii) Gas pipelines and associated installations not included in Part 1 of this Schedule, where the design pressure would exceed 16 bar and the length of new pipeline would exceed 40 kilometres.

(j) Installation of overground aqueducts which would have a diameter of 1,000 millimetres or more and a length of 500 metres or more.

(k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dikes, moles, jetties and other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre, but excluding the maintenance and reconstruction of such works or works required for emergency purposes.

(l) Groundwater abstraction and artificial groundwater recharge schemes not included in Part 1 of this Schedule where the average annual volume of water abstracted or recharged would exceed 2 million cubic metres.

(m) Works for the transfer of water resources between river basins not included in Part 1 of this Schedule where the annual volume of water abstracted or recharged would exceed 2 million cubic metres.

11. Other projects

- (a) All permanent racing and test tracks for motorised vehicles.
- (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.
- (c) Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.
- (d) Sludge-deposition sites where the expected annual deposition is 5,000 tonnes of sludge (wet).
- (e) Storage of scrap metal, including scrap vehicles where the site area would be greater than 5 hectares.
- (f) Test benches for engines, turbines or reactors where the floor area would exceed 500 square metres.
- (g) All installations for the manufacture of artificial mineral fibres.
- (h) All installations for the manufacture, packing, loading or placing in cartridges of gunpowder and explosives or for the recovery or destruction of explosive substances.
- (i) All knackers' yards in built-up areas.

12. Tourism and leisure

- (a) Ski-runs, ski-lifts and cable-cars where the length would exceed 500 metres and associated developments.
- (b) Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100.
- (c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.
- (d) Permanent camp sites and caravan sites where the number of pitches would be greater than 100.
- (e) Theme parks occupying an area greater than 5 hectares.

13. Changes, extensions, development and testing

(a) Any change or extension of development which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than –

- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold,

whichever is the greater.

(b) Projects in Part 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than 2 years.

(In this paragraph, an increase in size is calculated in terms of the unit of measure of the appropriate threshold.)

6 OJ No. L 10, 14.1.1997, p. 13."

5. *Please describe:*

a. *The procedures and, where appropriate, the legislation you would apply to determine that an “activity”, or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

b. *How a change to an activity is considered as a “major” change;*

c. *How such an activity, or such a change to an activity, is considered likely to have a “significant” adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

d. *How you would decide whether it is “likely” to have such an impact. (Art. 2.3)*

(a)(b)(c) and (d) :

Schedule 5, as detailed above, sets out the classes of development for which an EIA must be prepared and must accompany a planning application. Schedule 5 is divided into 2 parts:

Part 1 details projects which of their nature will have likely significant effects on the environment and for which an EIA is mandatory; and

Part 2 details categories of development for which an EIA is required subject to threshold levels.

In considering whether or not a development is within a mandatory EIA threshold, consent authorities must consult the two parts of the Schedule because certain categories of development appear in both Parts 1 and 2.

Projects which fall below the mandatory threshold, but which are likely to have significant effects (this is not confined to adverse effects) on the environment because of their nature, size or location are subject to EIA. The Minister for the Environment, Heritage and Local Government has issued detailed guidance to assist national consent authorities in determining whether or not "significant" effects are likely to arise: "EIA Guidance for consent authorities regarding sub-threshold development" (2003).

Where a planning authority considers that such effects are likely, it must require the applicant to submit an EIS. A decision on the need for sub-threshold EIA is made by reference to the criteria introduced by the EU's amending Directive 97/11/EC which is detailed in Schedule 7 of the Planning and Development Regulations 2001.

Planning authorities and An Bord Pleanála are required to record a screening decision detailing their reasons for requiring (or not) the submission of an EIS for a sub-threshold development and retain a copy of the decision for inspection by the public.

"Articles 103, 109 and 120
SCHEDULE 7

CRITERIA FOR DETERMINING WHETHER A DEVELOPMENT WOULD OR WOULD NOT BE LIKELY TO HAVE SIGNIFICANT EFFECTS ON THE ENVIRONMENT

1. Characteristics of proposed development

The characteristics of proposed development, in particular:

- the size of the proposed development,
- the cumulation with other proposed development,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,
- the risk of accidents, having regard to substances or technologies used.

2. Location of proposed development

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (a) wetlands,
 - (b) coastal zones,
 - (c) mountain and forest areas,
 - (d) nature reserves and parks,
 - (e) areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC,
 - (f) areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded,
 - (g) densely populated areas,
 - (h) landscapes of historical, cultural or archaeological significance.

3. Characteristics of potential impacts

The potential significant effects of proposed development in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

- the extent of the impact (geographical area and size of the affected population),
- the transfrontier nature of the impact,
- the magnitude and complexity of the impact,
- the probability of the impact,
- the duration, frequency and reversibility of the impact."

PUBLIC PARTICIPATION

6. *Do you have your own definition of “the public” in your national legislation, compared to Article 1(x)? How do you, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your own public as required in Article 2, paragraph 6?*

As detailed in 2(a) above, Ireland operates very open and transparent consent systems and public participation is a key element of such systems. Irish planning law actively provides for third party participation at all stages of the planning process. Any member of the public or interest group (regardless of geographic location or other restrictions) is entitled to make a submission on a planning application

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

The Planning and Development Regulations 2001 require that a planning authority or An Bord Pleanála must notify the Minister for the Environment, Heritage and Local Government "as soon as may be after its receipt" of any application which would be likely to have a significant effect on the environment of a transboundary State. Following consultation between the Minister and the consent authority, the authority shall provide all relevant information and documentation, including the EIS, to the transboundary State. This process is undertaken at initial application stage for a development consent application.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

The content of the notification is required to "provide information on the proposed development, including the EIS" (Section 126 (2) of the Planning and Development Regulations 2001). The requirements of Article 3 of the Convention are met in this way. In practice, the full planning application along with the EIS is provided to the transboundary State.

9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

No specific time frame is provided for in law. The Regulations require that no decision may be made on an application until the response of the transboundary State has been received or the consultations are otherwise complete. A transboundary State may be asked to respond within a particular timeframe for administrative purposes. However, if the transboundary State is not in a position to respond within that timeframe, the relevant consent authority must provide any extension required.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

As detailed above, the EIS is provided to the transboundary State at notification stage.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

There are no specific legal provisions regarding information from a transboundary State. The law provides that consultations be entered into between the planning authority and the relevant State. In most instances, the development application and the EIS will indicate issues of concern. However, should the transboundary State wish to raise any particular issue or area of concern, they are free to do so.

In general, when notifying a transboundary State of a particular application, that State is requested, in broad terms and in accord with Article 3 of the Convention, to provide any observations it wishes to make on the particular application (including seeking additional information in relation to the application). As previously stated, Irish planning law does not stipulate any timeframe for receipt of a response from a transboundary State. However, where practicable, for administrative purposes, a timeframe may be proposed. If the transboundary State cannot respond within that period an extension must be granted.

In practice, timeframes have not caused any difficulties in relation to our dealings with Northern Ireland, which is where most transboundary consultations have arisen. Both jurisdictions recognise that each must try, insofar as possible, to operate within statutory timescales in terms of the own respective planning systems and each State tries to accommodate each other as far as possible. Where that is not possible, an extension is provided.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

Agreed protocols are in place in relation to transboundary consultation. When notified of a development application by the relevant Irish planning authorities, the Northern Ireland authority advertises details of the application in the local press and puts details on its local website. The public are advised that observations / objections may be made directly to the relevant Irish planning authority and timescales are given. As previously stated, Irish planning law actively encourages public participation regardless of geographical or other constraints. The local public are also free to make submissions to the Northern Ireland authority. The Northern Ireland authority will also make a formal submission in relation to the application in its role as transboundary State. Notification of the Northern Ireland public is the responsibility of the Northern Ireland authority, however, in many instances, applicants do publish the required press notices in newspapers circulating within the Northern Ireland region. The press notices published in both jurisdictions are broadly similar.

The situation operates exactly the same in respect of an application that is submitted to the Northern Ireland authority and which would have a significant impact on the environment of Ireland.

13. *Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at http://www.unece.org/env/eia/points_of_contact.htm?*

Use is made of contact points on a local level. However, it should be borne in mind that the planning process in Ireland is localised unlike in Northern Ireland, where it is a centralised function. However, contact points are available in each of the border local authorities and at central Government level. In terms of broader policy issues, use has been made of contact points as decided at the first meeting of the parties.

14. *Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE/MP/2, decision I/4)? If not, in what format do you normally present the notification?*

As indicated above, notification meets the requirements of Article 3. In addition both the full planning application along with the EIS is included in the notification.

QUESTIONS TO AFFECTED PARTY

15. *Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?*

In the event of a development application lodged in a transboundary State to Ireland, notification is received by both the Irish State (Minister for the Environment, Heritage and Local Government) and the relevant local planning authority. The local planning authority, as detailed above, will advertise the relevant applications in its functional area. The key determinant on participation will in the first instance be the criteria laid down in Schedules 5 and 7 of the Planning and Development Regulations 2001, along with the perceived environmental impacts, mitigating measures put in place, nature of development, scale of development and its proposed location. The public are also free to participate fully, whether by submission to the local planning authority or directly to the transboundary State. Whilst local planning authorities are free to make submissions to the transboundary State, the national response issues from the Minister for the Environment, Heritage and Local Government.

16. *When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is "reasonably obtainable" information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of "promptly" in the context of responding to a request for information? (Art. 3.6)*

"Reasonably obtainable" would generally be considered to refer to existing base line data and studies. Promptly has not been defined in Irish law, however, it would generally be considered to be as speedily as possible whilst allowing a sufficient period to allow the relevant information and data be collected and analysed in relation to the proposed development. As indicated previously, Ireland and Northern Ireland, as its main transboundary State, have a workable protocol in place which facilitates each State being given sufficient time to consider transboundary environmental issues.

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

17. *What is the legal requirement for the content of the EIA documentation (Art. 4.1)?*

The requirements in relation to EIA, including content of an EIS are set out in Section 10 of the Planning and Development Regulations 2001. (A copy is appended to this Questionnaire)

18. *Describe your country's procedures for determining the content of the EIA documentation (Art. 4.1).*

Schedule 6 of the Regulations stipulate the content of an EIS as follows:

"Article 94

SCHEDULE 6

INFORMATION TO BE CONTAINED IN AN EIS

1. (a) A description of the proposed development comprising information on the site, design and size of the proposed development.
- (b) A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
- (c) The data required to identify and assess the main effects which the proposed development is likely to have on the environment.
- (d) An outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice, taking into account the effects on the environment.
2. Further information, by way of explanation or amplification of the information referred to in paragraph 1, on the following matters:-
 - (a) (i) a description of the physical characteristics of the whole proposed development and the land-use requirements during the construction and operational phases;
 - (ii) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
 - (iii) an estimate, by type and quantity, of expected residues and emissions (including water, air and soil pollution, noise, vibration, light, heat and radiation) resulting from the operation of the proposed development;
 - (b) a description of the aspects of the environment likely to be significantly affected by the proposed development, including in particular:
 - human beings, fauna and flora,

- soil, water, air, climatic factors and the landscape,
 - material assets, including the architectural and archaeological heritage, and the cultural heritage,
 - the inter-relationship between the above factors;
- (c) a description of the likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative) of the proposed development on the environment resulting from:
- the existence of the proposed development,
 - the use of natural resources,
 - the emission of pollutants, the creation of nuisances and the elimination of waste,
- and a description of the forecasting methods used to assess the effects on the environment;
- (d) an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information."

19. *How do you identify "reasonable alternatives" in accordance with Appendix II, alinea (b)?*

"Reasonable Alternatives" is not defined in Irish law. However, Irish legislation places a statutory obligation on consent authorities to consider the adequacy of the information contained in an EIS, including the consideration of alternatives. In order to assist both planning authorities and development applicants ensure the adequacy of an EIS, a series of Guidance Notes have been issued by the Minister for the Environment, Heritage and Local Government. (These are available at www.environ.ie)

In addition, "Guidelines on the Information to be Contained in Environmental Impact Statements" have been published by Ireland's Environmental Protection Agency. These Guidelines were accompanied by more detailed "Advice Notes on Current Practice in the preparation of an EIS". The Advice Notes give detailed information on alternative locations, designs and processes. (The Guidance and Advice Notes are available on www.epa.ie).

20. *How do you identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance to Appendix II, alinea (c), and the definition of "impact" in Article 1(vii)?*

The environment that is likely to be effected and the impact are clearly identified in Schedule 7 of the Planning and Development Regulations 2001 as detailed at 18 above.

21. *Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?*

The full planning application, including the EIS, is provided to the transboundary State.

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

The public in the transboundary State (who will have been made aware of the proposed development by advertising by the relevant authority in their State) may make direct

submissions to the local planning authority in Ireland within the relevant statutory timescale applying under Irish planning law, or they may make a submission to their own relevant authority in relation to any formal submission being made by the transboundary State in respect of a development consent application. Any observations or submissions made by the transboundary State are made directly to the relevant planning authority. Where it is considered appropriate, direct consultation meetings may be held between the planning authority and the transboundary State. Where a public hearing is held in relation to any particular planning application (more usually held in relation to appeals to An Bord Pleanála) both the public of a transboundary State, where they had made a submission, and the relevant transboundary State authority are entitled to participate and be heard.

Submissions made under the transboundary procedures are treated in the same manner as any other submission made under Irish planning law. The relevant planning authority must have regard to any submissions made before deciding to grant or refuse planning permission.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words “within a reasonable time before the final decision” (Art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

As previously stated, Irish planning legislation does not put a timescale on transboundary consultation. Having said that, in the interest of fair procedure an agreed protocol exists with its main transboundary State (Northern Ireland) which allows consultations be dealt with as speedily as possible having regard to planning law operating in both jurisdictions. Ireland has a statutory 28 day period to allow for public submissions on planning applications. Northern Ireland has a 42 day statutory period. Where possible, both Parties try to operate within each others statutory periods, whilst acknowledging that this may not always be possible. Where required, extensions of timeframes for completion of consultations are readily provided.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

Full access to all the planning file, including the EIS is available to the public in both Ireland and the transboundary State. The planning file is available for public inspection both in the local planning authority and in the relevant authority in the transboundary State. The same can be accessed via the websites of both bodies also.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

See response to question 22. Where a public hearing is held in relation to a planning application, anyone who has made a submission in relation to the application is entitled to attend and be heard. Members of the public who did not make a submission are entitled to attend and observe. As previously stated, Ireland operates a very open planning system which encourages public participation without regard to the geographic location of the participating public. Joint public hearings with the relevant transboundary State are not held.

QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (Art. 4.2)?*

See response to question 22. No timeframe is specified under Irish planning law in relation to transboundary consultations. Irish planning consent authorities are required to make no decision to grant or refuse planning permission until the views of the transboundary state have been received or the consultations are otherwise completed

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

Public participation by members of the public in the transboundary State is organised in a number of ways. They may participate directly under the Irish planning system or they may participate by making submissions to the relevant authority in their own State with a view to informing any formal response being made by that transboundary State. As previously stated, an agreed protocol exists which tries to fully engage the relevant publics whilst adhering as closely as possible to the planning systems operating in both jurisdictions.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

Consultations take place at the earliest stages of the process and without undue delay, i.e. upon receipt of a planning application (see previous responses). Whilst timescales for consultations are set, they are not adhered to should the transboundary State require additional time to respond. As previously stated, Irish planning law has not set any timescale for completion of consultations. There is no provision for not entering consultation. If a development application has a significant environmental impact on a transboundary State, consultations must be held.

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

In general, consultations are held on a local basis. Such consultations usually take the form of written submission by the public in the transboundary State and the relevant authority in the transboundary State. As previously stated, oral hearings in relation to an application are occasionally held. The transboundary public and transboundary State, once they have made a written submission may participate. Infrequently and depending on the nature of the proposed development consultations may be entered into between Ireland and the transboundary State at national level. This would generally be the case for cross-border infrastructure projects.

QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you indicate if there is no need for consultations?*

As per question 29

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

A final decision is reached when the relevant planning authority, on completion of any transboundary consultation, decides to grant permission, with or without conditions, or refuse permission for the proposed development.

However, the final decision taken by the planning authority is only the final decision taken by that authority, as that decision may be in turn, appealed to An Bord Pleanala (Appeals Board). The decision taken by An Bord Pleanala may in turn be subject to Judicial Review in the Irish High Court.

For certain developments (e.g. developments being taken by a local authority) An Bord Pleanala is the consent authority. Again, decisions by An Bord Pleanala may be subject to Judicial review in the High Court.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

It has a major influence on the decision making process. It creates a focus on anticipating all environmental impacts of significance resulting from a proposed development prior to construction or implementation. It specifies measures that should be taken to eliminate or at least mitigate such impacts. It is of considerable importance in the development management process because it leads to improved decision making through the provision of better information (especially cumulative effects). It also focusses attention on alternatives at a formative stage.

33. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and public in your country (Art. 6.1)?*

Yes. Regard must be had to all submissions made during the planning process.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

The decision of a planning authority does state the considerations on which the decision is based. However, many decisions to grant permission, particularly in relation to transboundary cases, will be subject to conditions. The reasons for the conditions are clearly stated. Section 131 of the Planning and Development regulations requires that decisions made by a planning authority, in relation to a transboundary consultation development, be

sent to both the Minister for the Environment, Heritage and Local Government and the transboundary State.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

In general no, as the decision made was made on the basis of the best information available at the time. However, the possibility of seeking a Judicial Review on the basis of changed material circumstances remains.

Article 7

Post-Project Analysis

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

It is not unusual for a grant of planning permission to be conditional on post-project monitoring. Indeed, monitoring of the effectiveness of mitigation measures put forward in the EIS, both by the competent authorities and the developer, is an integral part of the EIA process. Such monitoring would normally be associated with thresholds, which if exceeded require that a clearly defined set of actions are implemented.

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to Article 7, paragraph 2?*

This has yet to arise in practice, however, the relevant local planning authority would inform the Transboundary State in the first instance and consult on measures required. The nature of any consultations will depend on the environmental impacts involved and the nature of any mitigating measures required. Consultation in most instances is likely to be written consultation but where appropriate, telephone contact, meetings and site visits will be held

Article 8

Bilateral and multilateral agreements

38. *Do you have any bilateral or multilateral agreements based on the EIA Convention (Art. 8, Appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on Appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

No bilateral or multilateral agreements are in place. There is an agreed protocol with Northern Ireland on the administrative arrangements for transboundary consultations.

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

Yes. Supplementary points of contact have been established in respect of Northern Ireland and Wales.

Article 9

Research programmes

40. *Are you aware of any specific research in relation to the items mentioned in Article 9 in your country? If so, describe it briefly.*

Yes. A number of research programmes are being undertaken by or in conjunction with Ireland's Environmental Protection Agency. Details of current research projects are available on their website (www.epa.ie)

Ratification of the amendments to the Convention and of the Protocol on SEA

41. If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?

Ireland has not yet ratified the first amendment to the Convention and currently no date has been set for ratification.

42. If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?

Ireland has not yet ratified the second amendment to the Convention and currently no date has been set for ratification.

43. If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?

Ireland has not yet ratified the Protocol on SEA and currently no date has been set for ratification.

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.

CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

There have been a number of transboundary consultations held between Ireland and Northern Ireland. These have run smoothly given the agreed protocols that are in place. Transboundary consultations have also taken place in relation to a number of SEA's on development plans. These SEA consultations generally commenced at scoping phase and have been found to be beneficial by all concerned.

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

Procedures are fully detailed in previous responses. Irish planning law requires that transboundary consultation takes place. (See table of cases appended).

46. *Are there other projects than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

N/A

47. *Provide information on the average durations of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

Normally procedures are completed within 28 days but as previously stated no statutory timelimit applies.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

See response to Q32. There have been instances where developments have been refused permission on the basis of their environmental impact (both local and transboundary impact).

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6), “a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major*

change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?

See previous responses. In the event of any difficulties arising over interpretation, Ireland would engage with the Transboundary State to achieve an agreed solution.

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of ‘lessons learned’ in order to help others.*

a. *How in practice have you identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?*

See earlier responses. EIA / SEA are integral elements of the Irish planning system and the processes involved clearly identify environmental impacts of a development, both local and transboundary. Irish planning law clearly sets out the circumstances where EIA and transboundary consultation are required.

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?*

Transboundary issues resulting from a proposed development must be detailed where they arise. There is no requirement for these to be dealt with in a chapter. The level of detail and information provided is determined by the developer in the first instance and this will be included in any EIS submitted with the planning application. However, both the local planning authority and An Bord Pleanála can seek additional information should they regard the EIS as insufficient in any way.

c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

N/A

d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

Ireland shares a common language with its closest transboundary neighbours.

e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)*

See previous responses. There has been no complaints about the transboundary procedures.

f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

Agreed protocols have prevented difficulties.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.*

See previous responses.

- h. *Have you carried out post-project analyses and, if so, on what kinds of projects?*

Post-project analysis is carried out at developer and local planning level where deemed appropriate as a condition of planning.

- i. *Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).*

N/A

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would you like to introduce your case in a form of Convention's fact sheet?*

N/A

CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. *Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

N/A

EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. *Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.*

- a. *Guidance on public participation in EIA in a transboundary context;*

N/A Guidance is provided in relation to the relevant EU Directives and their application under Irish Planning Law.

- b. *Guidance on subregional cooperation; and*

N/A

- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

N/A

CLARITY OF THE CONVENTION

53. *Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.*

See previous responses.

AWARENESS OF THE CONVENTION

54. *Have you undertaken activities to promote awareness of the Convention among your stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

No. Given that the relevant EU Directives, which are almost identical to the Convention, are reflected in Irish Planning Law, any awareness raising focusses on the Directives rather than on the Convention.

55. *Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

N/A

SUGGESTED IMPROVEMENTS TO THE REPORT

56. *Please provide suggestions for how the report may be improved.*

N/A