



NATIONS UNIES

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ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ
КОМИССИЯ

UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

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Palais des Nations, Room 429-2
CH-1211 GENEVA 10

Ref: Pre-admissibility

21 November 2014

Neil Van Dokkum
Comeragh Cross
Kilmacthomas
Waterford
Ireland

David Malone
60 St Joseph's Terrace,
Portarlinton, Co.
Offaly, Ireland

Pat Swords
10 Hillcourt Rd,
Glenageary, Co. Dublin,
Ireland

Dear Messrs. Van Dokkum, Malone and Swords,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Ireland in connection with provisions of the Convention in connection with implementation of the National Renewable Energy Action Plan

At its forty-sixth meeting (Geneva, 22-25 September 2014), the Aarhus Convention Compliance Committee considered the preliminary admissibility of the communication submitted by you on 29 May 2014, together with the additional information provided by you on 3 and 19 September 2014. The communication alleged non-compliance with article 3, paragraph 1 and articles 4, 5, 6, 7, 8 and 9 of the Convention in connection with the implementation of Ireland's National Renewable Energy Action Plan. The Committee agreed to defer its preliminary determination of admissibility to its forty-seventh meeting (Geneva, 16-19 December 2014) in order to ask you to further clarify your allegations.

Please find attached a set of questions prepared by the Committee for your attention. We would be very grateful to receive your response to the attached questions before **Thursday, 18 December 2014**, in order that they may be considered by the Committee at its upcoming forty-seventh meeting.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'F Marshall', written in a cursive style.

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Enc: Questions for the communicant

Questions to the communicants

1. At what stage are the proceedings of *Pat Swords v. Minister for Communications, Energy and Natural Resources 2013/4122 P*?
2. Was the NREAP amended after the Aarhus Convention entered into force for Ireland?
3. In relation to your allegation on p.10, first paragraph, of the communication, have you requested information as to what are the actual greenhouse gas emissions to be saved and what are the environmental benefits associated with saving a tonne of greenhouse gases? If so, when did you make your request and what was the response? Have you sought to challenge that response and if, what is the current status of that challenge?
4. Please specify the date of the decisions on the All-Island Grid Study, the Gate 3 process and the adoption of the 40 % renewable electricity target.
5. With respect to your allegations under article 6, you refer to the planning decisions set out in Appendix A to your communication, namely the Foyle Wind Farm, GDNG Renewables, Corkermore Wind Farm and Cloghan Wind Farm. At pages 27-29 of your communication, you also refer to planning decisions PL16.241592 (granted 01.08.2013), PL16. 241506 (granted 13.12.2013), PL27. 241827 (granted 12.08.2013), PL05B. 240166 (refused 14.05.2013), PL05E. 242074 (granted 16.10.2013):
 - a. Is it your contention that the decision-making procedures with respect to each of the above nine planning decisions failed to meet the requirements of article 6 of the Convention? If so, please specify for each decision the paragraphs of article 6 that you consider to have been violated.
 - b. Please clarify the current status of each decision that you allege to have been made in contravention of the requirements of article 6, namely whether each decision is now:
 - i. Final (i.e. no more appeal rights) – permit approved;
 - ii. Final (i.e. no more appeal rights) – permit refused;
 - iii. Appeal against grant of permit still pending at (specify level of appeal);
 - iv. Appeal against refusal of permit still pending at (specify level of appeal).
6. In relation to section 4.6. of the communication and your allegations under article 7 of the Convention:
 - a. Is the date of the adoption of the Westmeath County Development Plan the date of the Ministerial Direction of 10 July 2014? If not, on what date was it adopted?
 - b. Has the Offaly County Development Plan now been adopted, and if so on what date?
 - c. Please specify which paragraphs of article 6 (in relation to article 7) of the Convention you allege to have been violated in the preparation of the Westmeath County Development Plan 2014-2020 plan (and only if now adopted) the Offaly County Development Plan, and why.
