Roinn Cumarsáide, Gníomhaithe
ar son na hAeráide & Comhshaoil
Department of Communications,
Climate Action & Environment

UNITED NATIONS
ECONOMIC COMMISSION FOR EUROPE

Ms. Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee
Palais des Nations, Room 429-4
CH-1211 GENEVA 10
Switzerland

27 November 2018

Your Ref: ACCC/C/2013/107

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Ireland with the provisions of the Convention on public participation in decision-making in relation to the extension of the duration of 3 planning permissions for a quarry (ACCC/C/2013/107)

Dear Ms Marshall

We refer to your email dated 08th November 2018 relating to questions raised by the Compliance Committee at its 62nd Meeting from 5-9 November 2018. Please see Ireland's response:

Section 42(a)(i) of the Planning and Development Act 2000

I can confirm that section 57 of the Planning and Development (Amendment) Act 2018, which came into force on enactment, amends section 28(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016, which remains to be commenced.

The Department of Housing, Planning and Local Government expect to make the commencement order in early 2019 required to bring into operation the latter provision, which amended section 42 of the Planning and Development Act 2000 relating to the extension of the duration of a planning permission.

As requested by the Compliance Committee please see attached text of section 42 of the Act of 2000, as it will stand following the commencement of section 28(1) of the Act of 2016.

For the avoidance of doubt, should an argument be made by the applicant that the fact the amendment was made is an admission that the original text was wrong we would

Bóthar an Bhaile Nua, Loch Garman, Y35 AP90
Newtown Road, Wexford, Y35 AP90
T +353 1 678 2000 | 1890 44 99 00
www.dccae.gov.ie

like to point the Committee to the Judgement of Judge Barrett in Merriman & ors -v- Fingal County Council & ors; Friends of the Irish Environment Clg -v- Fingal County Council & ors, [2017] IEHC 695 (attached). This argument was previously made and dismissed by Barrett J in the judgement referred to.

High Court Judgement

The High Court High judgment of Friends of the Irish Environment v. Fingal County Council dated 21 November 2017 is also attached for your reference.

Yours sincerely,

Kevin McCormick
National Focal Point –Ireland- Aarhus