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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

Kieran Cummins
Trammon,
Rathmolyon,
County Meath,
Ireland

Dear Mr Cummins,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by
Ireland in connection with public participation in the extension of a quarry operation**

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 11 November 2013. The communication alleged non-compliance with articles 6 and 7 of the Convention with respect to a decision to extend the operation of a quarry. At its forty-sixth meeting, 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 substantiate 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,

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Enc: Questions for the communicant

Questions for the communicant

1. You allege that there has been a breach of articles 6 and 7 of the Convention. With respect to article 6, please explain how the 2013 decision comes within the scope of annex I to the Convention. In particular:
 - a. With regard to paragraphs 16 and 22 of Annex I, the communication states that the overall retention area of the quarry is 10.53 hectares. Is this the current total surface of the quarry area? If not, what is the total surface area (in hectares)?
 - b. With regard to paragraph 20 of Annex I:
 - i. Please provide the Committee with the relevant provisions of the Irish legislation currently in force that require that the proposed extension of the quarry's lifetime be subject to an environmental impact assessment procedure prior to the grant of consent.
 - ii. Please also provide the Committee with the relevant provisions of the Irish legislation that would require that a quarry identical to the one that is the subject to your communication but not yet commenced at all (i.e. a greenfield activity) would, under the legislation currently in force, be required to undergo an environmental impact procedure prior to the grant of consent.
2. With respect to article 7, do you allege that the 2013 decision constitutes a plan, programme or policy relating to the environment within the meaning of that article? If so, please provide reasons to support your answer.
3. In paragraph 11 of your communication you state that the quarry was subject to a s.216A process and a determination of this was still outstanding. What is a “s.216A process”? Please provide the relevant provisions of Irish legislation. What is the current status of this process, and if it is now concluded, what was the outcome?
4. Also in paragraph 11, you state that the quarry applied for “large-scale retrospective planning permission in 2003 and a separate submission was made to the Planning Appeals Board on that issue over 1 year ago”. Please clarify whether or not the outcome of that submission before the Planning Appeals Board could have any legal effect on the 2013 decision or it is an entirely separate matter. If it could have any legal effect, provide a summary of the proceeding, including its subject matter, reference number, date of submission, current status and potential legal effect.
5. Are any other administrative or judicial procedures submitted by you (or to your knowledge, by any other party) regarding the 2003 or 2013 decisions currently pending at either the domestic or European Union level? If so, please provide a summary of each such procedure, including its subject matter, type of procedure and forum, reference number, date of submission and current status.
6. Are there any other administrative or judicial procedures at either the domestic or European level potentially available to you to challenge the 2013 decision? If so, why have you not used them to date?