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ECONOMIC COMMISSION
FOR EUROPE

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Ref: ACCC/C/2013/107

Palais des Nations, Room 429-4
CH-1211 GENEVA 10

28 October 2016

Aoife Joyce
Environment Policy and Awareness
Department of Communications, Climate Action and Environment
Ireland

Kieran Cummins
County Meath
Ireland

Dear Ms. Joyce and Mr. Cummins,

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

During the discussion of the above communication at its fifty-second meeting (Geneva, 8 – 11 March 2016), the Compliance Committee indicated that it would send further questions for the response of both the communicant and the Party concerned. Please now find enclosed the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive your responses to the enclosed questions on or before **Friday, 18 November 2016**. Please send your response to aarhus.compliance@unece.org, copying the other party. The other party will then have until **Friday, 25 November 2016** to provide the Committee with any comments it wishes to make on your response. The Committee will consider the responses and comments received by the above deadlines when deliberating upon its draft findings at its upcoming fifty-fifth meeting (Geneva, 6-9 December 2016).

Please do not hesitate to contact the secretariat if you require any further information.

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

Cc: Permanent Mission of Ireland to the United Nations Office and other international organizations in Geneva
Attracta Ui Bhroin, Environmental Pillar, Observer

Enc: Questions to the parties from the Compliance Committee

Questions to the parties from the Compliance Committee

Domestic remedies

For the communicant:

1. When and how did you first become aware of the 2013 permit extensions?

For both parties:

2. Please provide evidence (e.g. examples of the costs in other similar cases) of how much it would have cost for the communicant or another member of the public to challenge the planning permissions dated 24 July and 5 November 2013 (planning reference numbers: ta/130399, ta/130400 and ta/130581) before the Planning Board, the High Court and any other appropriate mechanism.
3. What procedures existed to challenge the 2013 decisions to extend the operating time of the quarry and what was the time-limit to exercise them?
4. Are any domestic procedures to challenge the 2013 extension decisions still available today?
5. If any such domestic procedures still exist, what would be the typical cost of making such a challenge? Please provide an estimate of all costs through to the issuance of the judgment at first instance as well as a brief reference to the legal basis for your estimates. (You may refer to the excerpts of legislation submitted by the observer on 13 September 2016, if appropriate.)

Article 6

To the Party concerned:

6. At the time the original planning permission was granted in 1997, was the public provided with the opportunity to submit its views on the possible impact on the environment in the event of an automatic extension of the planning permission? If so, please provide documentary evidence to substantiate that the public were given this opportunity.
 7. It appears from the facts before the Committee that in 2004 the operator received retention permission to continue quarrying a bigger area than originally licensed in the 1997 permit and submitted an Environmental Impact Statement in that regard. In your submission of 27 March 2015 you state that full public participation was exercised at this point in time. Please provide details of the public participation procedure carried out. Was it apparent to the public who participated in the 2004 procedure that the operating time of the quarry might be automatically extended beyond 2013? If so, please provide relevant documentary evidence of this.
 8. It further appears from the facts before the Committee that in 2010 a further extension of the quarry was permitted. In your submission of 27 March 2015 you state that full public participation was exercised at this point in time. Please provide details of the public participation procedure carried out. Was it apparent to the public who participated in the 2010 procedure that the operating time of the quarry might be automatically extended beyond 2013? If so, please provide relevant documentary evidence of this.
 9. What was the original amount of rock permitted to be removed in the EIA conducted for the original permission? What was the amount of rock permitted to be removed under the 2004 retention permission? And under the 2010 extension?
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