

From: "Marguerite Ryan - (DECLG)" <email address redacted>
To: Aarhus Compliance, Fiona Marshall,
Cc: "Terry Dunne, Aoife Byrne" <email addresses redacted>
Date: 14/12/2015 18:33
Subject: Re: COMMUNICATION TO THE AARHUS CONVENTION COMPLIANCE
COMMITTEE CONCERNING ACCC/C/2015/132

Dear Ms. Marshall

We refer to your correspondence dated November 24th advising us that the Committee will discuss preliminary admissibility of new communications in open session on December 15th including the above cited Irish communication.

Regrettably as a result of the very short time afforded between notification of the new communication and the proposed discussion on preliminary admissibility it has not been possible to fully examine and investigate the detail of this communication with all relevant State parties so Ireland will not be in a position to participate in the discussion on December 15th. However, at this time we would like to make some brief general observations in relation to the communication. As we are fully cognisant of the purpose and constraints of a discussion on preliminary admissibility we do not wish to enter into any debate on substantive matters raised in the communication at this time and reserve the right to make further such submissions to the Committee in due course regarding admissibility.

Firstly, with regard to the length of the Communication, as we understand it, communications since February 2015 are generally required to be 10 pages or less in length. We would consider that this particular communication would benefit from refinement by the Communicant in relation to the length and also the clarity of the issues being raised. For example, it is difficult to interpret exactly what the Communicant is alleging should be subject to SEA. In addition, while the communicant asserts that the true nature of the project was not revealed, it's not readily clear what information was sought and subsequently refused.

Secondly, the Communicant appears to seek redress from the Committee in the form of injunctive relief. It is considered that in this regard, the Communicant may misunderstand the actual role, operation and function of the Compliance Committee and have the idea that:

1. the ACCC process will be able to "establish an effective remedy" to what the Communicant alleges is a "flawed planning permission"
2. this redress from the Compliance Committee will take effect before early 2016.

It is submitted that in seeking such relief the Communication is manifestly unreasonable and is incompatible with the Convention and Decision 1/7.

Finally, the issues raised in the Communication have parallels with 2 other Irish cases currently being considered by the Committee, namely C112 and C113. We would respectfully suggest that

in order to avoid duplication of work, the decision on preliminary admissibility in this case might reasonably be deferred until the Committee have had an opportunity to prepare draft findings on these other similar cases.

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

Yours sincerely,

[Signature]

Marguerite Ryan
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