



EUROPEAN COMMISSION
DIRECTORATE-GENERAL ENVIRONMENT
Directorate D - Implementation, Governance & Semester
ENV.D.3 - Enforcement, Cohesion Policy & European Semester, Cluster 3
Head of Unit

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ENV.D.3/AH/ad/Ares(2016)

Joan O'Callaghan
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Dear Mrs O'Callaghan,

I write in response to your letter of 14 April 2016. The additional question you pose in that letter is dealt with below. However, firstly it may be helpful if I explain some ongoing discussions the Commission is having with the Irish Government about its planning for wind energy development at national level.

Your previous correspondence described 20 separate planning applications in the local area over a number of years, but did not identify any overarching plan or programme which sets the framework within which those planning applications must be considered about which you were concerned.

Your letter of 14 April explains that the reason for your complaint is that Ireland has not carried out an SEA for its "renewable energy programme" required under Directive 2009/28/EC on the promotion of the use of energy from renewable sources (the Renewable Energy Directive).

The plan prepared under the Renewable Energy Directive by Ireland (the National Renewable Energy Action Plan (NREAP)) has been considered by the Commission in some detail. Whilst no formal SEA was carried out for this plan, we have concluded that there is no reason to believe that insufficient public participation took place prior to the adoption of that plan.

It is important to note that the Commission enjoys a wide discretion in deciding whether to bring enforcement proceedings. There is no duty upon the Commission to bring such proceedings and they do not automatically follow from every complaint.

The Commission has raised with the Irish Authorities the issue of the wider planning framework (at strategic and/or local levels) for the electricity transmission and distribution network, particularly as it relates to wind farms and to indicate how Ireland is ensuring compliance with the SEA Directive. Once we receive a response to our questions the Commission will decide whether any further action is necessary.

Your question

You ask whether the Commission can identify if Ireland, in accordance with Article 13(4) of the SEA Directive, has notified the Commission that wind farms are not covered by the SEA Directive because they are not likely to have significant environmental effects.

Article 13(4) does not require that Member States notify the Commission of types of plan or programme they consider are not covered by the SEA Directive, but rather the types of plan or programme which are covered. The Commission is not aware that any notification of the type you describe has been received.

Next steps

Since the Commission has raised this matter with the Irish authorities I do not propose to open a new complaint file on this matter.

Yours sincerely,

A handwritten signature in blue ink that reads "Paul Speight". The signature is written in a cursive, slightly slanted style.

Paul SPEIGHT