

# Questionnaire for the report of Ireland on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018

## Information on the focal point for the Convention

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11. Date on which report was completed: 22<sup>nd</sup> May 2019

## Part one

# Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

### Article 1 Definitions

#### I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?:

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

**Your comments:** The term impact is not defined in Irish legislation; however, Irish legislation (for example, section 171A(b)(i) of the Planning and Development Act 2000 (as amended) - available on the Department of Housing, Planning & Local Government's website ([www.housing.ie](http://www.housing.ie)) states that 'environmental impact assessment' includes:

*“(i) an examination, analysis and evaluation, carried out by the planning authority or the Board, as the case may be, in accordance with this Part and regulations made thereunder, that identifies, describes and assesses, in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of the proposed development on the following:*

- (I) population and human health;*
- (II) biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;*
- (III) land, soil, water, air and climate;*
- (IV) material assets, cultural heritage and the landscape;*
- (V) the interaction between the factors mentioned in clauses (I) to (IV)”.*

**I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.**

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

**Your comments:** However, Irish legislation (for example Section 174 of the Planning and Development Act 2000, as amended) obliges the decision making authority to have regard, where appropriate, to the views of any Party to the Transboundary Convention in respect of an application for planning permission for development that is likely to have significant effects on the environment in state which is a party to the Transboundary Convention.

**I.3. Please specify how major change is defined in your national legislation:**

“Major change” is not defined; however, we do provide for assessment of changes or extensions to development in Irish legislation (for example as per Class 22 of Part 1 and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended).

**I.4. How do you identify the public concerned? Please specify (more than one option may apply):**

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

Your comments:

## **Article 2**

### **General provisions**

**I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):**

- (a) Law on EIA:
- (b) EIA provisions are transposed into another law(s) (please specify):
- (c) Regulation (please indicate number/year/name):
- (d) Administrative (please indicate number/year/name):
- (e) Other (please specify):

**Your comments:** The Convention’s provisions are implemented through domestic legislation. The requirements of Article 2.2 of the Convention are transposed through the legislation listed in Annex 1 enclosed with this report.

**I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:**

- (a) There is no difference, all activities are transposed in the national legislation as is
- (b) It differs slightly   
(please specify):

**Your comments:** National legislation includes all of the activities listed in Appendix 1 in addition to other activities. A detailed list of “differences” is provided in Annex 2, which accompanies this document.

**I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):**

- (a) There are different authorities at national, regional, local levels
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities: See comment below.
- (d) There is no single authority responsible for the entire EIA procedure:

**Your comments:** The EIA procedure is primarily implemented through the statutory planning process as set out in the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended. In this regard, the authorities that are chiefly responsible for transboundary EIA procedures and conducting the required consultations are the relevant (local) planning authorities (31 in total) and An Bord Pleanála, which is the national body responsible for deciding planning appeals, planning applications for Strategic Infrastructure project proposals, applications for Substitute Consent, and for developments requiring EIA which are proposed to be carried out by local or State authorities. The Minister for Housing, Planning and Local Government must be notified of any development application likely to have a significant impact on the environment of a transboundary State. As per the legislation listed in Annex 1, other Departments and State Authorities such as the Department of Communications, Climate Action and the Environment, the Department of Agriculture, Food and the Marine, and the Environmental Protection Agency (EPA) are also competent authorities for EIA procedures at national level for specific sectoral consent processes which may also require EIA, such as integrated pollution control licences and industrial emission licences (as licenced by the EPA) with reference to the European Communities (Environmental Impact Assessment) Regulations, 1989, as amended.

**I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:**

- (a) No
- (b) Yes  (please specify):

**Your comments:** Information on transboundary EIA cases is managed by the relevant authorities for each case, for example, with the requirement in Article 124(1) of the Planning and Development Act 2000, to notify the Minister of Housing, Planning and Local Government of planning applications, “where, in its opinion, the proposed development to which the application relates would be likely to have significant effects on the environment in a transboundary State”.

In May 2017, the Department of Housing, Planning and Local Government established the national EIA Portal which provides online/digital access to the public

on all applications for development consent that are subject to an EIA and provides a link to the relevant information and documents associated with the application held online by the relevant competent authorities. The EIA Portal facilitates an early and effective opportunity for any person to participate in the decision making procedures where EIA is required, including in transboundary EIA cases.

**I.9. How does your country, as a Party of origin and as an affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):**

As a Party of Origin, Irish legislation (for example Article 126 of the Planning and Development Regulations 2001, as amended), outlines the process for transboundary consultation explaining that the relevant authority shall provide information on a proposed development and its possible transboundary impact to the transboundary State concerned, and shall enter into consultations with that State in relation to the potential transboundary effects of the proposed development. A decision to permit the development will not be taken on the proposed development until the views, if any, of the transboundary State have been received or consultations otherwise completed. Where the transboundary State concerned indicates that it wishes to take part in the decision-making procedures in relation to the proposed development, the authority shall send the Environmental Impact Assessment Report (EIAR) and any other relevant information to the transboundary State.

As an affected Party, Article 132 of the Planning and Development Regulations 2001, as amended, requires that where the relevant Government Minister receives information from a transboundary State in respect of any development which is subject to the Transboundary Convention and is likely to have significant effects on the environment of Ireland, the Minister shall notify and provide information to a relevant Irish authority likely to be affected by the proposed development. The relevant authority then publishes a notice in an approved newspaper and informs other relevant parties. Submissions or observations in relation to the proposed development may be made by members of the public in writing to the authority within a specified period not less than 30 days. The relevant authority will consult with the Minister in relation to any submissions received on the potential transboundary effects of the proposed development.

### **Article 3 Notification**

**I.10. As a Party of origin, when do you notify the affected Party (art. 3, para. 1)?  
Please specify:**

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

**Your comments:** The notification procedure generally starts when the EIAR has been prepared; however, in some cases, the affected party may be invited to comment during scoping phase. The affected Party is also notified when the development decision is made by the relevant authority.

**I.11. Please define the format of notification:**

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format  (please attach a copy)
- (c) No official format used

**Your comments:** The format for notification of transboundary states is substantially similar to the format decided at the meeting of the Parties cited above.

**I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):**

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify):

**Your comments:** The information provided in such a notification is detailed in Irish legislation (such as Article 126(2) of the Planning and Development Regulations 2001, as amended), and includes: *“a description of the project, together with any available information on its possible transboundary impact; an indication that the project is subject to an environmental impact assessment procedure; an indication that the planning authority or the Board, as the case may be, is the competent authority responsible for taking the decision; an indication of the types of decision the planning authority or the Board, as the case may be, may make in relation to the application, appeal, application for approval or application for strategic infrastructure; an indication that a decision will not be taken on the proposed development until the views, if any, of the transboundary State have been received or the consultations are otherwise completed, and; and indication that where the transboundary State indicates that it wishes to take part in the decision-making procedures in relation to the proposed development, a copy of the EIAR will be sent to it.”*

**I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:**

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation  (please indicate the time frame):
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks):

**Your comments:**

**Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:**

No specific time frame is provided for in Irish legislation. However, Irish legislation (for example Article 126 of the Planning and Development Regulations 2001, as amended) provides that no decision may be made on an application until the response of the transboundary state has been received or the consultations are otherwise complete. A transboundary State may be asked to respond within a particular timeframe for administrative purposes; however, if the transboundary

State is not in a position to respond within that timeframe, the relevant consent authority must provide any extension required.

**I.14. How do you inform the public and authorities of the affected Party (art. 3, para. 8)? Please specify:**

- (a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>
- (b) Other (please specify):

**Your comments:** Irish legislation (for example, Article 126 of the Planning and Development Regulations 2001, as amended) requires that when a competent authority receives an application, or information concerning an application for a proposed development which is likely to have significant effects on the environment in a transboundary State, the competent authorities are required to notify both the relevant Minister and the relevant authority in the transboundary State simultaneously. The authorities in Ireland are required to provide information relevant to the development proposal, including the EIAR, to the transboundary State which is the affected Party. It is a matter for the authorities in the affected Party to inform members of its public that they may make submissions or observations directly to the authorities in the Party of Origin.

If the competent authority in Ireland receives significant further information or revised plans, or a revised EIAR from the applicant, it is legally obliged to notify the relevant authorities in the transboundary State. Irish legislation, such as the Planning and Development Regulations 2001, as amended, provides that in such cases, the competent authority is required to notify any person who made a submission/observation in relation to the application that they have 4 weeks from the date of the notice to make a further submission/observation; this includes any member of the public in the affected Party who made a submission/observation directly to the competent authority in the party of Origin. The affected Party may also be given an administrative deadline within which to respond to the Party of Origin with any comments/observations on the further information but as previously mentioned, this deadline will be extended should the affected party need more time to respond.

**I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an affected Party (art. 3, para. 3)? Please specify:**

- (a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by the Party of origin
- (b) Based on the opinions of the competent authorities of the affected Party
- (c) Based on the opinions of the competent authorities and that of the public of the affected Party
- (d) Other (please specify):

**Your comments:** Following receipt of a notification from another Party about a project likely to have a significant effect on the environment of Ireland, the notification and any other available papers are sent to the relevant authority to enable them to decide whether they wish to participate in the transboundary EIA procedure

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

**I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:**

- (a) Following the rules and procedures of the Party of origin
- (b) Following the rules and procedures of the affected Party
- (c) Other (please specify):

**Your comments:** Irish legislation, such as Article 126(3) of the Planning and Development Regulations 2001, as amended, requires that where the transboundary state indicates that it wishes to take part in the decision-making process, the relevant authority shall send the EIAR and any other information to the transboundary state. A decision will not be taken to permit the proposed development until the views of the transboundary state have been received or consultations are otherwise complete.

## Articles 3.8 and 4.2

### Public participation

**I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):**

*As a Party of origin*

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

In all cases members of the public may send submissions and observations in writing to the competent authority to express their opinion on the EIA documentation of the proposed project. In the case of Irish Planning legislation, where Ireland is the party of origin, public oral hearings may be held by An Bord Pleanála, the national planning appeals board as part of the consent assessment process for a planning appeal or where a development is classified as “strategic infrastructure development” (SID), and the public may attend and express opinion on the application, including the EIA documentation, albeit public consultations conducted by An Bord Pleanála are usually by written submission only. It should also be noted that such a public hearing is not specifically related to the transboundary consultation process.

*As an affected Party*

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments:

**I.18. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:**

- (a) Yes
- (b) No



**Your comments:** This should be a matter for the affected Party.

**I.19. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:**

- (a) Yes   
(b) No

**Your comments:** Whilst there is no legal obligation in our national legislation to hold a public hearing in cases where Ireland is the affected party, Article 132 of the Planning and Development Regulations 2001, as amended, does require the relevant Irish authority to consult widely with the public by publishing a notice in an approved newspaper informing the public of the information received in relation to the proposed development in a transboundary State, which is likely to have significant effects on the environment in Ireland. The authority's newspaper notice invites written submissions or observations from the public in relation to the proposed development, to be made to the relevant competent authority.

The authority's newspaper notice shall state:

- (i) that information has been received in relation to the proposed development in such transboundary State,
- (ii) the URL, if known, to the application for development consent on the website of the relevant competent authority in the transboundary State concerned,
- (iii) the nature of the information received,
- (iv) that the proposed development is subject to an environmental impact assessment procedure and has potential transboundary effects,
- (v) the nature of possible decision, or where there is one, the draft decision,
- (vi) that the information is available for inspection, or purchase at a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the authority, and
- (vii) that a submission or observation in relation to the proposed development may be made in writing to the authority within a specified period (being a period not earlier than 30 days after the publication of the notice).

On receipt of any submissions or observations from members of the public or from statutory consultees who are notified directly by the Irish authority, the Irish authority shall consult with the Minister and then enter into consultations with the State concerned in relation to the potential transboundary effects of the proposed development. The authority will also publish a notice in an approved newspaper informing of any decision to grant or refuse such development in a transboundary State.

## **Article 4**

### **Preparation of the environmental impact assessment documentation**

**I.20. How do you ensure sufficient quality of the EIA documentation As a Party of origin? Please specify:**

- (a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments   
(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

**Your comments:** The mandatory content of an EIAR is set out in Irish legislation, such as Article 94 and Schedule 6 of the Planning and Development Regulations 2001, as amended.

**I.21. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):**

(a) By using appendix II

(b) By using the comments received from the authorities concerned during the scoping phase, if applicable

(c) By using the comments from members of the public during the scoping phase, if applicable

(d) As determined by the proponent based on its own expertise

(e) By using other means (please specify):

**Your comments:** The requirements in relation to EIA, including content of an EIAR, are set out in national legislation, for example Part 10 and in Schedule 6 of the Planning and Development Regulations 2001 (as amended).

**I.22. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?**

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify):

(c) Other (please specify):

**Your comments:** “Reasonable alternatives” is not defined in Irish legislation; however, Irish legislation, such as Paragraph 1(d) of Schedule 6 of the Planning and Development Regulations 2001, as amended, does set out the information to be contained in an EIAR and this includes the requirement for a description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment.

## **Article 5**

### **Consultations on the basis of the environmental impact assessment documentation**

**I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties? Please specify:**

(a) Yes, it is obligatory

(b) No, it does not have any provision on that

(c) It is optional  (please specify):

**Your comments:** The affected Party may be invited to comment and participate. If a development application is likely to have significant environmental impact on a transboundary State, consultations must be held.

## **Article 6**

### **Final decision**

**I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):**

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify):

**I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?:**

- (a) Yes
- (b) No

**Your comments:**

**I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:**

- (a) No
- (b) Yes  (please specify):

**Your comments:** Additional information may be taken into account in relation to a decision already taken on a development consent for strategic infrastructure development (SID) (ie large scale infrastructure development as defined by Section 2 of the Planning and Development Act 2000, as amended) which is being carried out or is intended to be carried out, in accordance with Section 146B of the Planning and Development Act 2000, as amended, which allows an application to An Bord Pleanála to alter the terms of a SID consent or permission, which may require EIA of the proposed alteration pursuant to section 146C.

**I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:**

- (a) Yes
- (b) No  (please specify those that do not):

**Your comments:**

- I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:**

**Your comments:** “Final decision” is not defined in Irish planning law. In Ireland, a multi-stage development process exists for the purposes of the Convention and the EU EIA Directive. Development consent comprises of the decision of the competent authority or authorities which entitles the development to proceed. In the vast majority of cases, EIA is solely implemented by the planning system with it being mandatory for an EIAR to accompany applications for developments listed in Appendix 1 to the Convention. However, in a number of instances an additional competent authority may be required to carry out environmental impact assessment; for example, in the case of where an application to the Environmental Protection Agency (EPA) for a Waste Licence and/or an Industrial Emissions Licence is required to be accompanied by an EIAR and the EPA is required to carry out environmental impact assessment. In such cases, planning and waste legislation provides for interaction between the planning authorities and the EPA.

To ensure that a holistic assessment of the environmental impacts is carried out, ultimately, where more than development/activity application assessment is required to be carried out the ‘final decision’ on development may comprise two or more principal decisions.

In practice, a final decision is generally the decision reached when the relevant planning authority, on completion of any transboundary consultation, decides to grant permission, with or without conditions, or refuse permission for the proposed development. The decision taken by the planning authority, however, is only the final decision taken by that authority, as that decision may be, in turn, appealed to An Bord Pleanála. The decision taken by An Bord Pleanála may be, in turn, subject to Judicial Review in the Irish High Court.

For certain developments (e.g. Strategic Infrastructure Developments, applications for Substitute Consent, or developments being undertaken by a local authority that require an EIAR) An Bord Pleanála is the sole consenting authority. Again, decisions by An Bord Pleanála may be subject to Judicial review in the High Court.

## **Article 7**

### **Post-project analysis**

- I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:**

- (a) No
- (b) Yes  (please specify the main steps to be taken and how the results of it are communicated):

**Your comments:** There is no specific legal requirement for post-project analysis in Irish planning law although it is not unusual for a grant of planning permission to be conditional on post-project monitoring; indeed, monitoring of the effectiveness of mitigation measures put forward in the EIAR, both by the competent authorities and the developer, is an integral part of the EIA process. Such monitoring would

normally be associated with thresholds which, if exceeded require that a clearly defined set of actions are implemented.

## **Article 8**

### **Bilateral and multilateral cooperation**

#### **(a) Agreements**

#### **I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:**

- (a) No
- (b) Yes  Please specify with which countries:

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

#### **I.31. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):**

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

**Your comments:** No bilateral or multilateral agreements are in place.

#### **(b) Procedural steps required by national legislation**

#### **I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.**

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

**Your comments:** National legislation, such as Article 126 of the Planning and Development Regulations, 2001 (as amended), requires the relevant competent authority to notify the affected Party at the same time as it notifies the Minister for Housing, Planning and Local Government, which is “as soon as may be” after receipt of an application for such a development. The competent authority must also notify all the other parties to the development application process that it has entered into consultations with an affected Party (transboundary State). Where further information is sought by the competent authority and submitted by the development applicant, a copy of that further information will be sent to all other parties to the application, including any affected Party (transboundary State). A competent authority may request the further information having regard to the views of a transboundary State, as per Article 128 of the Planning and Development Regulations, 2001 (as amended).

Where a requirement to furnish further information, having regard to the views of a transboundary State, is not complied with, the development application shall be declared to be withdrawn after the period of 6 months from the date of the requirement for further information has elapsed. Where the authority considers that any submission, observation, document, particulars or other information submitted to it in response to a request for further information, contains significant additional data on the effects on the environment of the proposed development, it shall send a copy of the relevant data to the Minister and to any relevant transboundary State.

As per Article 130 of the Planning and Development Regulations, 2001 (as amended), an authority shall not decide to grant or refuse permission in respect of a planning application until after the views, if any, of any relevant transboundary State have been received in response to transboundary consultations, or the consultations are otherwise completed.

As per Article 131 of the Planning and Development Regulations, 2001 (as amended), a notice of the decision on the development application shall be sent to the Minister for Housing Planning and Local Government and to any affected Party (transboundary State).

**I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?**

- (a) No
- (b) Yes  (please specify):
  - (i) Special provisions:
  - (ii) Informal arrangements:

**Your comments:**

**I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?**

- (a) No
- (b) Yes  (please specify):
  - (i) Special provisions:

(ii) Informal arrangements:

**Your comments:** With regard to proposed nuclear power plants (NPPs), all planning authorities in Ireland accept submissions made from the public in their own functional areas in response to a single coordinating public advertisement by the Department of Housing, Planning and Local Government confirming that there are likely to be significant environmental effects on Ireland from a proposed NPP development in a Party of Origin. Following consultation with the Minister, the planning authorities are requested to forward submissions that they have received to the competent authority in the Party of Origin.

## Part two

### Practical application during the period 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

**II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate “yes” if you object):**

(a) Yes

(b) No

Your comments:

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

Cases during the period 2016–2018

**II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was a Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).**

Table II.2 (a)

#### Transboundary EIA procedures: As a Party of origin –

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	

**Your comments:** A detailed list has been provided in Annex 3 which accompanies this questionnaire.



Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

**II.3. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:**

- (a) How has your country addressed the issue of the translation of EIA documentation?

To date, there has been no need for translation for transboundary EIA procedures, given that they have all been with the UK and given that English is spoken in Ireland.

- (b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found?

As above. No translation has been required in any case to date

- (c) Which Party covers the cost of translation of EIA documentation? Not applicable (N/A)

(i) As a Party of origin:

(ii) As an affected Party:

(iii) Other, please specify:

- (d) What parts of the EIA documentation does your country usually translate? N/A

(i) As a Party of origin:

(ii) As an affected Party:

- (e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties. As above.

- (f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

(i) English

(ii) The affected Party's language

(iii) Other (please, specify)

- (g) As an affected Party, from which language do you usually translate? N/A

(i) English

(ii) Language of the Party of origin

(iii) Other (please, specify)

No translation has been required in any case to date as English is spoken in Ireland.

- (h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

There have been no difficulties to report.

- (i) As a Party of origin: N/A

Experience with public participation
Experience with consultations under article 5

- (ii) As an affected Party: N/A

Experience with public participation
Experience with consultations under article 5

- (i) Please describe how the costs of interpretation during the hearings are covered:

N/A. There has been no need for interpretation to date.

- (ii) By the Party of origin:  
(iii) By the affected Party:  
(iv) Shared by both Parties concerned:  
(v) Developer:  
(vi) Other, please specify

**II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:**

None to report.

**II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:**

- (a) Yes   
(b) No

**II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):**

- (a) For joint cross-border projects:  
The contact point with Northern Ireland regarding large infrastructure project is the Department for Infrastructure (NI)
- (b) For NPPs:  
The contact point for NPPs is the United Kingdom's (UK's) Planning Inspectorate ('PINS'). EIA documents related to NPPs are made available to Ireland via the UK website <https://infrastructure.planninginspectorate.gov.uk>

**II.7. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice: N/A**

**II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?:**

- (a) No   
(b) Yes  (please indicate which cases):

**II.9. Has your country carried out post-project analyses in the period 2013–2015:**

- (a) No
- (b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned):

**2. Experience in using the guidance in 2016–2018**

**II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?**

- (a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):
- No
- Yes  (please provide details):
- Your experience with using this guidance: We found it to be useful.
- Your suggestions for improving or supplementing the guidance: N/A
- (b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):
- No
- Yes  (please provide details):
- Your experience with using this guidance:
- Your suggestions for improving or supplementing the guidance:
- (c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):
- No
- Yes  (please provide details):
- Your experience with using this guidance: We found it to be useful.
- Your suggestions for improving or supplementing the guidance: N/A

**3. Clarity of the Convention**

**II.11. Has your country had difficulties implementing the procedures defined in the Convention, either As a Party of origin or as an affected Party, because of a lack of clarity of the provisions?**

- No
- Yes  (please indicate which provisions and how they are unclear):

**4. Suggested improvements to the report**

**II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved.**

Not applicable.



## **ANNEX 1 - Legislation**

- European Communities (Environmental Impact Assessment) Regulations 1989 (SI No. 349 of 1989)
- European Communities (Environmental Impact Assessment)(Amendment)Regulations 1994 (SI No. 84 of 1994)
- European Communities (Environmental Impact Assessment)(Amendment) Regulations 1999 (SI No. 93 of 1999)
- Planning and Development Act 2000 (No. 30 of 2000)
- Planning and Development Regulations 2001 (SI No. 600 of 2001)
- Planning and Development (Strategic Infrastructure) Act 2006 (No. 27 of 2006)
- European Communities (Environmental Impact Assessment) (Forestry Consent System) (Amendment) Regulations 2006 (S.I. No. 168 of 2006)
- European Communities (Environmental Impact Assessment) Amendment Regulations 2006 (SI No. 659 of 2006)
- Planning and Development Regulations 2006 (SI No. 685 of 2006)
- European Communities (Arterial Drainage) Regulations 2009 (S.I. No. 388 of 2009)
- Planning and Development (Amendment) Act 2010 (No. 30 of 2010)
- European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011(S.I. No. 456 of 2011)
- Environment (Miscellaneous Provisions) Act 2011 (No. 20 of 2011)
- European Union (Environmental Impact Assessment of Proposed Demolition of National Monuments) Regulations 2012 (S.I. No. 249 of 2012)
- European Union (Environmental Impact Assessment) (Gas) Regulations 2012 (S.I. No. 403 of 2012)
- European Union (Environmental Impact Assessment) (Petroleum) Regulations 2012 (S.I. No. 404 of 2012)
- European Union (Environmental Impact Assessment) (Aquaculture) Regulations 2012 (S.I. No. 410 of 2012)
- European Union (Environmental Impact Assessment) (Foreshore) Regulations 2012 (S.I. No. 433 of 2012)
- European Union (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) (No. 2) Regulations 2012 (SI No. 457 of 2012)
- Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (S.I. No. 468 of 2012)
- European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2012 (S.I. No. 469 of 2012)
- European Union (Environmental Impact Assessment of Material Alterations of Approved Road Developments Consequent on Ministerial Directions in Respect of Discoveries of National Monuments) Regulations 2013 (S.I. No. 114 of 2013)
- European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013 (S.I. No. 134 of 2013)
- European Communities (Environmental Impact Assessment) (Agriculture) (Amendment) Regulations 2013(S.I. No. 142 of 2013)
- European Union (Environmental Impact Assessment and Habitats) (Section 181 of the Planning and Development Act 2000) Regulations 2013 (SI No. 403 of 2013)
- European Union (Environmental Impact Assessment) (Waste) Regulations 2013 (SI No. 505 of 2013)
- Planning and Development (Amendment) (No.2) Regulations 2013 (SI No. 520 of 2013)
- European Union (Environmental Impact Assessment) (Planning and Development) Regulations 2014 (SI No. 543 of 2014)

- European Union (Environmental Impact Assessment and Appropriate Assessment) (Foreshore) Regulations 2014 (SI No. 544 of 2014)
- European Union (Environmental Impact Assessment and Habitats) Regulations 2015 (SI No. 301 of 2015)
- European Union (Environmental Impact Assessment and Habitats)(No. 2) Regulations 2015 (SI No. 320 of 2015)
- Planning and Development (Housing) and Residential Tenancies Act 2016
- European Communities (Environmental Impact Assessment)(Agriculture)(Amendment) Regulations 2017 (SI 407/2017)
- Aquaculture (Licence Application)(Amendment) Regulations 2018 (SI No. 240 of 2018)
- Forestry Regulations 2017 (SI No. 191 of 2017)
- Forestry (Amendment) Regulations (SI No. 498 of 2017)
- European Union (Planning and Development)(Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018)
- European Union (Environmental Impact Assessment)(Planning and Development) (No. 2) Regulations 2018 (SI No. 404 of 2018)
- European Union (Planning And Development)(Environmental Impact Assessment) (Amendment) Regulations 2018
- European Union (Environmental Impact Assessment)(Peat Extraction) Regulations 2019 (SI No. 4/2019)

**ANNEX 2 – Differences between Appendix I of the Convention and Irish Legislation**

Appendix I of the Convention	Schedule 5 - Part 1, of the Planning and Development Regulations 2001, as amended & First Schedule – Part 1 of the European Communities (Environmental Impact Assessment) Regulations, 1989, as amended
<p>3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.</p>	<p>3. (a) All installations for the reprocessing of irradiated nuclear fuel.                      (b) Installations designed –                      - for the production or enrichment of nuclear fuel,                      - for the processing of irradiated nuclear fuel or high level radioactive waste,                      - for the final disposal of irradiated fuel,                      - solely for the final disposal of radioactive waste,                      - solely for the storage (planned for more than 10 years) of irradiated fuels or radioactive waste in a different site than the production site.</p>
<p>6. Integrated chemical installations.</p>	<p>6. Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are -                      (a) for the production of basic organic chemicals,                      (b) for the production of basic inorganic chemicals,                      (c) for the production of phosphorous, nitrogen or potassium based fertilisers (simple or compound fertilisers),                      (d) for the production of basic plant health products and of biocides,                      (e) for the production of basic pharmaceutical products using a chemical or biological process,                      (f) for the production of explosives.</p>
<p>8. Large-diameter oil and gas pipelines.</p>	<p>16. Pipelines with a diameter of more than 800mm and a length of more than 40km:                      — for the transport of gas, oil, chemicals, and,                      — for the transport of carbon dioxide (CO<sub>2</sub>) streams for the purposes of geological storage, including</p>

	associated booster stations.
10. Waste disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes.	9. Waste disposal installations for the incineration, chemical treatment as defined in Annex IIA to Directive 75/442/EEC3 under heading D9, or landfill of hazardous waste (i.e. waste to which Directive 91/689/EEC4 applies).  10. Waste disposal installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9, of non-hazardous waste with a capacity exceeding 100 tonnes per day.
11. Large dams and reservoirs.	15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.
14. Major mining, on-site extraction and processing of metal ores or coal.	19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares.
15. Offshore hydrocarbon production.	14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.
16. Major storage facilities for petroleum, petrochemical and chemical products.	21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tonnes or more.



## Espoo Questionnaire 2016-2018 - Ireland Response

## ANNEX 3

Transboundary Development Proposals as Party of Origin and Affected Party									
Development Name	Type/Party of Origin	Ref. No.	Date of Application	Notification to Dept.	Relevant Planning Authorities (Ireland)	Notification to Irish competent authority or UK/NI competent authority	Public Advert	Consultation with Dept. of Housing, Planning & Local Govt by local authorities	Final approval of consultation
Seagronan Wind Farm, Killeter, Co. Tyrone, UK (NI)	UK (Northern Ireland): appeal to Planning Appeals Commission (NI) re significant further information	Appeal no. 2014/A0180. Plan ref. J/2013/0187/F	N/A	20/05/2016	Donegal County Council	02/06/2016	22/08/2016	15/11/2016	Not approved
Hinkley Point C Nuclear Power Plant, UK	UK: application to Planning Inspectorate	EN010001	N/A	28/07/2017	All 31 Planning authorities	09/02/2018	20/02/2018	19/04/2019	17/05/2018
Derry-Strabane Mixed Development, Buncrana Road, UK (NI)	UK (Northern Ireland): application to local authority	A/2006/0441/O	10/05/2006	No notification received from NI directly.	Donegal County Council	N/A	01/11/2017	21/03/2018	05/07/2018
Momeen & Lettergull Wind Farm, Ireland	Ireland: application to local authority	18/50156	07/02/2018	26/03/2018	Donegal County Council	26/09/2018		N/A	N/A
Wylfa Newydd Nuclear Power Plant, UK	UK: application to Planning Inspectorate	EN010007-001805	01/06/2018	06/07/2018	All 31 Planning authorities	09/11/2018	23/11/2018	18/02/2019	22/03/2019
Pig breeding units at Limavady, UK (NI)	UK (Northern Ireland): application to local authority	B/2015/0005/F	30/12/2014	16/10/2018	Donegal County Council	24/10/2018	Public consultation not yet commenced	N/A	N/A