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11.07.2011 15:14

To <Public.Participation@unece.org>

cc

bcc

Subject "C/54" Email 20

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**From:** ENV CHAP

**Sent:** Monday, June 28, 2010 9:48 AM

**To:** WEGERDT Patrick (ENV); WALKER Margaret (ENV); BURSA Dorota Anna (ENV)

**Cc:** ENV CHAP A

**Subject:** FW: CHAP (2010) 00645 / FB11.242/09 Access to Information on the Environment Request Related to Foreshore License for Dublin City Waste to Energy Project

CHAP (2010) 00645

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**From:** Pat Swords [mailto:pat.swords.chemeng@gmail.com]

**Sent:** Sunday, June 27, 2010 8:46 PM

**To:** ENV CHAP; MINISTER; foreshore@environ.ie; gbfi\_dv@garda.ie

**Cc:** Raymond\_Butler@ombudsman.gov.ie

**Subject:** CHAP (2010) 00645 / FB11.242/09 Access to Information on the Environment Request Related to Foreshore License for Dublin City Waste to Energy Project

To: EU CHAP (2010) 00645

Minister for the Environment, Foreshore Licensing  
Garda Bureau of Fraud Investigation

For some time now I have been highlighting the:

- Lack of strategic environmental assessments for the renewable energy and waste policies in Ireland.
- The granting of renewable energy tariffs to wind energy producers, without any proper assessment of the costs, benefits and alternatives.
- The obstruction of waste to energy projects, which can provide a higher quality of renewable energy with better costs and with far greater environmental benefits. Indeed Ireland is now facing proceedings against it initiated by the EU Commission over non-compliance with the Landfill Directive (1999/31/EC).

The Irish Green Party and in particular its leader, the Environment Minister John Gormley have played a major role in obstructing the implementation of the

necessary waste to energy infrastructure. From the newspaper report below it is clear that he is now obstructing the 600,000 t/a (50 MWe) waste to energy plant in Dublin once again by refusing to process the necessary foreshore license for the plant's cooling system.

<http://www.irishtimes.com/newspaper/opinion/2010/0626/1224273355098.html>

Given that such actions are perceived to benefit both himself and his party personally, his behaviour is clearly corruption. I have already contacted the Garda Bureau of Fraud Investigation on this issue in the past, see attached correspondence, but no action has been taken other than to acknowledge the initial correspondence file. If as is likely, the Irish State is fined by the European Court of Justice for the more than thirty cases now been taken against it for infringements of EU Environmental Legislation, I consider it unacceptable that the Irish Taxpayer will have to fund the bill given that it was senior elected and unelected officials, who choose to act outside the legislation for their own benefit. There is also the sad case that Ireland is now considered off limits for investment as its regulatory system has been grossly politically compromised and the Environmental Acquis are consistently ignored by these officials. Huge job losses are occurring.

With regard to this foreshore license I am therefore requesting the following information from the relevant officials under the Access to Information on the Environment Regulations (S.I. No. 133 of 2007), which implement Directive 2003/4/EC. Information on the Environment includes administrative measures, such as foreshore licensing, which have a role in environmental protection, as does the measures related to the provision of the necessary waste infrastructure to meet the targets set in the Landfill Directive:

- The Foreshore Act of 1933 is clear in Section 3(1) in that if it is in the Public Interest for a licence to be awarded then it should be awarded by the Minister. Given that the Poolbeg project is fully approved by the Planning Authorities through the Environmental Impact Assessment process, is licensed to Integrated Pollution Prevention and Control and is essential to meet the targets of the Landfill Directive (1999/31/EC), which the Irish State is already considerably in breach of, on what basis of 'Public Interest' has this license not been awarded given it was applied for two years ago? I am also drawing attention to Section 10 (2) of the Foreshore Act in which the grounds of refusal to grant a license for erection of a structure are limited to the likelihood of an obstruction to navigation or to fishing.
- Section 4 (2a) of the Prevention of Corruption (Amendment) Act of 2001 is clear in that "the granting, refusal, withdrawal or revocation by a

Minister or an officer of a Minister or by any other person employed by or acting on behalf of the public administration of the State by or under any statute of any licence, permit, certificate, authorisation or similar permission, where any gift or consideration or advantage shall be deemed to have been given and received corruptly as an inducement to or reward", is defined as corruption . What is the official position of the Department of the Environment with regard to the processing of licenses and permits, such as a foreshore application, within an appropriate timeframe and the 2001 Prevention of Corruption (Amendment) Act of 2001.

I am also highlighting the Ombudsman's Code of Public Servants and section 1 relating to dealing promptly and without undue delay. I will be making a complaint to the Ombudsman if there is not a satisfactory outcome to the above request.

My contact details are:

Pat Swords BE CEng FICChemE CEnv MIEMA  
10 Hillcourt Road  
Glenageary  
Co. Dublin  
01-2852768

(e-mail is best as I'm out of the country a lot, as I have pointed out there is no investment in industrial development in Ireland anymore)



Questions for Gormley on Poolbeg conflict of interest - The Irish Times - Sat, Jun 26, 2010.mht



Reply from Garda Bureau of Fraud Investigation 8-12-09.pdf