



<Dorota-Anna.BURSA@ec.europa.eu>

12.07.2011 09:57

To <Public.Participation@unece.org>

cc

bcc

Subject "C/54" Email 53

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**From:** ENV CHAP A

**Sent:** Friday, November 12, 2010 11:31 AM

**To:** FEDER Maja Dorota (ENV)

**Cc:** CASHMAN Liam (ENV); ENV CHAP A

**Subject:** FW: CHAP (2010)00645 - Public Consultation on Offshore Renewable Energy and Strategic Environmental Assessment

Good morning Maja,

Please do not forget to add these documents into the related CHAP case.

thanks in advance,  
Encarna

**María Encarnación ARIAS SANCHEZ**

Compliance promotion, Governance & Legal issues Unit

[DG ENV.A.2]

Directorate-General for Environment

European Commission

B-1049 Brussels

Office: BU-9 1/23

T (32-2)29-65 703

**maria-encarnacio.arias-sanchez@ec.europa.eu**

 **Please consider the environment before deciding to print this e-mail**

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**From:** ENV CHAP

**Sent:** Friday, November 12, 2010 9:15 AM

**To:** CASHMAN Liam (ENV); FEDER Maja Dorota (ENV)

**Cc:** ENV CHAP A

**Subject:** FW: CHAP (2010)00645 - Public Consultation on Offshore Renewable Energy and Strategic Environmental Assessment

CHAP (2010) 00645

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**From:** Pat Swords [mailto:pat.swords.chemeng@gmail.com]  
**Sent:** Thursday, November 11, 2010 10:30 PM  
**To:** ENV CHAP; oreseaconsultation@seai.ie; Customer Service  
**Subject:** CHAP (2010)00645 - Public Consultation on Offshore Renewable Energy and Strategic Environmental Assessment

**To:** CHAP (2010) 00645  
OREDP and SEA Consultation  
Department of Communications, Energy and Natural Resources  
(DCENR)

**Date:** 11/11/2010

Strategic Environmental Assessment is implemented through Directive 2001/42/EC as amended for Public Participation in Decision Making (Pillar II of Aarhus Convention) by Directive 2003/35/EC. With regard to the recently announced Public Consultation on Offshore Renewable Energy, see below, the SEA Environmental Report clearly does not meet the information requirements of the Directive, see attached.

- <http://www.dcenr.gov.ie/Energy/Sustainable+and+Renewable+Energy+Division/Strategic+Environmental+Assessment+on+draft+Offshore+Renewable+Energy+Development+Plan.htm>

Furthermore there is no mention in the call for public consultation on how the requirements for Access to Information on the Environment (Directive 2003/4/EC) are to be met, such as access to the Submissions made being available through the website of DCENR. With regard to two previous consultations of the Irish Administration I participated in, I would point out the completely unsatisfactory manner in which they were conducted, in particular with regard to Access to Information on the Environment (Directive 2003/4/EC) and with regard to how due account was taken of the public participation: Article 2 (2) (c) and (d) of Directive 2003/35/EC and Article 8 of Directive 2003/35/EC. Note:

- With regard to the Department of the Environment's recent Consultation on waste policy, then it is clear from the attached that the intent is to deny access to the Submissions through the Department's website and ignore their content by failing to produce and publish a proper report or document relating to the consultation.
- With regard to the call for submissions by the Joint Oireachtas Committee on Climate Change and Energy Security:  
[http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees/30thDail/J-Climate\\_Change/Submissions/document1.htm](http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees/30thDail/J-Climate_Change/Submissions/document1.htm). There

was a failure to provide access to the Submissions once the closure date had passed. With regard to the report then produced by the Committee:

[http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees/30thDail/J-Climate\\_Change/Reports\\_2008/20091130.pdf](http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees/30thDail/J-Climate_Change/Reports_2008/20091130.pdf) . There was no consideration given to the technical content that was submitted, only a review of 'how many said what' and if more said (a) than (b) then of course (a) was perfectly clear as the way forward.

I am therefore requesting from DCENR under the Access to Information on the Environment Regulations (S.I. No. 133 of 2007), which implement Directive 2003/4/EC:

- What are the arrangements which will be put in place with regards to the Submissions to this Consultation and access to information on the environment through websites, i.e. compliance with Article 7 of Directive 2003/4/EC?
- How will the post consultation report be disseminated to the public in compliance with Article 7 of Directive 2003/4/EC?
- What are the criteria, which will be used in the preparation of this report, such as assessment of additional information to be provided, responses to concerns raised, weighting for decision making in preparation of final OREDP, etc?

Finally, the current renewable programme in Ireland is the subject of both a complaint process at the EU Ombudsman / Commission and at the United Nations Economic Commission for Europe (UNECE) ( <http://unece.org/env/pp/ccBackground.htm> ), see attached. One of the first offshore wind parks ever built was the seven turbines on the Arklow Bank, referred to in your SEA Environmental Report. It has proven impossible to obtain performance data on these units, such as hours of operation since going into service in June 2004, number of MWhs generated, theoretical MWhs at full availability, resulting availability, percentage downtime due to maintenance, estimate for tonnes of CO2 avoided through each year of operation since 2004. The fact that this data was not made available over a year ago is now one of the issues being investigated by the EU Ombudsman. As this data is not available in the SEA and it most certainly should have been, I am formally requesting it under S.I. No. 133 of 2007.

Regards

Pat Swords BE CEng FICChemE CEnv MIEMA  
10 Hillcourt Rd  
Glenageary  
Co. Dublin

 01 443 4831 Comments on Strategic Environmental Impact Assessment 11-11-2020.pdf

 CHAP(2010)00645 Correspondence re Waste Consultation and Failure to Comply with Access to Information on the Environment 5

 Reply from Department of Environment Re Waste Submission and AIE Request Oct 2010.pdf

 2587-2009-JF-S2010-128327.pdf  2587-2009-JF-S2010-128326.pdf

 Communication to Aarhus Convention Compliance Committee by Pat Swords BE CEng FIChemE CEnv MIEMA 15-10-2020.pdf

 Reply from UNECE Compliance Committee 22-10-2010.pdf

 Wind Energy, Environmental NGOs and Access to Information - reply to Commission 6-10-09.pdf

 Correspondence forwarded to German Embassy 7-9-09.pdf