



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

12.07.2011 09:43

To <Public.Participation@unece.org>

cc

bcc

Subject "C/54" Email 35

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**From:** ENV CHAP

**Sent:** Monday, August 02, 2010 2:33 PM

**To:** BURSA Dorota Anna (ENV)

**Cc:** WEGERDT Patrick (ENV); ENV CHAP A

**Subject:** FW: EU CHAP (2010) 00645 - Fwd: AEI Request - Corrib Gas Project

Could you please also add these more documentation into the related CHAP case??

Thanks in advance,

Encarna

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

**Sent:** Sunday, August 01, 2010 10:16 PM

**To:** ENV CHAP

**Cc:** Brendan Cafferty

**Subject:** EU CHAP (2010) 00645 - Fwd: AEI Request - Corrib Gas Project

To: EU CHAP(2010) 00645

Re: Corrib Gas Pipeline Planning Consent

Date: 1/8/2010

The consolidated EIA Directive, which implements the requirements of Directive 2003/35/EC on public participation and access to justice, is clear in Article 6 (3 b) that the main reports and advice issued to the competent authority have to be made available to the public in advance of the Oral Hearing. This is clearly not occurring in Ireland as the attached Access for Information on the Environment Request demonstrates.

Already planning consent has been refused for the Corrib pipeline project in which the competent authority stated that the pipeline was an unacceptable risk, without presenting any documentation (i.e. report or advice) to justify this position and refusing to accept internationally adopted and accepted criteria. Furthermore there is no such report or advice on risk available for the Oral Hearing, which is to resume at the end of this month. While for the Natura site through which the pipeline will run, see: <http://www.npws.ie/en/media/Media,3954,en.pdf>, no management plan is available, despite designation in 2001 and a requirement to complete such management plans within six years. The same is true for the

relevant Special Protection Area: <http://www.npws.ie/en/SPA/004037/> . Note for the Habitats Directive 92/43/EEC and the Birds Directive 79/409/EEC, the European Communities (Natural Habitats) Regulations of 1997 established the Local Authorities, An Bord Pleanala and the Environmental Protection Agency as the competent authority.

Clearly this proposed Oral Hearing will not be conducted in a proper manner within the remit of European Environmental Legislation. Given the extent of the controversy and sums of money involved, consideration should be given to a representative of the Commission observing how due process is conducted in Ireland.

Regards

Pat Swords BE CEng FIChemE CEnv MIEMA

----- Forwarded message -----  
From: **Pierce Dillon** <[p.dillon@pleanala.ie](mailto:p.dillon@pleanala.ie)>  
Date: Thu, Jul 29, 2010 at 2:54 PM  
Subject: AEI Request - Corrib Gas Project  
To: [pat.swords.chemeng@gmail.com](mailto:pat.swords.chemeng@gmail.com)

Dear Mr. Swords,

I refer to your e-mail in relation to the.

Please be advised that the oral hearing in relation to the above-mentioned proposed development is scheduled to re-open on Tuesday, 24th of August, 2010 in the Broadhaven Bay Hotel, Belmullet, Co. Mayo.

I refer you to the following link from the Board's website which lists, under the 'Documents' section, a schedule of correspondence issued and received in relation to the application. You will note from this document that notification of the re-opening of the oral hearing issued on 13<sup>th</sup> of July, 2010,

<http://www.pleanala.ie/casenum/GA0004.htm>

The document is normally refreshed every Wednesday.

The application was submitted to the Board in accordance with section 182C of the Planning and Development Act 2000, as amended. The criteria for the making of a decision by the Board is set out at section 182D of the Act which provides for the Board to take into consideration the following:

(a) The environmental impact statement, any submissions or observations made in relation to the application and any further information submitted.

(i) the likely consequences for proper planning and sustainable development and the likely affects on the environment of the proposed development,

(ii) the report and recommendation of the person conducting any oral hearing.

In relation to the query regarding 'criteria for assessing risk', due to the technical nature of this query I would guide you to the Board's letter which issued to the undertaker on the 2<sup>nd</sup> of November, 2009.

In response to your query regarding the criteria the Board uses for assessing the term 'significance' in relation to the Natura 2000 legislation, as a guideline the Board would take into consideration the criteria as set out at Schedule 7 of the Planning and Development Regulations 2001, under the following headings:

- Characteristics of proposed development
- Location of proposed development
- Characteristics of potential impacts

In this regard I would also refer you to a document entitled 'Appropriate Assessment of Plans and Projects in Ireland'.

The management plans for Natura 2000 sites do not fall within the remit of the Board, nor does the interpretation of the Natura 2000 legislation. You may wish to consult with the National Parks and Wildlife Service in this regard. The Board will however have regard for the Birds Directive and Habitats Directive in its consideration of the application.

Yours sincerely,

Pierce Dillon

01 8737284

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FSGRA RZIN: Tá an ríomhphost seo agus aon chomhaid atá nasctha leis faoi rún agus dírithe amháin don seolaí. Lena chois sin, is féidir go bhfuil eolas faoi phribhléid cuimsithe san ríomhphost seo, arbh fhéidir go mba briseadh dlí a nochtadh nó a sheoladh gan údarás. Murar tusa an té ceapaithe chun an ríomhphost a fháil nó ionadaí an tseolaí dírithe chun an teachtaireacht a láimhseáil nó a ghlacadh, ní foláir le do thoil fios a chur ar an seoltóir ar an bpointe agus cóipeanna an teachtaireachta ar fad a ghlacadh de bhur gcórais ríomhaireachta. Tabhair faoi deara le do thoil: aon tuairimí nochtaithe san ríomhphost seo is iad tuairimí an tseoltóra féin agus níl sé intuigthe gurb iad tuairimí An Bhord Pleanála nó go gcloíonn siad le polasaithe ráite an Bhoird.

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FÓGRA RÚIN: Tá an ríomhphost seo agus aon chomhaid atá nasctha leis faoi rún agus dírithe amháin don seolaí. Lena chois sin, is féidir go bhfuil eolas faoi phribhléid cuimsithe san ríomhphost seo, arbh fhéidir go mba briseadh dlí a nochtadh nó a sheoladh gan údarás. Murar tusa an té ceapaithe chun an ríomhphost a fháil nó ionadaí an tseolaí dírithe chun an teachtaireacht a láimhseáil nó a ghlacadh, ní foláir le do thoil fios a chur ar an seoltóir ar an bpointe agus cóipeanna an teachtaireachta ar fad a ghlacadh de bhur gcórais ríomhaireachta. Tabhair faoi deara le do thoil: aon tuairimí nochtaithe san ríomhphost seo is iad tuairimí an tseoltóra féin agus níl sé intuigthe gurb iad tuairimí An Bhord Pleanála nó go gcloíonn siad le polasaithe ráite an Bhoird.

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Access for Information on the Environment Request to An Bord Pleanala in relation to resuming of Corrib Oral Hearing 17-7-2010.pdf



Consolidated EIA Directive.pdf