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11.07.2011 14:49

To <Public.Participation@unece.org>

cc

bcc

Subject "C/54" Email 4

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**From:** CASHMAN Liam (ENV)  
**Sent:** Monday, November 08, 2010 2:59 PM  
**To:** ENV CHAP A; FEDER Maja Dorota (ENV)  
**Cc:** WEGERDT Patrick (ENV); BURSA Dorota Anna (ENV); ENV OMBUDSMAN  
**Subject:** RE: CHAP(2010)00645 Draft Affidavit on Corrib Gas Decision by An Bord Pleanala

Thanks Encarna. Yes, this is linked to an Ombudsman file which I will need to shortly answer.

Liam

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**From:** ENV CHAP A  
**Sent:** Monday, November 08, 2010 10:47 AM  
**To:** CASHMAN Liam (ENV); FEDER Maja Dorota (ENV)  
**Cc:** WEGERDT Patrick (ENV); BURSA Dorota Anna (ENV)  
**Subject:** FW: CHAP(2010)00645 Draft Affidavit on Corrib Gas Decision by An Bord Pleanala

Dear all,

As I've informed you, the re-attribution of Ireland cases will be done when the new colleague arrives in December but this case is a especial one. For that reason I've change the attribution from Patrick to Liam.

Please Maja, could you please add these documents into the related case ??  
There is a 2<sup>nd</sup> e-mail with more documents. I will forward them to you in a few minutes.

Thanks in advance,  
Encarna

**María Encarnación ARIAS SANCHEZ**

Compliance promotion, Governance & Legal issues Unit

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

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**From:** ENV CHAP  
**Sent:** Monday, November 08, 2010 9:38 AM  
**To:** WEGERDT Patrick (ENV); BURSA Dorota Anna (ENV)  
**Cc:** ENV CHAP A  
**Subject:** FW: CHAP(2010)00645 Draft Affidavit on Corrib Gas Decision by An Bord Pleanala

CHAP(2010)00645

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**From:** Pat Swords [mailto:pat.swords.chemeng@gmail.com]  
**Sent:** Sunday, November 07, 2010 10:51 PM  
**To:** ENV CHAP; CASHMAN Liam (ENV)  
**Cc:** info; Brendan Cafferty  
**Subject:** CHAP(2010)00645 Draft Affidavit on Corrib Gas Decision by An Bord Pleanala

To: CHAP(2010)00645;  
Liam Cashman, DG Environment, Deputy Head of Unit ENV  
A.2 Compliance Promotion, Governance and Legal Issues  
Date: 7-11-2010

The current situation with regard to development consent in the Republic of Ireland is completely intolerable. It is clearly recognised by those of us involved in the correct implementation of EU Environmental Law that we no longer have a competent authority that operates within the legislation. Simply put, if a development does not meet the criteria of political populism it is obstructed, thereby creating market conditions for other favoured developments, or simply compliance with political populism, as opposed to regulatory objectives. This situation is without doubt linked to the failure of the Irish State to ratify the Aarhus Convention or comply with the terms of the Environmental Acquis, the problems related to Access to Justice being of course extreme.

It is not as if your Department have not been informed of these issues before, you have. Furthermore there has been a complete failure with regard to the Right of Reply, see attached with regard

to the case with the EU Ombudsman 2587/2009/JF and the recent correspondence in September. It was clear in September that we wanted to address not only the Corrib Pipeline project, but the possibility of taking an action in the National Courts. A final decision on this development consent is due by the end of the year, but from the draft Affidavit of mine attached, not to mention correspondence going back a year and a half, it is clear in that the present situation is completely unacceptable. The possibility of funding Access to Justice in this case is highly difficult, but a case desperately needs to be taken to challenge the chronic maladministration in the planning process. It is on this basis that I am seeking information with regard to a potential Pro Bono case with suitable Public Interest Lawyers. However, this is not an easy matter and I have no hesitation in stating that as regards COM (2002) 725, the situation that has now occurred should never have arisen. Furthermore I am highly aggrieved that the EU Commission has effectively acted with a 'hands off' approach to the situation in Ireland and has to date offered no assistance or provided any effective support to those of us here seeking to alter, what is a completely unacceptable situation and an enormous threat to the welfare of the country. I hope this situation can be improved for the better.

Regards

Pat Swords BE CEng FIChemE CEnv MIEMA