



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



Ms. Antoinette Long
Environment Directorate General
European Commission

19 April 2011

Dear Antoinette,

I refer to previous communications concerning a communication to the Aarhus Compliance Committee, reference ACCC/C/2010/54.

In assisting the Commission in responding to the communication, Ireland was asked to provide information on whether the National Renewable Energy Action Plan was developed in accordance with Directive 85/337 EC on Environmental Impact Assessment and Directive 2001/42/EC on Strategic Environmental Assessment.

Article 4 of Directive 2009/28/EC on the Promotion of Use of Energy from Renewable Sources required each Member State to adopt a National Renewable Energy Action Plan. The plans were to set out national targets for the share of energy from renewable sources consumed in transport, electricity and heating and cooling in 2010 and demonstrate how Member States will meet overall national targets established under the Directive. Ireland submitted its National Renewable Energy Action Plan in July 2010; a copy is attached at Appendix 1. The document is also available on www.dcenr.gov.ie

Ireland's plan was compiled by the Department of Communications, Energy and Natural Resources (DCENR), a process which involved close collaboration with other bodies in the sector, including EirGrid, the Sustainable Energy Authority of Ireland, the Commission for Energy Regulation and the Department of Environment, Heritage and Local Government.

Section 5.4 of the plan describes the consultation that was undertaken as part of the process. The first phase of the consultation process involved an initial, targeted consultation with key stakeholders, who are listed in Appendix 6 of the NREAP. The draft plan was then revised on the basis of the feedback received and published on DCENR's website for public comment. In response to this second phase of consultation, 58 submissions were received, which are listed in Appendix 8 of the NREAP. These were reviewed by DCENR prior to the finalisation of the NREAP and its publication. Notwithstanding the fact that Ireland has not yet ratified the Aarhus Convention, I would consider that this process was consistent with the requirements of Article 7 of the Convention.

On the matter of Strategic Environmental Assessment, the NREAP itself does not determine new policy but rather draws together and describes work and policy that evolved over many years, as policy on renewable energy has developed. Factors such as



the 2007 White Paper on Energy, the Alternative Energy Programme and the REFIT programme, all influenced renewable energy policy.

However, the Commission may wish to note that Ireland's draft offshore Renewable Energy Development Plan is the subject of such an assessment. A public consultation process is currently underway. Further details on the process and the plan are available at: <http://www.dcenr.gov.ie/Energy/Sustainable+and+Renewable+Energy+Division/Natura+Impact+Statement+and+Strategic+Environmental+Assessment+on+draft+Offshore+Renewable+Energy+De.htm>

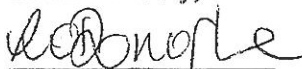
The Commission may also wish to note that in 2010, DCENR sent an inquiry to the Commission, a copy of which is attached, asking whether the NREAP should be subject to a Strategic Environmental Assessment. No response was received. A later clarification, which issued jointly by DG Environment and DG Energy was received by DCENR in July 2010, a copy of which is also attached. This correspondence indicated stated as follows;

'whether or not a NREAP requires a SEA depends on the specific content of the plan. It follows from the Directive that the aim of the NREAP is to pave the way as how the MS are planning to achieve their national mandatory targets. In case a Member State has decided not to include in its NREAP specific mandatory measures to comply with, a SEA is not required at this stage'

The above-mentioned White Paper set a 33% renewable energy target. This was followed by the 2009 Carbon Budget which increased the target to 40% following an All-Island Grid Study. Ireland's NERAP sets out that around 40% renewable consumption is needed in the electricity sector, 10% in the transport sector and 12% in the heat sector to achieve the overall binding target of 16%. This is in line with targets that already existed and as the NERAP draws together work and policy already in place, the plan itself was not the subject of a Strategic Environmental Assessment. However, in addition to the assessment of the draft offshore Renewable Energy Development Plan as mentioned above, EirGrid is undertaking a Strategic Environmental Assessment of the Grid 25 Strategy (which is noted in the NERAP). Grid 25 provides the framework to build a more cost effective and efficient system to cater for the integration of increasing amounts of renewable generation.

I trust this information is of use to the Commission in the preparation of the response to the communication. As previously indicated, the other queries that have been put to Ireland will take more time to investigate but further communication will follow.

Yours sincerely,



Lorraine O'Donoghue
Aarhus National Focal Point

Lorraine O'Donoghue - (DECLG)

From: Una Dixon <Una.Dixon@dcenr.gov.ie>
Sent: 10 February 2010 17:29
To: paul.hodson@ec.europa.eu; hans.van-steen@ec.europa.eu;
Tom.HOWES@ec.europa.eu
Cc: Clancy Matthew; Walker Neil
Subject: Follow-up questions on National Renewable Energy Action Plans

Dear all,

Good to see you all again at yesterday's meeting.

I was wondering if you could help with a few questions we have.

(1) There was one question the Dutch asked about including a range (with regard to the transport element I think) in their table and I think the answer to that was that this was fine as long as the minimum in the range met the requirement of the Directive. Does it follow that it would be possible with regard to the other tables to also include a range of figures (which could occur depending on different scenarios) as long as the minimum figures in the range show compliance with the target?

(2) Is there an obligation to do an SEA (Strategic Environmental Assessment) with regard to the NREAP? This has not been mentioned or discussed at anything I have attended, however someone suggested it to me and now I'm a bit worried as we had not factored this in! If it is necessary, can this be clarified with all Member States because I don't think it has been on the radar...

Regards,
Una

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Joint clarification from the DG Environment & DG Energy 7 July 2010

>>> <Georges.Kremlis@ec.europa.eu> 07/07/2010 09:07 >>>

>Dear all,

>Further to the e-mail of 21 June on the above (see below), it appears that some clarification on the relations between the NREAPs and SEAs is needed.

>The view of the Commission services is that whether or not a NREAP requires a SEA depends on the specific content of the plan. It follows from the Directive that the aim of the NREAP is to pave the way as how the MS are planning to achieve their national mandatory targets. In case a Member State has decided not to include in its NREAP specific mandatory measures to comply with, a SEA is not required at this stage. However, when implementing the NREAP, through, as appropriate, more specific plans setting the framework for future development consent of projects, SEAs will have to be carried out.

>In any case the deadline for submission of the NREAPs remains, of course, 30 June 2010.

>Best regards,

>Georges Kremlis

Hans
van Steen
Head of Unit
DG ENERGY

>Head of Unit

>DG ENVIRONMENT

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PS Thanks to all who replied to the email below.