

Aarhus Convention Implementation Report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

**The following report is submitted on behalf of Ireland in
accordance with decisions I/8, II/10 and IV/4.**

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submitting the national report: Aidan Ryan

Signature: Aidan Ryan

Date: 22-07-2025

Implementation report

Please provide the following details on the origin of this report

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I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Answer:

A public consultation inviting submissions on the draft Aarhus Convention National Implementation Report was launched by the Department of Climate, Energy and the Environment (DCEE) on 7 March until midnight on 9 April 2025. The submissions received have informed the drafting of Ireland's 4th National Implementation Report.

To raise public awareness, a press release was issued at the outset of the consultation process and a webpage was maintained on the [gov.ie - Consultations](#) website throughout the process. A range of stakeholders were contacted directly and invited to participate in the consultation process.

The submissions received have been published on the gov.ie website at [gov.ie - Consultations](#)

Government Consultation

Communications were issued to all Government Departments and other public bodies inviting them to contribute text relevant to Ireland's 4th NIR informing them

of the launch of the consultation, inviting comments and also requesting further dissemination of the public consultation within each Department and bodies under the aegis of the Department to maximise participation in the consultation process.

A number of key public authorities such as local authorities, the Environmental Protection Agency (EPA), An Bord Pleanála and the Office of the Commissioner for Environmental Information (CEI) were also consulted.

Public/Stakeholder Consultation

A number of environmental organisations including the Irish Environmental Network, the Environmental Law Implementation Group and the Irish Environmental Law Association, were directly notified of the consultation process, invited to participate and requested to disseminate details of the public consultation to their members, constituent bodies and other interested parties.

Criticism of the consultation by a leading eNGO included:

- Lack of a pre-draft public consultation.
- Lack of publicisation of the consultation in the media.
- Absence of analysis of the legislative changes contained in the Planning & Development Act 2024, which were omitted due to the majority of the provisions remaining un-commenced at this time.
- It was submitted that the draft report should also make clear there has been significant concern in respect of the 2024 Act from multiple and varied stakeholders, both in terms of its substance and manner of its passage, including in respect of Aarhus considerations, which changes are viewed as being highly regressive.
- Concerns were expressed regarding Ireland's follow-up to the non-compliance issues raised by the ACCC.

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force,

or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

As Ireland has a dualist legal system, international agreements only have the force of domestic law when they are given effect in national law. Thus, it was necessary to implement fully all of the obligations that are contained in the Aarhus Convention (AC) prior to ratification of the Convention. Furthermore, the EU also ratified the AC and Ireland is therefore subject, where appropriate, to an interpretative obligation to interpret national procedural law to the fullest extent possible in a manner that is consistent with the Aarhus Convention. When examining the implementation of the Aarhus Convention in Ireland, regard must be had to both statutory law and the common law.

The EU ratified the Aarhus Convention in February 2005. Ireland ratified the Convention in June 2012.

It should be noted that the successor to the Planning and Development Act 2000, the Planning and Development Act 2024 was signed into law by the President of Ireland on 17th October 2024. However, this Report has been completed with reference to the Planning and Development Act 2000, as it represented the law as it stood between 2021 and December 2024.

The implications from the bringing into force of the 2024 Act will be covered in the next National Implementation Report.

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and

authorities assist and provide the required guidance;

- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;
- (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations,
- (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally including:
 - (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are on-going;
 - (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;
 - (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;
 - (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
 - (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;
- (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

Answer:

(a) Ireland has taken the following measures to give effect to the Convention.

Irish Language The Aarhus Convention text is available in Irish – Gaeilge on the Gov.ie website:

[An Coinbhinsiún Maidir le Rochtain ar Fhaisnéis, Rannpháirtíocht an Phobail i gCinnteoireacht agus Rochtain ar Cheartas i gCúrsaí Comhshaoil](#)

Access to Environmental Information

Under Article 5 of the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 there is a statutory duty on public authorities to provide guidance to members of the public seeking access to environmental information. Article 5(1)(a) of the Regulations requires public authorities to inform the public of their rights under the Regulations and to provide information and guidance on the exercise of those rights. In addition, both Articles 7(7) and (8) require officials to support the public in accessing information.

To facilitate officials in public authorities in fulfilling their duties under the AIE Regulations, [guidance notes](#) on the Regulations have been published. These are publicly available on the Gov.ie website.

The Aarhus Unit in the Department of Climate, Energy and the Environment (DCEE) is available as an information point for staff in public authorities dealing with AIE requests.

The EPA has established an Environmental Queries Unit which the public can contact with any query of an environmental nature via email, a 'lo-call' telephone number or in person. The local authorities have appointed AIE Officers to engage with the public.

(b) Training Events and Environmental Awareness

In contributing to the overarching objective of raising awareness of the Aarhus Convention in Ireland, DCEE has provided regular training on the AIE Regulations and their application.

In 2024 DCEE organised two AIE training events.

Public Participation and Access to Justice in Environmental Matters

The European Communities (Public Participation) Regulations 2010 ([S.I. No. 352/2010](#)) require notices providing for public participation on certain consent procedures to identify where practical information on review mechanisms can be found.

The [Citizens Information Board](#), which has a statutory obligation to provide information to the public under [the Comhairle Act 2000](#) and the [Citizens Information Act 2007](#), provides information on [accessing information on the environment](#), [appealing planning decisions](#), [environment and the law](#), information on [Aarhus Convention rights](#), and information on [Environmental Impact Assessment Reports](#) (EIAR).

An Bord Pleanála

An Bord Pleanála's statutory functions are undertaken in accordance with all of the various provisions in planning and associated legislation which require facilitation of public access to planning application documentation, the making of appeals and observations on such applications and the dissemination of information on An Bord Pleanála decisions and also information on how those decisions can be legally challenged by way of judicial review. An Bord Pleanála's role as a quasi-judicial tribunal, which makes decisions on applications in an independent and impartial manner, requires it to adhere to the statutory regime in place which governs its processes and which have themselves incorporated the various Aarhus Convention requirements relating to access to information, public participation and access to justice in relation to environmental matters. Operation of the overall system in accordance with those statutory requirements effectively promotes and implements the pillars of the Convention.

An Bord Pleanála's website (<https://www.pleanala.ie>) is utilised to provide advice, guidance and information to the public on how it can get access to information and participate in the planning process and also how the public can take a judicial review of any Board decision.

Office of the Planning Regulator (OPR)

The OPR (<https://www.opr.ie>) is a body which processes AIE requests further to the European Communities (Access to Information on the Environment) Regulations 2007 to 2018. In this regard, the OPR provides access to a wide range of information, and specifically environmental information through requests received further to the AIE Regulations.

A key function of the OPR is to assess development plans including variations, and local area plans including amendments, and may make observations and recommendations to planning authorities. Following the assessment of an adopted plan, the OPR may also make recommendations to the Minister. The OPR publishes all submissions made to local authorities at key stages of the plan-review process, and all recommendations made to the Minister on its website. A key aspect of the OPR's assessment of plans relates to proper planning and sustainable development, therefore, publication of these submissions and recommendations provides the public with access to information and decision-making on plan-making on a local and regional level.

[Planning Leaflet 11 – Environmental Assessments and Planning in Ireland](#)

This leaflet was produced as a practical guide for members of the public and other stakeholders to learn about three of the most common environmental assessments i.e. Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) and how they can participate in these processes.

[EPA – Ireland's Climate Change Assessment Report](#)

In 2021 the EPA commenced the preparation of a report entitled 'Ireland's Climate Change Assessment' (ICCA). The purpose of the report was to develop an understanding of climate change, its impact and the options for dealing with these impacts. The report consists of four volumes.

The report together with a synthesis report was published in Q1 2024. It is intended that the report will be reviewed on a five yearly basis.

An Fóram Uisce - the Water Forum

The Water Forum - An Fóram Uisce was established in 2018 to provide a

platform for public engagement on all matters relating to water management in Ireland and the implementation of the Water Framework Directive (WFD). It consists of 26 members from a wide range of organisations and sectors with an interest in water issues, including agriculture, angling, business, community and voluntary sector, domestic water consumers, education, environment, forestry, recreation, rivers trusts, rural water, social housing, tourism, trade unions and youth.

A strategic objective of the Forum's work is to bring scientific research to policy. Over the past number of years, the Water Forum has commissioned research to inform positions and engaged with experts and agencies to develop policy positions on matters pertinent to water management. Such positions and submissions on policy, reflect the diversity of voices within the Forum membership to form a composite agreed position on policies, technical, governance and community solutions.

Environment Awareness Raising:

Ireland has long cultivated and provided funding towards initiatives raising environmental awareness. Measures taken include the following ongoing initiatives:

- The Green Schools/Green Campus/ Green Parks Programmes.
- The schools National Climate Change Action & Awareness Programme.
- The Tidy Towns Competition; the [Community Environment Action Fund](#).
- The National Spring Clean Initiative.
- Anti-Litter and Anti-Graffiti Awareness Grants Scheme.
- Blue Flag and Green Coast Awards.

National Waste Prevention program

The National Waste Prevention Programme is a Government initiative implemented by the EPA, which supports at a national level strategic programmes to prevent waste, make better use of resources, protect the environment and drive the circular economy. The Waste Management Act 1996 (as amended by the Waste Management (Amendment) Act 2001 ([No. 36/2001](#))) sets out in law that money from the Circular Economy Fund may be used to

promote awareness of the need to protect the environment including promotional campaigns, education and/or training to raise such awareness.

Environment Statistics

Environmental statistics are made available to the public by the Central [Statistics Office \(CSO\)](#):

<https://www.cso.ie/en/statistics/environmentaccounts/>

Climate - CSO - Central Statistics Office

<https://www.cso.ie/en/statistics/climate>

Energy - CSO - Central Statistics office

<https://www.cso.ie/en/statistics/environmentindicators/>

<https://www.cso.ie/en/statistics/environmentstatistics/>

(c) Ireland supports environmental matters being discussed at various fora including:

- Representation by environmental organisations on the National Economic and Social Council (NESC).
- Funding eNGOs, as per section 12 of the [Waste Management \(Amendment\) Act 2001](#).
- Affording legal rights to certain eNGOs under section 37(4)(c) of the Planning and Development Acts ([consolidated version](#)), which means these eNGOs may participate in appeals to An Bord Pleanála even if they have not lodged initial objections with the planning authority. Similarly, eNGOs are not required to meet the sufficient interest standing test in planning judicial reviews; being exempted from this requirement pursuant to [section 50A\(3\)\(b\)\(ii\) of the Planning and Development Acts](#).
- Under section 27(5)(b) of the [Environmental Protection Agency Act 1992](#) (as amended), organisations concerned with environmental protection may have a representative appointed to the Advisory Committee of the EPA.

Circulars on the Aarhus Convention have issued to all Government Departments and have been disseminated to public bodies.

The communication of the principles associated with the Aarhus Convention

are also delivered with the support of the NGOs.

The Circular Economy Fund, managed by DCEE provides funding to the [Irish Environmental Network \(IEN\)](#), an umbrella group for 36 national eNGOs. This funding facilitates core funding for the IEN's members, to support capacity building, training, research projects, participation in meetings with Government bodies, international and intergovernmental meetings and participation in social partnership. Funding provided to the IEN is set out in the table below.

IEN funding allocation year	2014	2015	2016	2017
Amount	€415,000	€579,000	€825,000	€860,000
IEN funding allocation year	2018	2019	2020	2021
Amount	€1,060,000	€1,060,000	€1,060,000	€1,764,000
IEN funding allocation year	2022	2023	2024	
Amount	€2,100,000	€2,550,000	€3,127,000	

(d) Ireland promotes the principles of the Aarhus Conventions and Article 3(7) specifically by supporting application of Aarhus principles on the international stage, e.g. at climate change negotiations and relevant Conferences of the Parties (COPs).

(e) Ireland ensures that anyone exercising any of their rights, including their rights under the Aarhus Convention, are protected pursuant to:

- Article 40.3.1 of Bunreacht Na hEireann (the Irish Constitution) places a positive obligation on the State to guarantee in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.

- Article 38 of the Irish Constitution provides that ‘No person shall be tried on any criminal charge save in due course of law’.
- The [Protected Disclosures Act 2014](#), subject to the provisions therein, established a detailed and comprehensive legislative framework protecting whistle-blowers in all sectors of the economy.
- Section 42 of the [Irish Human Rights and Equality Commission Act, 2014](#) places a positive duty on public bodies to have regard to human rights and equality in the carrying out of their functions and gives an important role to the Irish Human Rights and Equality Commission to guide and support public bodies in implementing this.
- Protection by the criminal law, including by the offences of assault and threat of violence contrary to the common law and the offences of assault and threats to kill, coercion and harassment contrary to ss. 2, 3, 4, 5, 9 and 10 of the [Non-Fatal Offences Against the Person Act, 1997](#); the offence of threatening, abusive or insulting behaviour in a public place contrary to section 6 of the [Criminal Justice \(Public Order\) Act 1994](#); the offence of threatening messages by telephone contrary to section 13(1) of the [Post Office Amendment Act 1951](#); the offence of distributing, publishing or sending threatening or grossly offensive communications contrary to the [Harassment, Harmful Communications and Related Offences Act 2020](#); the offence of intimidating a witness in a criminal case contrary to section 41 [Criminal Justice Act 1999](#); and the offence of interference with the course of justice contrary to section 4 of the [Offences Against the State \(Amendment\) Act 1972](#).
- Protection by the civil law, including by the tort of malicious prosecution, abuse of civil process, the law of defamation, and protection by the rules and procedures of the courts. Other powers of the Court are detailed in the Rules of the Superior Courts 1986.
- The Office of the [Ombudsman](#) was set up under the Ombudsman Act 1980 and is empowered to examine complaints from members of the public, who feel that they have been unfairly treated by a public service provider. This includes most organisations that deliver public services, including government departments and local authorities.

Rapid Response Mechanism (RRM)

At an international level, Ireland has supported the initiative taken at the 7th session of the Meeting of the Parties (MOP) to create an RRM. The purpose of the RRM is to advocate for the rights of environmental defenders under the Convention. Ireland as joint lead country has supported this initiative by way of funding a significant proportion of the running costs by way of annual contributions between 2021 and 2025.

IV. Obstacles encountered in the implementation of article 3

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.

Answer:

The following issues were raised in submissions to the public consultation:

- Calls were made for increased funding to eNGOs which would allow for greater participation in the three pillars of the Aarhus Convention.
- Reference was made to the commencement of Part 9 of the Planning and Development Act 2024 and that it should be deferred pending further assessment of their compatibility with the Aarhus Convention and to enable the remaining provisions of the Act to be commenced without introducing further uncertainty with respect to the rules on access to justice whereby the substantive provisions of the Act may be tested.
- It was submitted that the legal cost assistance mechanism, detailed in Part 9 of the planning and Development Act 2024, should be scrutinised for its impact on access to justice and to reduce the risk of satellite litigation in relation to its interpretation and compatibility with Aarhus Convention.
- Reference was made to the perception of a negative attitude towards environmental defenders and how this could discourage public participation in environmental decision-making.

A submission to the public consultation process drew attention to the following in relation to the planning and Development Act 2024:

“The 2000 Act gives further effect to over 12 EU Directives – including the EIA Directive and the public participation Directive, and provides the basis for land

use planning, and permitting of activities and planning policies and allows for the making of regulations.

Generally speaking, Planning Permission is required for nearly all physical interventions in the landscape and changes of use – with certain limited exemptions, and certain specific regimes for certain types of activities – however, frequently even these involve some aspect of planning permission for the infrastructure required either directly or indirectly.

The Planning legislation is therefore key in respect of Ireland's implementation of the General obligations under Article 3 of the Convention, in addition to its obligations under Articles. 4, 5, 6,7, 8 and 9.

Furthermore, the special cost rules to meet amongst other things the NPE requirements on costs in reviews covered by the Convention under Articles 9(2) and 9(3), work across all sectors in the Planning and Development Act 2000 – not just planning.

The 2024 Act is to replace the 2000 Act in its entirety. It was signed into law by the President of Ireland on 17 Oct 2024, and elements of it were commenced in December 2024, albeit the bulk remains to be commenced at the time of this consultation – but significant sections are to be commenced imminently – and the rest over the course of this year according to the implementation plan published by the Government and relevant Dept earlier this year before the launch of this consultation.

The 2024 Act, includes significantly altered rules on Judicial Review (JR), which unlike the 2000 Act, operate just for reviews in respect of planning matters.

It also makes certain changes to the access to justice provisions of the Environment Misc. Provisions Act, 2011.

This is but one aspect of many other changes impacting on significant aspects of Ireland's previous implementation of the Aarhus Convention as a consequence of Ireland's own full ratification of the Convention, and as a consequence of its EU membership given the EU ratification of the Convention.

The Act also makes significant changes in respect of the other two pillars on public participation and access to environmental information.

It should clarify that the Government clearly intend to commence the remainder of the 2024 Act, promptly, and have published an implementation plan.

The Government also published a legislative programme early this year which shows they also propose to extend the changes on Judicial Review in the 2024 Act to other sectors – via an Aarhus Legal Costs Bill.

This Act therefore represents and signals a significant change to the implementation of the Aarhus Convention in Ireland.

The draft report also needs to reflect comments on the degree of controversy and concern surrounding the 2024 Act across a wide range of commentators including academics, legal practitioners, NGOs and developers.

A few specific issues need to be flagged in respect of Article 3(8) – which is the problems with the strikeout threshold for SLAPP. It is welcome that the new Environmental and Planning Court may accommodate SLAPP as an expedited procedure.” – Extract from the submission of a leading eNGO.

V. Further information on the practical application of the general provisions of article 3

*Provide further information on the **practical application of the general provisions of article 3.***

Answer:

- See relevant sections above.

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

Answer:

- See relevant sections above.

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

Ireland has given effect to Article 4 of the Convention by way of transposing regulations required to comply with the requirements of Directive 2003/4/EC through the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 ([SI 133/2007](#), [SI 662/2011](#), [S.I. 615/2014](#) and [S.I. 309 of 2018](#)) (AIE Regulations). Further information on access to information on the environment in Ireland can be found on the [Gov.ie website](#). Draft revised AIE Regulations are in preparation providing for amendments to inter alia give effect to the recommendations of the Compliance Committee in Decision VII/8i (Ireland) and to bring Ireland into compliance with the Convention. Two public consultations have been held as part of this revision to the Regulations.

The current Regulations can be found at:

<https://revisedacts.lawreform.ie/eli/2007/si/133/revised/en/html>.

VIII. Obstacles encountered in the implementation of article 4

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.*

Answer:

The following issues were raised in submissions to the public consultation

- Respondents expressed concern where an AIE request is made to a Public Authority and the Commissioner has determined that the Authority had failed to provide adequate reasons for refusing access to information.
- Reference was made to the high percentage of refusals in respect of AIE requests which were annulled by the CEI.
- Reference was also made to delays at all the stages of the processes of access to environmental information.
- It was suggested that improved training is necessary to facilitate Public Authorities to more effectively respond to AIE requests and where refused provide adequate reasons.

IX. Further information on the practical application of the provisions of article 4

*Provide further information on the **practical application of the provisions on access to information in article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

Answer:

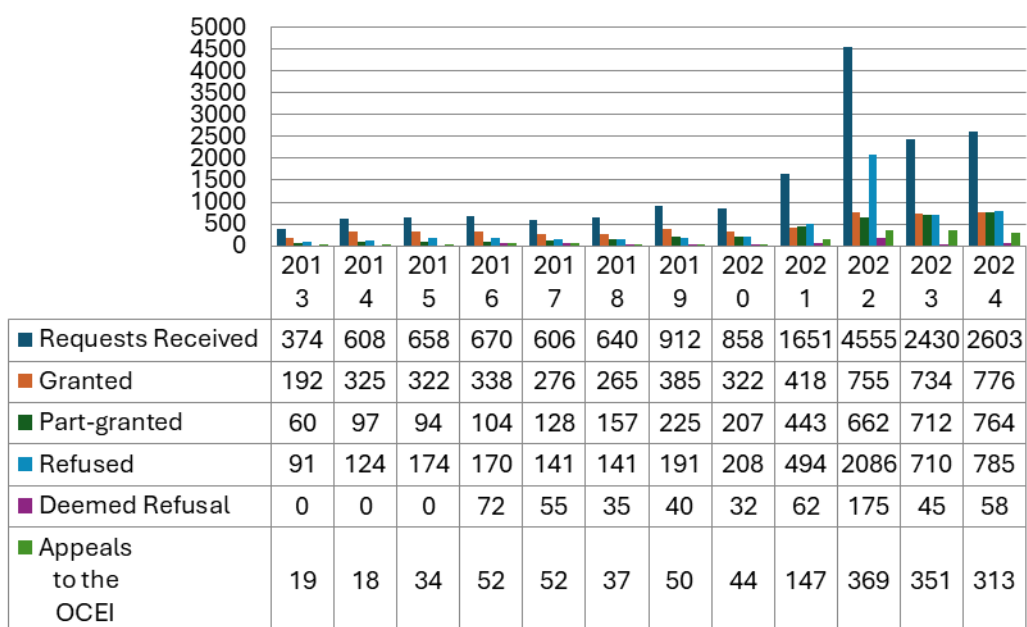
Statistics for AIE requests received by all public authorities from 2013 to 2024 are published on the [DCEE section on Gov.ie](#) website. Each public authority has been advised that they should, in turn, publish their own AIE statistics on their websites.

[The Office of the Commissioner for Environmental Information](#) publishes statistics and reports on appeals received by their office.

The statistics illustrate that public awareness of the AIE regime has increased in recent years.

The numbers of AIE requests received by Public Bodies are set out in the following table:

AIE Requests/Decisions & Appeals by Year



Appeals to the CEI

The number of appeals to the CEI has grown more than fivefold: in 2019 CEI received 64 appeals. In 2024 they received 313. An overview of the case numbers is set out below.

Year	Number of appeals received	Cases completed
2020	44	37
2021	147	83
2022	369	227
2023	351	216
2024	313	286

The CEI continues to review its resources and has sought and received additional resources.

Following a decision on appeal to the CEI an appeal on a point of law is available to the High Court. These appeals deal with matters of law including in relation to the definitions of

public authorities and environmental information, and in relation to procedural matters.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

Answer:

See relevant sections above.

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

- 1) Public authorities possess and update environmental information;
- 2) There is an adequate flow of information to public authorities;
- 3) In emergencies, appropriate information is disseminated immediately and without delay;

(b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;

(c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;

(d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;

(e) Measures taken to disseminate the information referred to in **paragraph**

5;

(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

(g) Measures taken to publish and provide information as required in **paragraph 7**;

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

Ireland has transposed the provisions of Article 5 of the Convention in accordance with the requirements of [Directive 2003/4/EC](#) through the AIE Regulations.

Further information on access to environmental information may be found at <https://www.gov.ie/en/organisation-information/1e52cb-access-to-information-on-the-environment-aie/>

(a) (i) Ireland requires public authorities to hold and update environmental information pursuant to Article 5(1).

(ii) Ireland ensures that there is an adequate flow of information to public authorities by requiring the EPA, under the following sections of the [Environmental Protection Agency Act 1992](#), to:

- Take appropriate steps to ensure that a monitoring programme is implemented by local and public authorities and to assist in carrying out the monitoring programme under the Act (section 65(3)),
- Oversee an administration scheme to assess analytical performance and ensure the validity and comparability of environmental data.
- Supervise monitoring carried out by local authorities for the purpose of any enactment relating to environmental protection (section 68).
- Maintain a register of environmental decisions undertaken by them for inspection by the public (section 91). The EPA's *Licensing and Permitting Decisions* are available to view on the EPA website [here](#).

- (b) Article 5 of the [AIE Regulations](#) establishes measures to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible.

An objective of the [AIE Regulations](#) is, as stated in Article 1 of [EU Directive 2003/4/EC](#), “to guarantee the right of access to environmental information held by or for public authorities”. This places a general responsibility on public authorities to facilitate access to environmental information. Article 5 of the [AIE Regulations](#) establishes the basic requirements with which public authorities must comply, including:

- Informing the public of their rights and providing information and guidance on exercising those rights.
- Making all reasonable efforts to maintain environmental information in a form that is readily reproducible and accessible.
- Ensuring that environmental information for which it is responsible for compiling is up-to-date, accurate and comparable.
- Maintaining lists or registers of environmental information that the body holds or providing a clear information point or officer.

The following is a non-exhaustive list of public bodies that publish extensive information relating to the environment on their websites:

- [Department of Climate, Energy and the Environment](#).
- Department of Housing, Local Government and Heritage .
<https://www.housing.gov.ie/planning/environmental-assessment/environmental-impact-assessment-eia/eia-portal>.
- <https://www.catchments.ie/>.
- [Environmental Protection Agency](#) (see also [Environmental Protection Agency Geoportal Site](#) and [Ireland’s National Pollutant Release and Transfer Register](#)).
- [Department of Agriculture, Food and the Marine](#)
- [Department of Transport](#).
- [An Bord Pleanála](#).

- [Citizens Information](#).
- [Commission for Energy Regulation](#).
- [Health Service Executive](#).
- Gov.ie environmental information - <https://www.gov.ie/en/category/environment/>.

A comprehensive list of government websites and links to each website is available at <https://www.gov.ie/en/>.

Additionally, DHLGH maintains the [MyPlan website](#). This is a web-based interactive map service which brings together environmental information from across government provided by DHLGH on behalf of each of the 31 planning authorities. This website aims to create a one-stop-shop for information.

(c) Article 5(1)(b) states that a public authority shall make all reasonable efforts to maintain environmental information which is held by or for it in a manner that is readily reproducible and accessible by information technology or by other electronic means. Article 5(5) further states that public authorities may satisfy their access to environmental information requirements by creating links to internet sites where the information can be found.

(d) Section 70 of the [Environmental Protection Agency Act 1992](#) (as amended) requires the EPA to prepare and publish [State of the Environment reports](#) every 4 years.

Furthermore, the EPA requires all licensees to submit Annual Environmental Reports detailing the environmental performance of the activity concerned. These reports are published and are available free of charge at <http://www.epa.ie/enforcement/how/aer/>.

(e) Article 5(1)(b) of the [AIE Regulations](#) requires that, as a minimum, public authorities make all reasonable efforts to facilitate access to environmental information through electronic means. Article 5(2) of the Regulations requires that the information to be made available through electronic means includes texts, treaties, conventions, agreements or legislation and policies, plans, and programmes relevant to the environment.

- (f) Ireland has fulfilled its obligations by encouraging operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products through the requirement for all operators licensed by the EPA to produce an Annual Environmental Report, which is published on the EPA website: <https://www.epa.ie/enforcement/how/aer/>.
- (g) Ireland has fulfilled its obligation under Article 5(7) through a number of measures including:
- Implementation of [Directive 2003/98/EC](#) of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information through the transposition of the [European Communities \(Re-Use of Public Sector Information\) Regulations 2005 \(S.I. No. 279 of 2005\)](#). These Regulations set out a harmonised framework within which public sector data from across the EU can be accessed. They apply to non-commercial public sector bodies generally, with certain exceptions, notably educational, research and cultural organisations.
The EU Public Sector information Directive) (EU) 2019/1024 was transposed into Irish law by [SI 376/2021](#) - <https://data.gov.ie/pages/open-data-directive> [Guidelines on public consultation](#).
- (h) Ireland has taken the following measures to ensure that sufficient product information is made available to the public to facilitate the public in making informed environmental decisions.
- The [Sustainable Energy Authority of Ireland](#) (SEAI) is charged with implementing significant aspects of government policy on sustainable energy and climate change abatement. It provides a comprehensive information portal to consumers on a variety of schemes to promote energy efficiency in Ireland. See for example: <https://www.seai.ie/community-energy/schools/one-good-idea/one-good-idea-topics/>.
- (i) Ireland established its national Pollutant Release and Transfer Register (PRTR) in 2007 under the European Communities (European Pollutant Release and

Transfer Register) Regulations 2007 ([S.I. 123 of 2007](#)). Ireland made the Pollutant Release and Transfer Register Regulations 2011 ([S.I. No. 649 of 2011](#)) in December 2011 in order to give domestic effect to Ireland's obligations under article 3, paragraph 1 of the PRTR Protocol. Regulation 4(1) of the 2011 regulations designate the EPA as competent authority for the purposes of the Irish PRTR (Regulation 4) and assign functions relating to the design and structure of the register to the EPA (Regulation 6). Reporting obligations are placed on both operators (Regulation 7) and the EPA (Regulation 9).

XII. Obstacles encountered in the implementation of article 5

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

*Answer: **The following issue was raised in submissions to the public consultation***

- Respondents indicated a need for improved public awareness in relation to citizen participation and awareness of how to access justice.

XIII. Further information on the practical application of the provisions of article 5

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5**, e.g., are there any statistics available on the information published?*

Answer:

The Open Data Directive has been transposed in Ireland as [SI 376/2021](#). Further information is available at <https://data.gov.ie/pages/open-data-directive>. Directive 2016/2102 (EU), of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies was transposed into Irish law on 23 September 2020 by the [European Union \(Accessibility of Websites and Mobile Applications of Public Sector Bodies\) Regulations 2020, S.I. No. 358/2020](#).

The Regulations require that the websites and mobile apps of ‘bodies governed by public law’ must adhere to a high standard of accessibility, including being easily ‘operable’, ‘understandable’, ‘robust’ and ‘perceivable’, including by people with disabilities.

Accessibility of environmental information:

The EPA has a statutory obligation to provide environmental information to the public. It is recognised internationally as a leader and innovator in the field of the proactive provision of information. A number of examples are provided below. Launch of EPA’s new online Portal – [LEAP Online](#) (Licence and Enforcement Access Portal).

From 1st November 2023, a new Online Portal provides the public with full and open access to environmental enforcement information.

User guidance, information and resources for LEAP Online can be found here: <https://www.epa.ie/our-services/compliance--enforcement/whats-happening/leap-online/#d.en.103248>.

[Search for a Licence/Permit | Environmental Protection Agency \(epa.ie\)](#).

By way of advising the public in relation to public health risks, the EPA have provided information on levels of radon gas found throughout the country:

Updated Radon Maps for Ireland

- The EPA launched new radon maps for Ireland in May 2022 on its website which update the radon risk assessment for the country.
- 170,000 homes in the country are predicted to be at risk from radon, and every year 350 new lung cancer cases are linked to exposure to radon.
- The public/businesses can check if their home/business premises are at risk/the level of risk to their building through the Eircode map search on the [EPA website](#).
- Radon is a serious public health hazard. The EPA urge the public, especially those in high radon areas, to test for radon as it is the only way of protecting themselves and their families from the cancer-causing gas.

- The new maps combine thousands of radon measurements, with detailed geological information. More importantly, the new maps make it easy for the public to find out the radon risk in their local area using the Eircode (postcode) search on the EPA website.

Public information is also available in relation to water catchment and can be found as detailed below:

Catchments.ie

The EPA's website www.catchments.ie shares science and information about Ireland's water catchments, and people's connections to their water. The website was developed and is maintained by the EPA, and it is a collaboration between the DHLGH, the EPA, and the Local Authority Waters Programme.

WFD monitoring data is publicly available here: <https://data.epa.ie/api-list/wfd-open-data/> which can be accessed also via the catchments.ie website.

Catchments Recent Innovations:

A major package of new and updated information on pressures and impacts on water quality was published which included a number of different resources. The package included an updated national characterisation assessment of the pressures and impacts on water quality. This report contains links out to other external resources, including interactive live systems so users can get the most up to date information, as well as background information on how assessments are carried out.

The updated national characterisation assessment included an appendix with a single spreadsheet with key information for all 4842 waterbodies in Ireland, see, <https://www.epa.ie/publications/monitoring--assessment/freshwater--marine/update-on-pressures-impacting-on-water-quality.php>.

Further reports/actions undertaken to present environmental information to the public can be found at the following links:

- <https://www.catchments.ie/wfd-cycle-3-catchment-assessments-published-by-the-epa/>.

- <http://www.catchments.ie/significant-pressures>.
- <https://gis.epa.ie/EPAMaps/agriculture>.

National Air Quality Forecast (launched 2nd November 2023)

The EPA launched a new national air quality forecast on its [airquality.ie](https://www.airquality.ie) website to provide greater information to the public regarding expected air quality in Ireland.

www.beaches.ie

The EPA's website www.beaches.ie allows the public to check out the beaches near them, which beaches have safe water quality or have known pollution events.

Courts Service

The Courts Service website, <https://www.courts.ie/>, provides easy public access to courts information, including an easily searchable database of judgments of every court, from January 2001 to present. The Courts Service has produced some guidance documents and short video introductions to some of the site's features in order to help users navigate their way around the website.

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

Answer:

- See relevant sections above.

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3,

paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;
- (k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified

organisms into the environment.

Public Participation

Answer:

Recent years have seen an innovative exercise in participatory democracy in Ireland with provision for four Citizens Assemblies, including one to examine policy related to biodiversity loss. The Citizens Assembly on Biodiversity Loss, consisting of 99 members of the public chosen at random from applicants, and reflecting the demography of Ireland. The Assembly agreed 159 recommendations which were submitted to Government.

The provisions of Articles 6 of the Convention fall within the competence of the European Union, [Directive 2003/35/EC](#), providing for public participation in respect of the drawing up of plans and programmes relating to the environment.

The response to the above question provides detailed information on planning and EPA licensing consents (IPC and IED) (referred to below as ‘environmental licences’).

Other legislation which provides for public participation in accordance with the requirements of the EIA Directive includes:

- Section 32 of [the Air Pollution Act 1987](#) (as amended) (provision of licenses).
- Sections 4 and 16 of the [Local Government \(Water Pollution\) Act 1977](#) (as amended) (licensing of trade and sewage effluents; licensing of discharges to sewers).
- Sections 63 and 81 of the [Water Services Act 2007](#) (as amended) (licensing of discharges to sewers; determination of an action as a licensing water services activity).
- [Sections 34 and 40 of the Waste Management Act 1996](#) (as amended) (waste collection permits; grant of waste licenses).
- Sections 23, 26 and 29 of the [Wildlife Act 1976](#) (as amended) (e.g. enforcement of protection of wild animals (other than wild birds); licenses to

hunt otters or deer and to hunt or course hares; licenses to hunt with firearms).

- Sections 40, 48 and [49 Forestry Act 1946](#) (as amended) (felling licenses).
- Sections 2 and 3 [Foreshore Act 1933](#) (as amended) (power for Minister to make leases / grant licenses for foreshore).
- Sections 8, 22, 26 and 40 [Minerals Development Act 1940](#) (as amended) (prospecting licenses; licenses in respect of State acquired minerals; state mining leases; applications for ancillary rights licenses).
- Sections 8, 9, 13, 19 and 26 [Petroleum and Other Minerals Development Act 1960](#) (as amended) (exploration licenses; petroleum prospecting licenses; petroleum leases; reserved area licenses; working facilities permits).

(a) (i) Ireland has fulfilled its obligation under Article 6(1) of the Convention through a range of consent procedures.

In terms of Planning consents, the following apply to:

- Permissions and consents pursuant to the [Planning and Development Act 2000](#) (as amended).
- Schedule 5 to the Planning and Development Regulations 2001 (as amended) (S.I. No. 600 of 2001) contains a list of developments automatically subject to an EIA if the relevant thresholds are reached or exceeded.
- Section 172(1) of that Act requires that an EIA be carried out by a planning authority or An Bord Pleanála, as the case may be, in respect of a planning application where the proposed development is of a class set out at Schedule 5 to the 2001 Regulations.

(ii) Environmental licences

The consolidated Environmental Impact Assessment Directive ([Directive 2011/92/EU](#)) sets out, in Annex III, guidance criteria which have been transposed into Irish legislation, in the Third Schedule to the European Communities (EIA) (Amendment) Regulations 1999 ([S.I. No. 93/1999](#)).

The [EIA Guidance for Consent Authorities regarding Sub Threshold Development](#) provides practical guidance for the competent/consent authorities in deciding whether or not a sub-threshold development is likely to have “significant” effects on the environment. The guidance is also of assistance to

developers and EIA practitioners in forming an opinion on whether an EIA is appropriate to a specific sub-threshold development proposal.

EIA in respect of Environmental licensing

Section 83(2A)(c)(ii) of the EPA Act 1992, as amended, requires the Agency to carry out an EIA in respect of an application for a licence relating to an activity of a class specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001 that the Agency determines would be likely to have significant effects on the environment.

- (b)** Irish legislation pertaining to EIA requires notices to be published in a newspaper that is circulated in the relevant area and/or published on-line and/or in site notices.

Planning:

- With regard to permissions and consents pursuant to the Planning and Development Act 2000 (as amended), Article 17 of the Planning and Development Regulations 2001 (as amended) requires applicants to:
 - Publish a notice of intention to apply for planning permission in a newspaper (article 18) and
 - erect a site notice (article 19) two weeks before the making of the planning application.

Article 27 requires the local planning authority to publish a weekly list of planning applications received. Article 72 requires An Bord Pleanála to publish the same with respect to appeals and applications for approval made direct to the Board.

- In the case of a planning application subject to EIA:
 - Article 98 requires that notices advertising the proposed submission of a planning application state that any EIAR prepared will be submitted as part of the application, where relevant, and available for inspection free of charge.
 - [Section 172B](#) of the Planning and Development Act 2000

requires that proposed developments requiring EIA must be notified to the EIA Portal within the 2 weeks before making an application. The [EIA Portal website](#) facilitates an early and effective opportunity for any person to participate in the decision making procedures where EIA is required.

- Article 130A requires that a planning authority's or An Bord Pleanála's weekly list, as the case may be, indicate that a proposed development may have transboundary environmental effects, where that is the case.

Notices required in respect of Environmental licensing

[Sections 85 and 87 of the Environmental Protection Agency Act 1992](#) (as amended) require applicants for a licence, or the Agency when reviewing a licence, to publish and/or give notice of the licence application. The EPA (Industrial Emissions) (Licensing) Regulations 2013 ([S.I. No. 137 of 2013](#)), as amended by [S.I. 190 of 2020](#), and the Environmental Protection Agency (Integrated Pollution Control) (Licensing) Regulations 2013 ([S.I. No. 283 of 2013](#)), as amended by [S.I. 189 of 2020](#), require an applicant to publish a notice in a local newspaper and erect a site notice (regulation 4) of their intention to apply for a licence and where relevant documentation can be obtained/viewed. Regulation 4 requires the Agency to publish the information specified in regulation 5 on its website for any license application which is required to be accompanied by an EIAR.

- (c) National transposing measures to ensure that timeframes for public participation procedures are reasonable and thus allow time for effective participation during environmental decision making.

Planning

With regard to permissions and consents pursuant to the Planning and Development Act 2000 (as amended):

- Article 29 provides that the public can make submissions / observations, on payment of a prescribed fee, within 5 weeks from the date the planning authority received the application.
- Article 30 provides that the planning authority cannot make a decision on

the application until after the 5 week public participation period has expired.

- The applicant or anybody who participated in the public participation procedure has 4 weeks to appeal any decision of the planning authority to An Bord Pleanála (article 31(k)).
- The same 5 week period for submissions/observations is provided for in respect of planning applications for approval made direct to An Bord Pleanála or within a 4 week period in respect of a planning appeal.

Substitute consent allows developers to apply to An Bord Pleanála in exceptional circumstances for retention permission to regularise certain existing developments, typically quarries, where EIAs or AAs apply. In December 2023, amendments were made to the substitute consent regime under Part XA of the Planning and Development Act 2000, which extended, from 5 to 8 weeks, the timeline for the receipt of submissions or observations from any person or body in relation to substitute consent applications.

Publication of Information in Respect of Environmental Licence Applications

- Section 82(2A)(bi) of the EPA Act 1992, as inserted by the [European Union \(Environmental Impact Assessment\) \(Environmental Protection Agency Act 1992\) \(Amendment\) Regulations 2020](#) (S.I. No. 191 of 2020) requires the Agency to make an electronic version of any determination as to whether the activity to which a licence or revised licence applied for relates should be subject to EIA.
- [The Environmental Protection Agency \(Integrated Pollution Control\) \(Licensing\) \(Amendment\) Regulations 2020](#) (S.I. No. 189 of 2020) and [Environmental Protection Agency \(Industrial Emissions\) \(Licensing\) \(Amendment\) Regulations 2020](#) (S.I. No. 190 of 2020) require the Agency to specify on its website, by reference to the date on which information regarding the application is made available on its website, a period, which shall be not less than 30 days, within which submissions may be made to it in writing in relation to the likely effects on the environment of the proposed activity for any license application which is required to be accompanied by an EIAR.
- Section 87(2) of the EPA Act 1992 requires the Agency to publish its

proposed decision and where it is proposed to grant a licence or revised licence to state where a copy of proposed licence or revised licence may be viewed. This notification must be given to any person who made a written submission in relation to the application (amongst others). Section 87(5) provides that any person may, subject to compliance with certain requirements, object to the proposed determination within 28 days from the date the notification under section 87(2) is sent.

- Under regulation 37(3)(l) of the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013 ([S.I. No 137 of 2013](#)) and the Environmental Protection Agency (Integrated Pollution Control) (Licensing) Regulations ([S.I. No. 283 of 2013](#)), the notice of the final decision published by the Agency must state that leave for judicial review has to be instituted within 8 weeks of the date the final decision is made, in accordance with section 87(10) of the [Environmental Protection Agency Act 1992 \(as amended\)](#).

(d) As illustrated by the timelines outlined above, Irish environmental law provides for early public participation. In all instances there is a chance for the public to participate before any final decisions are made.

(e) The relevant legislative provisions in relation to Annex I activities do not require a person who wishes to participate in the consent process to demonstrate any particular personal impact or interest.

Prospective applicants who wish to apply for a licence for Annex I activities are required by the [Environmental Protection Agency \(Industrial Emissions\) Licensing\) Regulations 2013 \(S.I. No. 137/2013\)](#), the [Environmental Protection Agency \(Integrated Pollution Control\) \(Licensing\) Regulations \(S.I. No. 283 of 2013\)](#), and the Planning and Development Regulations ([S.I. No. 600/2001](#)) to notify the public before they make an application.

(f) (i) - (ii) Ireland has taken the following measures to ensure that the public have access to all information relevant to the decision-making procedure (available at the time of the public participation) before a decision is taken and in particular the information listed in Article 6(6)(a) – (f) pursuant to the following legislation:

Planning

With regard to permissions and consents pursuant to the Planning and Development Act 2000 (as amended), Section 38 of the Planning and Development Act 2000, as amended requires that a copy of the planning application and of any particulars, evidence, EIAR, other written study or further information received or obtained by the authority from the applicant and a copy of any submissions or observations received in relation to the planning application must be made available for inspection by the planning authority. In accordance with the Planning and Development Act 2000 (Section 38) Regulations 2020 (S.I. No. 180 of 2020) and the planning authority must also make documentation available on its website. Any EIAR submitted must be made available online on its website as well as available for inspection at its offices.

Under Section 146, An Bord Pleanála is required to make relevant information in relation to the application available for inspection at its offices at its offices or online.

In addition, Section 7 of the Planning and Development Act 2000, as amended requires each local authority to maintain a planning register of their final decisions and accompanying documents which is to be available for viewing at their principal office.

ePlanning

The ePlanning system is a portal which enables any person to make planning applications and to lodge submissions online. The portal is currently integrated with 28 of the 31 planning authorities with the remaining 3 planning authorities expected to be integrated in the near future. The option for any person to lodge planning applications or submissions in paper form in the office of the planning authority remains in place, the ePlanning system provides greater access to planning services.

The system can be accessed from:

<https://planning.localgov.ie/en/local-government-ireland-planning-system>.

Environmental (Integrated Pollution Control IPC) licenses

The Environmental Protection Agency (Integrated Pollution Control) (Licensing) (Amendment) Regulations 2020 ([S.I. No. 189 of 2020](#)) and the [Environmental Protection Agency \(Industrial Emissions\) \(Licensing\) \(Amendment\) Regulations 2020](#) ([S.I. No. 190 of 2020](#)) require the Agency – for any license application which is required to be accompanied by an EIAR – to publish on its website, ‘at the latest as soon as practicable’ and make publicly available at the headquarters of the Agency specific environmental technical information.

Article 94 and Schedule 6 of the [Planning and Development Regulations 2001](#), regulation 11 of the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013 ([S.I. No. 137 of 2013](#)) and the Environmental Protection Agency (Integrated Pollution Control)(Licensing) Regulations 2013 ([S.I. No. 283 of 2013](#)), amended by the [Environmental Protection Agency \(Integrated Pollution Control\) \(Licensing\) \(Amendment\) Regulations 2020](#) ([S.I. No. 189 of 2020](#)), the [Environmental Protection Agency \(Industrial Emissions\) \(Licensing\) \(Amendment\) Regulations 2020](#) ([S.I. No. 190 of 2020](#)) and the [European Union \(Environmental Impact Assessment\) \(Environmental Protection Agency Act 1992\) \(Amendment\) Regulations 2020](#) ([S.I. No. 191 of 2020](#)), require an EIAR to contain information corresponding with the requirements of Article 6.6(a)-(f) of the Convention, which is implemented in EU law by [Directives 2011/92/EU](#) and [2014/52/EU](#) (EIA) and [2008/1/EC](#) (IPPC) (recast by the [Industrial Emissions Directive \(2010/75/EU\)](#)).

- (g) Measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity.

Planning

- As highlighted above, Article 29 of the [Planning and Development Regulations 2001](#) provides that the public can make submissions/observations, on payment of a prescribed fee, within 5 weeks from the date the planning authority received the application. The same 5-week period for submissions/observations is provided for in respect of applications for approval made direct to the Board or within 4 weeks in

respect of a planning appeal.

- Article 76 of the [Planning and Development Regulations 2001](#) makes provisions for the public to make submissions/observations at an oral hearing to consider a planning application.

Environmental licences

As set out above, the Environmental Protection Agency (Integrated Pollution Control) (Licensing) (Amendment) Regulations 2020 ([S.I. No. 189 of 2020](#)), and the Environmental Protection Agency (Industrial Emissions) (Licensing) (Amendment) Regulations 2020 ([S.I. No. 190 of 2020](#)) require the Agency to publish a statement on their website, in the case of every licence application for which an EIAR is required, stating that submissions may be made in writing to the Agency, during a period, which shall be not less than 30 days, in relation to the likely effects on the environment of the proposed activity.

- (h) The following legislation provides that due account of public participation is taken in decision-making:

Planning

Section 34(3)(b) of the [Planning and Development Act 2000 \(as amended\)](#) provides that the planning authority, and An Bord Pleanála on appeal, must when considering an application for permission, have regard to any written submissions or observations concerning the proposed development made to it in accordance with the permission regulations by persons or bodies other than the applicant, as “any submission or observation as regards the making of a decision to grant permission and which is received by the planning authority not later than 4 weeks after the first publication of the notice shall be duly considered by the authority”.

- (i) Ireland has taken measures to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures, through the following legislation:

- Section 7 of the [Planning and Development Act \(as amended\)](#) requires each local authority to maintain a planning register of their final decisions and accompanying documents which is to be available for viewing at their

principal office. Planning authorities are also required to make available and display the list for inspection on its website.

- Article 31 of the [Planning and Development Regulations 2001](#) requires the planning authority to notify any body or person involved in the public participation procedure of the decision taken.
- Article 32 of the [Planning and Development Regulations 2001](#) requires the planning authority to make available its planning decision at its offices and at local libraries, for public inspection, or by electronic means.
- [Article 72](#) requires An Bord Pleanála to maintain a register that includes appeals and applications for approval of the Board which have been determined.
- [Article 74](#) requires An Bord Pleanála to notify any person who made submissions or observations regarding its decision.
- [Section 146 of the Act](#) requires An Bord Pleanála within 3 days of its decision make documents relating to the matter available for inspection and may make these available online. In the case of an EIA application, these documents must be made available online by the Board.

Environmental Licences

- Regulations 37(2) and (3) of the Environmental Protection Agency (Industrial Emissions)(Licensing) Regulations 2013 ([S.I. No. 137 of 2013](#)) and the Environmental Protection Agency (Integrated Pollution Control)(Licensing) Regulations 2013 ([S.I. No. 283 of 2013](#)) require the EPA to publish its final decision and the reasons for its decision.
- Section 91 of the [Environmental Protection Agency Act 1992](#) (as amended) requires the EPA to keep a register of licences at the Agency's headquarters. This register is also available from the Agency's website at www.epa.ie.

(j) Where a consent or decision is reconsidered by the relevant competent authority Ireland has applied the provisions of Article 6(2) to (9) in the following manner:

Environmental Licences

- Regulations 37(2) and (3) of the Environmental Protection Agency (Industrial Emissions)(Licensing) Regulations 2013 ([S.I. No. 137 of 2013](#))

and the Environmental Protection Agency (Integrated Pollution Control) (Licensing) Regulations ([S.I. No. 283 of 2013](#)) require the Environmental Protection Agency to publish its final decision and the reasons for its decision in respect of review of licences.

- DCEE's Policy Statement on *Mineral Exploration and Mining – Critical Raw Materials for the Circular Economy* sets out a framework for future decision making on mineral exploration and mining within the State. It serves as a frame of reference for policy makers, regulators and stakeholders and reflects the views gathered during a public consultation. It also puts in place a clear and sustainable policy framework that supports communities, the environment, the climate and the mineral exploration and mining sectors. The Mineral Policy Statement ([Policy Statement on Mineral Exploration and Mining](#)) aligns with the Aarhus Convention as outlined below:
 - The Mineral's Policy Statement commits to transparency in decision-making processes concerning mineral exploration and extraction.
 - It has been adopted by the Government to set out the key principles and priorities that will guide the regulation of these activities and the role minerals will play in future.
 - This policy statement asserts that the protection of the environment and conservation of natural heritage is paramount in how these activities are regulated.
 - DCEE engages with key stakeholders and involve community and local groups in the development of this strategy.

Geoscience legislation which provides for public participation in accordance with the requirements of the EIA Directives includes:

- Sections 8, 22, 26 and 40 Minerals Development Act 1940 (as amended) (prospecting licenses; licenses in respect of State acquired minerals; state 35 mining leases; applications for ancillary rights licenses).
- Sections 8, 9, 13, 19 and 26 Petroleum and Other Minerals Development Act 1960 (as amended) (exploration licenses; petroleum prospecting licenses; petroleum leases; reserved area licenses; working facilities permits).

(k) Ireland is a Party to the Cartagena Protocol on Biosafety, which is implemented through a range of legislative measures, and EU law including:

- Directive 98/81/EC on the contained use of genetically modified micro-organisms which was transposed into Irish law under the Genetically Modified (Contained Use) Regulations 2001 (S.I. No. 73 of 2001).
- Directive 2001/18/EC, as amended, on the deliberate release into the environment of genetically modified organisms which was transposed into Irish Law as the GMO (Deliberate Release) Regulations (S.I. No 500 of 2003), as amended.
- Regulation 1946/2003 on the transboundary movement of GMOs which is regulated in Ireland under the Genetically Modified Organisms (Transboundary Movement) Regulations 2004 (S.I. No. 54 of 2004).

XVI. Obstacles encountered in the implementation of article 6

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Answer: ***The following issues were raised in submissions to the public consultation***

Respondents indicated their concerns with public consultation processes in the following terms:

- Accessibility, especially in communities where there is reduced literacy.
- Poor dissemination and lack of adequate time to respond effectively.
- Limited consideration of submissions made in consultation processes.

XVII. Further information on the practical application of the provisions of article 6

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

Answer:

The response to Question XV (b) to (j) lists in detail the legislative provisions which underpin the Article 6 requirements with respect to IPC licences and planning consents. Similar requirements are provided for in other EIA consent systems.

The requirements introduced into the above legislation include:

- Notification requirements including transboundary notifications.
- Notification of public participation.
- Providing information on the final decision to the public.
- Provisions in relation to the alteration or replacement of an existing EIA project.

These requirements have been introduced by the European Communities (Environmental Impact Assessment) Regulations 1989, and in amending regulations.

The information to be included in the licence application includes, inter alia:

- Whether an EIAR is required.
- The plant, methods, processes, ancillary processes, abatement, recovery and treatment systems, and operating procedures for the activity.
- The raw and ancillary materials, substances, preparations, fuels and energy which will be produced by or utilised in the activity.
- Monitoring and sampling points information.
- Details of the proposed measures to prevent or eliminate emissions.
- An outline description of the main alternatives to the proposed technology, techniques and measures which were studied by the applicant.
- A description of the measures to be taken for minimising pollution over long distances or in the territory of other states.
- A non-technical summary of information provided.

Example of Public Participation include:

1. Public participation and Access to Information on the Environment through Designated Maritime Area Plan Processes

The Planning Advisory Division (PAD) is part of the inter-divisional project team supporting the International and Offshore Renewable Energy Division in the preparation of the South Coast Designated Maritime Area Plan (SC-DMAP) for Fixed Offshore Renewable Energy. A participatory process with the general public, environmental NGOs and cross sectoral stakeholders is a core principle in the development of this Plan and environmental assessment process. This is captured in the Public Participation Statement for the Plan which is continually reviewed to record and update the general public on the stages of the Plan process, the role of public participation and engagement.

2. Department of Rural and Community Development (DRCD)

The 2023-2027 LEADER Programme recognises the importance of raising awareness regarding the environment and in this respect supports projects that relate the sustainable development of the Rural Environment and Climate Change Mitigation and Adaptation.

3. Social Inclusion & Community Activation Programme (SICAP)

Key changes in the new SICAP programme have been based on the recommendations from a broad national programme review and stakeholder engagement process, including a review of national policy priorities and key changes in the socioeconomic environment including the climate crisis and the need for a just transition to a greener society and economy.

4. Community Services Programme

DRCD Community Services Programme (CSP) supports more than 430 community organisations to provide local services that address identified community needs, including circular economy initiatives, through a social enterprise model.

5. Public Participation Networks (PPNs)

In 2014, the Report of the Working Group Report on Citizen Engagement with Local Government recommended the establishment of Public Participation Networks (PPNs) in each of the 31 Local Authority areas in Ireland. PPNs were established following the enactment of the Local Government Reform Act 2014,

section 46 of which sets out their legislative basis.

PPNs are empowering local communities by enabling them to take an active formal role in relevant policy making across a range of areas of responsibility in each local authority area. This allows the diversity of voices and interests within a community to be facilitated and involved in decision making.

At the end of 2023, there were over 700 volunteer-led groups across the country registered with the environmental electoral college of their local PPN.

6. The Land Development Agency

The LDA is a commercial state-sponsored body that has been created to coordinate land within public control to provide affordable and social homes and build communities across the nation.

Core Areas within the LDA that align to the Aarhus Convention include:

1. In progressing its plans and proposals, the LDA promotes a proactive and inclusive approach to community and stakeholder engagement, starting from the earliest stages in the planning and design process, through to construction and eventual occupation of a housing scheme.
2. The LDA supports proportionate engagement processes, aiming to provide opportunities to hear the views of communities at key stages.
3. The Agency adopts a tailored, project specific approach to each community and stakeholder engagement process it undertakes. The scale, scope and methods applied to undertake non-statutory engagement varies according to specific requirements and conditions.

Further details on this Strategy and Projects are available here: [Consultation - lda](#)

7. Maritime Area Regulatory Authority (MARA)

The Maritime Area Planning (MAP) Act 2021 lays the foundations for a modern, efficient and Aarhus compliant marine planning system. MARA was established in July 2023. MARA's key role is to support the governance of Ireland's maritime resources. MARA's focus includes:

- Bringing its expertise, knowledge and skills to enhance forward planning

in the maritime area.

- Developing a well-functioning transparent authorisations system, consistent with the principles of proper marine spatial planning, for all maritime users and activities.
- Implementing a rigorous, but proportionate, compliance and monitoring programme to ensure the sustainable use of Ireland's maritime area.

Since establishment MARA has prioritised its processes to promote access to information on the environment (AIE) by appointing an AIE officer, establishing an AIE Unit and communicating this via the website to assist the public in making valid requests. MARA is in receipt of AIE requests and is endeavouring to process these within the AIE timeframes.

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

Answer:

- See relevant sections above.

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

While the questions in XIX and XX request a differentiation between plans, programmes and policy it is suggested that these two articles are read together as it is difficult to clearly delineate between them.

The provisions of Article 7 of the Convention fall within the competence of the European Union, [Directive 2003/35/EC](#) providing for public participation in respect of the drawing up of plans and programmes relating to the environment. The provisions made by Ireland to ensure that the public have an opportunity to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7, have been enacted in accordance with European legislation in this area. Ireland has thus fulfilled its obligation under Article 7 through its implementation of [Directive 2003/35/EC](#).

SEA legislation provides for strategic environmental consideration at an early stage in the decision making process and is designed to complement project based EIAs. Irish legislation (European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 ([S.I. No. 435 of 2004](#))) implementing the SEA Directive ([2001/42/EC](#)) provides for public consultation in relation to plans and programmes across 11 specific sectors, in development and local area plans, as well as regional economic and spatial strategies and strategic development zones. Provisions regarding public participation are laid down in set time frames (as required by Article 6(3)), at the beginning of the plan making process (as required by Article 6(4)) and submissions or observations shall be taken into account in the final decision (as required by Article 6(8)).

The Planning and Development Regulations 2001 provide for public participation at the beginning of the plan making process (it is required to publish a notification of the proposals in one or more newspapers relevant to the area covered by the plan; this notice is required to state that it is proposed to make, amend or revoke a plan, where a copy of the proposal and the plan (where appropriate) may be inspected and that submissions or observations received during this time will be taken into consideration and also for public participation during the drafting of the environmental report, with further public notification requirements, and that an opportunity be afforded to the public to make submissions or observations on the draft reports before final decisions are made. Submissions or observations must be taken into account in the final decision.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer:

While the questions in XIX and XX request a differentiation between plans, programmes and policy it is suggested that these two articles are read together as it is difficult to clearly delineate between them.

The [Cabinet Handbook](#) states that Government approval is required for significant new or revised policies or strategies and that approval should be sought sufficiently in advance of publication of such initiatives to allow proper consultation and consideration. There is also a requirement to conduct a Regulatory Impact Analysis (RIA) before any policies (both regulatory and non-regulatory) are officially adopted.

Ireland has adopted a two stage approach to RIAs where an initial preliminary RIA identifies which regulations should be subject to a detailed RIA. Both the screening RIA and the full RIA require the effects of any proposed measures to take into account any negative impacts on the environment and provide for consultation with relevant stakeholders. The full RIA provides for broader access by the public to the consultation procedure.

[RIA Revised Guidelines – How to Conduct a Regulatory Impact Analysis](#) state that an RIA should be carried out as early as possible and, in so far as possible, before the actual decision to regulate is made.

The RIA guidelines explicitly state that consultation with the public should commence as soon as possible and the RIA should develop in response to the consultation.

Planning

In respect of land-use planning:

Article 13A, 13K, 14A of the Planning and Development Regulations 2001 (S.I. No. 600/2001) (as inserted by S.I. No. 436 of 2004 and amended by S.I. No. 201 of 2011) provide for the carrying out of SEA to inform plan making at local level.

Article 179A of the 2001 Regulations requires that all planning schemes for strategic development zones undergo SEA.

Article 15B of the 2001 Regulations and Part II of the 2000 Act requires that planning at regional level is also subject to SEA.

The Planning and Development Act 2000 (as amended) provides for the publication of public notices of proposed plans or proposed amendments to plans in a newspaper circulated in the area concerned before plans are finalised.

Articles 13F, 13O, 14F, 15E of the Planning and Development Regulations 2001 also apply with respect to a trans-boundary SEA of land-use plans.

These provisions provide for public participation at the beginning of the plan making process. Submissions or observations must be taken into account in the final decision.

XXI. Obstacles encountered in the implementation of article 7

*Describe any **obstacles encountered** in the implementation of article 7.*

Answer:

The following issues were raised in submissions to the public consultation

- Respondents referred to the texts of the EIA and SEA EU Directives and the exclusions and limitations that are perceived to limit citizens' ability to compel government bodies to conduct Strategic Environmental Assessments (SEAs) and Environmental Impact Assessments (EIAs), even in cases where environmental risks are evident.
- The above was considered by respondents to be a challenge to public participation and a barrier to the effective implementation of the Public Participation pillar of the Aarhus Convention—particularly in relation to

the failure to apply SEAs and EIAs in planning processes, including where minor modifications are made to developments after approval.

XXII. Further information on the practical application of the provisions of article 7

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 7.***

Answer:

- See response to question XIX.

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

Answer:

- See relevant sections above.

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

In bringing forward primary legislation there may be a requirement to deliver a Regulatory Impact Assessment (RIA) to allow the potential impact of the draft legislation to be assessed

in advance of consideration by the Oireachtas. There is also a provision in our legislative process where a draft Bill can be sent to a Joint Oireachtas Committee and where they can decide to hold hearings and/or to hear submissions from the public. This Committee may prepare a report with recommendations which can be sent back to the original drafting Department for their consideration. Consultation Principles and Guidelines for public bodies have been published by the Department of Public Expenditure and Reform - [Consultation Guidelines 2016](#).

A dedicated Consultations webpage can be found on the gov.ie website - [Consultations](#).

XXV. Obstacles encountered in the implementation of article 8

*Describe any **obstacles encountered** in the implementation of article 8.*

Answer:

The following issues were raised in submissions to the public consultation

- A number of comments were made in respect of signing into law in October 2024 of the Planning and Development Act 2024. Notwithstanding, the commencement orders for some sections of the Act have not been put in place, reference was made to restrictions on access to Judicial Review, in particular for local community and residents associations.
- Criticism was voiced at the level of consultation that took place during the passing of the 2024 Planning and Development Act.
- Reference was made to the lack of transparent scrutiny of the operation of the Planning and Development Act 2024 and how the Act complies with the Aarhus Convention.

XXVI. Further information on the practical application of the provisions of article 8

*Provide further information on the **practical application of the provisions on public participation in the field covered by article 8**.*

Answer:

No further text included here.

XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

Answer:

- See relevant sections above.

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
 - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
 - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
- (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2**

have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

(c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

(d) With respect to **paragraph 4**, measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

(e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

Please note that the answer provided is based on the current legislation. While the new Planning and Development Act 2024 was signed into law, the relevant sections at the time of writing have yet to be commenced.

The Planning and Environment Court

The Planning and Environment Court (PEC) was established by the President of the High Court Mr Justice David Barniville on 5 December 2023. The launch of the PEC took place on 11 December 2023. The purpose of the PEC is to provide as efficient a processing as is consistent with justice of such planning and environmental cases, and related cases as specified above, as are assigned or admitted to the PEC.

The specific goals of the PEC include:

- To provide a specialised mechanism to process cases across a comprehensive definition of the planning and environment field, which is compliant with the Aarhus Convention.
- To provide effective and paperless access to justice for cases within the PEC and to provide their efficient, fair and equitable disposition.

- To the extent requested by any party, to provide such certainty as can be achieved as to costs rules prior to the incurring of inter-partes costs in the proceedings.
- To maximise use of resources and minimise costs through case management, in order to minimise the need for or incidence of multiple interlocutory or interim applications and adjourned substantive hearings, and to take any other steps so that matters proceed expeditiously to hearing and, when at hearing, are expeditiously determined.
- To balance the demands on the judges assigned to the PEC so that the court can deliver judgments in a timely manner, and, insofar as possible, within a 2 month period of term-time from the date on which judgment is reserved.

As of 10 June 2024, the PEC had one hundred and ninety-five active cases before it. The matters coming before the Court are diverse and range from disputes relating to access to environmental information, challenges to certain government policies i.e. agri-environmental as well as challenges taken against the granting of or refusal of development consent for a broad range of infrastructure such as housing and renewable energy. The PEC has three Judges assigned to it who are in turn supported by three High Court Registrars and three Judicial Assistants. In light of the diversity of cases which come before the PEC and in order to afford the opportunity to the public at large to witness the carrying on of court business, the PEC has instituted a digital first approach to document management. In addition, virtual hearings are facilitated by the Judges of the PEC thereby enabling the parties involved in the proceedings as well as members of the public the opportunity to view cases at hearing.

(a) (i) to (iii) As with Articles 4 and 5 of the Convention, the provisions of Article 9(1) of the Convention fall within the competence of the European Union, specifically [Directive 2003/4/EC](#) on public access to environmental information.

The European Union has fulfilled the obligations of Article 9(1) of the Convention through this legal instrument. Ireland has accordingly transposed the provisions of Article 9(1) of the Convention in accordance with the requirements of [Directive 2003/4/EC](#) through the AIE Regulations.

In addition, there is a right to a review in respect of access to environmental information matters before a court in the form of Judicial Review before the High Court. An application for judicial review is a remedy available to parties in situations where any body or tribunal in Ireland with legal authority to determine rights or impose liabilities, and with a duty to act judicially, has acted in excess of legal authority or contrary to its duty. Judicial review is generally concerned not with the decision of a body or tribunal but with the decision making process.

Furthering the public's rights to access review/justice in relation to environmental matters:

(b), (c), (d) The legislation detailed below ensures that members of the public concerned, having a sufficient interest, have access to a review procedure before a court of law and/or other independent and impartial review bodies established by statute, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6.

Ireland's system of judicial review is the independent procedure by which the substantive and procedural legality of decisions of public bodies can be challenged:

Order 84 of the Rules of the Superior Courts sets out the rules governing judicial review and requires, pursuant to rule 20(4), that applicants have a sufficient interest in the matter.

eNGOs are not required to meet the sufficient interest standing test in planning judicial reviews; being exempted from this requirement by section 50A(3)(b)(ii) of the Planning and Development Act 2000, as amended.

Under Section 50A (3) of the Planning and Development Act 2000, as amended, eNGOs whose aims and objectives relate to the promotion of the protection of the environment and who have pursued those aims and objectives for twelve months, are not required to demonstrate a sufficient interest in judicial review cases pursuant to planning matters. Special standing rules are provided for eNGOs in certain litigation relating to the

IPPC and EIA Directives S.I. No. 352/2014 - European Union (Access to Review of Decisions for Certain Bodies or Organisations promoting Environmental Protection) Regulations 2014.

Judicial review is the principal method available to members of the public demonstrating a sufficient interest to challenge acts and omissions which contravene provisions of national law relating to the environment. The judicial review procedure is governed by Order 84 of the Rules of the Superior Courts as supplemented by specific procedural rules provided for in certain statutory codes, e.g. section 50 of the Planning and Development Act 2000 (as amended).

Members of the public may also institute separate legal proceedings seeking to enforce provisions of national law, including e.g., pleading breaches of statutory duties and provisions, and seeking declarations and injunctions in order to ensure compliance with national law.

The cost rules introduced in the Environment (Miscellaneous Provisions) Act 2011 are applied to the enforcement of environmental consents, permissions, leases, permits and licences as outlined in Section 4 of this Act.

Where a member of the public believes that a request for information on the environment is not dealt with according to the AIE Regulations, they can seek an internal review under article 11 of the AIE Regulations. An internal review decision can be appealed to the CEI under article 12. Article 13 allows a party to an appeal under article 12 to appeal to the High Court on a point of law.

Not Prohibitively Expensive (NPE):

Section 50B of the Planning and Development Act 2000 (as amended) in proceedings concerning decisions, actions or inaction pursuant to the EIA Directive, SEA Directive, IPC Directive or Habitats Directive, provides each party shall bear its own costs or the court may award costs in favour of the applicant to be borne by the respondent and/or the notice party where their actions contributed to the applicant obtaining relief.

The cost rules introduced in the [Environment \(Miscellaneous Provisions\) Act](#)

[2011](#) and [Planning and Development \(Amendment\) Act 2010](#) mean that an applicant will very rarely be obliged to pay the costs of a respondent, even if they are unsuccessful (except in cases where the litigation is, for example, vexatious) and that they may still be awarded costs if their case is a matter of exceptional public importance (section 3(4)).

The '[Heather Hill](#)' ([2022] IESC 43) Supreme Court decision clarified the position regarding the question of costs orders to be made in certain environmental and planning claims. The Court held that the effect of the provisions of s. 50 B of the Planning and Development Act is that all of the grounds in these proceedings challenging the validity of decisions to grant development consent under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 benefit from the costs protection provided for in that section.

Administration of Justice in timely Manner:

[S.I. No. 352/2014](#) - European Union (Access to Review of Decisions for Certain Bodies or Organisations promoting Environmental Protection) Regulations 2014 introduced a clause in relation to certain proceedings that: "The Court shall, in determining either an application for leave for judicial review, or an application for judicial review on foot of such leave, act as expeditiously as possible consistent with the administration of justice."

Under section 126 of the Planning and Development Act 2000 (as amended) An Bord Pleanála has an objective to ensure that appeals and referrals of planning decisions are disposed of as expeditiously as possible and within a maximum timeframe of 18 weeks.

The rules on [judicial review](#) (as amended by [S.I. No. 691/2011](#)) require that a judicial review be dealt with in an expeditious manner. This includes time limits for applications; time limits for return of written documentation and following the return date, the matter is then assigned a hearing date.

- (e) Information is provided to the public on access to administrative and judicial review under a number of statutory obligations (see response to question XXX below for practical examples).

- The Courts Service provides a website detailing judgements from the Circuit, High and Supreme Court (<https://www.courts.ie>).
- The [Comhairle Act 2000](#) and the [Citizens Information Act 2007](#).
- Implemented in relation to consent systems subject to EIA by the European Communities (Public Participation) Regulations 2010 ([S.I. 352/2010](#)).
- Implemented in respect of Waste Licensing by the Waste Licensing (Amendment) Regulations 2010 ([S.I. 350/2010](#)).
- Implemented in respect of IPPC licensing by the Environmental Protection Agency (Licensing) (Amendment) Regulations 2010 ([S.I. 351/2010](#)).
- Implemented in respect of IED licensing by Section 37 (3) of the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013 ([S.I. 137 of 2013](#)).
- Implemented in relation to the Commissioner for Environmental Information: <https://www.ocei.ie/making-an-appeal/how-to-appeal>.

XXIX. Obstacles encountered in the implementation of article 9

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

Answer:

The following issues were raised in submissions to the public consultation

- Concerns were expressed that existing national legislation in relation to intimidation and protection from Strategic Litigation Against Public Participation (SLAPP) may not be sufficiently effective.
- Concerns were also expressed in relation to legal costs in Ireland and that this could be a consequential barrier to accessing justice.
- Submissions were made how the existing legislation and jurisprudence appeared to have brought some measure of clarity in respect of costs, it was submitted that the goalposts will shift considerably when the relevant provisions of the Planning and Development Act 2024 are commenced.

Extract from the submission of a leading eNGO include the following:

- *“It is acknowledged that the introduction to the text in this section makes*

reference to the Planning and Development Act 2024, but in no way does it make any effort to indicate the scale and effect of the changes it will precipitate...

- *These changes are seen as regressive in terms of our implementation and likely to precipitate significant uncertainty, cause delays including given the extent of satellite litigation they will generate across a whole range of issues... and virtually all the characteristics required under Article 9(4) of the Convention...*
- *The final report should reflect that serious concerns were raised that the draft report entirely failed to reflect the extensive imminent changes, and the view that they were seen as highly regressive in terms of Aarhus Implementation and raise serious issues in respect of compliance with the Convention and indeed EU law obligations...*
- *On standing: The text is inadequate in setting out all the provisions which deal with standing – for example it omits the Forestry Act, 2014.*
- *Section 50A(3)(b)(ii) PDA2000 -Additionally, standing is provided for eNGOs in the context of Environmental Impact Assessment only, and where they meet certain criteria. While there is much that could be set out here in respect of this – one particularly egregious change over the period had the effect of additionally requiring the exhaustion of remedies for eNGOs.*
- *... in 2022, a further requirement was introduced which also applies problematically to eNGOs, in that they must now exhaust any available appeal procedures or any other administrative remedy available to him or her in respect of the decision or act concerned. This later requirement on exhaustion of remedies was introduced by s.22(a)(iii)(b) of the Planning and Development, Maritime and Valuation (Amendment) Act 2022 (29/2022).”.*

XXX. Further information on the practical application of the provisions of article 9

*Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Answer:

Information on judicial review in planning and environmental matters is provided on the [Citizens Information website](#). This website provides comprehensive information on public services and entitlements, presented in an easy-to-understand way to the public.

A dedicated Aarhus Convention web-section which includes information on access to justice under the Convention is available on the [Gov.ie website](#).

[An Bord Pleanála](#) has a guide to making an appeal against a planning decision on its website.

- [Making a planning appeal](#).
- [Making an observation on a planning appeal](#).
- [Requesting an oral hearing](#).

The EPA provides information on how to [make an environmental complaint](#).

In addition to having the possibility to make complaints to the Irish Ombudsman's Office, it is also possible to make environmental complaints to the EU Ombudsman.

An Bord Pleanála has a guide to making an appeal against a planning decision on its website. http://www.pleanala.ie/appeals/index_general.htm

As Ireland has a common law system, case law is relevant to the implementation of the access to justice provisions of the Convention. The body of case law has continued to grow since the submission of the previous NIR in 2021. Of particular note is the Supreme Court judgement in Heather Hill.

[Heather Hill Management Company & Gabriel McGoldrick V An Bord Pleanala \[2022\] IESC 43](#)

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

Please see the relevant sections above.

[Annual reviews and decisions](#) of the Commissioner for Environmental Information are available online at www.ocei.ie.

Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention's objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

The Aarhus Convention adopts a rights-based approach and refers to the goal of protecting the right of every person of present and future generations to live in an environment adequate to health and well-being. Ireland is fully committed to protecting these rights and has illustrated this through its ratification of the Convention and its continued commitment to participative environmental governance and decision-making.

The interplay between public health and the environment are monitored by the Irish Health Service Executive (HSE). Publications published by the HSE are available on [environmental health](#).

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

- (a) With respect to **paragraph 1 of article 6 bis** and:
- (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
- (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
- (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
- (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
- (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
- a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;
 - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
 - d. An indication of the public authority from which relevant information can be obtained;
 - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
- (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
- (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
- (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;
- (b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Answer:

The requirements of the (Genetically Modified Organisms) GMO Amendment, Article 6bis and Annex I bis, are regulated within the EU by [Directive 2001/18/EC](#), amending [Directive 2015/412](#) and [Commission Directive \(EU\) 2018/350](#) and [Regulation \(EC\) 1829/2003](#) on the Deliberate Release of GMOs. No substantive amendment to the Directive arose as a result of the Aarhus GMO amendment. The existing national legislation, the [Genetically Modified Organisms \(Deliberate Release\) Regulations 2003, \(S.I. 500 of 2003\)](#), as amended, transposes the requirements of the genetically modified organisms' provision of the Aarhus Convention.

The Environmental Protection Agency is the competent authority for the purpose of these Regulations.

The requirements of the GMO Amendment, Article 6bis and Annex I bis, are regulated within the EU by [Directive 2001/18/EC](#) and amending [Directive 2015/412](#).

Paragraph 1 of Annex I bis of the GMO Amendment is transposed in Article 16 of the 2003 Regulations (which sets out the right of people to make written representations to the EPA about notifications of intent to make a deliberate release and the timeframes involved).

Directive 2015/412 is transposed into Irish law under S.I. 216/2020 (EU (GMO) (Restriction or Prohibition of Cultivation) Regulations 2020. Article 4(11) of these Regulations provide for a notice of a restriction of a prohibition of cultivation of a GMO to be published by the Minister of DCEE's website and newspapers and by the Agency on its website, thereby informing the public.

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XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

Answer:

No issues were raised during the consultation process.

XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Answer:

In accordance with Article 15 of the [Genetically Modified Organisms \(Deliberate Release\) Regulations 2003 \(S.I. No 500 of 2003\)](#), an applicant proposing to release a GMO into the environment (for example a GM crop field trial or certain categories of medical trials) is required to place an advertisement in a newspaper ‘circulating in the area of the proposed deliberate release’ informing the public of the proposed release. This advertisement must invite members of the public to make representations to the EPA in relation to the proposed release.

<https://www.epa.ie/our-services/licensing/gmo/contained-use/public-participation/>.

The EPA has a policy of publishing details of such licensing applications, including applications details, the advertisement, the consultation process responses, extracts from the deliberations concerned and the decision itself on the [Agency website](#).

Recent examples include:

- GMO Register No: G0876-01 – Clinical trial to test gene therapy treatment for alpha-1 antitrypsin deficiency (AATD) associated lung disease.
- Other reports and publications concerning GMOs are available on the EPA’s website.

XXXVI. Website addresses relevant to the implementation of article 6 bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Answer:

- Please see relevant sections above.

XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

Answer:

In total there have been 13 communications alleging non-compliance by Ireland with the Aarhus Convention. Three of these communications have been deemed 'Not admissible'. The Committee have prepared findings in three of the communications, [ACCC/C/2013/107](#), [ACCC/C/2014/112](#) and [ACCC/C/2016/141](#). There are currently 7 open communications.

On 30 June 2022, Ireland submitted a Plan of Action to the ACCC on Decision VII/8i.

On 2 October 2023, Ireland submitted its First Progress Report, with additional information on 24 November 2023 and 11 December 2023.

On 10 June 2024 the ACCC delivered the First Progress Review.

On 1 October 2024 Ireland's Final Progress Report of the implementation of decision VII/8i on compliance was submitted.

Please see link below for the full report.

<https://unece.org/sites/default/files/2024->

[06/VII.8i Ireland first progress review final.pdf](#) .

The Committee had expressed concern at:

- The poor quality of the response.
- The adequacy of measures to satisfy the concerns of the ACCC.
- The time taken to manage appeals under the AIE Regulations.

In response to the above on 1 October 2024, Ireland submitted its Final Progress Report on measures implementing the recommendations in Decision VII/8i.

Please see link below for the full report.

https://unece.org/sites/default/files/2024-10/frPartyVII.8i_01.10.2024_report.pdf

As part of the response, the proposal to review the AIE Regulations following public consultation processes has taken place. It is hoped that the regulations will be finalised in the coming months.

ACCC/C/2013/107

In October 2021 the 7th MOP endorsed the Compliance Committee findings that Ireland was non-compliant with Article 6(10) of the Convention and recommended that, with regard to section 42(1)(a)(i) and (ii) of the Planning and Development Act 2000, Ireland “take the necessary legislative measures to ensure that permits for activities subject to article 6 of the Convention cannot be extended, except for a minimal duration, without ensuring opportunities for the public to participate in the decision to grant that extension in accordance with article 6 (2)–(9) of the Convention”.

The following amendments to the Planning and Development Act 2000 (Act of 2000) were made to prohibit extensions of duration where a development requires an Environmental Impact Assessment (EIA) and/or Appropriate Assessment (AA) at the point of application for such an extension.

1. Section 28(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (Act of 2016), as amended by section 57(1) of the Planning & Development (Amendment) Act 2018, was commenced in September 2021. The relevant amendments introduced by section 28(1) of the Act of 2016, include:

- The deletion of section 42(1)(a)(ii) of the Act of 2000 - removed the possibility of a developer obtaining an extension to the duration of a planning permission for a development which has not been commenced or, in respect of which, substantial works have not been carried out. This provision encourages the commencement of development, such as housing development.
- The amendment of section 42(4) of the Act of 2000 - provides that no more than two extensions of the appropriate period of a planning permission can be made and that the combined duration of the extensions shall not exceed five years. This provision facilitates planning authorities to evaluate applications for extension of duration in order to establish the likely 'build out time' for the completion of proposed developments and subsequently consider granting extensions to planning permissions of less than five years.

2. The European Union (Planning) (Habitats, Birds & Environmental Impact) Regulations 2021 further amended the Act of 2000 by deleting section 42(1)(a)(i)(II) (as inserted by section 28(1) of the Act of 2016) and replacing that provision by inserting subsection (8) into section 42 of the Act of 2000. This new subsection provides that a planning authority shall not extend the appropriate period of a planning permission under section 42 if an Environmental Impact Assessment (EIA) or Appropriate Assessment (AA) would be required in relation to the proposed extension.

3. The European Union (Planning) (Habitats, Birds & Environmental Impact) (No.2) Regulations 2021 have been introduced to further align the Planning and Development Regulations 2001 (2001 Regulations) with the EIA and Habitats Directives. They amend Chapter 3 and 3A of the 2001 Regulations to introduce EIA and AA screening procedures in respect of all extension of duration applications, including further extension applications, and to set out additional publication requirements for screening determinations to facilitate transparency in the process. In particular, AA screening and EIA screening (for extension applications that do not equal/exceed EIA thresholds) are now required for all applications for extension of duration, including applications for further extensions.

In the case of EIA screening, applicants for extension of duration are now required to provide environmental information, as set out in Schedule 7A of the 2001 Regulations, to the planning authority.

These remedies are currently being considered by the ACCC.

ACCC/C/2014/112

The Committee found that:

(a) By refusing the disclosure of the cost-benefit study prepared for the renewable energy export programme on the basis that the study was not “environmental information”, the Party concerned failed to comply with article 4 (1) in conjunction with article 2 (3) (b) of the Convention.

(b) By not putting in place measures to ensure that CEI decides appeals regarding environmental information requests in a timely manner, the Party concerned fails to comply with the requirement of article 9 (4) of the Convention to ensure timely procedures for the review of environmental information requests.

Recommendations

The Committee recommended that:

(a) Access to cost-benefit studies used in environmental decision-making is not refused on the basis that it is not “environmental information” within the meaning of article 2 (3) (b) of the Convention.

(b) Appeals under the AIE Regulations to CEI are required to be decided in a timely manner, for instance by setting a specified deadline.

In relation to the committee’s recommendations regarding cost-benefit studies used in environmental decision-making, it is proposed to amend the guidance document and to address this issue in training sessions with public authorities.

Following these findings, the CEI have confirmed that they are in the process of securing additional human resources which should result in an improvement in the timeliness of decision making.

ACCC/C/2016/141

Findings of non-compliance concerning Ireland in regard to Article 9(4):

- timeliness of reviews before the CEI and the Courts, and
- the provision of effective and adequate remedies

were received in November 2020.

The findings recommend that Ireland “take the necessary legislative or regulatory measures to ensure that:

(a) Appeals under the AIE Regulations to the CEI or the courts, whether commenced by the applicant or any other person, are required to be decided in a timely manner, for instance by setting a specified deadline.

(b) There are mandatory directions in place to ensure that, should a court rule that a public authority or an “information request” falls within the scope of the AIE Regulations, the underlying information request is thereafter resolved in an adequate and effective manner.”.

In relation to the request of having mandatory directions from the court and that the matter is resolved in an adequate and effective manner is still under consideration in the drafting of the new regulations.

In relation to this case a reply was sent to the ACCC in 2024. In addition, the CEI have confirmed that they are in the process of securing additional human resources which should result in an improvement in the timeliness of decision making.