

---

**Questionnaire for the report of [NAME OF COUNTRY] on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2013–2015**

**Information on the focal point for the Convention**

1. Name and contact information:  
Mr. Terry Sheridan, Principal Officer, Department of the Environment, Community & Local Government, Custom House, Dublin 1, D01 W6X0, Ireland.

**Information on the point of contact for the Convention**

2. Name and contact information (if different from above):

**Information on the person responsible for preparing the report**

3. Country: IRELAND
4. Surname: Sheridan
5. Forename: Terry
6. Institution: Department of the Environment, Community and Local Government
7. Postal address: Custom House, Dublin 1, D01 W6X0, Ireland
8. E-mail address: terry.sheridan@environ.ie
9. Telephone number: +353 1 888 2446
10. Fax number: +353 1 888 2692
11. Date on which report was completed: 28 April 2016

---

## Part one

### Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

#### Article 1

##### Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments:

*Impact is not defined however the requirements in relation to an EIA, including the content of an EIS, are set out in paragraph 2(b) of Schedule 6 of the Planning and Development Regulations 2001 (as amended) (available on the Department's website: [www.environ.ie](http://www.environ.ie)).*

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition): *No however section 174 of the Planning and Development Act 2000, as amended obliges a planning authority or An Bord Pleanála to have regard, where appropriate, to the views of any Party to the Transboundary Convention in respect of an application for planning permission that is likely to have significant effects on the environment in a transboundary State.*
- (d) There are no definitions of transboundary impact in the legislation

Your comments:

I.3. Please specify how major change is defined in your national legislation:

*"Major change" is not defined however we do provide for assessment of changes or extensions to development as per Class 22 of Part 1 and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.*

---

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

(a) Based on the geographical location of the proposed project

(b) By making the information available to all members of the public and letting them identify themselves as the public concerned

(c) By other means (please specify):

Your comments:

## Article 2 General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

(a) Law on EIA:

(b) EIA provisions are transposed into another law(s) (please specify): *See appendix 1 attached which lists EIA legislation*

(c) Regulation (please indicate number/year/name):

(d) Administrative (please indicate number/year/name): *See comment below*

(e) Other (please specify):

Your comments:

*Administrative measures taken to implement the provisions of the Convention include an informal protocol agreed with Northern Ireland in respect of planning applications for development proposals that are required to be accompanied by EIA documentation (in Ireland this includes primarily the Environmental Impact Statement (EIS)), in accordance with Article 2 of the Convention. Another measure taken that came about as a consequence of the agreed protocol is the inclusion of statutory bodies in Ireland as registered consultees on the planning portal website system operated by the Department of Environment, Northern Ireland which provides the means by which those bodies may participate in transboundary consultations with the ability to lodge submissions or observations directly on to the website for public viewing.*

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference, all activities are transposed in the national legislation as is

(b) It differs slightly  (please specify): *See appendix 2 attached*

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

(a) There are different authorities at national, regional, local levels

(b) They are different for domestic and transboundary procedures

(c) Please name the responsible authority/authorities:

(d) There is no single authority responsible for the entire EIA procedure:

Your comments:

---

*EIA procedure is primarily implemented through the planning process. In this regard, the authorities that are chiefly responsible for transboundary EIA procedures and conducting the required consultations are the relevant local planning authorities (31 in total) and An Bord Pleanála, which is the body responsible for deciding planning appeals, planning applications for Strategic Infrastructure project proposals, applications for Substitute Consent, and for developments requiring EIA which are proposed to be carried out by local or State authorities. The Minister for the Environment, Community and Local Government must be notified of any development application likely to have a significant impact on the environment of a transboundary State.*

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

- (a) No
- (b) Yes  (please specify):

Your comments:

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

*In accordance with domestic legislation, and as per an agreed informal protocol with Northern Ireland, the authorities in the affected Party (Northern Ireland) will notify the public in their own jurisdiction that a development is proposed in the transboundary State that is the Party of Origin, and which is likely to have significant effects in the environment in their own area of jurisdiction and invite the public to make submissions or observations to the relevant planning authority in the transboundary State of the Party of Origin (Ireland). The views of the public in the affected Party are also conveyed in the submission made by the affected Party to the competent authority in the Party of Origin in respect of the proposed development. It is a matter for the affected Party to advertise the fact that submissions or observations may be made to the planning authority Ireland. If the affected Party has any queries, or requires any further information in connection with an application, Ireland will respond in a timely manner to such requests. The competent authorities in both Party States are required to consider equally the views of all those who made submissions or observations in respect of a proposed development application in making their decisions on the applications for consent.*

### **Article 3 Notification**

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments:

*The notification procedure generally starts when the EIA report has been prepared, however in some cases, the affected party may be invited to comment during scoping.*

---

I.11. Please define the format of notification:

(a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)

(b) The country has its own format  (please attach a copy)

(c) No official format used

Your comments:

*The format for notification of transboundary states is substantially similar to the format decided at the meeting of the Parties cited above.*

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

(a) The information required by article 3, paragraph 2

(b) The information required by article 3, paragraph 5

(c) Additional information (please specify):

Your comments:

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

(a) National legislation does not cover the time frame

(b) Yes, it is indicated in the national legislation  (please indicate the time frame):

(c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks):

Your comments:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

*No specific time frame is provided for in Irish planning law. Regulations provide that no decision may be made on an application until the response of the transboundary state has been received or the consultations are otherwise complete. A transboundary State may be asked to respond within a particular timeframe for administrative purposes; however, if the transboundary State is not in a position to respond within that timeframe, the relevant consent authority must provide any extension required.*

*In practice, timeframes have not caused any difficulties in relation to our dealings with Northern Ireland, which is where most transboundary consultations have arisen. Both jurisdictions recognise that each must try, insofar as possible, to operate within statutory timescales in terms of the own respective planning systems and each State tries to accommodate each other as far as possible. Where that is not possible, an extension is provided.*

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

---

(a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>

(b) Other (please specify):

*Agreed protocols are in place with Northern Ireland in relation to transboundary consultation (nearly all Ireland's transboundary EIA cases involve Northern Ireland, with a very limited number involving the [mainland] UK authorities).*

*When the competent authority receives an application, or information concerning an application for a proposed development which is likely to have significant effects on the environment in a transboundary State, the competent authorities are required to notify both the Minister for the Environment, Community and Local Government and the relevant authority in the transboundary State simultaneously. The authorities in Ireland are required to provide information relevant to the development proposal, including the EIS, to the transboundary State which is the affected Party. It is a matter for the authorities in the affected Party to inform members of its public that they may make submissions or observations directly to the authorities in the Party of Origin.*

*If the competent authority in Ireland receives significant further information or revised plans, or a revised EIS from the applicant, it is legally obliged to notify the relevant authorities in the transboundary State. Planning legislation provides that in such cases, the competent authority is required to notify any person who made a submission/observation in relation to the application that they have 4 weeks from the date of the notice to make a further submission/observation; this includes any member of the public in the affected Party who made a submission/observation directly to the competent authority in the party of Origin. The affected Party may also be given an administrative deadline within which to respond to the Party of Origin with any comments/observations on the further information but as previously mentioned, this deadline will be extended should the affected party need more time to respond.*

Your comments:

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of public of the affected Party

(d) Other (please specify):

Your comments:

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify):

---

<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

---

Your comments:

*Where the transboundary state indicates that it wishes to take part in the decision-making process, the planning authority shall send the environment impact statement and any other information to the transboundary state. A decision will not be taken on the proposed development until the views of the transboundary state have been received or consultations are otherwise complete.*

#### **Article 4**

#### **Preparation of the environmental impact assessment documentation**

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments: *The contents of an EIS are outlined in Article 94 and Schedule 6 of the Planning and Development Regulations 2001, as amended.*

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify): *The requirements in relation to EIA, including content of an EIS, are set out in Part 10 and Schedule 6 of the Planning and Development Regulations 2001 (as amended).*

Your comments:

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) Other (please specify): *"Reasonable Alternatives" is not defined in Irish law; however, Irish legislation does set out the information to be contained in an environmental impact statement and this includes an outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice, taking into account the effects on the environment.*

Your comments:

---

**Article 5**  
**Consultations on the basis of the environmental impact**  
**assessment documentation**

**(a) Public participation**

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As Party of origin*

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

*As affected Party*

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments:

*Section 174 of the Planning and Development Act obliges a planning authority or An Bord Pleanála to have regard, where appropriate, to the views of any Party to the Transboundary Convention in respect of an application for planning permission that is likely to have significant effects on the environment in a transboundary State.*

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments:

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments:

**(b) Consultations**

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that
- (c) It is optional  (please specify):



---

*The affected party may be invited to comment and participate. If a development application is likely to have significant environmental impact on a transboundary State, consultations must be held.*

Your comments:

## **Article 6**

### **Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify):

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1):

- (a) Yes
- (b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No
- (b) Yes  (please specify):

Your comments:

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes
- (b) No  (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

*“Final decision” is not defined in Irish planning law. In Ireland, a multi-stage development process exists for the purposes of the Convention and the EU EIA Directive. Development consent comprises of the decision of*

---

*the competent authority or authorities which entitles the development to proceed. In the vast majority of cases, EIA is solely implemented by the planning system with it being mandatory for an EIS to accompany applications for appendix I developments. However, in a number of instances a further competent authority may be required to carry out environmental impact assessment; for example, in the case of where an application to the Environmental Protection Agency (EPA) for a Waste Licence and/or an Industrial Emissions Licence is required to be accompanied by an EIS and the EPA is required to carry out environmental impact assessment. In such cases, planning and waste legislation provides for interaction between the planning authorities and the EPA.*

*To ensure that a holistic assessment of the environmental impacts is carried out, ultimately, where more than one EIA is required to be carried out the 'final decision' on development may comprise two principal decisions.*

*In practice, a final decision is generally the decision reached when the relevant planning authority, on completion of any transboundary consultation, decides to grant permission, with or without conditions, or refuse permission for the proposed development. The decision taken by the planning authority, however, is only the final decision taken by that authority, as that decision may be, in turn, appealed to An Bord Pleanála (The Appeals Board). The decision taken by An Bord Pleanála may be, in turn, subject to Judicial Review in the Irish High Court.*

*For certain developments (e.g. Strategic Infrastructure developments, applications for Substitute Consent, or developments being undertaken by a local authority that require an EIS) An Bord Pleanála is the consent authority. Again, decisions by An Bord Pleanála may be subject to Judicial review in the High Court.*

Your comments:

## **Article 7 Post-project analysis**

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes  (please specify the main steps to be taken and how the results of it are communicated):

Your comments:

*There is no specific legal requirement for post-project analysis in Irish planning law although it is not unusual for a grant of planning permission to be conditional on post-project monitoring; indeed, monitoring of the effectiveness of mitigation measures put forward in the EIS, both by the competent authorities and the developer, is an integral part of the EIA process. Such monitoring would normally be associated with thresholds which, if exceeded require that a clearly defined set of actions are implemented.*

## **Article 8 Bilateral and multilateral cooperation**

### **(a) Agreements**

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

- 
- (a) No
- (b) Yes  Please specify with which countries:

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments:

*No bilateral or multilateral agreements are in place. There is an agreed informal protocol with Northern Ireland on the administrative arrangements for transboundary consultations.*

**(b) Procedural steps required by the national legislation**

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

- (a) When EIA in a transboundary context is part of a domestic EIA procedure:

*Article 126 of the Planning and Development Regulations, 2001 (as amended) requires the relevant competent authority to notify the affected Party at the same time as it notifies the Minister for the Environment, Community and Local Government, which is "as soon as may be" after receipt of an application for such a development.*

- (b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):

*N/A*

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

- (a) No

---

(b) Yes  (please specify):

(i) Special provisions:

(ii) Informal arrangements: *Informal agreement with Northern Ireland  
as referenced in question I.5.*

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

(a) No

(b) Yes  (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

## **Part two**

### **Practical application during the period 2013–2015**

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

## **1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015**

### **Cases during the period 2013–2015**

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

**Transboundary EIA procedures: As Party of origin – *see appendix 3 attached***

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1.					
2.					
3.					
4.					
...					

Your comments:

Table II.2 (a)

**Transboundary EIA procedures: As affected Party - *see appendix 3 attached***

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1.					
2.					
3.					
4.					
...					

Your comments:

Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

- (a) As Party of origin: *N/A*
- (b) As affected Party: *N/A*

---

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
- (b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) For NPPs:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases:

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

- (a) No
- (b) Yes  (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
- (b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned):

## 2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

- No
- Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

- No
- Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

---

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

### **3. Clarity of the Convention**

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No

Yes  (please indicate which provisions and how they are unclear):

### **4. Suggested improvements to the report**

II.12 Please provide suggestions for how this report may be improved.