Dear Sir/Madam,

This submission is made in response to the draft plan of action prepared by Ireland in response to decision VIII/8h of the Meeting of the Parties to the Aarhus Convention.

1. In the first instance I wish to welcome the fact that Ireland as the Party Concerned has engaged in this process.
2. However, it must be acknowledged that Ireland as the Party Concerned is obliged to engage in a further plan of action consequent only on its abject failure to respond to the non-compliances detailed in this MoP decision and which had already arisen and should have been resolved within the last intersessional Meeting of the Parties ("MoP") period under decision VII/8i. This is gravely concerning in the context of -

A. The clear failure to bring itself into compliance in the last inter-sessional period, and

B. The fact Ireland is absolutely aware of the additional burden its on-going non-compliance and the management of same bring to a totally under-resourced Aarhus Convention Compliance Committee secretariat – rendering its non-compliance even more egregious in the context.

3. The process for dealing with MoP follow-up was obvious to Ireland – yet it has chosen to launch a consultation concluding at 23:59 pm the 29th of June, in circumstances where it will submit a finalised plan of action "on or before 1 July" – within 2 days of the public consultation deadline. It is therefore hardly confidence inspiring the level of consideration which will be afforded to submissions on the draft plan of action and the level of changes which will be contemplated and assimilated into the draft plan prior to its submission.
4. Therefore, it is explicitly requested that this, and all other submissions on the Plan of Action are submitted in full together with the Plan of Action which Ireland submits to the Aarhus Convention Compliance Committee ("ACCC").
5. In short I regrettably wish to highlight and call into question the efficacy of the public participation, including with key stakeholders, which has been contemplated and provided for on this plan of action, and the bona fides of Ireland in this regard.
6. Specifically **in respect of paragraph 2 (a) of decision VIII/8h** I wish to rely entirely on previous submissions made in respect of the issues with ch 5 pt 4 of the Planning and Development Act 2024. It is clearly deficient in responding to the issues raised by me in previous detailed submissions on this matter, and

confirmed and detailed by the ACCC in its progress reviews. The chapter entirely fails to ensure that matters falling within the scope of Article 6(1) of the Convention comply with the obligations under Article 6(10) of the Convention in respect of public participation obligations. It relies on an entirely inadequate test to reflect and capture matters encompassed by Article 6(1) as has been pointed out repeatedly, clearly and at length to Ireland. It also entirely fails to ensure that matters involving an extension of duration, save where that is for minimal periods, will be subject to consideration of public participation obligations. It also, as has been highlighted in my previous submissions, egregiously extended the operation of s.42 of the Planning and Development Act 2000, ( the 2000 Act). This is despite prior commitments that the provisions found to be non-compliant under communication ACCC/C/2013/107 would be replaced by ch 5 Pt 4 of the Planning and Development Act 2024, ( "the 2024 Act"), whereas such provisions actually perpetuate the ongoing operation of the non-compliant s.42 of the 2000 Act.

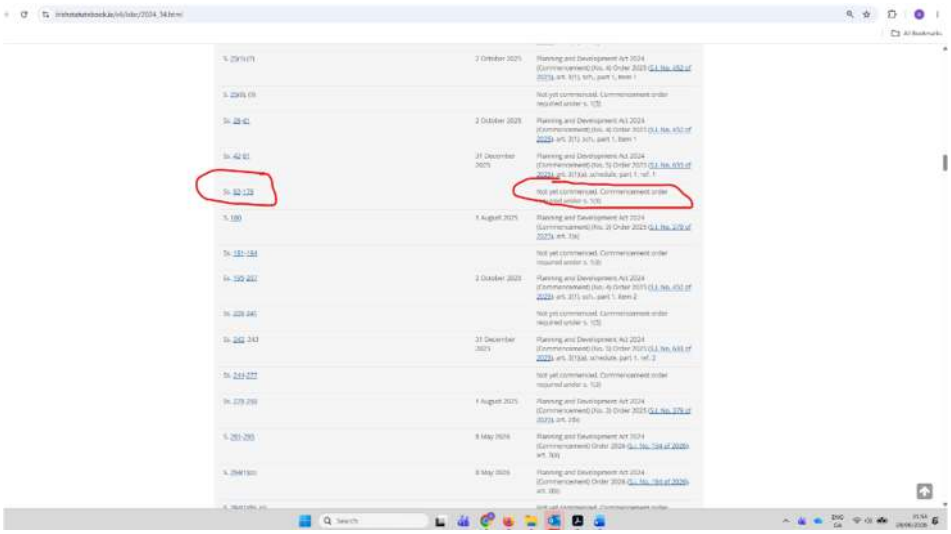
7. The provisions of ch 5 pt 4 of the 2024 Act are provided for across the following sections ( drawn from the Law Reform Commission's consolidation of the 2024 Act revised up to 18 May 2026, the most up to date revision available at time of writing)

Chapter 5

ALTERATION, EXTENSION AND REVOCATION OF PERMISSION

138. Interpretation
139. Consultation before request under section 140
140. Request for alteration or extension of permission
141. Limitations on extension of duration of permission
142. Non-material alteration of permission
143. Material alteration of permission
144. Procedural powers of planning authority in relation to material alteration request
145. Procedural powers of Commission in relation to material alteration request
146. Time limits for deciding material alteration request where deciding authority is planning authority
147. Time limits for deciding material alteration request where deciding authority is Commission
148. Material contravention of development plan or National Marine Planning Framework
149. Revocation or modification of permission by planning authority
150. Revocation or modification of permission by Minister

8. These provisions remain un-commenced according to the electronic statute book website here:



9. The draft plan of action merely states that "Part 4 of the Act, which relates to consenting procedures, is due to be commenced in the coming months during Q3 of 2026"

10. It is clear from statements made to the Oireachtas in early 2026 including in the context of the pre-legislative scrutiny on the General Scheme of the Planning and Development (Amendment) (No 2) Bill 2025, that significant issues pertain to section 4 of the entirely problematic legislation in the 2024 Act, which was rushed through the Oireachtas and has been generally subject to multiple amendments before elements of it can be commenced. It is also clear from new bills tabled in the last days that the Department in the last days ( Planning and Development (Amendment) Bill 2026) that they will continue to rely on the 2000 Act for consenting for the foreseeable future. Quite apart from the non-credible commitment to commencement of ch 5 pf Pt 4 of the 2024 Act – even if commenced – it is clear the provisions will not just **NOT** bring Ireland into compliance, but they will in fact operate to exacerbate the non-compliance issues, as has been set out in earlier submissions on this matter.

11. There is a total failure to even acknowledge the ACCC's well documented concerns in respect of this chapter in this so called Plan of Action - including in respect of the Committee's input to MoP VIII.

12. Therefore it is wholly unacceptable that the Plan of Action fails to set out a commitment to revise ch 5 Pt 4 of the 2024 Act to correct the issues identified with it and to then also commence a revised and corrected version and to additionally repeal the application of s.42 of the 2000 Act.

13. It is not so much a "Plan of Action" as a "Plan of Inaction" in respect of this matter and is wholly unacceptable.

14. Extensive detail has been collated on the extent of permissions which are benefitting from these non-compliant applications and we would be happy to share this with the ACCC. However we are conscious of the further egregious issue which is the failure to adequately resource it and Ireland's effective complicity in this as part of the construct of the EU and its Member States as a significant voting block within the Parties to the Convention.

15. Q3 2026 as a commitment within the Draft Plan of Action to commence provisions which are known to perpetuate and exacerbate Ireland's non-compliance on this matter is sadly just an insult to all concerned, and deeply damaging to Ireland's reputation in respect of observance of International Law, and deeply short-sighted given its necessary reliance on same.

16. **In respect of Paragraph 2 (c)(i) of decision VIII/8h** – the commitments made in the Draft Plan of Action are largely vague and non-specific, in respect of the matters falling within the control of the Department. There is no copy of regulations, guidelines or circulars provided, or details of associated processes for their production. The timelines for advancing these matters are unacceptable in the context of the serious and egregious issues being experienced where access to information, including from the Department and agencies under the remit of Government Departments regularly need to rely on a wholly unacceptable appeals process where the timelines involved render the system for access to environmental information non-credible.

17. Very particularly – while it may be that there are valid issues in respect of advancing more timely reviews – then it behoves the Departments that this does not operate to compromise the other Pillars of the Convention and to adjust public participation and access to justice timelines accordingly, and/or to provide for explicit extensions where access to environmental information is at issue. However, despite multiple changes to Planning and other environmental legislation – such changes have not been effected. Therefore Ireland continues to benefit from its non-compliance.

18. There is no credible or reasons provided for the delay in implementing the steps proposed and the extended timelines for implementing the de minimis changes proposed, and the fact that we are in yet a further inter-sessional period for resolving these matters has to be in focus, whereas they should have been resolved in time for the 8th Meeting of the Parties to find Ireland in compliance… instead of extended prolix non-compliance.

19. There remains a fundamental failure to address the problems of timing of access to environmental information by providing for a comprehensive root and branch reform of how environmental information is collated and held and proactively

disseminated, which would mean that access requests, and appeals thereon are more exceptional and potentially handled in a more timely way.

20. The requirement of "Timeliness" as I highlighted as an observer in the original hearing on ACCC/C/2015/141 connotes relevance – and there is nothing in what is proposed that encapsulates this. A bland 4 month timeline fails to reflect the essence of what is "timely". Moreover no justification has been provided to clarify why a initial request which is supposed to be generally serviced within no more than 1 month and an internal review which is supposed to be serviced within 1 month – can warrant an appeal timeframe of 4 months, particularly in circumstances where the Courts can move faster.
21. **Paragraph 2 (d) of decision VIII/8h –** there is no credible or indeed any rationale offered for the unacceptable delays proposed in providing the steps outlined, bearing in mind – that each of the cases referenced are respectively 9,6, and 5 years ago.

Finally, please update my work email address to what the Department know is my work email address [redacted] - which I have included on the cc here, and please desist from using an email address [redacted] which the Department is aware is not valid.

Yours sincerely

Attracta Uí Bhroin

Manager and Law Officer, Environmental Law Ireland, Hosted at An Taisce - the National Trust for Ireland