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Comhairliúchán ar an Dréacht Ráiteas Beartais ar Thaiscéalaíocht Mianraí agus Mianadóireacht, Tuarascáil Chomhshaoil agus Ráiteas Tionchar Natura.

An Roinn Comhshaoil, Aeráide agus Cumarsáide

15/10/2021

A chara,

Feictear dom nach gcomhlíonann agus nach gcloíonn an próiseas comhairliúcháin poiblí seo le Coinbhinsiún Aarhus agus dá bhrí sin gur sárú é ar bhunphrionsabail an Choinbhinsiúin sin é agus an stádas reachtúil atá aige, le n'áirim:

- An Coinbhinsiún maidir le Rochtain ar Fháisnéis
- Rannpháirtíocht an Phobail i gCinnteoireacht
- Rochtain ar Cheartas don Chomhshaoil

An bhfuil an t-Aire, Éamonn Ryan sásta go gcuimsíonn an chéad chéim den chomhairliúchán poiblí fíorúil, ar an gcóras Zoom - próiseas a mhair 1 uair an chloig-prionsabail na rannpháirtíochta pobal? An nglacann sé leis go mba leor 60 nóiméad? Ar léirigh líon na rannpháirtithe go raibh an t-eolas faoin gcomhairliúchán scaipthe go forleathan agus le fáil go héasca?

An bhfuil an t-Aire Ryan sásta gur raibh an dara céim den chomhairliúchán poiblí, arís fíorúil, ar Zoom - fad 2 uair a chloig - ag cloí go hiomlán le prionsabail Rochtain ar Fháisnéis agus Rannpháirtíocht an phobail? Ar chuir srianta an structúir bac ar an rannpháirtíocht?

Go bunúsach an bhfuil an t-Aire Ryan sásta nach bhfuil sárú déanta ar chearta an phobail, an duine aonair agus an comhshaoil faoin gCoinbhinsiún Aarhus san gcur chuige a roghnaigh sé? Síleadh dom fhéin agus don ghrúpa CAIM, a bhfuilim mar bhall de agus a bhfuil ballraíocht oileán iomlán na hÉireann aige, nach raibh agus is dá bharr sin go ndearnamar badhcat ar an dara céim den chomhairliúchán poiblí seo.

Is mar sin a thagaim chuig an 3ú céim seo den chomhairliúcháin poiblí, agus arís fiafraím don Aire, cén fiúntas dáiríre nó an bfuil fiú seasamh dlisteanach ag an bpróiseas mar atá agus é bunaithe ar gach a chuaigh roimhe; é sin lochtach, srianta agus easnamhach ar gach bealach go dtí seo?

Mar bhreis eolais: Ní raibh fáil ar an bhfógra i nGaeilge i aon mhór fhoilsiúchán aitheanta ná in aon nuachtán contae na cúige.

Ní raibh agus níl fós, fáil ar an Measúnú Straitéiseach Comhshaoil (SEA) ná ar an Measúnú Cuí (AA) i nGaeilge: nach ionann sin agus sárú cearta rochtain ar fháisnéis?

Fiafraím an n'aontódh an t-Aire Ryan liom nach raibh an t-am a roghnaigh sé cuí, réasúnach ná feiliúnach le tús a chur le próiseas comhairliúcháin poiblí agus srianta Chovid 19 i bhfeidhm? Ar chóir gur i bhfad roimhe seo, a mbeadh tús curtha leis an bpróiseas seo, siar ag an am sular achtaíodh Acht na Mianraí agus Mianadóireachta i 2017? Agus an raibh sé ceart gur bhronn an t-Aire lear mór ceadúnais taiscéalaíochta ar chomhlachtaí mianadóireachta ar fud na tíre, gan comhairliúcháin poiblí cuí a bheith déanta agus gan feidhm fós ag Acht 2017? Cuimsíonn an limistéir talún atá dlite don mhianadóireacht breis agus 27% do thalamh na hÉireann ó dheas den teorann. *(Tá 25% do thalamh Thuaisceart na hÉireann ó thuaidh dlite do mhianadóireacht, rud a fhagánn go bhfuil 52% d'oileán uile na hÉireann dlite do mhianadóireacht).*

Ní thaispeánann an Ráiteas Tionchar Natura, nach mbeidh aon tionchair dhiúltacha ar an gcomhshaol ar thimpeallachtaí Natura 2000. Sa chás seo, faoi fhorálacha na dTreoracha Éin agus Gnáthóg tá feidhm ag an bPrionsabal Réamhchúraim agus níor cheart dul ar aghaidh leis an mbeartas sa ríocht ina bhfuil sé faoi láthair.

Le taiscéalaíocht agus le mianadóireacht tá forbairtí beartaithe ar shuíomhanna a bhfuil riosca tuile leo. Ní thaispeánann an feidhmchlár nach mbeidh tionchar do-ghlactha ag tionchair na forbartha agus éifeachtaí a ghníomhaíochtaí ar an gcomhshaol uisce, lena n-áirítear uiscí dromchla, cáilíocht screamhuisce agus cáilíocht na gconairí abhann agus na mbogach gaolmhar, uiscí inbhir agus uiscí cósta. Creidim go mbeadh drochthionchar ag na héifeachtaí carnacha seo ar bhithéagsúlacht agus ar chomhtháthú comhshaoil na Limistéir Faoi Chaomhnú Speisialta (SACs) agus an líonra Natura 2000. Faoi fhorálacha na dTreoracha Éin agus Gnáthóg tá feidhm ag an bPrionsabal Réamhchúraim agus caithfear seo a chosaint.

Beidh drochthionchar ag taiscéalaíochta agus mianadóireacht mar atá beartaithe ar chaidéil agus ar sholáthar fíoruisce.

Ní fheicim go gcomhlíontar ach an oiread le Coinbhinsiún Uisce agus Prótacal maidir le hUisce agus Sláinte Coimisiún Eacnamaíoch na Náisiún Aontaithe don Europ (UNECE)? Molaim gan dul ar aghaidh leis an mbeartas seo agus feidhm a bhaint as an bPrionsabal Réamhchúram.

Le meas,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Sir/Madam,

It seems to me that this public consultation process does comply or fully comply with the Aarhus Convention and that it is therefore in breach of the fundamental principles of the Convention and its statutory status, which includes the following:

- Convention on Access to Information
- Public Participation in Decision Making
- Access to Justice for the Environment

Is the Minister, Éamonn Ryan happy that the first phase of the virtual public consultation, on the Zoom system - a 1 hour process on the principles of community involvement? Does he assume 60 minutes would suffice?

Did the number of participants indicate that information about the consultation was widely disseminated and readily available?

Is Minister Ryan happy that the second phase of the public consultation, again virtual, on Zoom - duration 2 hours - fully complies with the principles of Access to Information and Community Involvement? Have the constraints of the structure hindered participation?

Essentially is Minister Ryan satisfied that public rights have not been violated, that rights of the individual and the environmental rights under the Aarhus Convention have not been violated by the approach he has chosen? It seems to me, and to the CAIM group, of which I am a member and of which everyone on the whole island of Ireland is a member, our rights have been violated and that is why we have chosen to boycott the second phase of this public consultation.

That is how I now come to this 3rd stage of the public consultation, and I ask the Minister again, what real merit or even what legitimate position does the process have as it stands, based on all that has gone before; that which is flawed, restricted and deficient in every way so far?

For further information: The advertisement was not available in Irish in any major recognised publication nor in any provincial county newspaper.

The Strategic Environmental Assessment (SEA) and the Appropriate Assessment (AA) in Irish was not made available in Irish, and is not available: does this not constitute a breach of access rights to information?

I ask if Minister Ryan would agree with me that the time that has chosen was not appropriate, reasonable nor appropriate to initiate a process of public consultation with Covid restrictions in place? Should this process not have been commenced long before now, at the time before the Minerals and Mining Act was enacted in 2017? And was it right that the Minister granted a large number of exploration licenses to mining companies nationwide, without undertaking appropriate public consultations and without even the 2017 Act having taken effect yet? The area of land which is due for mining includes over 27% of Irish land south of the border. *(25% of land in Northern Ireland is due to be mined, which means that 52% of land for the whole island of Ireland is due to be mined).*

The Natura Impact Statement does not show that there will be any negative impacts on the environments of Natura 2000. In this case, under the provisions of the Birds and Habitat Directives, the Precautionary Principle applies and the policy should not continue in the way in which it currently stands.

With exploration and mining, developments are planned on sites that have flood risk. The application does not show that the impacts of the development and the effects of its activities on the aquatic environment, including surface waters, groundwater quality and the quality of river corridors and associated wetlands, estuarine and coastal waters will not have an unacceptable impact. I believe that these cumulative effects would have a negative impact on the biodiversity and environmental cohesion of the Special Areas of Conservation (SACs) and the Natura 2000 network. Under the provisions of the Birds and Habitats Directives The Precautionary Principle applies and this must be protected.

Exploration and mining as planned will adversely affect pumps and freshwater supply.

I do not see any compliance with the Water Convention and Protocol regarding the Water and Health United Nations Economic Commission for Europe (UNECE)?

I recommend not to proceed with this policy and apply the Principle Precautions.

Yours faithfully,