

On 3<sup>rd</sup> March 2011, the European Court of Justice ruled in Case C-50/09 that Ireland failed to ensure that, where Irish planning authorities and the Environmental Protection Agency both have decision-making powers concerning a project, there will be complete fulfilment of the requirements of Articles 2 to 4 of Directive 85/337, as amended by Directive 2003/35

Paragraph 52 stated:

*“As regards Article 2 of Directive 85/337, the Commission notes that it requires an environmental impact assessment to be undertaken for a project covered by Article 4, before consent is given”. The Commission submits that there is a possibility under the Irish legislation that part of the decision-making process will take place in disregard of that requirement. First, the Irish legislation does not require that an application for planning permission be lodged with the planning authorities before a licence application is submitted to the Agency, which is not empowered to undertake an environmental impact assessment. Second, the planning authorities are not obliged to take into account, in their assessment, the impact of pollution, which might not be assessed at all.”*

Considering this ECJ ruling could the EPA clarify the status of Mr Binman’s license application for Luddenmore.

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## Liz Leacy

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**From:** Yvonne English  
**Sent:** 20 July 2011 12:07  
**To:** Liz Leacy  
**Subject:** FW: New submission entered for Reg no: W0061-03. (Reference Number: W0061-03-110415024240)  
**Attachments:** C 50 09.pdf  
**Importance:** High

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**Sent:** 15 April 2011 14:43  
**To:** Licensing Staff  
**Subject:** New submission entered for Reg no: W0061-03. (Reference Number: W0061-03-110415024240)  
**Importance:** High

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