REQUEST FOR ACCESS TO RECORDS UNDER THE FREEDOM OF INFORMATION ACT 2014

To: FOI Officer, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale
Road, Cavan, Co. Cavan, H12 ABH7

Please use BLOCK letters

Details of Applicant

First Name:
Surname:
Postal Address:
Email Address:
Telephone Number(s)

Home:
Business:
Mobile:

Details of Request

In accordance with the Freedom of Information Act 2014, I request access to records which are:
(please tick as appropriate)

[ ] Personal   [x] Non-personal

In the space provided below, please describe the records as fully as you can. If you are requesting Personal Information, please state precisely, in whose name those records are held. It is not usual to be given access to personal information of another person unless you have obtained the written consent of that person.

I request the following records:

Report and slides and associated material presented by RPS to the 3rd Bioenergy Steering Group Meeting – 22nd September 2015.

The Department of Communications, Energy and Natural Resources publishes a list of all non-personal Freedom of Information (FOI) requests on its website.
RE: Freedom of Information Request FOI/2015/137

Dear

I refer to the request which you have made under the Freedom of Information Act 2014 for records held by the Department in relation to material provided by RPS Group Limited to the Bioenergy Steering Group Meeting of 22 September 2015.

I am now writing to you to advise that, following correspondence with RPS, I have now made a final decision to grant your request.

A printed copy of the PowerPoint presentation made by RPS to the Steering Group is enclosed. Please note that this is the only record relating to your request held by this Department.

I would like point out that RPS had no objection to the release of this material. However, the Company asked me to highlight that the Project Timeline set out in the final slide represents that which was presented in the original tender document and award of the Tender and commencement of the project did not occur in line with that original timeline.

In the event that you are not happy with this decision you can make an appeal in relation to this matter, you can do so by writing to the Freedom of Information Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, H12 A8H7 or alternatively by sending an e-mail to FOIUNIT@dcenr.gov.ie. You should make your appeal within 4 weeks (20 working days) from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays, however, the making of a late appeal may be permitted in appropriate circumstances.

The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Should you have any questions or concerns regarding the above, please contact me by telephone at the number listed below.

Yours sincerely,

Des Byrne
Decarbonisation Policy and Coordination Division
Phone: +353 1 6783215
Email: des.byrne@dcenr.gov.ie
A systematic process for evaluating the environmental consequences of policies, plans or programmes to ensure they are addressed at the earliest appropriate stage — before they are adopted

Likely significant environmental effects
<table>
<thead>
<tr>
<th>RPS</th>
<th>Why do it?</th>
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<tbody>
<tr>
<td></td>
<td>- To help protect the environment and promote sustainability;</td>
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<td>- Promote participation of stakeholders</td>
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<td>- Focus on key environmental / sustainability constraints;</td>
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<td>- Integrate environmental issues into decision making;</td>
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<td>- Minimise negative impacts on the environment and promote positive ones; and</td>
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<td></td>
<td>- It's the Law</td>
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<table>
<thead>
<tr>
<th>RPS</th>
<th>SEA Drivers</th>
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<td></td>
<td>Planning and Development (Strategic Environmental Assessment) Regulations S.I. 436 of 2004 as amended in 2011.</td>
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</table>
In Ireland designated authorities for SEA are:

- Environmental Protection Agency
- Department of the Environment, Community and Local Government
- Department of Communications, Energy and Natural Resources
- Department of Agriculture, Fisheries and Marine
- Department of Arts, Heritage and the Gaeltacht
- Transboundary

Form of assessment required under the EU Habitats Directive (92/43/EEC), specifically Article 6(3) and 6(4).

Tests impact of any plan or project on Natura 2000 Sites (also known as European Sites).

Aim is to protect Europe's most valuable and threatened species and habitats.
<table>
<thead>
<tr>
<th>RPS</th>
<th>Any plan or project - EU Habitats Directive</th>
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<tbody>
<tr>
<td></td>
<td>Any plan, programme or scheme, statutory or non-statutory, that establishes public policy in relation to land use and infrastructural development ..., including any development of land or on land, ... that is to be considered for adoption or authorisation or approval or for the grant of a licence, consent, permission, permit, derogation or other authorisation by a public authority...or a proposal to amend or extend a plan or scheme - European Communities (Birds and Natural Habitats) Regulations 2011.</td>
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<td>NOTE! No thresholds</td>
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<thead>
<tr>
<th>RPS</th>
<th>EU Habitats Directive (92/43/EEC) on the conservation of natural habitats and of wild fauna and flora;</th>
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<td>EU Birds Directive (2009/147/EC) on the conservation of wild birds, this is codified version of 79/409/EEC;</td>
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<td></td>
<td>European Communities (Birds and Habitats) Regulations 2011; comprehensive regulations consolidating the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in the CJEU judgements.</td>
</tr>
</tbody>
</table>
RPS

Outcome of each stage determines if a further stage is required.

Actual determination made by competent authority.

Note NPWS are a statutory consultee but NOT the competent authority

Source: Taken from Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DEHPG (2013)

RPS

Distinction between SEA & AA

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<th>Principle</th>
<th>SEA Process</th>
<th>AA Process</th>
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| Protecting the Environment| • Environmental protection by assessment of the likely significant impacts of plans and programmes  
• Promotes Sustainable Development | • Environmental protection to avoid/mitigate adverse impacts on European sites  
• Compensation where necessary |
| Decision Making            | • Informs                                        | • Determines                                     |
| Environmental Focus        | • Broad focus on a number of identified receptors | • Specific focus – solely on European sites       |
| Evidence Based             | • Relevant and complete evidence relating to all likely significant impacts on the environment | • Best available scientific evidence  
• Beyond reasonable scientific doubt |
| Consultation               | • Mandatory requirement to consult with statutory authorities and the public through SEA process | • Discretionary with relevant environmental authorities (NPWS) |

rsgroup.com/ireland
Legal requirement under the SEA Directive

- Art. 5.1: reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated.

- Art. 9: a statement is prepared summarising "...the reasons for choosing the plan or programme as adopted, in the light of the reasonable alternatives dealt with".

- Annex 1h: the Environmental Report includes "an outline of the reasons for selecting the alternatives dealt with".

- Annex 1f: outlines environmental topics to be dealt with in evaluation of alternatives.
- Bioenergy Plan Team to provide alternatives for input into SEA Scoping Report
- Alternatives further developed in SEA Environmental Report as Bioenergy Plan develops
- Alternatives should be: reasonable, realistic, viable & implementable