

**Subject:** RE: 1996.pdf

**From:** Liam-Joseph.Cashman@cec.eu.int

**Date:** Wed, 12 Jan 2005 14:48:31 +0100

**To:** michael\_hoey@eircom.net

Dear Michael,

Thank you for this message.

The position is as follows.

1. We have not yet processed complaint No. 4795 of 2003 regarding the Kildare Water Strategy. There is currently a considerable backlog of environmental complaints from Ireland awaiting full investigation.
2. On checking, we found that there was not in fact a separate complaint registered in your name on the Kildare Water Strategy. However, a complaint is now being sent for registration and a letter is on its way to you. In addition, you will receive a formal acknowledgement of registration in the next two weeks or so.
3. The statement of Yvonne Scannell is correct. However, I would add the following points. Even if a strategy document in itself falls outside the scope of Directive 85/337/EEC, the fact that it points to a relationship between component projects is a relevant factor for implementation of the Directive in relation to those projects, especially if the individual projects are serving the same strategic needs and drawing from the same or inter-connected water resources. As you indicate, the need to take account of cumulative impacts is referred to in case C-392/96.
4. I confirm that the Commission has decided to refer Ireland to the Court of Justice in connection with the Kildare Bypass. The intention is not to challenge the Bypass as such but to contest the practice exemplified by the project of postponing the collection of key data on likely impacts until after a project approval had already been given.

Yours sincerely,

Liam Cashman