7

ENVIRONMENTAL-SOCIAL INTERFACE*

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Features

- Environment and health
- Environmental democracy and access to justice
- Sustainable development in education
- Environmental awareness-raising campaigns

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* This Chapter reviews progress in the last ten years, and particularly since the 2000 OECD Environmental Performance Review. It also reviews progress with respect to the objectives of the 2001 OECD Environmental Strategy.

Recommendations:

- complete the *national environmental health action plan*, focusing on the major environmental health risks, including those for children and other vulnerable groups; establish quantified targets that would enable the most important health benefits to be achieved, and identify cost-effective measures to address them;

- further improve *access to environmental information* by building capacity in public agencies on rights and obligations related to access to, and provision of, information; apply consistent and fair charges; abolish fees for appealing to the Commissioner for Environmental Information decisions that denied requests for information;

- make sure that Irish legal provisions for *public participation and access to justice* are consistent with the main requirements of the Aarhus Convention, with a view to the ratification of the Convention;

- promote broader *participation by NGOs* and relevant public organisations in the development and implementation of national and local development policies, programmes and projects.

Conclusions

Ireland has made progress in mapping and reducing adverse health effects of pollution, particularly those caused by urban air pollution. *Provision of environmental information* has improved through regular, high-quality state of the environment reporting and the operation of information centres. The creation of an independent Commissioner for Environmental Information under the 2007 regulations on access to environmental information, and the expansion of appeal procedures, strengthened *access to information and justice.* The establishment of an *environmental network* by NGOs and the government has enabled better co-ordination among environmental civil society organisations and facilitated more effective dialogue between NGOs and the authorities. Environmental training for teachers and the establishment of a regional centre on education for sustainable development have supplemented an already extensive network of Green Schools in widening *environmental education activities*. Numerous *environmental campaigns and green awards*, such as TidyTowns, Green Flags and the Race Against Waste, have stimulated environmental awareness and initiatives at national and local level.

However, some *environmental health impacts* are still of concern: bacterial and heavy metal contamination of drinking water, air pollution from traffic and heating in

urban areas, and exposure to naturally-occurring radon. Preparation of a *national environmental health action plan* to address these issues systematically and cost-effectively is long overdue. Historical *low participation of environmental NGOs* in decision-making may impede the way in which environmental sustainability is addressed in national development planning and infrastructure development. Current *regulations* contain *several provisions that may impede access to information*: the absence of a consistent and appropriate schedule of charges, the lack of a list of public authorities and the fee for appealing denial of requests for information to the Commissioner for Environmental Information. Remaining barriers to *access to justice by the public* still exist, including lack of administrative appeal procedures for projects covered by the Strategic Infrastructure Act, and prohibitive costs of legal proceedings in appeal and planning decisions. These prevent Ireland from ratifying the *Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*.
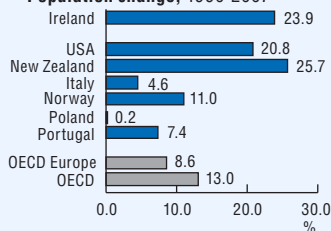
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1. Environment and Health

1.1 Exposure to health risks

Significant increases in funding of the health care system (Box 7.1), combined with policy and institutional measures, have led to substantial *health improvements for Ireland's population*. Life expectancy increased considerably over the review period, from 76.6 years in 2000 to 79.7 years in 2006, nearly one year above the OECD average of 78.9 years (Figure 7.1). Infant mortality rates also fell dramatically, from 6 deaths per 1 000 live births in 2000 to 3.7 in 2006, well below the OECD average of 5.2 (OECD, 2008). Age-standardised mortality and morbidity rates have significantly decreased for all circulatory and heart diseases, acute respiratory infections and chronic lower respiratory diseases. The notable exception is cancer deaths, which, as in other OECD countries, have declined only marginally (DHC, 2007).

Environmental policy measures have contributed to public health improvements. These include shifts to cleaner fuels (Chapter 2), enhancement of water supply and sanitation infrastructure (Chapter 3), reduction of illegal waste disposal and backyard burning (Chapter 4) and tightening of environmental licensing as well as
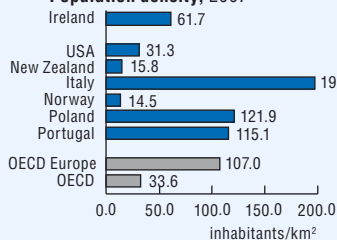
Figure 7.1 **Social indicators**

Population and ageing

Population change, 1990-2007

Ireland	23.9
USA	20.8
New Zealand	25.7
Italy	4.6
Norway	11.0
Poland	0.2
Portugal	7.4
OECD Europe	8.6
OECD	13.0

0.0   10.0   20.0   30.0
%

Population change		2000	2005
natural increase	‰	6.1	8.1
net migration	‰	8.4	15.9

		2000	2006
Foreign-born population	%	8.7	14.4

Ageing		2000	2008
over 64/under 15	ratios	0.51	0.53

Settlement and mobility

Population density, 2007

Ireland	61.7
USA	31.3
New Zealand	15.8
Italy	196.9
Norway	14.5
Poland	121.9
Portugal	115.1
OECD Europe	107.0
OECD	33.6

0.0   50.0   100.0 150.0 200.0
inhabitants/km²

Population by type of region   2004

	% population	% area	density
urban	28.2	1.3	1 247
intermediate	0.0	0.0	0.0
rural	71.8	98.7	42

Mobility		2000	2007
car ownership	veh./100 inh.	35	52
rail traffic	billion pass.-km	1.4	2.0

Income and employment

GDP per capita, 2007

Ireland	134
USA	139
New Zealand	86
Italy	96
Norway	149
Poland	51
Portugal	65
OECD Europe	90
OECD	100

0   30   60   90   120   150
OECD = 100
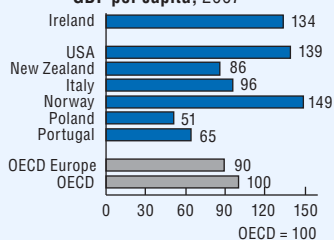
Labour force participation (% pop. 15-64)		2000	2007
total rate	%	68.8	73.8
female rate	%	56.3	63.7

Unemployment (standardised rates)		2000	2007
total rate	%	4.3	4.7
female rate	%	4.2	4.2

Health and education

Upper secondary or higher education, 2006

Ireland	66.2
USA	87.8
New Zealand	69.4
Italy	51.3
Norway	78.9
Poland	52.7
Portugal	27.6
OECD Europe	68.1
OECD	68.5

0.0   25.0   50.0   75.0   100.0
% of adult population
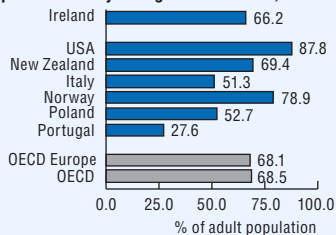
Education attainment		2000	2006
upper secondary	%	49.5	66.2

Life expectancy				
at birth:	total	years	76.6	79.7
	female	years	79.2	82.1
at age 65:	male	years	14.6	16.8
	female	years	18.0	20.2

Source: OECD, Environment Directorate.

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Box 7.1 **Social context**

Over the last century, *Ireland's population* underwent prolonged depletion as economic difficulties led many to seek work abroad. A turning point came in the mid-1990s, however: in response to an economic boom, net migration turned positive in 1996 and the population continued to increase thereafter, reaching 4.3 million in 2007. The total fertility rate has been fairly stable since 1997 at just under the population replacement rate of 2.1 children per woman's lifetime, which remains high among OECD countries.

While emigration has been fairly stable, a notable change has been a sharp jump in the *foreign-born population*, which now constitutes 14.4% of the total, a relatively high proportion compared to most OECD countries. Aside from Sweden and the United Kingdom, Ireland was the only EU15 country to have fully opened its labour market to citizens of new EU countries (EU8) at the time of their accession. Nationals from the EU8 account for almost half of Ireland's foreign workforce, compared with 17% in 2004.

The 2006 census showed the average size of *private households* continuing to decrease, from 2.94 persons in 2002 to 2.81 persons in 2006. The number of households, however, continued to grow, reaching 1.47 million in 2006. The population is relatively young compared to most OECD countries, but is gradually ageing: the ageing index (ratio of people over 65 to those under 15) went from 1:3 in 1960 to about 1:2 in 2007.

Population density, at 61.7 persons per square kilometre, is among the lowest in the EU. Density varies greatly among regions. Some 65% of the population lives within 10 kilometres of the coasts. About 40% of the population lives in Dublin and the six surrounding counties, which had a combined population of 1.7 million in 2006. Urban dwellers constituted 28.2% of the population in 2004, much less than in most EU countries. Nevertheless, urban sprawl is increasing.

Remarkably low levels of *unemployment* were maintained in recent years, from 4.3% in 2000 to 4.7% in 2007. This stands in stark contrast with the very high levels in the 1980s, when it was not uncommon for unemployment to stay above 15%. With the recent economic crisis, however, unemployment reached 6.2% in 2008. The government is a significant employer: out of a total labour force of slightly over 2.2 million, 16% are employed in the Irish Public Service. Labour force participation climbed from 68.8% in 2000 to 73.8% in 2007.

Health spending amounted to 7.5% of GDP in 2006, up from 6.7% in 1995 but still almost 1.5 percentage points lower than the OECD average of 8.9%. However, since the size of GDP increased at a very fast pace between 1995 and 2006, per-capita spending on health almost tripled, going from USD 1 204 (adjusted for purchasing power parity, PPP) in 1995 to USD 3 082 on a PPP basis in 2007, compared with an OECD average of USD 2 824. Health spending grew by an annual average of 8.8% in real terms between 2000 and 2006, the second fastest growth rate among OECD countries (after Korea) and significantly higher than the OECD average of 5%.

> ### Box 7.1 **Social context** *(cont.)*
>
> Ireland's *education system*, after many years catching up to its EU neighbours, continues to be upgraded and modernised. The education level of the adult population is below the OECD average for both upper secondary and university education, but the figures are improving. Expenditure on educational institutions represented 4.6% of GDP in 2005, below the OECD average of 5.8%. Nevertheless, Irish students perform well in the *OECD's international assessment of student performance*, obtaining results above the OECD average.
>
> Once one of the least developed OECD economies, Ireland became one of the top ten countries in the world in the 2004 United Nations Human Development Index, and in 2007 it ranked fifth out of 177 countries. Despite this fast progress, around 7% of the Irish population still experience consistent *poverty* and 17% are at risk of poverty using the Irish measurement. This includes 39.6 % of lone parents, 25.8% of those with primary education or less and 6.5% of those in work. The 2007-16 National Action Plan for Social Inclusion aims "to reduce the number of those experiencing consistent poverty to between 2% and 4% by 2012, with the aim of eliminating consistent poverty by 2016".

improvement of the response to environmental non-compliance (Chapter 6). These and other measures have reduced exposure to environmental health risks. Nevertheless, despite these efforts, *environmental hazards* still occur, mostly associated with drinking water quality, urban and indoor air pollution, and noise.

The development of water supply and sanitation infrastructure, which led to the elimination of many waterborne diseases, has been one of the main reasons for improved public health. An audit of drinking water quality by the Environmental Protection Agency (EPA) in 2006-07 determined that 99.3% of public water supplies met chemical standards. However, performance with regard to *microbiological standards* is less satisfactory, with coliform bacteria detected at least once in 8% of public supplies and in 36% of private group water schemes. There have been several outbreaks of cryptosporidium contamination associated with public water supplies since 2002, when the first such outbreak was recorded. One that occurred in Galway in 2007 affected 90 000 people and made 1 000 ill (Chapter 3). Several private supplies have elevated nitrate levels and improvement is needed for fluoride, nitrates and lead. Such contamination has multiple sources, including land spreading of agricultural slurry and wastewater, which is the main disposal option used by farmers due to the low cost and high nutrient content.

A shift from polluting fuels to cleaner alternatives resulted in significant improvement of urban air quality. Elements of this shift included a ban on high-sulphur bituminous coal in heating, voluntary agreements by importers and distributors of solid fuel to reduce the sulphur content of coal and petroleum coke, and the elimination of lead from fuel. Concentrations of SO_2, black smoke and lead have declined significantly since the early 1990s, and this trend continued over the review period (Chapter 2). A 2002 study estimated that the coal ban had saved around 360 lives annually in Dublin and reduced health costs by between EUR 71 million and EUR 142 million (Clancy, 2002). However, *PM_{10} is still a health concern,* especially in small towns, where there is wider use of solid fuel for domestic heating. In Dublin and Cork, levels of PM_{10} are also high at traffic-influenced sites and have changed little as increased traffic levels have offset emission reductions brought about by vehicle fleet modernisation. Ozone pollution incidents (hourly information threshold of $180 \, \mu g/m^3$) occur occasionally, for example in 2003 and 2006, when transboundary pollution combines with warm, sunny weather (EPA, 2008a). Such incidents particularly affect vulnerable groups such as the elderly and children.

Exposure to radon in indoor air is of concern in some parts of the country. Radon, a naturally occurring radioactive gas formed by the radioactive decay of uranium, is present in small quantities in all rocks and soil. Statistical analyses show that radon alone causes some 13% of lung cancer deaths in Ireland (RPII, 2006).[1] A national survey of radon levels in houses, completed in 1999, showed that about 90 000 houses, or 7% of the total stock of 1.25 million houses, had radon concentrations greater than the national reference level of 200 Becquerels per cubic metre (Bq/m^3), above which remedial action is recommended. In around 700 houses the radon levels exceeded $1 \, 000 \, Bq/m^3$. High radon areas, where more than 10% of houses are exposed to radon, are present in all counties, with significant concentrations in the north-west, the south-east, and the Tralee and Castleisland region of County Kerry (RPII, 2006). Since 1998, revised building regulations have required the construction of all new dwellings and long-stay buildings to incorporate some degree of radon prevention measures. Given the increase in new housing development, wide communication and awareness-raising campaigns should be continued to encourage measurement and corrective measures.

Although there are no detailed studies analysing health impacts of exposure to *excessive noise*, it is a subject of public concern. Noise and odours are the most frequent subjects of complaints reported to the EPA about facilities with integrated pollution prevention and control (IPPC) licences and about waste treatment operations (EPA, 2006). The other important source of excessive noise is transport, both land and air. The 2008 Dublin Agglomeration Action Plan Relating to the Assessment and Management of Environmental Noise showed that nearly 30% of the

population was exposed to 24-hour traffic noise levels above 65dB, that 44% was exposed to night-time traffic noise levels above 55dB and about 2% (24 000 people) to an average 24-hour sound level equal to or greater than 75dB (Dublin City, 2008).

Measures to strengthen the regulatory framework so as to avoid, prevent or reduce effects of exposure to noise include the *2006 Environmental Noise Regulations*, which, in accordance with the 2002 EU Environmental Noise Directive, require preparation of strategic noise maps and noise action plans for areas above certain thresholds.[2] In 2008, the Department of the Environment, Heritage and Local Government (DoEHLG) issued a consultation document proposing several additional regulatory and institutional actions, such as *i)* taking an integrated approach to noise pollution in planning, licensing and reporting, *ii)* giving local authorities and An Garda Síochána more power to deal with noise sources, *iii)* drafting codes of practice for industry, construction and commerce on reducing noise, and *iv)* creating a website to give affected parties information on how to submit complaints (DoEHLG, 2008a). Further efforts to complete the maps and implement action plans should be accompanied by studies of health impacts to aid in prioritising responses.

1.2 Environmental health planning and priority-setting

Increased knowledge about the relationship between environmental factors and health has led to greater recognition of the need for action. In 2001, the government approved a *comprehensive health strategy,* "*Quality and Fairness*"*,* which called for adoption of a national environmental health action plan by June 2002. The aim was to assess the potential impact of sectoral policies on the environmental health of the population and identify cost-effective ways to address them in such areas as water quality, chemicals, housing and waste management (DHC, 2001). A draft was subject to consultation among government agencies involved in environmental health in 2002, but the *plan has not been yet finalised*. The process may have been delayed in part by an extensive reform of the health services, in which the Eastern Regional Health Authority and other regional health boards were abolished and the Health Service Executive (HSE) was introduced in 2004-05 (Harkin, 2007).

An *environment and health research theme* was established in 2000 under the EPA's Environmental Research, Technological Development and Innovation (ERTDI) programme. Analytical projects thus funded have assisted in the development and implementation of effective policy actions to reduce environmental impacts on human health. For example, in 2006, a project entitled "Enhancing Human Health Through Improved Water Quality" was awarded EUR 1.1 million to provide methods and evidence to guide policy and action on reducing the burden of waterborne infectious disease. The project resulted in methods to define vulnerability of water sources to

contamination, to characterise the source of water pollution and to study the emerging threats of antimicrobial substances (*e.g.* antibiotics) and antimicrobial-resistant bacteria in the aqueous environment, and to identify high-risk sources of drinking water. The funding also aimed to build research capacity in this area. "Risks to Human Health" and "Environment, Ecosystems and Quality of Life" are key areas of ERTDI's successor: the Science, Technology, Research and Innovation for the Environment (STRIVE) programme. Under STRIVE, over EUR 90 million, an increase from the EUR 40 million available under ERTDI for 2000-06, will be provided over 2007-13 for environmental research to inform policy development and implementation. The EPA research programmes complemented initiatives under the EU Environment and Health Action Plan (such as an environmental health information system project) and research through other international funding sources.

Given the emphasis in the 2007-13 National Development Plan on enhancing quality of life, and the complexity of existing and emerging environmental health problems (such as the effects of small particulates, dioxins, electromagnetic fields and chemicals), the *completion of a national environmental health action plan* could provide a framework for setting priorities and improving integration of environmental protection and public health. The need for a comprehensive, risk-based approach, developed through consultation with all stakeholders, is all the more important in light of shrinking public and private budgets during the economic downturn. The action plan should also include improvement of baseline environmental health data and environmental health information systems at national and local level, and help in identifying sectors where the greatest health benefits can be achieved and the most cost-effective means of achieving them. Reducing environmental impacts on the health of children and other vulnerable groups merits special attention. Development of the action plan should also provide input to Health Atlas Ireland, an HSE project enabling access to maps, data and analysis for health service planning and delivery, major incident response, epidemiology and research.

2. Environmental Democracy

2.1 Provision of and access to environmental information

The 1992 Environmental Protection Agency Act, the 1997 Freedom of Information Act and the 1998 Access to Information on the Environment Regulations stimulated production of high-quality *state of environment reporting*. The EPA has produced comprehensive state of the environment reports every four years since 1996, covering water, waste, biodiversity, climate change, air quality, natural resources, soil and land use. The 2008 report included scenarios for economic growth

and social change, linked with projections for air, water and land pollution and consequent responses (EPA, 2008b). The EPA also publishes indicator-based reports providing mid-term assessments of the environment.[3] The comprehensive reports are built on annual reports giving details on waste generation and management trends, national and local air quality and emissions, and pressures on river, estuarine and coastal water quality. These in turn are based on information the EPA collects from extensive state monitoring systems and annual data from facility operators.

Provision of information by environmental authorities has shifted from passive to active. An excellent environmental information service has been provided through ENFO, a one-stop environmental information office of the DoEHLG. ENFO has been reformed and enhanced in scope and delivery. The online element (*www.enfo.ie*) provides high quality, authoritative, user-friendly environmental content and is a gateway to the many online resources. Other improvements to the ENFO service include hosting of environmental exhibitions at the country's 350 library branches; access to the ENFO library collection countrywide through borrowing; and online access to free environmental databases within public libraries. Steps are being taken to provide online access to environmental impact statements, which are of great importance in the planning process. The EPA website hosts real-time information on urban air pollution, and its Envision interactive map can display several environmental elements. These two features could be expanded, and other holders of environmental information could replicate them. All local authorities have freedom of information officers and most have environment sections that respond to public requests and actively disseminate environmental information. In 2009 the EPA, in cooperation with An Taisce (the Irish National Trust, which administers the Blue Flag award in Ireland), developed a new online bathing water quality website. The map-based website (*www.bathingwater.ie*) provides the latest information throughout the summer bathing season on compliance status with EU bathing water quality standards at the 131 designated bathing sites around the country.

The promulgation of new *Access to Information on the Environment Regulations (SI No 133) in 2007* was an important step in strengthening access, as the regulations established transparent procedures for information requests to public authorities, together with a two-step appeals process in cases where access is denied. The latter includes a no-fee internal agency review of the grounds on which access may have been refused and a review by the office of the commissioner for environmental information (Box 7.2). The regulations also require public authorities to designate information officers, establish systems and structures to register and process requests within specified time limits, and ensure that staff know the provisions of the regulation. The regulations largely transposed the EU directive on public access to environmental information (2003/4/EC) and the provisions of the corresponding part

of the Aarhus Convention. The guidance notes on the regulations, published later by the DoEHLG, provide detailed advice to government agencies, local authorities and the public on how to handle information requests.

However, the *regulations contain several provisions that may impede access to information*: the absence of a consistent and appropriate schedule of charges, the lack of a list of public authorities, and the EUR 150 fee for appealing decisions that deny requests for information to the commissioner for environmental information (Ewing, 2008). In addition, the need for capacity-building within the relevant bodies regarding the existence of the regulations became clear in the context of the first decisions of the commissioner (OIC, 2009).

2.2   Public participation

Participation channels

Participation by social partners in policy-making has been an important feature of the *social partnership agreements* which, since 1987, have helped sustain Irish economic and social development. However, environmental issues have not been part of the social partnership dialogues, and several stakeholders, including non-government organisations (NGOs) and the scientific community, have called for this to be rectified by expanding the scope of the agreements. In April 2009, the government announced the introduction of an environment and sustainability pillar into social partnership agreements and invited environmental NGOs to participate fully in policy-making.

Government departments and other public bodies have consulted stakeholders on a range of issues, including land use planning, road planning and river basin management, through means such as regulatory impact analysis and consultation policy papers and events. A 2004 white paper titled "Regulating Better" and 2006 guidelines on consultation for public sector bodies, issued by the Department of the Taoiseach (Prime Minister), emphasised that *consultation with citizens* was a crucial element in the design, delivery and improvement of services (DoT, 2004). However, in some areas the public is often included only in a review capacity at the end of the process. For example, in environmental impact assessment, public consultation is sought only when the result of the EIA, known as the environmental impact statement, is completed. While some developers seek to involve the public early on in projects, often they only disseminate information rather than consult. Complaints have been raised about a lack of appropriate legal provisions and practice related to public participation in strategic environmental assessment of government plans and programmes as well (Ewing, 2008). This process should be revised, in light

Box 7.2 **Office of commissioner for environmental information**

The *2007 Access to Information on the Environment Regulations* established the office of commissioner for environmental information to review and decide on appeals by members of the public who are unsatisfied with the outcome of requests to public authorities for environmental information. The function is carried out by the national information commissioner, a post that was created under the 1997-2003 Freedom of Information Acts but is legally separate and independent.

Before the commissioner can review the decision of a public authority, the person who made the unsuccessful request must appeal the decision to the public authority within one month. An *internal review* is carried out by a person unconnected with the original decision. If the review findings are not satisfactory to the appellant, the decision may be appealed to the commissioner.

Among the *decisions by public authorities which the commissioner may review* are *i)* refusal to provide access to environmental information records in whole or in part; *ii)* deferral of access to the records; *iii)* refusal on the grounds that the body is not a public authority within the meaning of the regulations; *iv)* cases where the request has been inadequately answered; *v)* decisions in relation to fees sought; and *vi)* decisions to disclose environmental information which would affect a person other than the applicant.

The *up-front fee for an appeal* is EUR 150, with a reduced fee of EUR 50 for medical card holders and their dependants and for third parties affected by the disclosure concerned. The commissioner's decision is binding. If necessary, the commissioner may apply to the High Court for an order directing a given public authority to comply with a decision. Appellants have the right to appeal the commissioner's decision to the High Court, but only on a point of law.

During 2008, the commissioner's office *received 12 appeals*, of which four resulted in decisions being issued, including three directing public authorities to release all or part of the information withheld. Five appeals were deemed invalid on the grounds that the public authorities concerned had received no request for an internal review (*i.e.* the appeals to the commissioner were made prematurely).

In its 2008 report, the office of the commissioner stated that the *number of appeals had been low* because the high level of the fee seemed to discourage appellants and because of a lack of awareness regarding the rights of access available to members of the public under the regulations. The commissioner has since officially requested a removal of the appeal fee and has called for additional training to be provided to the staff of public authorities about the regulations in an effort to ensure that staff inform requesters about their rights of internal review and external appeal and the time frames in which appeals must be made.

of the requirements of the Aarhus Convention and EU Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment.

The role of environmental NGOs

Historically, environmental NGO activities in Ireland were localized and fragmented, as funding was limited. Until 2001, environmental NGOs received no core funding from government sources, relying on membership dues and donations. The situation changed after the Environmental (Ecological) NGOs Core Funding Ltd was set up. Known since 2008 as the *Irish Environmental Network (IEN)*, this joint initiative by the government and environmental NGOs provided a forum for member organisations to exchange information and co-ordinate actions. The IEN, which has 31 member organisations as of 2009, assists them in participating in consultative processes and facilitates their capacity-building. The IEN secretariat maintains a database of NGOs active in sustainability and in environmental or ecological protection. It seeks funding for member organisations and the secretariat from government departments and agencies, business sponsors and international organisations. Involvement by the IEN in Comhar, the Sustainable Development Council, provides an opportunity for IEN members to take part in the development of national policies. The EPA meets with the IEN twice a year to discuss a broad range of matters.

Grant aid provided by the DoEHLG has contributed to substantial growth in NGO capacity. Funding comes under two broad categories: *i)* support for programmes and initiatives closely aligned with government objectives, such as the Green Schools programme; and *ii)* support for core activities and capacity building of IEN members. Funding reached EUR 500 000 in 2008 for capacity-building, networking and projects. Without such funding, many of the organisations might cease to exist, and the environmental expertise and experience they offer would be lost (Ewing, 2008).

2.3   Access to justice

Ireland's *judicial system* provides extensive access to justice in environmental matters. Members of the public and NGOs (including citizens and NGOs from abroad) are entitled to initiate procedures alleging violations of environmental law by act or omission, including when the alleged polluters are public authorities. Existing procedures allow courts to impose wide-ranging obligations on public or private persons who are in breach of environmental law (Chapter 6). Standing is broadly defined, although in planning and environmental matters there is an increasing tendency to require parties to have not just sufficient interest but substantial interest.

National law guarantees a right of appeal.[4] Costs of legal procedures depend on the court in which they are instituted but are considered to be generally high. A party that unsuccessfully institutes proceedings is likely to be liable not only for its own legal costs but also for those costs of the respondent. Where an NGO takes a legal action as a limited liability company, it can be ordered to provide security in advance for the costs of another party to the proceedings. Such requirements can act as disincentives to the public for taking action. This may not be consistent with the Aarhus Convention obligation to ensure that such proceedings are not prohibitively expensive (Ireland has not ratified the convention). The accessibility of court decisions can also be considered limited, as there is no obligation to deliver such decisions in writing (Milieu, 2007).[5]

Administrative mechanisms for challenging breaches of environmental law are much more limited. Local authority decisions on land use planning and water management can be appealed to An Bord Pleanála, an independent tribunal providing administrative review of such decisions. However, decisions concerning road legislation and the planning and development of strategic infrastructure cannot be appealed to An Bord Pleanála because it is considered the initial decision-making body. To challenge an administrative decision by An Bord Pleanála on these issues, an applicant must receive leave of the court for a procedural review. However, Irish courts have been reluctant to grant leave, and the procedure is time consuming, expensive and complex. Similarly, there is no independent administrative review of the validity of EPA decisions made under IPPC and waste licensing legislation; the only recourse is judicial review (Milieu, 2007).

2.4   EU directives and the Aarhus Convention

The *2007 Access to Information on the Environment Regulations* brought Ireland closer to being able to ratify the Aarhus Convention (it is the only EU member not to have done so). They also helped align the Irish regulatory framework and practice with the provisions of the relevant EU directives: on public access to environmental information (2003/4/EC) and public participation in respect of the drawing up of certain plans and programmes relating to the environment (2003/35/EC). The detailed guidelines for public authorities and other stakeholders have facilitated application of the regulations. Ireland's judicial procedures are in general compatible with the obligations of the Aarhus Convention as regards access to justice in relation to violations of environmental law.

However, *certain legal provisions and practices still prevent full application of the convention and directives*. The absence of a consistent and appropriate schedule of charges, combined with insufficient awareness on the part of public authorities

about rights and obligations related to access to information, can lead to cases where information is withheld or is costly to obtain. The government has argued that provisions of the convention on access to justice are met through the system of judicial review and that additional legislation is unnecessary. In practice, however, Irish courts have not allowed judicial review as a means of access to justice.[6] Additional barriers include some limits on standing, high legal costs of proceedings, a lack of legal protection for whistle-blowers acting in the public interest, the slowness of the legal process and a lack of legal aid (Milieu, 2007). The European Commission decided in 2006 to refer Ireland to the European Court of Justice for failing to adopt, and provide correct information on, measures to give effect to the EU directives concerning access to justice. However, in its judgement on the case in July 2009, the court ruled that Ireland's system of judicial review was compatible with the requirement in the directives to provide access to justice. It further ruled that there was an obligation to ensure that sufficient information on judicial review was available to the public and that such proceedings were not prohibitively expensive.

A 2008 report, "*Assessing Access to Information, Participation, and Justice in Environmental Decision-Making in Ireland*", prepared for the EPA by independent academic institutions with NGO input, contains analysis and recommendations on ways to fulfil obligations under the Aarhus Convention, the EU directives and other relevant international commitments (Ewing, 2007). The document provides a basis for discussion between civil society and the Irish Government on additional measures that could be taken to strengthen access to information, participation and justice in environmental decision-making.

3.   Environmental Education and Awareness Raising

Environmental education

Efforts have been made to strengthen the *environmental dimension of primary and secondary education*. A primary curriculum on social, environment and scientific education was introduced in 1999 and gradually adopted nationwide in formal primary education. The aim was to raise awareness of the natural and built heritage among children, teachers, and parents and to develop skills and knowledge, with the emphasis on local environment. In secondary schools, junior and senior cycle science curricula offer opportunities to teach scientific principles of environmental systems, and ethical investment is part of the business and enterprise subject at senior level (ECO-UNESCO, 2007).

Educational material and programmes developed by the EPA and NGOs support formal teaching curricula. The EPA makes "topic packs" on waste, natural resources,

pollution, nature and environmental care available to primary schools, while environmental "resource packs" for transition year and the leaving certificate are available for secondary schools. The EPA also provides formal training in environmental research skills and presentation techniques to transition year students. Activities of NGOs, with the leading role played by An Taisce and the environmental education and youth organisation ECO-UNESCO, focus on teacher and student training, provision of local information on environmental management and resources, and the development of best practices for schools. Green Schools, a successful programme supported by An Taisce, encourages pupils to apply environmental knowledge from the curricula to the day-to-day running of the school through efforts to reduce litter, waste generation and energy consumption (Box 7.3). ECO-UNESCO's all-island Young Environmentalist Awards Programme, begun in 1999, honours the work of people between the ages of 12 and 18 who protect and enhance the environment through local projects.

Box 7.3 **Green Schools initiative**

Over 3 100 primary, secondary and special schools in Ireland (75% of the total) take part in the Green Schools programme, which encourages students, teachers, parents and the wider community to *reduce litter, waste generation and energy consumption* at schools. It is a long-term programme that introduces participants to the concept of an environmental management system.

The Green Schools programme involves *seven steps*: *i)* establishing a Green School Committee, *ii)* carrying out an environmental review to determine the initial situation within the school regarding environmental themes under investigation (*e.g.* litter and waste, energy, water, transport), *iii)* preparing an action plan to identify goals and provide a structured timetable for the reduction of the environmental impacts identified, *iv)* carrying out monitoring and evaluation to check progress and indicate areas for change, if necessary, *v)* integrating the Green Schools programme with curriculum work in as many subjects and levels as possible, *vi)* spreading the Green Schools message throughout the school and the wider community through publicity and a "Day of Action" and *vii)* elaborating a Green Code stating objectives that demonstrate the school's commitment to environment-friendly actions.

Once the programme has been in operation for six months the school can apply for the *Green Flag award*. As of 2008 nearly 1 500 schools have been awarded the Green Flag. Green Flags need to be renewed every two years by demonstrating, first, continued success on the litter and waste theme and integration of the energy theme into the Green Schools programme. Integration of the water and transport themes is required to renew the award for the second and third times, respectively.

Box 7.3 **Green Schools initiative** *(cont.)*

The Green Schools programme is run by *An Taisce*, an environmental NGO, in co-operation with the DoEHLG, the Department of Transport and local authorities. The private sector (Greenstar waste management company, Coca-Cola Bottlers Ireland and the Wrigley Company) provides additional financial support. Since 2001 Green Schools has been a fully national programme with all 34 county and city councils involved. Green Schools is an international initiative co-ordinated by the Foundation for Environmental Education and involving over 23 000 schools in 43 countries in Europe, Africa, Asia, Oceania and South America. The Irish programme is one of the most successful. A key factor in this success is the partnership between An Taisce and local authorities, which includes financial and time contributions by local authorities and their environmental awareness officers.

Recent research on the *economic value of the Green Schools programme* in Ireland revealed that it saves at least EUR 2 million a year in waste, electricity, water and fuel costs. It diverts a minimum of 12 tonnes of waste from landfills every school day and saves 3.7 million units of electricity, 200 million litres of water and around 0.5 million litres of transport fuel.

In 2005, Green Schools introduced a *pilot programme on travel in the greater Dublin area*. The aim was to increase walking and cycling to school as alternatives to the use of private cars. Schools reviewed their travel situation, and then developed initiatives to tackle travel-related issues and promote sustainable travel. The project was initially funded by the Dublin Transportation Office (DTO). Over two years the pilot contributed to a 15% increase in the number of children walking to school compared to the national average. The pilot proved to be such a success that the DTO and the Department of Transport are providing funding to allow the programme to go into effect nationwide.

Responding to initiatives under the UN Decade of Education for Sustainable Development (ESD), the Irish Government launched preparation of a *national strategy on education for sustainable development* in 2005. The strategy was developed under the auspices of the National Steering Committee on Education for Sustainable Development, with the Department of Education and Science co-ordinating policy development and implementation at national level and the DoEHLG being responsible for reporting at international level. The public consultation document on the ESD strategy, completed in 2007, noted that interest in education and training for sustainable development was growing, and it provided many examples of good practice programmes and initiatives, particularly in the non-formal education sector. The report pointed out several unexplored opportunities for better

integration of the topic within formal education at schools and universities and in life-long learning (ECO-UNESCO, 2007). To advance the development and application of good practices, the University of Limerick was selected as the site of a regional centre for expertise (RCE) in education for sustainable development. It aims to develop a regional learning space, works to raise awareness, provides a support network, engages in capacity building and supports action research projects, and will be linked with similar centres around the world. The Irish RCE brings together a network of higher education institutions, along with social and environmental NGOs and Comhar, involved in pre-service teacher training for primary level and above.

Environmental awareness raising

Ireland has long cultivated initiatives that maintain its "green" image and its reputation as a country with great scenic beauty, an unspoilt environment, a distinctive heritage and friendly, welcoming people. The TidyTowns competition, which has been running for more than 50 years, encourages communities to improve the local environment and make their area a better place to live, work and visit (Box 7.4) (DoEHLG/SuperValu, 2008b). Today, increased environmental pressure stemming from rapid economic growth, combined with strengthened environmental requirements, has stimulated *new environmental awareness-raising campaigns*. The

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Box 7.4 **TidyTowns competition**

Launched in 1958, the *annual TidyTowns competition* (*www.tidytowns.ie*) has become Ireland's best known and most popular local environmental initiative. Organised by the DoEHLG, TidyTowns encourages communities to improve their local environment and make their area a better place to live, work and visit.

Towns participate in one of *four size categories* (village, small town, large town and large urban centre). They are rated on ten aspects of their local environment: the overall development approach; the built environment; landscaping; wildlife and natural amenities; litter control; tidiness; waste minimisation; residential areas; roads, streets and back areas; and general impression.

The *overall winner*, announced at a national ceremony in Dublin Castle every September, receives EUR 15 000. Winners of each size category are awarded EUR 5 000, and special prizes go to particular projects. While TidyTowns is a competition, the emphasis has always been on participating rather than winning, as the very act of participating benefits the community.

There are almost *750 TidyTowns committees across Ireland* which network with one other to share information and experience.

Race Against Waste campaign, for example, was launched in 2003 in response to a rapid increase in waste generation associated with frequent illegal dumping and waste burning. Other campaigns have built on its success to raise awareness about protection of nature and biodiversity, energy efficiency and climate change (Box 7.5).

Environmental initiatives involving local communities have been supported by the *Environment Partnership Fund* since its introduction in 1997. The number of project applications increased from 436 (with 122 grants awarded) in 2000 to 874 applications (of which 350 grants were approved) in 2007. The quality of applications is high, with a strong emphasis on awareness-raising and involvement of school childrenand young people. The projects embody the spirit of Local Agenda 21 by facilitating awareness of sustainable development at community level through measures such as practical workshops, children's theatre and school books and websites promoting more sustainable lifestyles and practices. The projects are co-funded by the DoEHLG and local authorities. The department's contribution comes from the Environment Fund, which is fed by proceeds from the plastic bag and landfill levies (Chapter 4).

Box 7.5 **Environmental awareness-raising initiatives**

The *Race Against Waste campaign* (*www.raceagainstwaste.ie*), launched in 2003, has been the most extensive waste information campaign ever run in Ireland. It aims to raise awareness about waste and encourage behavioural change to reduce waste, reuse where possible and increase recycling and composting. Individuals and small businesses were the primary focus at first, but the campaign has gradually embraced larger organisations, including government departments and local authorities, transport providers, schools, colleges, hotels and prisons. The Race Against Waste includes an advertising campaign that in its first phase was designed to shock people into realising that waste is a real problem. The second phase showed steps individuals can take at home and at work to reduce, reuse and recycle waste. The campaign has also involved Action at Work seminars for managers in An Garda Síochána, the Defence Forces, the Health Services Executive and County Development Boards, and nationwide Small Change seminars for small and medium-sized businesses. Irish-language factsheets have been published on backyard burning, composting, incineration, integrated waste programmes and biological treatment. The DoEHLG established a campaign information telephone line to deal with queries from householders and workers. The campaign has developed a network of local consultative forums, which have contributed to the development of good practice that has been disseminated via the media. Recent analysis indicates the Race Against Waste has produced a significant shift in perceived responsibility for the environment away from government/local authorities to the individual – a key objective of the campaign.

Box 7.5 **Environmental awareness-raising initiatives** *(cont.)*

National Spring Clean (*www.nationalspringclean.org*) has been Ireland's most recognised and successful anti-litter initiative. The campaign traditionally takes place throughout April and encourages clean-ups of the local environment by volunteers. It has been operated since 1999 by An Taisce in partnership with the DoEHLG and local authorities. The campaign is sponsored by the private sector (Coca-Cola, the Wrigley Company Ltd. and, more recently, Repak). Its size and scale have grown steadily, from 1 700 clean-up events registered with An Taisce and an estimated participation of 155 000 people in 1999 to over 4 500 events and 450 000 people participating in 2008. The 2008 results included an estimated 1 600 tonnes of litter collected, of which 35% was recycled.

Notice Nature (*www.noticenature.ie*) was Ireland's 2006-08 national communication and awareness-raising campaign on biodiversity. The aim was to raise awareness of the importance of biodiversity and to encourage everyone to play their part in its protection. The campaign, which involved stakeholders from the industrial, construction, agricultural and tourism sectors, developed best practice case studies and guidelines and media relations. The campaign was awarded the EU Green Spider Network Best Practice Award for communication on environmental issues.

The Power of One is Ireland's national energy efficiency awareness *and behavioural change* campaign, launched in 2006. Objectives include building awareness about energy sources and their costs and environmental impacts; raising awareness of the impact of inefficient energy use; and informing and empowering home, business and sectoral users on best practices for energy and CO_2 savings. The campaign has involved multimedia actions featuring television, radio, press, outdoor and online messaging, together with sponsorship of selected events, press briefings and media appearances. Dedicated websites (*www.powerofone.ie*, *www.powerofonestreet.ie, www.powerofoneatwork.ie*) and a significant online presence through social networking websites are key features. *In 2009, the campaign was refocused on local, direct and targeted behavioural change activities.* The success of the campaign, in particular the strength of its engagement via the internet, was recognised in Ireland's E-Government Awards 2008, with the *Department of Communications, Energy and Natural Resources* winning the Best Marketing Website category.

As part of government efforts to reduce Ireland's greenhouse gas emissions the DoEHLG launched In April 2008 the consumer-oriented *Change campaign* (*www.change.ie*). The campaign, which had a budget of EUR 15 million for the first two years, aims to raise general public awareness of climate change and its causes and impacts, and promote behaviour that lowers emissions. The campaign includes seminars, road shows, advertising campaigns, guidance and projects for specific sectors (large industry, SMEs, the public sector, retail, education, agriculture, construction and tourism) to achieve emission reductions. The website incorporates a personal and business carbon calculator. The campaign builds on the experience of the Race Against Waste and exploits synergies with the Power of One campaigns and other actions by Sustainable Energy Ireland.

Notes

1. This corresponds to 195 lung cancer deaths recorded in 2005, of which 90% relate to active and ex-smokers and 10% to non-smokers. It is estimated that for the population as a whole in Ireland, lifetime exposure to indoor radon at the reference level of 200 Bq/m^3 carries a risk of about 1 in 50 of contracting fatal lung cancer. This is approximately twice the risk of death in a road accident.

2. In the first round of noise mapping the areas concerned (and the thresholds) are: *i)* the Dublin Agglomeration (agglomeration with more than 250 000 inhabitants), *ii)* 563 km of national roads and 72 km of other roads (more than 6 million vehicle passages per year), *iii)* 57.8 km of rail (more than 60 000 train passages per year), and *iv)* Dublin Airport (more than 50 000 take-offs and landings per year).

3. The fourth indicator report is scheduled to be published in 2010.

4. Applications made in the District Court may be appealed to the Circuit Court, and those made in the latter may be appealed to the High Court, with full rehearings taking place. For applications made in the High Court, an appeal on a point of law may be made to the Supreme Court if notice setting out the grounds is filed and served within 21 days.

5. Courts do prepare and keep a written record of decisions, however.

6. In a High Court case seeking leave for judicial review to appeal a decision of An Bord Pleanála, the judge ruled that provisions of Directive 2003/35/EC were too vague and so could not have direct effect in Ireland.

Selected Sources

The government documents, OECD documents and other documents used as sources for this Chapter included the following. Also see list of websites at the end of this report.

Clancy L. *et al.* (2002), "Effect of Air Pollution Control on Death Rates in Dublin, Ireland: An Intervention Study", *Lancet 2002*, Vol. 360: 1210-14.

Department of the Environment, Heritage and Local Government (DoEHLG) (2008a), *Noise Consultation Paper,* DoEHLG, Dublin.

DoEHLG/SuperValu (2008b), *The Tidy Towns of Ireland, Celebrating 50 Years of Winners*, Whitespace Publishing Group Ltd, Dublin.

Department of Health and Children (DHC) (2001), *Quality and Fairness: A Health System for You – Health Strategy*, DHC, Dublin.

DHC (2007), *Health in Ireland, Key Trends 2007*, DHC, Dublin.

Department of the Taoiseach (2004), *Regulating Better: A Government White Paper Setting out Six Principles of Better Regulation,* Dublin.

Dublin City (2008), *Action Plan relating to the Assessment and Management of Environmental Noise, Dublin Agglomeration 2008-13,* Dublin.

ECO-UNESCO (2007), *Education for Sustainable Development in Ireland*, Research Project commissioned by Comhar.

Environmental Protection Agency (EPA) (2006), *Focus on Environmental Enforcement 2004-05,* Office of Environmental Enforcement, EPA, County Wexford.

EPA (2008a), *Air Quality in Ireland 2007 – Key Indicators of Ambient Air Quality*, EPA, County Wexford.

EPA (2008b), *Ireland's Environment 2008*, EPA, County Wexford.

Ewing M. *et al.* (2008), *Assessing Access to Information, Participation, and Justice in Environmental Decision-Making in Ireland*. Report for the EPA under ERTDI Programme 2000-06.

Harkin, M.A. (2007), *Tackling Health Inequalities – A Case Study from Ireland*, Social Inclusion Unit, DHC, Dublin.

Milieu Ltd. (2007), *Measures on Access to Justice in Environmental Matters (Article 9/3): Country Report for Ireland* , Inventory of member states' Measures on Access to Justice in Environmental Matters, European Commission, DG Environment, Brussels.

Office of the Information Commissioner (OIC) (2009), *Information Commissioner – Annual Report 2008*, Dublin.

OECD (2008),"How Does Ireland Compare", *OECD Health Data 2008, Statistics and Indicators for 30 Countries*, OECD, Paris.

Radiological Protection Institute of Ireland (RPII) (2006), *Action Plan to Identify and Remedy Irish Houses with Radon Concentrations above the National Reference Level*, Dublin.

From:
OECD Environmental Performance Reviews: Ireland 2010