Community Law & Mediation

Centre for Environmental Justice
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Community Law & Mediation (**'CLM'**) is an independent community law centre and charity which provides free legal advice, advocacy, mediation and education services in communities experiencing disadvantage. CLM was established in Coolock in 1975 and opened a second law centre in Limerick in 2012. Today, it assists more than 4,000 people annually. In 2021, CLM established the Centre for Environmental Justice (**'CEJ'**) which works to ensure climate change and other environmental harms do not disproportionately affect those who have contributed least to the problem, and that the State's response to environmental issues addresses inequality and protects the rights of present and future generations. For more information, visit our website or email info@communitylawandmediation.ie

The implementation of the Aarhus Convention remains challenging in Ireland:

Access to Information on the Environment (AIE) and Timeliness of AIE appeals: Article 4 of the Aarhus Convention grants the public rights regarding access to information about the environment.[1] Under the EU Access to Information on the Environment Regulations 2007-2018, individuals have the right to obtain certain environmental information.

In relation to the timeliness of appeals to the Office of the Commissioner for Environmental Information, in 2025 the majority of appeals were over one year-old when the case was finalised.[2] It is therefore positive that Ireland is proposing a statutory 4-month timeline for the Commissioner to issue a decision. The ACCC recommendation was that appeals are "required to be decided in a timely manner, for instance by setting a specified deadline." However, this statutory timeline will be ineffective unless sufficient resourcing is provided to the Office to reduce the timeframe. [3] We recommend the allocation of sufficient human and financial resources to ensure that the statutory deadline is adhered to.

More generally, we note that barriers to accessing information on the environment remain. The Commissioner for Environmental Information in his 2024 report[4] highlighted in particular the issue of deemed refusals, where public authorities fail to respond to AIE requests on time. Although deemed refusals at the original decision stage fell slightly by 0.4% compared with 2023, deemed refusals at the internal review stage increased by 10%. The Commissioner notes that this undermines the purpose of the AIE regime and called for public bodies to resource and

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[1] Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998) https://unece.org/DAM/env/pp/documents/cep43e.pdf

2 OCEI Annual Review 2025 https://ocei.ie/pdf/?file=https://assets.ocei.ie/media/278732/715517bc-f6c4-4194-b316-c73ae08c9bc7.pdf#page=null

3 Office of the Commissioner for Environmental Information Annual Review 2024 https://assets.ocei.ie/media/278521/4426fe9c-e742-4ca4-97ab-be8e19187c81.pdf

[4] Commissioner for Environmental Information. 2025. 'Annual Review 2024.' *Office for the Commissioner for Environmental Information*. https://www.ocei.ie/en/organisation-information/4821e-annual-reports/?referrer=https://www.ocei.ie/en/publication/e5c02-annual-reviews/#annual-review-2024

support their AIE functions by way of staffing and training. He further noted that AIE officers are not always supported by colleagues in other departments and called on heads of public bodies and authorities to promote a culture which enables AIE requests to be answered in a timely manner.[5] CLM's Centre for Environmental Justice fully supports these recommendations.

Planning Permission Extensions and Public Participation: Participating in the decisions that affect you or your community is a core pillar of the Aarhus Convention. The ACCC's recommendation to Ireland is that "permits for activities subject to article 6 cannot be extended, except for a minimal duration, without ensuring opportunities for the public to participate."

The new approach provided by the Planning and Development Act 2024 requires public participation where an Environmental Impact Assessment, an Appropriate Assessment, or a Natura Impact Assessments is required. Furthermore, planning authorities can deem changes "material" even where the EIA/AA/NIA thresholds are not reached to allow public participation. However, the ACCC's recommendation is broader than requiring public participation only where a permit subject to Article 6 has a significant environmental impact. The ACCC's recommendation is that Article 6(10) applies where quarry and other planning permissions are extended.

It is concerning that the deadline for submissions to this consultation closes on June 29th, one day before Ireland's draft Plan is due to be submitted to the Aarhus Convention Compliance Committee on June 30th. If Ireland submits its Plan on time, there will not be any opportunity to take submissions into account.

As a more general point on public participation in environmental decision-making in Ireland, a report published by CLM and DCU found that underserved communities feel largely excluded from environmental and planning decisions and they expressed frustration with consultation processes, where the final decisions side-lined their concerns altogether. Low-income, migrant, and Traveller communities have difficulties in getting their voices heard, especially in an era where many decisions end up in the courts, where legal costs are prohibitively expensive.[6] This problem is further outlined by Pádraic Fogarty, who writes that NGOs and community groups regularly invest significant time and energy in making submissions. These groups often feel that their recommendations are ignored, and that the consultation process itself is little more than a tick-box exercise. This was demonstrated in the Common Agricultural Policy consultation, which received 322,000 responses, overwhelmingly in support of improved environmental protection. Despite this, only a small portion of CAP funding was allocated to environmental measures.[7] Another example is a consultation on introducing a reciprocal cap on recovery of legal costs in environmental judicial reviews which was opened on December 3rd 2025, with a deadline of January 15th. A critical report was uploaded to the consultation webpage on December 23rd as supporting evidence. Notwithstanding the short timeframe to respond to a complex consultation, and its conflict with the Christmas holidays, more than 1400 responses

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[5] Commissioner for Environmental Information. 2025. 'Annual Review 2024.' *Office for the Commissioner for Environmental Information*. https://www.ocei.ie/en/organisation-information/4821e-annual-reports/?referrer=https://www.ocei.ie/en/publication/e5c02-annual-reviews/#annual-review-2024

[6] Sadhbh O'Neill et al, 2022. 'Environmental Justice in Ireland.' *Community Law and Mediation and Dublin City University* https://communitylawandmediation.ie/wp-content/uploads/2022/03/Environmental-Justice-in-Ireland-230322-1.pdf

7 Pádraic Fogarty,2022. 'Crisis of Consultations.' Irish Wildlife Trust https://iwt.ie/crisis-of-consultations

were received. 98% of those responses advocated against the introduction of proposed cap on the basis of its potential detrimental impact on fundamental legal safeguards. Regulations giving effect to the cap were adopted in May 2026 without any indication of how, or indeed if, the extensive opposing submissions were taken into consideration.

In addition, public consultations on environmental matters are not easily accessible in Ireland. Adult Literacy for Life highlight that one in six adults has unmet literacy needs, which may result in difficulties completing forms or using the internet.[8] The latest statistics on adult numeracy and literacy, which assess five levels of competency where level 1 is the lowest and level 3 is functional skills, show that Ireland did not fare very well with 25% of adults scoring at or below level 1.[9] In Community Law and Mediation's experience, environmental consultations in Ireland often assume expert-level knowledge of a topic, as well as use of the internet and strong language skills. This excludes underserved communities in particular, who may be more vulnerable to environmental harms and the policies designed to address them. Finally, staying abreast of public consultations is not easy. As an organisation working within the environmental sector, we frequently encounter situations where we only learn about public consultations close to the deadline. On other occasions, we discover a consultation on a governmental webpage without prior notice, and that we had not seen publicised elsewhere. This is concerning, as we actively try to keep up-to-date with relevant consultations. If it is already difficult for professionals working in the sector, it is significantly harder for members of the public. The lack of transparency and engagement with the public on environmental matters undermines Ireland's commitment to the Aarhus Convention and the public's ability to meaningfully participate in environmental decision-making.

[8] Adult Literacy for Life: https://www.adultliteracyforlife.ie/
[9] Programme for the International Assessment of Adult Competencies (PIAAC) 2023 https://www.cso.ie/en/releasesandpublications/ep/p-piaac/programmefortheinternationalassessmentofadultcompetenciespiaac2023/