

**An Taisce's Submission to the Department of the Environment, Climate and
Communications on the Draft Clean Air Strategy, 2022**



Air pollution is an issue of acute environmental and human health concern in Ireland. As the Draft Strategy acknowledges, 'air quality is a major concern at a global level, and is considered the most significant environmental risk to human health.' The Strategy alludes to the World Health Organisation's estimation that 4.2 million premature deaths globally are linked to ambient air pollution. In Ireland, 1,410 premature deaths in 2018 were attributable to air pollution. In addition, degradation of ambient air quality has serious environmental consequences in their own right, and as a corollary of increasing CO2 emissions.

A government strategy on air pollution has long been promised. In 2017, the Department of Communications, Climate Action and Environment published a public consultation document, ostensibly to inform the development of a National Clean Air Strategy. That Strategy was not forthcoming. In 2020, the current government committed to the development of a Strategy in the Programme for Government. The Programme for Government undertook that this government would publish the State's first ever clean air strategy. Given the significant delays in the publication of a Clean Air Strategy, An Taisce welcomes the publication of this Draft, notwithstanding fundamental issues with its content, scope and ambition.

It is An Taisce's submission that this version of the Clean Air Strategy is not fit for purpose, and fails entirely to deliver on its potential. The Draft Strategy is critically flawed in its scale of ambition, its urgency, and its scope. In many areas, the Draft Strategy is little more than a restatement of existing policy interventions – which have in many cases been demonstrated to be ineffective. The small number of new proposals contained in the Strategy lack urgency, commitment to the creation of any legislative footing, or timeline for implementation. These implementation shortcomings will be discussed in further detail in due course.

For the avoidance of doubt, An Taisce urges the Department to **reconsider** its approach to Clean Air policy in the restructuring of this Draft in the aftermath of the public consultation window. The Department should revise the Strategy in the following terms:

- Recognise the Right to Breathe Clean Air
- Legislate for World Health Organisation Standards
- Increased specificity on implementation
- Legislate for Low Emission Zones
- Accelerate Active Travel Modal Shift
- Cancel expansion of Dublin Airport
- Reduce Ammonia Emissions
- Fund the Just Transition for Farmers
- Learn from other jurisdictions, particularly the United Kingdom and Netherlands
- Develop a coherent plan for Transitioning away from turf
- Avoid lock-in to natural gas infrastructure

1.1. The Right to Breathe Clean Air

The Clean Air Act promised by the Draft Strategy should explicitly incorporate a rights-based approach to Clean Air in Ireland. Placing clean air on a rights-based footing is consistent with the position of the United Nations High Commissioner for Human Rights stated in 2018 that “there can be no doubt that all human beings are entitled to breathe clean air”. The United Nations Special Rapporteur on Human Rights and the Environment in his 2019 report on clean air and human rights rightly found that “poor air quality has implications for a wide range of human rights, including the rights to life, health, water, food, housing and an adequate standard of living.” Indeed, the right to life and the right to health are protected in various forms by the Constitution and the European Convention on Human Rights Act 2003.

The UN Special Rapporteur additionally found that States have procedural, substantive and special obligations to vulnerable persons in the context of air quality. Such obligations however are not reflected in the current draft Strategy.

1.2. World Health Organisation Standards

The Draft Strategy’s commitment to ‘considering’ the adoption of WHO guidelines by 2025 is insufficient, and lacks accountability. Government should commit to publishing a pathway to WHO Clean Air Standards as a matter of urgency. The pathway to Clean Air should be published by the end of 2022, and legislation should be introduced in order to place compliance with the WHO standards on a legislative footing. The compliance mechanism contained in the Cleaner Air for Europe Directive should be applied in support of the more stringent WHO standards.

1.3. Increase Specificity

The Draft Strategy includes some ambitious rhetoric, and general statements of intent in relation to Clean Air. However, there is a notable lack of specificity throughout the plan. A significant proportion of the document is given over to explanation of air quality issues in Ireland, and re-statement of pre-existing plans and strategies. At the most basic level, none of the Strategy’s four sectoral chapters include a schedule of actions listing the proposed actions, the timeframe for implementation, the lead department(s), indicators of success, or the targets impacted by the action. This omission, and the language used throughout the Draft Strategy, result in a document that is of little practical use in the advancement of Climate Action or Clean Air policy in Ireland, and suffers from a deficit of objective accountability.

2. Transport

2.1. Low Emission Zones

Low Emission Zones are a crucial part of the puzzle in reducing air pollution from transport. They are widely implemented across European cities, and their efficacy is demonstrable. In London, for example, the Mayor’s office recorded a 29% decrease in air pollution over 4 years after Low Emission Zones were introduced and expanded. The Draft Strategy makes no provision whatsoever for Low Emission Zone legislation.

The Draft strategy refers to Low Emission Zones only once, and makes absolutely no commitment to their implementation, or even a timeline for considering their implementation. The Draft Strategy merely acknowledges that the ‘assessment of these measures (LEZs) is important and will be developed further’.

This non-committal approach to Low Emission Zones is unacceptable, and not based in reality. There is no debate over the efficacy of Low Emission Zones across Europe and elsewhere. Further, the Department’s own research has confirmed that Low Emission Zones should be implemented, and that implementation requires legislation. The Five Cities Demand Management Survey concluded in 2019 that ‘a clear legislative framework’ was needed in support of LEZs.

The final Strategy should include a commitment to legislating for Low Emission Zones in Dublin, Cork, Galway, Limerick and Waterford by the end of 2022.

2.2. Accelerate Active Transport Modal Shift

The Clean Air Strategy needs to acknowledge and address the barriers to advancing measures to enhance the walking and cycling environment in all of our towns and cities, and in rural areas. We highlight here the following:

- The need for all of the metropolitan transport strategies to be far more ambitious in terms of targets set for walking and cycling. The targets are there to inspire leadership in all of our cities.
- The urgent need to radically improve the quality and quantity of safe, secure and well located cycle parking facilities at all of our bus and train stations so as to encourage multi-modal trips. Note that in the Netherlands “Of all train travellers, no fewer than 40% use the bicycle to get between home and the station (see p49 of [the Fietsbaraad ‘Cycling in the Netherlands’ report](#)) - this is the type of ambition required in our Clear Air Strategy .
- The delay in the publication of the revised National Cycling Manual for stakeholder engagement by the NTA (scheduled for Q1 of 2022, as per Action 231 of of the Annex of Actions of the 2021 Climate Action Plan, but still not available). This is a real cause of concern given the increased spending on cycling / active travel schemes, and the inconsistent quality of schemes developed.

The need for additional focus on ensuring that all Local Authorities have strong multi-disciplinary teams in place so as to advance cycle schemes. Strong communications and stakeholder engagement teams are particularly important so as to respond to some of the mis-information circulating in response to the potential benefits/dis-benefits to schemes.

2.3. Aviation

The Draft Strategy makes no provision for the consequences of aviation emissions for air pollution or climate. The sole reference to aviation emissions in the document comes in the preamble to the transport section, which states, ‘in recognition that all

forms of transport will have to move away from the use of fossil fuels, co-ordinated actions at the EU and international level will need to be taken in the maritime and aviation sectors to reduce air pollutant emissions.'

Outsourcing regulation for aviation emissions entirely to the international level is a gross failure of leadership on the part of the Department, particularly in the context of a planned expansion of Dublin Airport overseen by this Government, which will drastically increase flight numbers into and out of the city. There are a number of specific interventions within the remit of Government, which would have dramatic impacts on air quality and climate ambitions in the immediate term.

Clean Air and Climate imperatives demand fewer flights, not increased airport capacity. Despite this manifest reality, construction on a new runway for the airport is ongoing, with the runway scheduled to be operational in 2022. The new runway will dramatically expand the operations of the airport. The DAA forecasts that on completion, the new runway will lead to a 31% increase in airport traffic by 2034. At present, the airport already accommodated almost 30,000,000 passengers per year.

The DAA is also petitioning An Bórd Pleanála to rescind two conditions which were placed on the grant of permission in 2007, relating to the night-time use of the new runway. At present, the permission stipulates that the runway should be closed between 23:00 and 07:00, and that the airport as a whole should limit night time aircraft movement to 65 per night, to protect the local amenity from noise pollution. The DAA is seeking to amend those stipulations, to facilitate a dramatic increase in night flights through the airport. This change would further increase the capacity of the airport, by roughly 80,000 flights per year by 2025. The emissions implications of these increases is unconscionable. Government should place an immediate moratorium on the construction and use of the North Runway.

We need to reduce emissions from air travel. With current aviation technology, that can only mean fewer flights. This will require measures such as a frequent flier levy, removal of tax breaks on aviation fuel, and limiting numbers of flights at airports. Taxes should be fair and based on the polluter pays principle, for example with higher payments for longer distances.

2.4. Land Use and Transport Planning

It is key that the Clean Air Strategy addresses the integration of land use and transport planning, which the draft in its present form does not.

A significant proportion of settlement development in recent decades has been of a sprawling, uncoordinated nature where land has been developed in a 'leapfrog', low-density pattern. This type of land use has generated car dependency for long commutes and to access basic services and has therefore contributed to the high level of vehicle emissions. Furthermore, development, both low and high density, is regularly permitted in areas lacking in sufficient public transport capacity or active travel infrastructure, thereby also increasing car dependence and vehicular emissions. For example, while most large residential development proposals provide for enhanced or new cycle and foot paths within the site, these often stop at the site boundary and/or lack connectivity with the wider area. Similarly, large residential

proposals are often permitted in areas with few or already oversubscribed public transport options without addressing this.

At plan level, land should not be zoned if there is no reliable prospect of providing sufficient public and active transport infrastructure and capacity within the plan period or within a reasonable time period thereafter. At individual development level, public transport capacity as well as safe cycling and pedestrian infrastructure should be provided prior to or in tandem with any new residential development. Increased sustainable transport infrastructure and capacity provision needs to come before expanded residential development, particularly in larger towns and their catchment areas.

3. Agriculture

Ireland is in the midst of an ammonia crisis. Ireland has been in breach of the emissions limits imposed by the National Emissions Ceiling Directive for ammonia in 7 of the last 9 years, and 99% of those emissions are from animal manures and nitrogen fertiliser. According to the EPA, the cause of our spiralling ammonia emissions is primarily the increase in cattle numbers, precipitated by Food Wise 2025. Beef and dairy farming represent 51% of these emissions, and 4% and 3% are from the rearing of pigs and poultry, respectively. These figures exclude emissions from the spreading of animal manure from cattle, pig and poultry (30% of national total). Due to the intensive nature of pig and poultry production, their ammonia contributions may have a higher impact locally, especially with unlicensed intensive pig and poultry farms acting as ammonia hotspots in some parts of Ireland.

Ammonia is a toxic gas that is a major by-product of animal-based agriculture that combines with other pollutants to form PM 2.5, one of the most dangerous and deadly types of air pollution particles. This small particulate matter is well known to be harmful to health, penetrating deep into the lungs, and is linked to higher death rates, respiratory problems, cardiovascular diseases, cognitive decline and low birth weights. A recent study found that at least 3000 premature deaths could be prevented annually in the UK by cutting ammonia emissions in half.

Ammonia also poses a serious threat to biodiversity, with well-established links between ammonia and biodiversity loss. It can cause soil acidification and runoff of polluting nitrates into nearby waterbodies. It also pollutes some of our most pristine habitats like bogs and heaths, killing the most sensitive species, such as lichens and mosses, and damaging whole ecosystems. Bees and butterflies, our already imperilled pollinators, are also impacted by nitrogen pollution as a result of ammonia deposition.

Given the serious human and environmental impacts caused by Ireland's failure to meet ammonia reduction commitments, An Taisce has lodged a formal complaint with the EU Commission on this issue.

It is possible to regulate effectively for the needed reduction in ammonia emissions. Such action requires significant political will, however. Ireland's ammonia breaches are yet another indication that the intensification of Irish agriculture is unsustainable and environmentally damaging, and in this instance it also poses a threat to human

health. The measures proposed by the Department of Agriculture to reduce ammonia are insufficient, and without drastic action, including significant reductions in nitrogen inputs via fertiliser and feed, Ireland's ammonia emissions will continue to rise, leading to the premature deaths of unsuspecting Irish people, and further exacerbating the national and global biodiversity crisis.

The Department's Code of Best Agricultural Practice does not represent an attempt at meaningful regulation. The measures in the Code are purely voluntary, and shifts responsibility on to individual farmers to select, implement and maintain ammonia-reducing practices. The financial supports available to farmers are negligible, despite the prohibitive cost of many of the interventions proposed. This approach denies the structural and systemic realities of farming in Ireland – intensification of production is driven primarily by economic imperatives imposed by government, not the individual will of small farmers and their communities. Atomising responsibility for ammonia reduction action to the individual farmer is impractical and unreasonable, particularly in the absence of significant funding for mitigation and transition.

The Department should introduce mandatory, timetabled and funded measures for the reduction of ammonia emissions in the agricultural sector. Principles of Just Transition should be the driving force for intervention, supported by appropriate funding. A Just Transition Fund for the Midlands is in place, and is welcome. A similar fund should be created to support farming communities in their transition from intensive agricultural output to more sustainable modes of production and activity. Crucially, the systemic imperatives imposed on farming communities through national agricultural policy – inexorably toward further intensification – must be dismantled.

Other jurisdictions have recognised that this approach is necessary. In 2020, the United Kingdom published its air quality plan, which includes plans to cut ammonia emissions from agriculture by 16% by 2030. At the end of 2021, the Dutch government published a €25 billion plan to reduce livestock number by up to 33%, including compensation schemes for farmers, and supporting the transition from intensive to extensive farming methods. This scale of ambition is absent in Ireland. The Department should commit to a new paradigm for Irish farming – supporting farmers in the transition from intensive agriculture, towards ecological farming methods.

4. Home Heating

There is no doubt that home heating, particularly from Solid Fuel burning, is a significant and serious contributor to air pollution in Ireland. Much of the Department's intervention in this sector is welcome, if delayed. The commencement in the last two weeks of the one stop shop system for retrofitting is a welcome event, and the Warmer Homes retrofit scheme is well designed, notwithstanding the significant delays users are experiencing. However, the lack of a coherent plan from Government in relation to the phase-out of turf cutting and burning is a major issue. The government should develop a coherent plan for the rapid transition away from turf burning, with a specialised retrofit scheme designed to help those **reliant** on turf to move away from its use as quickly as possible. People cannot be left without access to fuel in the winter, and it is incumbent on the Government to ensure that that does not happen while also protecting our boglands.

Government should also acknowledge that while fuel-switching from heavily polluting solid fuel to natural gas is beneficial from an air pollution perspective, 'natural' gas is a fossil fuel, with serious ramifications for the climate. Gas is a fossil fuel, and its primary component is Methane. Methane has a global warming potential 21 times higher than carbon dioxide over a 100-year period, and methane leaks from extraction and transportation of natural gas are a significant problem. Continued reliance on natural gas in Government policy is a recipe for climate catastrophe.