



# Community Law & Mediation

and the Centre for Environmental Justice

## Community Law and Mediation's Submission to the National Adaptation Framework

### Introduction

- Community Law & Mediation

Community Law & Mediation (“**CLM**”) is an independent community law centre and charity which provides free legal advice, advocacy, mediation and education services to communities experiencing disadvantage. CLM assists almost 5,000 people annually. In 2021, CLM established the Centre for Environmental Justice 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 addresses inequality and protects the rights of present and future generations. For more information, visit <https://communitylawandmediation.ie/centre-for-environmental-justice/> or contact [info@communitylawandmediation.ie](mailto:info@communitylawandmediation.ie)

Ireland's statutory National Adaptation Framework (NAF) was established pursuant to the Climate Action and Low Carbon Development Act of 2015, initially published in January 2018. It represents Ireland’s strategy to mitigate vulnerability to climate change. Under Section 5(1)(b) of the Climate Act, the Minister for the Environment, Climate and Communications ‘shall review a national adaptation framework approved by the Government...not less than once in every period of 5 years’.

As noted by the Environmental Protection Agency (“**EPA**”), the timeline left to build resilience to the impacts of climate change is short. The Climate Change Advisory Council (“**CCAC**”) concludes in its 2022 annual review that the limited number of sectors showing at least good progress on adaptation is “worrying” and needs to be urgently addressed. The EPA are furthermore clear that Ireland is “not starting from an ideal position.” Ireland has seen significant and ongoing deterioration in environmental quality, including declines in water quality, biodiversity and ecosystem quality. Together with a growing population and a lack of investment in critical infrastructure, many natural and human systems on which our wellbeing depend have become less resilient.<sup>1</sup>

The IPCC Sixth Assessment Report was the first to underscore justice as a fundamental component of climate change adaptation, alongside effectiveness and feasibility. Justice has gained prominence due to mounting evidence that the most vulnerable individuals and communities bear a disproportionate burden of climate change impacts. Neglecting considerations of justice and due process in climate change adaptation can result “maladaptation,” exacerbating burdens or even heightening risks for specific regions or demographics. This is particularly concerning given that those most at risk to the worst impacts of the climate crisis have typically contributed least to the problem.

---

<sup>1</sup> Environmental Protection Agency. 2024. ‘Ireland's Climate Change Assessment (ICCA).’ Available at : [https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA\\_Volume-3-SPM.pdf](https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA_Volume-3-SPM.pdf)

CLM welcome the opportunity to participate in this public consultation. Our submission provides targeted recommendations to enhance Ireland's adaptive capacity and resilience in the face of climate change.

- *Just Adaptation: Define Adaptation Objectives via National Resilience Indicators*

While the revised National Adaptation Framework provides a definition of Climate Resilience and Just Resilience, it does not set out national resilience indicators. Instead, the NAF encourages local authorities to further develop the definition of climate resilience to reflect the “*sectoral and local application of climate resilience*.” However, a key concern highlighted by the Climate Change Advisory Council is that most Sectoral Adaptation Plans lack KPIs and timelines to enable quantifiable measurements of Ireland’s overall progress on adaptation. The CCAC further highlight the limited consideration of the distributional impacts of adaptation measures across sectors.<sup>2</sup> As noted by the EPA, successful adaptation depends on reducing overall existing vulnerabilities.

The NAF, and the Sectoral Adaptation Plans guidelines, should provide a set of national resilience indicators. Resilience indicators are essential to providing clear monitoring and evaluation metrics, to ensure that the Government is making progress towards meeting the National Climate Objective. The indicators will furthermore enable the Government to correct course and identify gaps in Ireland’s adaptation response where needed. CLM supports the Climate Change Advisory Council’s recommendations that the indicators should reflect socio-economic vulnerabilities, particularly in relation to the provision of critical infrastructure, health care, social care, social justice, and Ireland’s commitment to the Sustainable Development Goals.<sup>3</sup> National resilience indicators should furthermore align with principles of a Just Transition and climate justice to ensure equitable outcomes.

Finally, the national resilience indicators should include a metric to assess whether an adaptation strategy protects basic human rights for present and future generations. Organisations and individuals have claimed before national and European courts that states (including Ireland) are violating their fundamental human rights through inadequate mitigation. Failing to prevent the most dangerous impacts of climate change, plaintiffs claim, threatens their right to life, bodily integrity, and a family and private life. The increasing success of these cases suggests that similar claims about inadequate adaptation could be validated - ensuring the right to life, bodily integrity, family life and the home amidst a changing climate requires adaptation. The growing body of “just transition” climate cases underscores the need to ensure adaptation responses are inclusive and respectful of human rights.<sup>4</sup>

- *Public Participation: include communities and civil society*

Adaptation should function as an iterative process, and as such, increased community participation and cooperation is required. The CCAC note that there is currently limited evidence of household and

---

<sup>2</sup> Climate Change Advisory Council. 2023. ‘Third Climate Change Adaptation Scorecard.’ Available at : <https://www.climatecouncil.ie/councilpublications/otherpublications/Final%20CCAC%20Scorecard%20Assessment%20Report%202023%20web.pdf>

<sup>3</sup> Climate Change Advisory Council. 2023. ‘Third Climate Change Adaptation Scorecard.’ Available at : <https://www.climatecouncil.ie/councilpublications/otherpublications/Final%20CCAC%20Scorecard%20Assessment%20Report%202023%20web.pdf>

<sup>4</sup> Savaresi, Annalisa and Savaresi, Annalisa and Setzer, Joana, Rights-based litigation in the climate emergency: mapping the landscape and new knowledge frontiers (September 1, 2021). Journal of Human Rights and the Environment, Available at SSRN: <https://ssrn.com/abstract=3928385>

community involvement in adaptation planning.<sup>5</sup> However, enhanced community engagement and collaboration with local authorities is essential to reducing the risk of maladaptation – i.e. unintended negative consequences arising from adaptation measures. The EPA note that communities will need support for adaptation and need help to generate leadership in collaboration with local authorities, a recommendation which CLM endorses in full.<sup>6</sup>

The Aarhus Convention's principles of public participation are furthermore vital for effective adaptation planning. Involving the public in adaptation planning enhances the legitimacy of decisions made by public bodies and authorities. When communities have the opportunity to participate in decision-making processes, they are more likely to trust the outcomes and support implementation efforts. Communities often possess valuable local knowledge and expertise about their environment, vulnerabilities, and potential adaptation solutions. Engaging the public allows decision-makers to tap into this knowledge, leading to more contextually appropriate and effective adaptation strategies. Public participation furthermore promotes transparency and accountability in climate change adaptation planning. When decision-makers involve the public, they are more accountable to the communities they serve, as their decisions are subject to scrutiny and feedback from stakeholders. Finally, engaging the public early in the planning process can help identify potential barriers to implementation and garner support for adaptation measures. This proactive approach increases the likelihood of successful implementation.

- *Public Health: should be continually assessed to evaluate the effectiveness of adaptation*

As noted by the EPA, it cannot be assumed that adaptation interventions will do no harm or be equally successful across communities. Understanding the differential impacts of climate change on vulnerable groups is crucial for promoting equity and fairness in the transition. The health and wellbeing outcomes of adaptation measures across all sectors should be monitored and used to evaluate the success of adaptation interventions.<sup>7</sup>

- *Coastal Environments and the Built Environment: the Right to Adequate Housing*

Ireland faces significant exposure to the impacts of climate change on its coastal areas, given that all major cities are situated along the coastline. Around 20% of Ireland's coastal areas are vulnerable to erosion. According to the EPA, projections indicate that sea level rise could potentially quadruple the number of properties susceptible to flooding in these coastal regions. For Limerick city, by way of example, under a high-end scenario of sea level rise, the cost of extreme flooding could increase 12.5-fold. This could result in costs exceeding €1 billion for a single flood event, according to the EPA. There is currently no clear governance structure for coastal adaptation.<sup>8</sup> The CCAC have also noted

---

<sup>5</sup> Climate Change Advisory Council. 2023. 'Third Climate Change Adaptation Scorecard.' Available at : <https://www.climatecouncil.ie/councilpublications/otherpublications/Final%20CCAC%20Scorecard%20Assessment%20Report%202023%20web.pdf>

<sup>6</sup> Environmental Protection Agency. 2024. 'Ireland's Climate Change Assessment (ICCA).' Available at : [https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA\\_Volume-3-SPM.pdf](https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA_Volume-3-SPM.pdf)

<sup>7</sup> Environmental Protection Agency. 2024. 'Ireland's Climate Change Assessment (ICCA).' Available at : [https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA\\_Volume-3-SPM.pdf](https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA_Volume-3-SPM.pdf)

<sup>8</sup> Environmental Protection Agency. 2024. 'Ireland's Climate Change Assessment (ICCA).' Available at : [https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA\\_Volume-3-SPM.pdf](https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA_Volume-3-SPM.pdf)

challenges for adaptation in terms of private and public land ownership in coastal areas and the designation of many vulnerable locations as protected areas.<sup>9</sup>

Coastal adaptation responses can be categorised as (1) protect, (2) accommodate and (3) retreat. The National Coastal Change Management Strategy recommends that the government develop “managed retreat” options, to identify measures to support communities or individual homes to ensure an adequate time period for consideration and implementation and a consultation process led by the local authority.<sup>10</sup> The National Coastal Change Management Strategy does not mention compensation or relocation entitlements for impacted communities. As noted by Tubridy *et al*, managed retreat often results in environmentally unjust impacts.<sup>11</sup> Such consequences can be long-term, such as difficulties finding new employment opportunities and housing, as well as disrupting family and community ties. It is noted that issues arise primarily through a lack of support and planning for the relocation process. For instance, despite providing financial compensation, the relocation schemes carried out in rural areas of Ireland during the 1990s exacerbated the vulnerability of affected individuals due to insufficient oversight and planning throughout the relocation process.<sup>12</sup>

CLM provide the below recommendations with respect to coastal environments and the built environment, based on the 2020 Report of the United Nations Special Rapporteur on the Implementation of the Right to Adequate Housing:<sup>13</sup>

- The right to housing should be fully integrated into Ireland’s adaptation framework and sectoral plans. This requires an alternative approach to housing, moving away from the commodification of housing and property.
- Request the Housing Commission to contribute to the NAF, taking coastal environment and built environment risks into account
- The Government should immediately undertake an analysis to identify those at risk of displacement, and work with communities to develop a just response to this. The Government should devise a plan to respond to the risk of displacement resulting from climate change.
- The Government should prioritise communities that are particularly vulnerable to the impacts of climate change, such as those living near the coast, and all efforts should be made to preserve existing communities.

- *Governance & Resourcing: scale-up adaptation funding across the board*

The CCAC notes that inadequate financial and human resources were identified by most departments as a continued challenge to effective adaptation planning and implementation. It is very concerning that resourcing constraints in the Environmental Protection Agency and the Geological

---

<sup>9</sup> Climate Change Advisory Council. 2023. ‘Third Climate Change Adaptation Scorecard.’ Available at : <https://www.climatecouncil.ie/councilpublications/otherpublications/Final%20CCAC%20Scorecard%20Assessment%20Report%202023%20web.pdf>

<sup>10</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/274797/3cb6653e-8960-478b-a706-cfc465a0b48d.pdf#page=null>

<sup>11</sup> Fiadh Tubridy, Mick Lennon, Mark Scott. 2022. ‘Managed retreat and coastal climate change adaptation: The environmental justice implications and value of a coproduction approach.’ *Land Use Policy*, Vol. 114, <https://doi.org/10.1016/j.landusepol.2021.105960>

<sup>12</sup> Fiadh Tubridy, Mark Scott & Mick Lennon (2021) Managed retreat in response to flooding: lessons from the past for contemporary climate change adaptation, *Planning Perspectives*, 36:6, 1249-1268, DOI: [10.1080/02665433.2021.1939115](https://doi.org/10.1080/02665433.2021.1939115)

<sup>13</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/353/90/PDF/G1935390.pdf?OpenElement>

Survey Ireland delayed important actions under the Climate Action Plan 2021, including the development of national resilience indicators, as well as studies on coastal vulnerability mapping and landslide mapping.<sup>14</sup> Adequate resourcing of public bodies is clearly paramount for the effective implementation of climate change adaptation measures. Without adequate funding and staffing, public bodies may continue to struggle to effectively undertake adaptation measures - ultimately leaving communities unprepared and vulnerable to the adverse impacts of climate change. In relation to financial resourcing, the EPA is clear that:

*“Adaptation needs to be seen not as a cost but as a necessary investment. Adaptation is about placing Ireland in a position to prosper in the decades ahead. Resourcing of adaptation needs to move beyond the limits of traditional cost–benefit analysis. Aside from the material impacts, climate change threatens cultural heritage, sense of place, wellbeing and nature – all non-economic losses that are rarely captured in traditional economic assessments.”<sup>15</sup>*  
[Emphasis added].

In certain departments, the CCAC note that human resources gaps have been met by contracting external assistance and adding adaptation to existing job descriptions. However, it is considered that permanent positions are needed, especially for institutions that provide data on risks and projections relevant to adaptation.<sup>16</sup> The EPA emphasizes the key role of the Department of Environment, Climate, and Communications in addressing resourcing challenges across all sectors for effective adaptation. Currently, there is limited detailed information available regarding budgets, costs, and investment needs for adaptation initiatives across various sectors. It is imperative to address this gap and enhance transparency and understanding of resource requirements to facilitate robust adaptation efforts.<sup>17</sup> CLM supports the CCAC’s recommendation to scale up adaptation funding across the board to ensure that all departments and public bodies are adequately resourced and trained to adhere to their obligations under the NAF.<sup>18</sup>

- *Policy Coherence: enhanced coordination is necessary*

Ireland takes a sectoral approach to adaptation, yet both the EPA and the CCAC emphasize the need for enhanced coordination across sectors to mitigate cross-sectoral risks and cascading impacts. Key issues like drought, coastal zone management, and nature-based solutions transcend individual sectors and highlight the need for an integrated, all-island approach. Related to this, the CCAC note that there is a need for all sectors to integrate mitigation and adaptation efforts to ensure that cross-cutting issues are adequately addressed. These include issues such as coastal change, drought preparedness and management, sustainable food production and security and the pursuit of nature-based solutions. The sectoral approach to adaptation also has implications for overall adaptation policy coherence. The CCAC highlight the inconsistent sequencing of the new NAF, the Sectoral

---

<sup>14</sup> Climate Change Advisory Council. 2023. ‘Third Climate Change Adaptation Scorecard.’ Available at : <https://www.climatecouncil.ie/councilpublications/otherpublications/Final%20CCAC%20Scorecard%20Assessment%20Report%202023%20web.pdf>

<sup>15</sup> Environmental Protection Agency. 2024. ‘Ireland’s Climate Change Assessment (ICCA).’ Available at : [https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA\\_Volume-3-SPM.pdf](https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA_Volume-3-SPM.pdf)

<sup>16</sup> Climate Change Advisory Council. 2023. ‘Third Climate Change Adaptation Scorecard.’ Available at : <https://www.climatecouncil.ie/councilpublications/otherpublications/Final%20CCAC%20Scorecard%20Assessment%20Report%202023%20web.pdf>

<sup>17</sup> Environmental Protection Agency. 2024. ‘Ireland’s Climate Change Assessment (ICCA).’ Available at : [https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA\\_Volume-3-SPM.pdf](https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA_Volume-3-SPM.pdf)

<sup>18</sup> Climate Change Advisory Council. 2023. ‘Third Climate Change Adaptation Scorecard.’ Available at : <https://www.climatecouncil.ie/councilpublications/otherpublications/Final%20CCAC%20Scorecard%20Assessment%20Report%202023%20web.pdf>

Adaptation Plans and the Local Authority Climate Action Plans. There is furthermore a need to integrate climate issues into Council Development Plans and Local Economic and Community Plans so that climate action is better mainstreamed, and opportunities are identified in the planning and design of development plans.