

# ZERO WASTE ALLIANCE IRELAND

*Towards Sustainable Resource Management*



**Submission to the Department of Housing,  
Local Government and Heritage in  
Response to the Public Consultation on  
Ireland's Fourth National Biodiversity Action  
Plan (NBAP)**

**09 November 2022**

**Zero Waste Alliance Ireland is a member of**



and



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# ZERO WASTE ALLIANCE IRELAND

*Towards Sustainable Resource Management*

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**An Tinteán Nua, Ballymanus, Castlepollard, County Westmeath**  
**An Tinteán Nua, Baile Mhánais, Baile na gCros, Co. an Iarmhí, N91 PP76.**

09 November 2022

4th National Biodiversity Action Plan Consultation,  
Biodiversity Policy, National Parks and Wildlife Service,  
Department of Housing, Local Government and Heritage,  
90 North King Street,  
Dublin , D07 N7CV..

**BY EMAIL TO:**  
NBAPConsultation@housing.gov.ie

Dear Sir / Madam,

**Submission to the Department of Housing, Local Government and  
Heritage in Response to the Public Consultation on Ireland's Fourth  
National Biodiversity Action Plan (NBAP)**

***Submission by Zero Waste Alliance Ireland***

On behalf of Zero Waste Alliance Ireland (ZWA), we attach our submission in response to the public consultation on Ireland's Fourth National Biodiversity Action Plan.

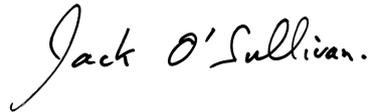
ZWA is very pleased to have the opportunity to respond to this important public consultation, and the intention of our submission is to provide observations on biodiversity, ecosystems and wildlife issues, where we are especially concerned about the effects of waste on biodiversity. It is our considered view that we have four linked crises in Ireland: a climate crisis, biodiversity crisis, a critical raw materials crisis (including a waste management crisis), and an energy crisis; but the fact that they are linked (and are impacting the country at different rates and timescales) should not prevent the development and emergence of a strong coherent policy to address all of these concerns in a practical and integrated manner.

It is one of the key points of our submission that the more efficient use of materials, and the avoidance of waste at every stage, taking into account management of raw materials, critical resources, waste reduction, re-use, repairing, recycling and the circular economy, will benefit the environment as a

whole, and will especially benefit Ireland's biodiversity which is currently threatened and not in a sufficiently "good" state.

We look forward to your acknowledgement of the attached submission, and to seeing in due course the final version of the fourth Biodiversity Action Plan; while taking into consideration the over-arching importance of addressing climate change.

Yours sincerely,

A handwritten signature in black ink that reads "Jack O'Sullivan." The signature is written in a cursive, flowing style.

Jack O'Sullivan

**On behalf of Zero Waste Alliance Ireland.**

# ZERO WASTE ALLIANCE IRELAND

## *Towards Sustainable Resource Management*

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### **Submission to the Department of Housing, Local Government and Heritage in Response to the Public Consultation on Ireland's Fourth National Biodiversity Action Plan (NBAP)**

**09 November 2022**

#### **1. INTRODUCTION**

When the Minister of State for Heritage and Electoral Reform, Mr Malcolm Noonan, T.D., spoke at the launch of the public consultation on Ireland's fourth National Biodiversity Action Plan (NBAP), he stated that the consultation was being launched ...

*“against a backdrop of unprecedented challenges for nature in Ireland and globally. How we collectively and collaboratively address these challenges will define not just our ability to halt biodiversity loss, but how we as a species will survive and thrive into the future”.*<sup>1</sup>

The Minister might also have reminded us that some 3.5 years ago, in May 2019, Dáil Éireann declared a climate and biodiversity emergency; yet it appears that this country continues to lack the urgency and commitment needed to respond effectively to these combined crises. Although public awareness of biodiversity appears to have increased, and the range of actions taken by Government departments and state agencies has much improved, the ecological status of a very large proportion of terrestrial and aquatic protected areas is in poor condition and continues to decline.

Also in May 2019, the Conference of the Parties to the Convention on Biological Diversity (CBD) issued a global assessment of status and trends of biodiversity and ecosystem services, the impact of these services on human well-being, and the effectiveness of global society's responses to biodiversity loss. This powerful, science-based and comprehensive report (over 1,000 pages) noted that during the previous 10-15 years, since the Millennium Ecosystem Assessment had been produced, human society's understanding of biodiversity and ecosystems has

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<sup>1</sup> Public consultation on Ireland's Fourth National Biodiversity Action Plan (NBAP) launched by Minister Noonan; Department of Housing, Local Government and Heritage, 01 September 2022.

significantly improved, together with a much greater awareness of their vital importance to the quality of life of every person on the planet. There was also greater understanding about which policies, practices, technologies and behaviours could best lead to the conservation and sustainable use of biodiversity, and to the achievement of the relevant Sustainable Development Goals (UN SDGs), the Aichi Biodiversity Targets and the Paris Agreement on Climate Change.

Nevertheless, the assessment report concluded that biodiversity continued to be lost, ecosystems were still being degraded and many of nature's contributions to peoples' well-being were being compromised. A few of the many key messages were:

- ✓ Nature is essential for human existence and good quality of life; most of nature's contributions to people are not fully replaceable, and some are irreplaceable;
- ✓ Nature across most of the globe has now been significantly altered by multiple human drivers, with the great majority of indicators of ecosystems and biodiversity showing rapid decline;
- ✓ Human actions threaten more species with global extinction now than ever before; and,
- ✓ Human-induced changes are creating conditions for fast biological evolution – so rapid that its effects can be seen in only a few years or even more quickly; the consequences can be positive or negative for biodiversity and ecosystems, but can create uncertainty about the sustainability of species, ecosystem functions and the delivery of nature's contributions to people.<sup>2</sup>

A year later, in May 2020, the European Commission launched the EU Biodiversity Strategy for 2030, "*Bringing Nature Back into our Lives*"; and this key policy document stressed the need for urgent action to protect biodiversity and to restore damaged habitats and ecosystems:

*"From the world's great rainforests to small parks and gardens, from the blue whale to microscopic fungi, biodiversity is the extraordinary variety of life on Earth. We humans are part of, and fully dependent on, this web of life: it gives us the food we eat, filters the water we drink, and supplies the air we breathe. Nature is as important for our mental and physical*

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<sup>2</sup> IPBES (2019): Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. S. Díaz, et al., (eds.). IPBES secretariat, Bonn, Germany. ISBN: 978-3-947851-13-3.

*wellbeing as it is for our society's ability to cope with global change, health threats and disasters. **We need nature in our lives.***

*Healthy and resilient societies depend on giving nature the space it needs. The recent COVID-19 pandemic makes the need to protect and restore nature all the more urgent. The pandemic is raising awareness of the links between our own health and the health of ecosystems. It is demonstrating the need for sustainable supply chains and consumption patterns that do not exceed planetary boundaries. This reflects the fact that the risk of emergence and spread of infectious diseases increases as nature is destroyed. Protecting and restoring biodiversity and well-functioning ecosystems is therefore key to **boost our resilience and prevent the emergence and spread of future diseases**".<sup>3</sup>*

We see here already a connection between undamaged nature, protected and restored biodiversity, and the mental and physical well-being of people and societies. This connection has been thoroughly researched and examined in many published papers, including the most recent "2022 report of the *Lancet Countdown on health and climate change: health at the mercy of fossil fuels*".<sup>4</sup>

The Lancet report emphasised that ...

*"Countries and health systems continue to contend with the health, social, and economic impacts of the COVID-19 pandemic, while Russia's invasion of Ukraine and a persistent fossil fuel overdependence has pushed the world into global energy and cost-of-living crises. As these crises unfold, climate change escalates unabated. Its worsening impacts are increasingly affecting the foundations of human health and wellbeing, exacerbating the vulnerability of the world's populations to concurrent health threats.*

*Through multiple and interconnected pathways, every dimension of food security is being affected by climate change, aggravating the impacts of other coexisting crises".*

But as we will demonstrate later in our submission, what is happening to biodiversity (globally, in Europe and in Ireland) is deeply connected with our lifestyles, the food we eat, the production of that food, and the materials and

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<sup>3</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Biodiversity Strategy for 2030 – "Bringing nature back into our lives". Brussels, 20.5.2020 COM(2020) 380 final.

<sup>4</sup> The 2022 report of the *Lancet Countdown on health and climate change: health at the mercy of fossil fuels*. The Lancet, Published online, October 25, 2022 [https://doi.org/10.1016/S0140-6736\(22\)01540-9](https://doi.org/10.1016/S0140-6736(22)01540-9)

energy which we consume, including the materials and objects which we discard after using them.

When the Department of Housing, Local Government and Heritage announced a public consultation on Ireland's fourth National Biodiversity Action Plan, we saw this as an excellent opportunity to provide feedback on a topic in which Zero Waste Alliance Ireland has a long and continuing interest. While it may appear at first glance that:

- a) the quantities and types of materials which we discard as "waste";
- b) the need to protect biodiversity and habitats;
- c) the need to restore damaged areas and ecosystems; and,
- d) the need to develop a more caring attitude to the natural environment,

are not linked, it is our long-held belief that all of these areas are intimately and synergistically connected.

It has always been our policy that the wasting or discarding of substances, materials, manufactured objects and products of every description; and especially their end-of-life fate by incineration or landfilling, resulting in the continuing extraction and processing of yet more raw materials to replace them, have detrimental effects on the Earth's ecosystems; and, in many cases, on vulnerable habitats and species. Not only must discarded materials be replaced in the continuing cycle of production, but the processes of extraction, transformation, transport, processing, manufacturing and distribution require large continuing amounts of energy, the production of which has caused huge damage to the Earth's living and non-living systems.

Widespread failure to recover, re-use and recycle discarded substances, materials and products, is a symptom of our European-wide and Irish failure to implement the Circular Economy, with a resulting increase in greenhouse gas emissions, serious damage to ecosystems, major loss of biodiversity, changes in sea level, stronger and more frequent storm events, threats to the security of food supplies, damage to human health, and other adverse consequences.

The slow and insidious loss of species and vulnerable ecosystems (for example the decline in insect and bird numbers, and the destruction of wetlands) has been ongoing for decades; yet, with few exceptions, they have not aroused widespread public concern. In a manner very similar to our failure to prevent waste and to implement the Circular Economy, our failure as a nation to protect biodiversity has led to a national biodiversity crisis. Despite the level of concern expressed in the reports quoted above (and these are only a few of many such reports on

biodiversity loss), actions taken at global level to reverse the observed trends in biodiversity loss have been very slow.

For example, if we compare the global response to the Covid-19 pandemic, we can see the contrast more clearly. Following the identification of the SARS-CoV-2 virus, the global response to the emergency has been guided by international scientific and public health experts. Vaccines were developed, produced and delivered at a rate and scale not previously seen; the epidemiology of the virus was studied intensively, information was exchanged world-wide among scientists and medical experts; and, in Ireland, Government agencies provided advice about social distancing and hygiene, information about the virus was provided widely, public facilities and businesses were advised to close, large public gatherings were cancelled or postponed, and vaccines given freely to the population.

At the same time, funding was provided to mitigate the damaging effects that the Covid-19 pandemic and the measures to prevent its spread were having on the economy. These measures were considered to be necessary precautions, given the immediate threat of the virus; and, in most cases, the work done by Ireland's medical experts and personnel was widely praised, and (again with some exceptions) the Government was applauded for handling the crisis effectively.

In contrast, ecologists, nature conservation and wildlife experts, and even the epidemiologists who have guided our response to Covid-19 have spent decades trying to influence political and public authorities to recognise the dangers of rapidly accelerating biodiversity loss, by demonstrating that this crisis raises very significant human well-being, food security and public health concerns.

Zero Waste Alliance Ireland therefore fully supports the Minister's statement quoted above, that how we collectively address biodiversity loss *"will define ... how we as a species will survive and thrive into the future."*

## **2. ZERO WASTE ALLIANCE IRELAND (ZWAI)**

Zero Waste Alliance Ireland is therefore pleased to have the opportunity to make this submission in response to the Department's public consultation on Ireland's fourth National Biodiversity Action Plan (NBAP); and at this point we consider that it is appropriate to describe briefly the background to our submission, especially the history, policy, strategy and activities of ZWAI.

### **2.1 Origin and Early Activities of ZWAI**

Zero Waste Alliance Ireland (ZWAI), established in 1999, and registered as a company limited by guarantee in 2004, is a Non-Government Environmental Organisation (eNGO) and a registered charity.

During the past two decades, ZWAI has prepared and submitted to the Irish Government and to State Agencies many policy observations on waste management, on using resources sustainably, on promoting re-use, repair and recycling, and on development and implementation of the Circular Economy. More recently, ZWAI has also responded to the European Commission's calls for submissions on a variety of topics in the areas of wastewater and solid wastes.

Our principal objectives are:

- i) sharing information, ideas and contacts,
- ii) finding and recommending environmentally sustainable and practical solutions for domestic, municipal, industrial and agricultural waste management in Ireland;
- iii) lobbying Government and local authorities to implement environmentally sustainable waste management practices, including clean production, elimination of toxic substances, repairing, re-using, recycling, segregation of discarded materials at source, and other beneficial practices;
- iv) lobbying Government to follow the best international practice and EU recommendations by introducing fiscal and economic measures designed to penalise the manufacturers of products which cannot be repaired, re-used, recycled or composted at the end of their useful lives, and to financially support companies making products which can be re-used, recycled or are made from recycled materials;
- v) raising public awareness about the long-term damaging human and animal health and economic consequences of landfilling and of the destruction of potentially recyclable or re-usable materials by incineration;
- vi) investigating, raising public awareness and lobbying Irish Government departments and agencies about our country's failure to take adequate

- care of vulnerable and essential natural resources, including clean water and air, biodiversity, and soil;
- vii) advocating changes in domestic and EU legislation to provide for more ecologically appropriate, environmentally sustainable and efficient uses of natural resources; and,
  - viii) maintaining contact and exchanging information with similar national networks in other countries, and with international zero waste organisations.

## 2.2 Our Basic Principles

Human communities must behave like natural ones, living comfortably within the natural flow of energy from the sun and plants, producing no wastes which cannot be recycled back into the earth's systems, and guided by new economic values which are in harmony with personal and ecological values.

In nature, the waste products of every living organism serve as raw materials to be transformed by other living creatures, or benefit the planet in other ways. Instead of organising systems that efficiently dispose of or recycle our waste, we need to design systems of production that have little or no waste to begin with.

There are no technical barriers to achieving a “zero waste society”, only our habits, our greed as a society, and the current economic structures and policies which have led to the present environmental, social and economic difficulties.

“Zero Waste” is a realistic whole-system approach to addressing the problem of society's unsustainable resource flows – it encompasses waste elimination at source through product design and producer responsibility, together with waste reduction strategies further down the supply chain, such as cleaner production, product repairing, dismantling, recycling, re-use and composting.

ZWAI strongly believes that Ireland should have a policy of not sending to other countries our discarded materials for further treatment or recycling, particularly to developing countries where local populations are exposed to dioxins and other very toxic POPs. Relying on other countries' infrastructure to achieve our “recycling” targets is not acceptable from an ecological or societal perspective.

## 2.3 What We are Doing

One of our principal objectives is to encourage Irish government agencies, Irish local authorities and other organisations to develop and implement environmentally sustainable resources and waste management policies, especially resource efficiency, waste reduction and elimination; to promote reuse, repair and recycling, to develop and implement the Circular Economy, and to recognise that climate change and biodiversity loss are existential threats.

As an environmental NGO, and a not-for-profit company with charitable status since 2005, ZWAI also campaigns for the implementation of the UN Sustainable Development Goals, including (but not limited to) Goal 12, Responsible Consumption and Production; Goal 6, Clean Water and Sanitation (having particular regard to the need to avoid wasting water); and Goal 15, to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, to halt and reverse land degradation and halt biodiversity loss.

Zero Waste Alliance Ireland has continued to lobby the Government on the issue of sustainable resource management, and to express our concern at the failure to address Ireland's waste problems at a fundamental level.

ZWAI has responded to many Irish and EU public consultations; and, in its role as an environmental NGO, has given presentations and made submissions on:

1. Proposed amendments to the Irish Building Regulations (February 2016 and October 2021);
2. Submission to the Department of Housing, Planning and Local Government on Water Services Policy (April 2018);
3. How the European Union has addressed the problem of plastic waste (March 2019);
4. Response to public consultation on proposed new environmental levies (Nov-2019);
5. Submission on single-use plastic packaging by the food industry (November 2019);
6. Response to a public consultation by the Department of Housing, Planning and Local Government on significant water management issues in Ireland (August 2020);
7. Submission to Department of Environment, Climate and Communications on the proposed introduction of a deposit and return scheme (DRS) for beverage containers (November 2020), and on the legislative framework and scope of a Deposit Return Scheme in Ireland (May 2021);
8. Submission to the European Commission in response to a public consultation on the revision of the Urban Wastewater Treatment Directive (July 2021);
9. Submission to the Joint Oireachtas Committee on Environment and Climate Action on the general scheme of the Circular Economy Bill (October 2021);
10. Feedback to the European Commission in response to a public consultation on the proposed revision of the EU Regulation on Shipments of Waste (January 2022);

11. Feedback to the European Commission in response to a public consultation on protecting, sustainably managing and restoring EU soils, including comments on the updating of the 2006 EU Thematic Strategy on Soil (February 2022);
12. Feedback to the European Commission in response to public consultation on revision of the EU plant and forest reproductive material legislation (March 2022);
13. Providing feedback to the European Commission on the waste-related environmental performance of Ireland and certain other EU Member States, and the probability of their achieving the 2025 recycling targets and the 2035 landfill target (August 2022);
14. Providing feedback to the European Commission on the need to reduce the waste of unwanted or discarded food, at every stage of the food production process (August 2022);
15. Response to the European Commission's public consultation on an integrated action plan for the management of nutrients (August 2022);
16. Submission to the Department of the Environment, Climate and Communications to support and inform preparation of the 2023 Climate Action Plan (September 2022);
17. Several presentations on transforming the construction industry so that it could become climate neutral; and,
18. Several submissions on the separation, recovery and reuse of the phosphorus and nitrogen content of wastewater (2019 to 2022).

It will be clear that ZWAI is primarily concerned with the very serious issue of discarded substances, materials and goods, whether from domestic, commercial or industrial sources, how these become “waste”, and how such “waste” may be prevented by re-design along ecological principles. These same ecological principles can be applied to how we abstract and use water, and to the volumes of wastewater produced and nutrients lost as a consequence of these uses.

**ZWAI** is represented on the Irish Government's Water Forum (An Fóram Uisce) by one of our Directors; ZWAI is a member of the **Irish Environmental Network** (IEN), and is funded by the Department of Communications, Climate Action and the Environment through the IEN.

In 2019 ZWAI became a full member of the **European Environment Bureau** (EEB); and a member of the **Waste Working Group** of the EEB. Through the EEB, we contribute to the development of European Union policy on waste and the Circular Economy. In 2021, the EEB established a **Task Force on the Built Environment**; ZWAI is a member of this group, and we contribute to discussions on sustainability of construction materials, buildings and on the built environment.

### 3. ADDRESSING THE SCALE OF BIODIVERSITY DAMAGE AND LOSS

It is a primary point of our submission that we cannot, and should not, ignore biodiversity loss; nor should we ignore the loss and damage to ecosystems which are important for nature and for mitigating climate change.

#### 3.1 Global Destruction, Damage and Loss

Biodiversity is the variability that exists among all living organisms, between different species, within species including genetic makeup, and in wider ecosystems. Billions of years of co-evolution have provided the planet with an incredible variety of supporting ecosystems which help the planet to maintain an equable climate suitable for the maintenance, continuation and proliferation of living organisms. This global assemblage of living and non-living elements has co-evolved to produce the Earth we know today – a relatively homoeostatic system suitable for the myriad forms of life which inhabit it.

At the same time, the human population of the planet relies ultimately on wild species for food, water, energy, income, health and wellbeing. Crops worth up to €500 billion annually are pollinated by wild creatures, and an estimated 4 billion people depend on natural medicines for their healthcare. These vital ecosystem services are fundamentally based on a healthy environment, and this requires biodiversity. Losing biodiversity leaves species and ecosystems less resilient to challenges such as invasive species or pests, resulting in an increased risk of entire populations becoming extinct, and destabilising the entire ecological network. **Nature is a finite resource, and human self-interest alone should determine that biodiversity must be protected.**

Alongside overexploitation, humans are driving biodiversity loss by destroying, polluting and fragmenting habitats across the globe. The scale of biodiversity loss is very well described by the Irish Wildlife Trust in their submission to the Citizens' Assembly, a submission fully endorsed by ZWAI:

*“The collapse of biodiversity, which is not confined to Ireland but is a global crisis, is acknowledged as among the primary threats to humanity’s future, at least on a par with climate change. Indeed, the link between biodiversity loss and climate change is such that they can be seen as one issue: one driving the other, both rooted in our patterns of consumption, but each supporting the other so that restoring biodiversity is also climate action, while driving down emissions of greenhouse gases will ensure that essential ecosystems can thrive”.<sup>5</sup>*

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<sup>5</sup> Irish Wildlife Trust submission to the Citizens' Assembly on Biodiversity Loss; September 9th, 2022.

### **3.2 Loss and Damage to Peatlands (Bogs) in Ireland**

A very high proportion of Ireland's peatlands, which are home to a high proportion of Ireland's biodiversity, and are essential for the sequestration of carbon from the atmosphere (and are therefore uniquely important for the mitigation of anthropogenic climate change) have been destroyed or severely damaged. Over the past 50 years humans have changed ecosystems more rapidly than in any comparable period of time in human history, while Ireland has witnessed a 77% loss in peatland habitat.

Not only have peatlands been cut for turf, which is a traditional activity (now prohibited), but extremely large areas of bog have been drained and mechanically harvested for the production of milled peat, for use as a fuel in power stations (an activity now ceased), and also for sale as "Irish Peat Moss" for horticulture (a nutrient free and therefore a relatively useless material for plant growth, but which has continued to be illegally extracted and marketed by number of private companies with neither planning permission nor the legally necessary licenses from the Environmental Protection Agency).

While only 10% of Ireland's biodiversity has been assessed we know that 15% of the original flora of Ireland are peatland plants. 14% (59 species) bird species have been recorded on peatland; 49% of all rare or endangered birds in Ireland occur on peatlands, most as breeding species; 26% of Ireland's animal species are dependent on peatlands in some phase of their life cycle, and 23 of the 35 butterfly species found in Ireland are found on peatlands.<sup>6</sup>

### **3.3 Status of Ireland's Habitats and Species**

It is very disappointing, and a matter of extreme concern to us, to read that the overall status of habitats in Ireland is that 85% of habitats are in unfavourable (i.e. inadequate or bad) status, with 46% of habitats demonstrating ongoing declining trends.<sup>7</sup> Threats to habitat integrity, and causes of damage include urbanisation, industrialisation, land conversion, drainage, recreation, grazing (specially intensive grazing and overgrazing), abandonment, burning, nutrient enrichment, associated pollution, roads, paths, shipping lanes, associated light and noise pollution, vandalism and disturbance.

It is a matter of further and growing concern that the above mentioned threats are expected to continue over the next 12 years. The frequency of threats is similar to the frequency of pressures across all habitats, implying that there is no evidence that there will be any major decline in pressures over the next 12 years.

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<sup>6</sup> <http://www.ipcc.ie/a-to-z-peatlands/status-of-peatland-biodiversity/>

<sup>7</sup> The Status of EU Protected Habitats and Species in Ireland – Conservation Status in Ireland of Habitats and Species listed on the European Council Directive on the Conservation of Habitats, Flora and Fauna 92/43/EEC. Volume 1, Summary Overview; edited by Deirdre Lynn and Fionnuala O'Neill. NPWS, 2019; Results, page 79, and Conclusions, page 96.

A notable exception is climate change, which is listed more frequently as a potential threat (listed in 10 habitats, mostly peatlands) than as an active pressure (listed for sea cliffs). This result acknowledges the likely impact of climate change within the next 12 years on many of our more vulnerable habitats, based on the recent increased frequency of extreme weather events.<sup>8</sup>

The continuing damage to Ireland's biodiversity is also echoed in the submission made by the Irish Wildlife Trust to the Citizens Assembly:

*“Experience in Ireland has shown that when pitted against the prospect of economic development and employment, nature rarely comes out on top. It has been seen as something that’s ‘nice to have’ but never ‘critically important’ like roads, schools or hospitals.*

*It can be hard to believe that we have destroyed practically all vestiges of natural ecosystems in Ireland while living in a wealthy country with a level of consumer choice that would have been inconceivable even one generation ago. Yet, we depend fundamentally upon nature for our wellbeing and survival, and, having laid waste to our own ecosystems we are unwittingly doing the same at a global level through our unsustainable consumption patterns which draw on resources from across the world”.*<sup>9</sup>

Zero Waste Alliance Ireland fully endorses the above remarks by the Irish Wildlife Trust; we could hardly have expressed the same views more cogently or with the same sense of urgency.

**It is therefore a key point of our submission that much greater priority must be given to wildlife protection, nature conservation, and biodiversity over and above any perceived need for economic development.**

### **3.4 Illegal Waste Disposal (“Fly Tipping”) and Biodiversity**

While waste disposal is not mentioned specifically in the NPWS habitat status report, it is our observation that many wildlife areas (particularly around the margins of peatlands to which vehicular access is possible by tracks formerly used by peat cutters) are used by persons as informal and illegal dumpsites for unwanted household goods and other discarded objects.

The ecological effects of illegal dumping of waste or “fly tipping” in Irish rural areas has not (to our knowledge) been accurately determined, nor does there appear

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<sup>8</sup> The Status of EU Protected Habitats and Species in Ireland – Conservation Status in Ireland of Habitats and Species listed on the European Council Directive on the Conservation of Habitats, Flora and Fauna 92/43/EEC. Volume 1, Summary Overview; edited by Deirdre Lynn and Fionnuala O’Neill. NPWS, 2019; Results, page 85.

<sup>9</sup> Irish Wildlife Trust submission to the Citizens’ Assembly on Biodiversity Loss; September 9th, 2022.

to be any detailed research or monitoring, showing the impact of such waste dumping on biodiversity. However, there is no doubt that our local authorities have such information, given that nearly all County and City Councils spend considerable effort and significant financial resources cleaning such fly-tipping sites and removing the waste.

In Ireland, approximately 70,000 tonnes of street cleaning wastes and fly-tipped wastes were collected in 2019, and the EPA estimates that approximately 48,600 tonnes of household waste went unmanaged in 2019, reflecting a minority of citizens illegally dumping or burning their waste.

The Waste Enforcement Regional Lead Authorities (WERLAs) coordinate an Anti-Illegal Dumping Initiative with local authorities and community groups to develop enforcement actions and clean-up operations in illegal dumping black spots around the country. In 2019, €2.9 million in funding was provided for 302 projects that managed to clean up 1638 tonnes of waste. A further €1 million of funding was ring-fenced in April 2020, to allow local authorities to respond to incidents of illegal dumping during the Covid-19 crisis.<sup>10</sup>

Research undertaken in Britain has shown that illegal dumping of waste has reached crisis point – with almost one million incidents recorded per year. Available data shows that the biggest “fly tipped” material is domestic waste, ranging from a single bag of rubbish to entire van and lorry loads. The negative impact on the environment, wildlife, biodiversity and people is very large, as a proportion of waste materials are hazardous and not biodegradable.

The most recent statistics from the Department for Environment Food and Rural Affairs in Britain has shown almost one million cases of fly-tipping between April 2019 and March 2020; and it is feared the next set of figures could be worse, following a year which saw local authority recycling centres closed at various stages during COVID-19 restrictions.

In rural areas in Britain, fly-tipping on farmland is common. In some cases, soil contaminating chemicals are dumped which are a danger to livestock and crops. In urban areas, discarded waste can attract vermin and spread disease. People who fly-tip often do it in places where they think they will not be caught. Often rivers, lakes, fields and ditches bear the brunt of fly-tipping, and this has a disproportionate impact on wildlife. Items deposited or thrown into streams, rivers and lakes can negatively impact on the diet of fish, ducks, birds and other species. Dumped waste can also leach toxic chemicals into the environment, contaminating the natural habitat for plants and animals.

The British statistics also showed that just under two-thirds of fly-tipping incidents involved household waste. The most common volume was equivalent to a small

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<sup>10</sup> <https://www.epa.ie/our-services/monitoring--assessment/assessment/irelands-environment/waste/current-trends-waste/>

van load, and the second most common volume of waste dumped was equivalent to a car boot or less. Incidents of tipper-lorry loads being illegally dumped decreased during the above period by 8% to 33,000. The figures do not include fly tipping on private land, or large-scale cases, which are dealt with by the Environment Agency. The financial burden it places on the taxpayer is huge, as the cost of clearance to local authorities in England is more than £10 million per year.<sup>11</sup>

### **3.5 Mitigating Climate Change And Biodiversity Loss**

One of the most well-known and frequently quoted examples of ecological damage is that the Amazon rainforest is being cleared to such an extent that it may be near a tipping point beyond which it cannot recover – this will have a dramatic effect on the planet’s climate, while at the same time, the climate crisis is exacerbating the problem.

Many species cannot adapt to the scale and pace of changing temperatures; for example, warming seas and ocean acidification are devastating coral reefs around the world. This year, the Great Barrier Reef suffered its sixth mass bleaching event since 1998 with more than 90% of reefs affected. In many cases, when an ecosystem loses biodiversity, it becomes less able to store carbon, contributing to further climate change. We therefore have a vicious cycle, a positive feedback loop: climate change leads to biodiversity losses, which in turn leads to further climate change. As governments around the world develop plans to reduce carbon emissions and conserve biodiversity, the message is simple: we must solve both problems together.

It is our submission that this message is equally true for Ireland: addressing climate change, and mitigating its affects, must be the subject a single, integrated and comprehensive policy. Legislation to address both of these critical issues must also be developed and implemented in combination.

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<sup>11</sup> Dixon, A.C., Farrell, G. & Tilley, N. Illegal waste fly-tipping in the Covid-19 pandemic: enhanced compliance, temporal displacement, and urban–rural variation. *Crime Sci* **11**, 8 (2022). <https://doi.org/10.1186/s40163-022-00170-3>  
<https://crimesciencejournal.biomedcentral.com/articles/10.1186/s40163-022-00170-3>

### 3.6 Amendment of Legislation to Address Biodiversity Loss

The Climate Action and Low Carbon Development (Amendment) Act 2021, which is excellent in many ways, though lacking in some specifics, includes important references to biodiversity.

For example, the preamble to the Act describes it as:

*“An Act to provide for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a climate resilient, **biodiversity rich** [our emphasis] and climate neutral economy by no later than the end of the year 2050 and to thereby promote climate justice, and just transition ...”*

An important component of the Act is to prepare a “National Climate Objective” (Section 5), which includes the following statement:

*3. (1) The State shall, so as to reduce the extent of further global warming, pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, **biodiversity rich** [our emphasis], environmentally sustainable and climate neutral economy (in this Act referred to as the ‘national climate objective’).*

Section 6 of the Act refers to the need for a climate action plan and national long term climate action strategy, and states that:

*4. (8) For the purposes of performing their respective functions under this section, the Minister and the Government shall have regard to the following matters:*

*(b) the need to promote sustainable development and restore, and protect, biodiversity ...*

A number of other acts are also amended by Part 3 of the Climate Action and Low Carbon Development (Amendment) Act 2021, including the National Oil Reserves Agency Act 2007 which now contains 3 references to the “*enhancement of biodiversity by supporting nature-based projects that seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience in the State*”.

What is seriously lacking in the Climate Action and Low Carbon Development (Amendment) Act 2021 is any reference to significant changes in the Planning Acts which we suggest are very necessary to protect biodiversity, and to prevent further damage and destruction of habitats.

We are aware of so many planning issues and problems, where decisions made by local authorities and by An Bord Pleanála have resulted in damage to wildlife

and ecosystems, even though the Board and local authorities must have regard to the environment and to “sustainable development”.

As submitted by the Irish Wildlife Trust, and quoted in section 3.3 above,

*“Experience in Ireland has shown that when pitted against the prospect of economic development and employment, nature rarely comes out on top”.*

It is our submission that the Planning Act needs to be significantly amended (or totally revised) to ensure a better balance between biodiversity protection on the one hand and granting permission for development on the other hand. The Department will be aware that the current Planning Act 2000, as amended, has been further amended so many times that this piece of legislation is best described as a “minefield”, as it is so difficult to navigate. It is our understanding that the Law Reform Commission is considering undertaking a complete revision of the Planning Act; and, if this is the case, we would urge that the revision should include strong references to the need to protect biodiversity, ecosystems and habitats of importance.

It is our further submission that a Biodiversity Act which gives Ireland’s fourth National Biodiversity Action Plan a strong legislative foundation is absolutely necessary; and this act should specify clear lines of political and executive responsibility and accountability, with high level funding and political support. The existing Biodiversity Forum is underfunded, with no secretariat, with poor lines of communication between it and the relevant ministers, and with no budget for raising public awareness of its existence and its activities. A strengthened Biodiversity Act and a statutory Biodiversity Forum should bring about a radical transformation in how the current biodiversity crisis is addressed and communicated.

These proposed legislative reforms must also guarantee that a **“whole of government”** approach is taken to addressing the combined crises of climate change and biodiversity loss, along with the connected problems which are among the causes of these crises; for example, ensuring a radical change in the way we extract and use raw materials, making the much-needed change from a linear to a circular economy, and eliminating all forms of waste, whether it be a waste of materials, water or energy.

### **3.7 Giving Rights to Nature**

It is also our submission that the government must initiate a campaign to include in the Irish Constitution a **‘Rights of Nature’** article, which would grant legal rights to elements of the natural environment. On 29 March 2017, *“Nature’s Rights”* – a non-profit organisation seeking to establish legal personality and rights for ecosystems and species – held an event at the European Parliament in Brussels,

to launch their initiative in Europe and to communicate how the granting of nature's rights could be raised in the EU, and especially among member states.

Giving rights to nature is a recently-growing legal trend in many countries of the world, and Ireland must not be found lacking in this area. For example, in March 2017, the High Court in India found that the Ganges River and other ecosystems were "legal persons" with certain rights; and, in November 2016, in an extraordinary decision, Colombia's Constitutional Court declared that the Atrato River basin possesses rights to "*protection, conservation, maintenance, and restoration.*" This Court's ruling comes in a case brought to address the significant degradation of the Atrato River basin from mining, adversely impacting nature and indigenous peoples.

Declaring that the river has rights came after thousands of years of history in which nature has been treated as "property" or "right-less" under the law. Much like women, indigenous peoples, and slaves have been treated as property under the law, without legal rights, so do legal systems treat nature at present. Under the existing legal systems worldwide (with few exceptions, see examples above), environmental laws regulate human use (and misuse) of nature, resulting in the decline of species and ecosystems worldwide, and the acceleration of climate change.

Transforming nature to be considered as rights-bearing – and thus in possession of legally enforceable rights – is part of the growing "*Rights of Nature*" movement. The Community Environmental Legal Defence Fund (CELDF) has been at the forefront of this movement, partnering with communities and governments in developing the world's first Rights of Nature laws.

It may be surprising to hear that the first law was passed in Tamaqua Borough, Pennsylvania, in 2006. At present, dozens of communities in 10 states in the U.S. have enacted "*Rights of Nature*" laws. CELDF assisted in drafting the first Rights of Nature constitutional provisions, which were promulgated in the Ecuador Constitution in 2008.

Enhancing the legal status of nature can play an important role in addressing some of the planet's most pressing environmental challenges. Acknowledging nature's rights may be a useful tool to help leverage nature and aid in reaching Europe's biodiversity targets.

In Ireland, our Constitution has no reference to nature or biodiversity but such a move would represent a dramatic ethical shift in our relationship with the non-human world. Such moves must be accompanied by an education campaign, along the lines of what was done during the Covid-19 crisis. We need to develop an 'ecological literacy' so that people know why we have a biodiversity crisis and are aware of what we need to do about it.

## 4. THE IMPACTS OF “PLASTIC WASTE” ON BIODIVERSITY

In just over 70 years, our dependence on the efficient and cheap material that is plastic has skyrocketed to unsustainable levels. Yet as the global production and consumption of this material continues to soar, we are not disposing and recycling plastics at the same rate. Global plastic pollution jumped from 2.0 million tonnes in 1950 to 348 million tonnes in 2017, and is projected to double by 2040. What's left behind is incredibly harmful to all wildlife and to humans.

The world is facing a “plastics crisis”. Plastic pollution is found all around the globe, negatively affecting people and the environment at each stage of their lifecycle – extraction of fossil fuel, production, manufacturing, use, recycling, and disposal. The impacts are felt in a wide range of areas, including on biodiversity, climate change, human health and human rights.

Given the persistent nature of plastic and its toxicity, plastic pollution is a significant threat to biodiversity. It threatens ecosystems, animal and plant species, impeding their ability to deliver essential services to humanity. While the leakage of plastics into the ocean and the subsequent impacts on marine life has been most studied, plastic pollution also affects freshwater and terrestrial ecosystems. In fact, plastic and chemical leakage into the environment may arise at various stage of the plastics life cycle, from production, through using, to discarding, and the resulting pollutants are transported around the globe through air and ocean currents.

Environmental degradation occurs upstream in the production process, as extraction, fracking, production of plastics and chemical additives release substantial amounts of toxic substances into the air and contaminate the local environment. Disposal is also problematic: incineration of plastic waste releases toxic chemicals, together with micro-plastics and nano-plastics into the air, while landfills contaminate soil and water. All these elements then impact biodiversity both locally and globally.

Plastics are now everywhere, even in the deepest parts of the oceans. Of the approximately 275 million metric tonnes of plastic waste produced annually, up to 12 million tonnes find their way into the oceans, causing havoc to livelihoods and ecosystems. The result is an estimated \$13 billion in annual environmental damage to marine ecosystems. Plastic pollution affects marine life through various pathways, including ingestion, entanglement, toxic impacts, and more. In a 2016 report, the Secretariat of the Convention on Biological Diversity (CBD) recognised that marine debris is a globally significant stressor on the marine and coastal environment, as studies show that almost 800 marine species are affected by plastic pollution.

About 12 million tonnes of land-based plastic waste make their way into the ocean each year, but this statistic is currently set to triple in less than 20 years. Plastic pollution creates adverse problems for wildlife in the ocean, from the 800+ marine and coastal species impacted through entanglement and other dangers, to thousands more accidentally ingesting plastic, mistaking it for food. A study has found that 1,557 species worldwide, including many endangered species, have ingested plastic. In 2019, a turtle hatchling, no bigger than the palm of a hand, was found dead with 104 pieces of plastic in its stomach.

Plastic ingestion can block digestive tracts or can pierce the internal organs of wildlife. It can also choke and starve animals by making them feel that they “full”, while they have eaten no food, only ingested plastic. In some cases, plastic consumption can lead to the reduction in stomach storage volume, making it all the more difficult for animals to eat.

Plastic debris does not decompose but breaks down into tiny plastic particles that are less than five millimetres long known as microplastic. Considering their miniature size, microplastics can pass through animals’ digestive systems and be expelled without consequence. Scientists have found plastic fragments in literally hundreds of species, including 86% of all sea turtle species, 44% of all seabird species, and 43% of all marine mammal species.

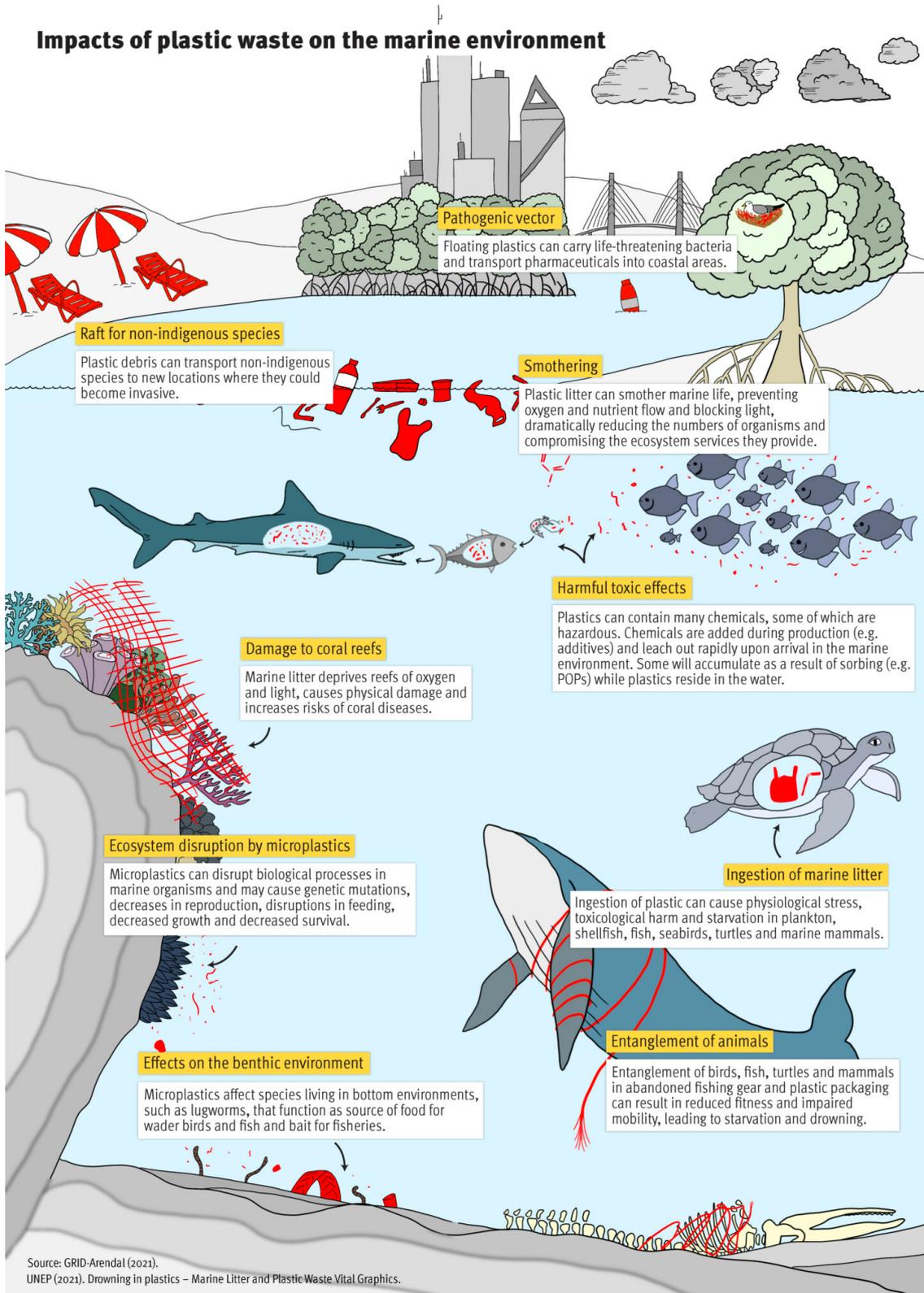
Tests have confirmed that the presence of microplastics can cause liver and cell damage as well as disruptions to reproductive systems. For some species, such as oysters, this could mean they produce fewer eggs, threatening population growth. New research also shows that larval fish are eating nanofibres literally within days of hatching.

According to the United Nations, more than 51 trillion microplastic particles have already contaminated the world’s seas, and it is predicted that 99% of marine species will consume microplastic by 2050 if nothing is done to slow down plastic pollution.

Plastic pollution also adversely impacts terrestrial habitats, ecosystems and biodiversity on land. Much like the case with marine wildlife, plastic pollution and discarded waste can cause intestinal blockages and damage when land animals ingest them, and such ingestion can be fatal in many instances. There are many reported cases of land-based mammals, including elephants, hyenas, zebras, tigers, camels, and cattle, which have accidentally consumed plastic waste, resulting in a number of unnecessarily deaths.

For example in January 2018, a 20-year-old wild elephant in Periyar, India, died from plastic ingestion resulting from waste discarded by the tens of millions of Sabarimala pilgrims who trek through the heavily wooded forest to reach the shrine every winter. It was later revealed that significant amounts of plastic blocked up the elephant’s intestines, causing internal bleeding and organ failure.

## Impacts of plastic waste on the marine environment



Impacts of plastic waste on the marine environment. Source: GRID-Arendal, 2021.

Wildlife can easily become trapped and entangled in plastics, preventing them from being mobile to hunt for food or become more vulnerable to nearby prey. If

they accidentally get their head caught in plastic food containers, animals will suffer from overheating, suffocation, dehydration, starvation, and eventual death.

Plastic can also badly wound an animal, sometimes even resulting in loss of limbs. Species such as racoons often get stuck in plastic ring beverage holders, which cause deep cuts in their bodies, according to the Humane Society of the United States. For birds, plastics impede their ability to fly and hunt.

Microplastic is a major concern to terrestrial animals as well. Microplastics leache into soil and nearby water sources from plastic waste in landfills and other sources. A recent 2020 study, the first-of-its-kind to explore how microplastics can affect soil fauna, revealed that terrestrial microplastic pollution has led to the decrease of species that live below the soil surface, such as mites, larvae and other soil micro-fauna. The decline of these species leads to less fertile soil and land. In addition, chlorinated plastic – such as plastic food packaging, plastic tubes, medical devices and products – can release harmful chemicals into the surrounding soil, seeping into groundwater that many species rely upon.

The food that we grow is therefore becoming more and more likely to be contaminated with microplastics. According to Greenpeace, fruit such as apples and pears have an average of 195,500 and 189,500 particles per gram respectively, whereas vegetables like broccoli and carrots average more than 100,000 plastic fragments per gram.

Discarded plastic in the environment, and the resulting adverse effects on biodiversity, also result in adverse effects on human beings. For example, considering that most fish species will ingest microplastics during their lifespan, plastic particles can easily travel across the food web, ultimately ending up in the human digestive system when we consume seafood. But these harmful and toxic plastic particles do not remain there, and studies have shown that they can travel throughout the human body.

A recent study discovered the presence of microplastics in the human placenta, carrying with them substances that can mimic and disrupt the regular function of hormones and cause long-term effects on human health such as oxidative stress as well as chronic DNA damage and inflammation. In March 2022, microplastic was detected in human blood for the first time, and weeks later, found in human lungs as well.

Though it's still early to tell the impacts of microplastics on human health, scientists have raised concerns about the possibility of these contaminants travelling around the body and lodging in delicate organs such as the brain, causing major damage.<sup>12</sup>

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<sup>12</sup> <https://earth.org/plastic-pollution-animals/>

## 5. OBJECTIVES OF THE FOURTH NATIONAL BIODIVERSITY ACTION PLAN (NBAP)

As stated by the department in the invitation to submit observations on the draft Biodiversity Action Plan, it is structured around the delivery of Ireland's vision for biodiversity by 2050. The Plan contains six objectives, each addressing a different theme that will contribute to the realisation of the vision for biodiversity:

Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity

Objective 2 - Meet Urgent Conservation and Restoration Needs

Objective 3 - Secure Nature's Contribution to People

Objective 4 - Embed Biodiversity at the Heart of Climate Action.

Objective 5 - Enhance the Evidence Base for Action on Biodiversity

Objective 6 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

### 5.1 Objective 1 – Adopting a Whole of Government, Whole of Society Approach to Biodiversity

Even though we consider that we have addressed a proportion of this objective in section 4 above, where we have shown that biodiversity loss, climate change and the way in which we use and misuse materials, and fail to implement the circular economy, are integrated issues, requiring a whole of government response, there are further issues which we would like to explore.

All available evidence shows that [Ireland's environment](#) is in a parlous state, with biodiversity indicators in [decline](#). The Climate Emergency and the Biodiversity Crisis are [inextricably interlinked](#), as acknowledge by the [EU's Adaptation Strategy 2021](#), and the Dáil Declaration of a [Climate and Biodiversity Emergency in 2019](#). This is in common with the [EU](#) and [global](#) situation, and it is increasingly evident that current measures to protect biodiversity are inadequate. The current biodiversity strategy therefore can only be said to have failed. Climate action is also failing to meet [targets](#). CoP27 saw calls for [enhanced implementation and accountability mechanisms](#).

In the Irish context, the reasons for this failure do not appear to have been sufficiently studied. Of the circa 31,000 species in Ireland, [only around 10%](#) have had an assessment of their conservation status. Many species of particular importance in Ireland (such as the black [Honeybee](#)) have no particular protection. Protections only stem from EU law in the form of designated static habitats and

limited species protections, and a poor level of State initiative to assess and protect species has been demonstrated to date. The static habitats approach has limitations. Within this framework extensive failures, (such as only 217 of 423 sites being designated, and failure to set specific nature conservation objectives for 140 sites) are [evident in Ireland](#). Addressing biodiversity issues continues to be hampered by both lack of data and lack of enforcement, State body will to act, accountability for State failure to act and accountability for private actors. While there have been some notable successes such as the [Marsh Fritillary Project](#) and the All-Ireland Pollinator project, most species are not consistently monitored on an All-Ireland basis. Comprehensive funding for proper biodiversity monitoring is required.

In particular other than the Marsh Fritillary and the All-Ireland Pollinator plan, monitoring and protection lacks an all-Ireland integration, with the border with Northern Ireland representing a boundary to biodiversity action that is artificial in nature terms. There are no enforceable mechanisms for managing cross-border sites and [cross-border environmental crime](#) remains a large problem. There has been a [failure to adequately utilise the nature potential of the Good Friday/Belfast agreement](#), which nominates the environment as one of its twelve areas of cooperation and which has institutions tasked specifically with this (e.g. the North-South Ministerial Council). However, the combination of the ongoing political vacuum in Northern Ireland, Brexit and failure to use the institutions of the GF/BA even when there wasn't a political vacuum, have left a governance gap at an all-Ireland environment level. The island is a single biogeographic unit and there needs to be an all-Ireland mechanism for biodiversity management and nature protection, as well as cooperation on environmental crime. The lack of cooperation on environmental crime, and lack of an independent regulator in Northern Ireland, has turned the border regions into a de-facto dumping ground and sites of environmental crime on a large scale.

It is argued therefore that any biodiversity strategy is pointless without strong data, enforcement and accountability measures. Funding streams should be made available to support comprehensive biodiversity assessment on an all-island basis.

Frequently the culprit for breaches of laws designed to protect biodiversity are State actors, and as such this leads to a level of perceived hypocrisy that sends a strong message to the public that biodiversity protections are something that are to be paid lip service to on paper but which need not actually be observed. This is reinforced by the almost complete failure to have either a comprehensive system of environmental crime protection, or to utilise/implement the laws that are there, so that the environment can be harmed with impunity.

Biodiversity protection should be integrated into all State functions, with a system for punishing failures and rewarding success. A **biodiversity charter** should be drawn up for all public bodies, and adherence to it be mainstreamed as part of

State Department and individual employee appraisal processes, as well as integrated into tender procurement processes.

Environmental Governance and Environmental Policy Integration, and the international/EU obligations in relation to these need to be taken seriously, and State actors cannot continue to publish policies to address these on one hand and then flout them on the other, or to tolerate the widespread flouting of them by private actors.

Environmental governance needs to be protected and enhanced, and the State bodies and local authorities should be prevented from actions that undermine environmental governance (possibly through adherence and monitoring of a biodiversity charter) such as

- State action at EU level to undermine access to justice, access to information, and public participation in environmental decision making, for example by Irish Council Representation voting against such proposals in trilogue negotiations on the Aarhus Regulation revision and elements of the Fit for 55 legislative package.
- Proposing legislation that fails to address the current biodiversity and climate crisis.
- Proposing policies of any kind that fail to protect biodiversity at National and Local Government Level.

Environmental Governance needs to be enhanced by protecting access to justice, public participation in environmental decision making, and fundamentally revising the national approach to environmental information, collection, dissemination, education and response to access to information across all State bodies, in line with our EU and international law obligations. Enforceability of environmental obligations is a key issue and this requires two elements, binding rules, and rights to review compliance with these rules. As such **Target 1B1** of a statutory basis for the National Biodiversity Plan is of crucial importance and should be prioritised.

The Convention on Access to Information, Public Participation in decision-making and Access to Justice in Environmental Matters (Aarhus Convention) entered into force on 30 October 2001 (UNECE, 2021), and has since been signed and ratified by 47 State Parties worldwide – including by Ireland (2012), the EU (2005) and Britain. It embodies a key principle of international environmental law, that environmental decisions are best handled with the participation of those concerned. The Convention marked a departure from previous international environmental law approaches in several respects, creating rights for NGOs and individuals, creating a complaints mechanism open to individuals and NGOs as well as State Parties, and importing ambitious concepts of environmental democracy and stewardship into the legal systems of the contracting Parties.

The Aarhus Convention's implementation is widely considered to be unsatisfactory in Ireland (e.g. (Ryall Á., 2018) [and in both jurisdictions \(Hough et al. 2022\)](#)) and has been the subject of multiple EU infringements (e.g. in the area of EIA) as well as complaints to the Aarhus Convention Compliance Committee (e.g. in the area of access to information and costs).

The Convention's transparency and access to justice rights are a key component of public oversight over implementation of the State's biodiversity and environmental obligations, and important for comprehensive enforcement, in tandem with State enforcement.

The State has continued to attack Aarhus rights through various legislative proposals seeking to limit rights of review and participation, and to fail to respect the guarantee of protection for environmental defenders in Art 3(8) of the Convention (for more see the 2022 Report on [Ireland's Implementation of the Aarhus Convention](#) available at [www.findingcommonground.ie](http://www.findingcommonground.ie) as well as a report on cross-border implementation).

A stakeholder body to review all Government legislative proposals in the area of Planning law, and any laws with potential environmental impact, for compliance with international law obligations such as the Aarhus Convention is required. This could be done through funding for an Aarhus Centre. The Government need to engage in Aarhus assessments of all legislative proposals. A domestic mechanism for protection of environmental whistle-blowers is required as existing whistle-blowers only covers intra-organisational whistleblowing (where a member of an organisation such as an employee or volunteer) reports wrongdoing, and not external activists and NGOs.

Anti-SLAPP protections should be advanced ([SLAPPs](#) are Strategic Lawsuits Against Public Participation). Public participation in plans, programs and projects should be enhanced.

It is respectfully submitted that the targets in the current draft plan lack vision and fall far short of what is required to stem the tide of biodiversity loss in Ireland. Target 1A6 of the year 2024 for implementing training and improved governance arrangements in public bodies is too long. A review of needs should take no longer than 3 -6 months, and recommendations from this can be implemented in the final quarter of 2023 at the latest. Targets 1B4 and 1B6 pinpointing 2026 as the year all biodiversity officers will be appointed and for local authorities to have Biodiversity plans in place is an unnecessarily long time frame. Targets 1E1 and 1E2 setting the year 2027 to implement revised Wildlife legislation, and Target 1E3 of the year 2030 to improve enforcement of Wildlife crime and legislation are far too long, and demonstrate the failure to grasp the urgency of the situation. These long timeframes are not compatible with [the declaration of a climate and biodiversity emergency by the Dail](#) in 2019. In the three years since this

declaration, Ireland has gotten worse not better, and has failed to rise to the challenge implied by such a declaration.

The timeframes of the objectives set out in the draft plan show a failure to understand that we have reached a crucial juncture in climate action. They show that the intrinsic link between climate action and biodiversity protection is not being capitalised on. [IPPC](#) and other reports consistently show that protecting biodiversity is a strong climate adaptation, and therefore we need to act to protect biodiversity, not just for its own sake but for the sake of future generations. Human health is also an important consideration with extensive evidence showing the social and health benefits of a healthy environment.

The high level of [fly tipping](#) (documented by [the EPA](#)) and casual damage to sensitive areas is enabled by the lack of an enforcement framework and poor environmental governance, but is also likely symptomatic of an insufficient understanding of the importance of nature for human life. In this regard the education of the public about nature and the relationship between humans and the natural world needs to be tackled in a much more ambitious way than heretofore. While there are some excellent initiatives like An Taisce's [Green Schools](#) and [Green Campus](#) programs, there remains [large sections of the public who have limited access to the natural world](#). State funding for a comprehensive system of outdoor education from Pre-School level to Adult Education should be evaluated. Models of mainstreaming schooling outdoors that take place in countries such as [Luxembourg](#) and [Finland](#) should be researched for applicability in an Irish context. Studies show a connection between pro-nature behaviour and nature exposure, particularly in [children](#). In particular, establishment of academic research on the pedagogy of outdoor/forest learning should be considered.

Nature-based [Social Prescribing](#) training should be provided to all medical professionals.

Centres to facilitate nature education development and the training of Forest School Leaders should be established, in conjunction with [Irish Forest Schools](#). Centres should also be established for facilitating the connection to nature of marginalised groups who are usually the ones least likely to have green space access like the [economically disadvantages, disabled](#), migrants, and Travellers.

The legal framework for protection of Biodiversity consists mainly of the Habitats regime, which designate protected "Natura 2000" sites, and the Wildlife Act 1976 (as amended) prohibition on hunting during closed season, hedgerow cutting during nesting season and Pesticide Regulations. As mentioned Ireland has repeatedly been found in breach of its Habitats obligations by the EU (e.g. Case C-117/00, Case C-418/04, Case C-258/11) and has [been laggardly in designating sites and putting in place protections](#).

Unfortunately, the Wildlife Act 1976 (as amended) is opaque and difficult to understand and poorly implemented. It is common to see incorrect information about its requirements circulated, even on some local authorities' websites.

The commitment in the draft plan to revising and updating this legislation is very welcome. However, the timeframe of five years to implement this is disastrous. Ireland's biodiversity loss continues at massive speed and in five years' time the level of deterioration will be exponential.

The commitment to enhanced enforcement is also welcome but again the timeframe of 2030, eight years, for carrying this into effect, is much too late to avoid the worst effects of biodiversity loss as well as to ensure that we course-correct on climate adaptation through land use and biodiversity protection.

It is respectfully submitted these timeframes need to be drastically revised.

Despite pesticides use reduction being highlighted in the Introduction as a key element of this plan, there is only one target in relation to this, and it is exceedingly vague. Target 2B4: "DAFM, Teagasc, Local Authorities and other relevant stakeholders will put forward measures to reduce pesticide use in Ireland by 50% by 2030".

It is suggested the domestic pesticides legislation be reviewed immediately, and EU rules on risk assessment for pesticide use that have been transposed but not commenced, be commenced immediately. Consideration should be given to the [PAN EU Report in 2021 on alternatives to current spraying practices](#):

- Reducing spraying – only doing so when necessary, rather than on an unmonitored schedule
- Letting native plant species grow, replace bedding plants with native wildflowers.
- Mechanical means – hoeing, strimming, mowing.
- Higher tech non-herbicide methods – steam, Foamstream, heat, electricity-based applications.

Pesticides such as glyphosate are harmful to the environment. They can have a place in the management of invasive species such as Japanese Knotweed (which in themselves harm biodiversity), but indiscriminate use along hedgerows, and in particular, waterways, is counter to the environmental objectives the Council is obliged to have regard to. It is also potentially a breach of EU law.

Under [Directive 2009/128/EC](#) (consolidated) on sustainable use of pesticides, it is illegal to spray in public areas and in areas used by the "vulnerable" under Directive unless a risk assessment is carried out and concludes that there is no

viable alternative. This Directive is implemented in Ireland by legislation that has not yet been commenced<sup>13</sup>. However, the Directive has passed its date for transposition so is now potentially directly effective and is binding on public bodies who are obliged to apply relevant provisions of EU law even if they conflicted with operational domestic law.

Many British Councils have banned pesticides – [Hackney Borough Council](#), [Wiltshire](#), and many more [examples](#). Leitrim. Some Irish Council's are working on it – there are initiatives in Cork. Other Irish County Councils have Pesticide Use Policies designed to eliminate or reduce pesticide use. E.g. [Dublin City Council Pesticide Policy](#) which was [adopted](#) last year.

It is suggested that a Target be introduced to require all Local Authorities to develop a “Rational Use” approach to pesticide management, which involves restricted use of spraying as a last resort in difficult areas, and uses approaches such as “Leave the Weeds Be”

Introduction of a written policy is required on this is crucial. Local Authorities should report regularly on when decision is made to spray and the risk assessments and update Council procurement policies in line with their new policies.

A Target should be introduced of requiring Councils to publish on their websites annual figures on pesticide use, broken down by area with volumes and times of spraying. The public should be warned when spraying is taking place, as they are with Road Works and traffic delays.

Hedgerows are crucial to maintaining biodiversity on farms and urban areas as they form wildlife corridors for flora and fauna to have range and movement, in a largely artificial landscape. Urban trees are an important climate measure, as trees provide sources of shade and cooling in a warming climate and also carbon capture and storage. Urban temperatures are on average much higher than those in rural areas due to heat reflection and output from business and residences as well as the sheer mass of people gathered in urban areas. However, trees can also pose a safety issue from time to time. A balance needs to be struck.

The widespread Council practice of excessive flailing in February and November has to end, and the public must be educated around the importance of protecting hedgerows also. This has to be balanced with Road Safety needs.

Our proposals:

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<sup>13</sup> Section 12 of the [S.I. No. 155/2012 - European Communities \(Sustainable Use of Pesticides\) Regulations 2012](#).

- Set up a Citizen Portal for alerting the Council to instances of hedgerow destruction.
- Local Authorities to be funded to run awareness raising campaign in co-operation with local eNGOs for the local area about what the rules are. Consult with experts on the law first to ensure clear message.
- Written Council policy on hedgerow management should be developed in consultation with eNGOs, the public and hedge laying associations.

## **5.2 Objective 3: Secure Nature's Contribution to People**

### **5.2.1 An Overview**

Objective 3 of the National Biodiversity Action Plan focuses on securing nature's contribution to people. The interlinkages between biodiversity and humanity cannot be underplayed. For centuries, man has been dependent on nature for nutrition, protection from wild beasts, medicine, shelter, heat, and for perhaps an infinite pool of resources that cannot be numbered or listed here. With a growing population, these needs have grown exponentially and until recently, nature had been able to provide for and meet these demands without defaulting.

However, the Industrial Revolution of the 18th century brought with it a new manufacturing system that boosted demand for new products. Equipped with new factories and powerful machines, the Revolution also brought with it a greater reliance on natural resources particularly fossil fuels such as oil, coal, and natural gas to meet growing demand for products.

This was the turning point in the stable relationship between nature and people. With an imbalance now striking this relationship, although people's dependence on nature continued to increase, nature found itself at a threshold of complete exhaustion. This could be seen evidently in the sudden loss of biodiversity, rivers turning into waste streams, greyer skies, and loss of nutrient values in the soils that pushed sales for chemical fertilisers and pesticides. What may have begun in the 18th century has over the years brought further degradation of nature and its resources.

Objective 3 of the Draft National Biodiversity Plan identifies the intrinsic relationship between nature and people and proposes commensurate targets and actions that could restore the balance between the two. In line with some of Ireland's existing plans including Heritage Ireland 2030, the outcomes of the draft National Biodiversity Plan outline the role of biodiversity in supporting livelihoods, enterprise and employment.

In a post-pandemic world, restoration of Ireland's biodiversity would be an essential element of reviving the country's economy. Nature's recovery would boost economic growth and allow people and society to be empowered enough to give back to nature more than they took. Having established the close relationship between nature and people, the following section has been developed through a critical assessment of the outcomes laid down under Objective 3 and offers modifications that could be adopted to make the actions and outcomes identified more robust and specific.

### **5.2.2 Critical assessment of the Outcomes and Targets of Objective 3**

1. Upon conducting a critical assessment of the outcomes of Objective 3 one observes that certain outcomes such as 3A3 stand out. It is a strong target as it outlines which aspects of ecosystem services will be incorporated in the DTCAGSM investment projects and appraisal processes which would establish a direct link between biodiversity conservation and economic growth. However, further clarity on how these services will be incorporated and whether a monitoring body would be set up for this purpose could be included within the description of the outcome.
2. On the other hand, outcome 3A5 that deals with increasing public awareness by authorities such as the Dublin Zoo falls short in accurately describing how biodiversity-related awareness-raising campaigns and drives will be held. Without the identification of relevant stakeholders who would drive the campaign as well as recognition of a targeted audience for the campaigns leaves this target asking for more clarity. To achieve this target, the indicator should also include a measurement tracker that tracks any impacts among visitors made by the awareness-raising campaigns.
3. Outcome 3A6 also fails to outline how the publication of a policy statement would suffice for action if it is not converted into a legal requirement for institutions in Ireland to implement the recommended actions to integrate biodiversity conservation with community development and the Irish language.
4. Target 3A8 could be expanded to include an indicator that tracks how increasing tourism in Ireland could negatively impact the country's biodiversity and what could be the potential measures that could be incorporated to prevent any future damage from increased tourism. An indicator could also be developed to track protected sites and any indirect damage that may be caused to them due to increased tourism in the country. Without severely impacting the tourism industry, an assessment on how best tourism can be regulated would be ideal.
5. Outcome 3A11 although detailed, does not identify who the 'relevant departments' would be and whether a monitoring body/dedicated team

would be set up in each department that would report periodically to a higher authority about the synergies between the National Strategy on Education for Sustainable Development - ESD to 2030 and the 4th National Biodiversity Action Plan.

### **5.2.3 Comments**

Although the outcomes and targets within the Objective have covered all important and relevant themes and challenges that exist between managing nature without compromising the ability of people to grow, the actions listed against the outcomes could be better implemented. This could be achieved if the final Biodiversity Plan includes adequate information on monitoring bodies and the structure that would be adopted for the implementation of the targets against a clearly outlined timeline.

## 6. CONCLUDING REMARKS

Past and present Irish Government policies have proven to be inadequate for addressing the country's loss of biodiversity; and, while this may be partly understandable in previous decades when nature was not seen to be important (though it was such an intrinsic part of our farming communities' lives), we are now in a serious biodiversity crisis, and it is essential to implement necessary rapid and appropriately targeted actions.

Ireland's Biodiversity Action Plan must be free of distortions caused by sectoral interests, or by industrial lobbying, and must not be influenced by individuals or organisations who deny the urgency needed for action to ensure the protection of nature and biodiversity, and the restoration of damaged areas.

Ireland's Biodiversity Action Plan must also take into account climate change, our excessive use of material resources, and the need to change from a linear economy to a circular economy; and must be closely linked with the urgent requirement to eliminate our dependence on any form of fossil fuel. It should be obvious by now that large-scale extraction of raw materials and fossil fuels are the cause of significant environmental damage, including widespread damage to ecosystems and wildlife.

Even though Ireland may be less detrimentally affected than many other countries, the damaging effects of biodiversity loss and climate change are being felt globally, and will have repercussions in Ireland.

Actions at individual level, and at community level, and in each village, town, city and rural townland are important; and therefore the raising of peoples' awareness of the need to protect and enhance biodiversity must be key elements of Ireland's new Biodiversity Action Plan.



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### **Zero Waste Alliance Ireland**

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