

Access to Information on Emissions in a cross-border context on the Island of Ireland post-Brexit

Item 3b Access to Information on Emissions

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Background Context:

Article 5 of the Aarhus Convention places a duty on the Parties to ensure they are adequately monitoring key indicators and making this information available to the public. This intervention seeks to highlight ongoing issues with access to information about emissions to air and water occurring in a transboundary context on the island of Ireland.

The conditions for environmental governance in Ireland and Northern Ireland,¹ and particularly in the Border region have always been complicated by complex political, religious and social factors in post-conflict Northern Ireland. In addition, a legacy of environmental neglect on the part of successive devolved and UK direct rule governments is compounded by the absence of an independent environmental regulator, with this key governance function being delivered by an environment agency (the Northern Ireland Environment Agency, NIEA) located within a central government department – creating significant conflicts of interest.

These factors, coupled with a geographically challenging terrain with hundreds of potential crossing points converge towards a greater level of cross-border environmental crime than perhaps would otherwise be the case, with illegal fuel laundering, industrial scale illegal dumping in border areas, and pollution offences common. The pressures placed on the political milieu by Brexit and the problem of where to place the EU border continue to draw attention and resources away from cross-border cooperation to tackle these long-existing problems.

¹ E.g. see Alison Hough, The potential of the Good Friday Agreement post-Brexit environmental governance on the island of Ireland (2019) Irish Planning and Env. Law (2) 55-65; Brennan, C., Purdy, R., and Hjerp, P. (2017). Political, economic and environmental crisis in Northern Ireland: the true cost of environmental governance failures and opportunities for reform. Northern Ireland Legal Quarterly, 68(2), 123-157; Alison Hough (2022) Finding Common Ground All Ireland Synthesis Report www.findingcommonground.ie; Brennan, C., Brereton, F., Dobbs, M., Gravey, V., Gould, H., & Hough, A. (2023). Linking the Irish Environment: Interim Report. Belfast: Environmental Justice Network of Ireland. Retrieved from <https://ejni.net/wp-content/uploads/2023/01/Linking-the-Irish-Environment-Interim-Report-Jan-2023-1.pdf>

Some key issues in relation to access to information on emissions to air in a cross-border context are:

1. Ammonia Pollution to Air, Water and Land:

- There is extensive evidence of the health and environmental risks caused by ammonia pollution to air and water, and it is particularly harmful to human health, causing serious respiratory issues and irritation. It causes significant habitat damage as a pollutant and source of excess nitrogen deposition.² Ammonia is highly soluble in water and is extremely polluting. This is why ammonia is recognised within analyses by civil society and Government as one of the most significant environmental issues facing NI.³
- There is extensive evidence NI and Irish ammonia is principally from agricultural sources e.g. pig and chicken manure.⁴
- There are regulations in place preventing the unauthorised cross border movement of animal waste. However, journalists recently uncovered the widespread use of fraudulent authorisations.⁵ This means millions of tonnes of animal waste are being dumped illegally on Irish farms, contributing to ammonia issues in Ireland and to eutrophication problems.
- The relevant authorities in both jurisdictions have failed to react to these revelations, and the situation remains ongoing. Meanwhile authorities are missing vital information on the true extent of ammonia pollution, leaving the public without the information about the pollution they are being continuously exposed to.

2. Cross border River Basins and Water Pollution:

- There is extensive evidence available that water pollution has reached a crisis point in Northern Ireland⁶ and Ireland⁷ due mainly to pressures from nutrient run-off from agricultural sources. Water bodies in Northern Ireland are also highly affected by ubiquitous, persistent, bioaccumulative, toxic (uPBT) substances according to testing done in 2021. The very dramatic algae blooms on Lough Neagh have drawn public attention to

² EPA (2022) Ammonia. UNECE (2020) Report of Executive Body of the Convention on Long Range Transboundary Pollution: Assessment of Ammonia

https://unece.org/fileadmin/DAM/env/documents/2020/AIR/WGSR/Final_Assessment_Report_on_Ammonia_v2_20201126_b.pdf; Royal Society (2021) The Impact of Ammonia Emissions from Agriculture and Biodiversity, <https://royalsociety.org/~media/policy/projects/evidence-synthesis/Ammonia/Ammonia-report.pdf>

³ Ciara Brennan, Laura Neal, James Orr and Ekaterina Gladkova, 'Ammonia Pollution in Northern Ireland: Legal and Policy Considerations' (2020) EJNI Briefing Paper Series, No.4 <https://ejni.net/wp-content/uploads/2021/01/EJNI-Briefing-4-Ammonia.pdf>

⁴ NPWS Report <https://www.npws.ie/sites/default/files/publications/pdf/IWM135.pdf>; Ammonia emissions and agriculture [https://www.daera-ni.gov.uk/news/ammonia-emissions-and-agriculture#:~:text=2%20outlines%20the%20agriculture%20ammonia,accounted%20for%2020.2%25%20of%20emissions](https://www.daera-ni.gov.uk/news/ammonia-emissions-and-agriculture#:~:text=2%20outlines%20the%20agriculture%20ammonia,accounted%20for%2020.2%25%20of%20emissions;); [Ammonia emissions and agriculture | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](https://www.daera-ni.gov.uk/news/ammonia-emissions-and-agriculture); David B Kelleghan, Enda T Hayes, Mark Everard, Thomas P Curran (2018) Mapping ammonia risk on sensitive habitats in Ireland, <https://www.npws.ie/sites/default/files/publications/pdf/IWM135.pdf>

⁵ Ella McSweeney (6th July 2022) Northern Ireland turning Republic into a 'toilet' for excess manure pollution, [Northern Ireland turning Republic into a 'toilet' for excess manure pollution | Pollution | The Guardian](https://www.theguardian.com/environment/2022/jul/06/northern-ireland-toilet-manure-pollution)

⁶ Ciara Brennan, Laura Neal, James Orr and Ekaterina Gladkova, 'Ammonia Pollution in Northern Ireland: Legal and Policy Considerations' (2020) EJNI Briefing Paper Series, No.4 <https://ejni.net/wp-content/uploads/2021/01/EJNI-Briefing-4-Ammonia.pdf>

⁷ Kelleghan et al, (2019) Mapping Ammonia Risk to Sensitive Habitats Sci Total Environ, <https://pubmed.ncbi.nlm.nih.gov/30308926/>.

what was already an endemic problem in water bodies across Northern Ireland, with recent reports showing no water body was in good condition.⁸

- The UK are threatening to diverge from important water quality standards like the Water Framework directive⁹. Three major NI river basin catchments are shared with Ireland¹⁰.
- In addition to agricultural water pollution, Government sources indicate that there are 7 million tons of untreated sewage discharged into NI waterways every year, due to planned and unplanned discharge during storm overflow. However, it emerged that this figure was undercounted as discharges are not monitored in every local council area, and the Derry Strabane District Area was not included in official figures, meaning the tally is even higher.¹¹ Untreated sewage is being discharged into SAC water systems such as River Faughan, with no assessment of impacts or any monitoring. The public do not have access to accurate information on these discharges.¹²

Article 5 obligations need to be taken seriously in this important area of public access to information on emissions. The public in both jurisdictions on the island of Ireland have a right to know the health risks they are exposed to by their States.

⁸ [Northern Ireland Water Framework Directive Statistics Report 2021 released | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](#); [Status of rivers and lakes | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](#)

⁹ Helena Horton (27 Oct 2023) England to diverge from EU water monitoring standards, Guardian <https://www.theguardian.com/environment/2023/oct/27/england-to-diverge-from-eu-water-monitoring-standards>

¹⁰ [RBMPs In Northern Ireland \(fwrinformationcentre.co.uk\)](#)

¹¹ Garrett Hargan (24th Oct 22) Scale of raw sewage released into NI waters much worse than imagined, <https://www.belfasttelegraph.co.uk/news/northern-ireland/scale-of-raw-sewage-released-into-ni-waters-much-worse-than-imagined/42089266.html?>

¹² Parliamentary Questions discussing the issue:

<https://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=356708>

<https://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=359707>

<https://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=36100>

<https://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=361010>

<https://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=363698>