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# TRANSBOUNDARY PROCEDURAL ENVIRONMENTAL RIGHTS & PLANNING PROCESSES ON THE ISLAND OF IRELAND

Submission to the UN Special Rapporteur on the human right to a healthy environment

## Thematic Report: Planning and the Right to a Clean, Healthy and Sustainable Environment (81st Session, UN General Assembly)

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### I. Introduction and Scope of Submission

Environmental Justice Network Ireland (EJNI) is an all-island network of academics, activists, NGOs and lawyers focused on legal advocacy to drive improved standards of environmental justice and environmental democracy on the island of Ireland, at EU level and internationally. See more at [www.ejni.net](http://www.ejni.net).

This submission addresses transboundary aspects of procedural environmental rights in the context of planning processes. The island of Ireland faces serious environmental challenges that provide important context for consideration of human rights protection in planning.<sup>1</sup>

### II. Planning Processes and Human Rights on the Island of Ireland: The Procedural Gap

#### 1. The Framework for Planning in Ireland and Northern Ireland

##### EU Law

The frameworks for planning decision-making, impact assessment and participation are broadly similar in Ireland and Northern Ireland, having been originally shaped by EU law requirements. The EU framework for participation in planning operates mainly through environmental assessment obligations. These include the Environmental Impact Assessment (EIA) Directive (project-level spatial permitting), the Industrial Emissions Directive (IED) (pollution licence permitting at project level), and the Habitats and Birds Directives (requiring appropriate assessment of development impacting listed species, habitats or designated nature sites). The Public Participation Directive 2003/35/EC introduced cross-cutting public participation and access to justice requirements across environmental decision-making at project level. The Access to Information on the Environment (AIE) Directive 2003/4/EC gave rise to access to environmental information laws in both jurisdictions.<sup>2</sup> The Strategic Environmental Assessment Directive (SEA) 2001/42/EC requires public participation in all plans and programmes with environmental effects.

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<sup>1</sup> Ireland: EPA (2024) State of Environment Report <https://www.epa.ie/our-services/monitoring--assessment/assessment/state-of-environment-report->; Northern Ireland: OEP (2024) Office for Environmental Protection report on the drivers and pressures affecting nature in Northern Ireland <https://www.theoep.org.uk/report/drivers-and-pressures-northern-ireland>.

<sup>2</sup> The [Access to Environmental Information Regulations 2007-2022](#) in Ireland and the [Environmental Information Regulations 2004-2019](#) in Northern Ireland.

Various sectoral directives and regulations also contain access to information, public participation and access to justice provisions, mostly at plan level.<sup>3</sup>

At EU institutional level there is no legal requirement for participation in environmental decision-making, but the Aarhus Regulation 1367/2006/EC requires access to internal and court review of EU institutional decisions, with some notable exclusions including State Aid. The EU's Access to Documents Regulation (Regulation 1049/2001) Regulation also provides for access to information at EU institutional level. Neither EU law nor the national laws of Ireland or Northern Ireland provide for public participation in law-making as required by Article 8 of the Aarhus Convention. The EU generally engaged with this obligation under its Better Regulation Framework, but this was largely abandoned during the recent Omnibus Packages/Simplification project. The EU Ombudsman recently found that the Commission had breached its obligations by failing to consult on the first Omnibus legislative package, and consultation has since resumed. In Ireland, consultation on environmental legislation had become almost non-existent since 2019, though a recent secondary legislative proposal on environmental costs was put to consultation. Neither EU law nor the downstream national systems require consultation on policies (as distinct from plans and programmes subject to SEA).

### **International Law Frameworks**

Both planning systems were also heavily influenced by the Aarhus Convention, both via EU law and through direct implementation, usually following decisions of the Aarhus Convention Compliance Committee (ACCC). Both jurisdictions are party to the Aarhus Convention 1998 and the Espoo Convention 1991 on transboundary environmental impact assessment and its Strategic Environmental Assessment Protocol. The Aarhus Convention also requires transboundary impact assessment. The European Convention on Human Rights is directly implemented in both jurisdictions, and the EU Charter of Fundamental Rights remains applicable in Northern Ireland as well as Ireland. The ECtHR has explicitly recognised public participation rights in transboundary contexts, a position affirmed by various international courts and tribunals.<sup>4</sup> As a dualist jurisdiction, the Irish courts are not bound by rulings of international courts and tribunals but have shown a growing willingness to engage with these as authoritative interpretations of international law.<sup>5</sup>

The Aarhus and Espoo participatory and transboundary requirements are implemented in Ireland through the Planning and Development Act 2000 (currently being repealed and replaced by the Planning and Development Act 2024 (the Planning Act 2024) and associated regulations) and [associated regulations](#), and in Northern Ireland through the Planning Act (NI) 2011 and [associated regulations](#).

Both jurisdictions provide for any member of the public to participate (by written submission) at the initial decision-making stage and allow rights of appeal to a court for procedural review of planning, permitting, plan and programme decisions, though both take a more restrictive approach to substantive judicial review. They also provide for broadly similar access to environmental information regimes, and

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<sup>3</sup> These include the Renewable Energy Directive (RED) and its revisions (national renewable planning and targets), the Ambient Air Quality Directive (air quality plans when triggered), the Water Framework Directive (WFD) (river basin plans), and the Governance Regulation (climate plans).

<sup>4</sup> IACtHR Advisory Opinion on Climate Change, 25 May 2025, [https://www.corteidh.or.cr/docs/opiniones/seriea\\_32\\_en.pdf](https://www.corteidh.or.cr/docs/opiniones/seriea_32_en.pdf); ITLOS Advisory Opinion on Climate Change, 21 May 2024; *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (Application No. 53600/20) ECtHR Grand Chamber Judgment, <https://hudoc.echr.coe.int/eng?i=002-13649>.

<sup>5</sup> E.g. *Conway v Ireland* [2017] IESC 13 at [4.13]

broadly similar requirements for plan-level participation, despite Brexit. Neither jurisdiction provides for public participation in legislation, though this does sometimes occur in practice.

EU law continues to be relevant in Northern Ireland by virtue of the Windsor Framework/Protocol on Ireland-Northern Ireland (part of the Trade and Cooperation Agreement EU-UK) (TCA), which contains a non-diminution<sup>6</sup> guarantee under Article 2. This provision supports maintenance of rights available under EU law at the date of Brexit where these overlap with human rights protected by the Good Friday/Belfast Agreement, which includes all European Convention on Human Rights (ECHR). The ECHR itself is binding in both jurisdictions and implemented through legislation in both jurisdictions under the Good Friday/Belfast Agreement.<sup>7</sup> This gives the ECHR a “triple lock” protection in NI/UK/IE.

Environmental and human rights are also in theory protected by the [environmental, social and economic non-regression clauses in the TCA](#), which offers a range of [enforcement mechanisms](#) for preventing environmental regression. While sometimes characterised as limited to trade-related purposes, analysis of the relevant TCA clauses suggests they offer broader support for environmental standards.<sup>8</sup>

### **Transboundary Planning Rights: Common Frameworks but Key Points of Failure<sup>9</sup>**

Despite international, EU and domestic law guarantees supporting transboundary public participation, the requirement to carry out transboundary assessment and participation is very poorly observed – to the point of being almost entirely ignored. For example, no transboundary consultations were conducted in the making of the climate laws in either jurisdiction, or in the making of the climate plans in either jurisdiction over the last five years. This includes the most recent Northern Ireland Climate Action Plan, the Ireland Climate Action Plan, and the Ireland National Energy and Climate Plan (NECP) made under the EU Governance Regulation in 2023, all of which require transboundary consultation. Both jurisdictions’ national climate laws similarly require transboundary cooperation in plan-making, as does the SEA Directive.

EU-wide systemic failures in transboundary consultation were also apparent in the latest round of NECPs,<sup>10</sup> which were barely subject to any kind of impact assessment, with inadequate public

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<sup>6</sup> See EJNI Report commissioned by the NIHRC: ‘The Environment, Human Rights and the Windsor Framework’, authored by Dr Ciara Brennan, Dr Mary Dobbs, Dr Orla Kelleher, Ms Alison Hough BL and Dr Lisa Claire Whitten. <https://ejni.net/wp-content/uploads/2025/07/NIHRC-Environment-Human-Rights-Windsor-Framework-WebVersion.pdf>. Article 2 of the Windsor Framework/Protocol provides that there shall be no diminution in the rights, safeguards and equalities guaranteed by the Good Friday/Belfast Agreement 1998, resulting from Brexit. This imports actionable rights for individuals where regression occurs across a range of environmental and human rights that were available under EU law at the date of Brexit.

<sup>7</sup> Ireland: [European Convention on Human Rights Act 2003](#); Northern Ireland: [Human Rights Act 1998](#).

<sup>8</sup> E.g. Bertram, C. (2023). The trade-sustainability nexus: the evolution of the European Commission’s trade and sustainable development discourse from 1993 to 2022. *Journal of European Public Policy*, 30(10), 2097-2122. <https://doi.org.ucc.idm.oclc.org/10.1080/13501763.2023.2238207>; Bellmann, C., & Bulatnikova, A. (2022). Incorporating environmental provisions in regional trade agreements in chapters and articles dealing with trade in services (OECD Trade and Environment Working Papers No. 2022/01). OECD Publishing.

<sup>9</sup> More on transboundary planning and human rights: Environmental Justice Network Ireland & Friends of the Earth Northern Ireland (2025), Transboundary environmental rights: Submission to the UN Special Rapporteur on the human right to a healthy environment. <https://ejni.net/wp-content/uploads/2025/12/Transboundary-Environmental-Rights-Submission-to-the-UN.pdf>; Whitten, L.C. (2024). Linking the Irish Environment: An update on Northern Ireland developments. <https://ejni.net/publications/linking-the-irish-environment-ni-update/>; Brennan, C. et al. (2023). Linking the Irish environment: Final report. <https://ejni.net/publications/linking-the-irish-environment-final-report/>; Kelleher, O. (2025). Mapping Just Transition legal obligations on the island of Ireland. <https://ejni.net/publications/mapping-just-transition-legal-obligations-on-the-island-of-ireland>.

<sup>10</sup> Hough, A., Devitt, C., McIlhennon, C., Price, P., Brennan, C., & Kelleher, O. (2024). Engaging with the update of Ireland’s National Energy and Climate Plan: Reflections from a civil society perspective. Environmental Justice Network Ireland. <https://ejni.net/publications/engaging-with-the-update-of-irelands-national-energy-and-climate-plan-reflections-from-a-civil-society-perspective/>

participation and no transboundary consultation.<sup>11</sup> The [EU Commission feedback](#) on the plans did not address the absence of transboundary consultation, and complaints by EU NGOs ([including EJNI](#)) were rejected.<sup>12</sup>

A high-profile example of UK transboundary consultation failure was the [Hinkley Point C Nuclear Power Plant findings](#) of the Espoo Compliance Committee. More recently, in 2025, Northern Ireland's failure to consult with Ireland was demonstrated with the collapse of the public inquiry into the controversial Curraghinalt gold mine application in the Sperrin Mountains, Co. Tyrone,<sup>13</sup> the largest mining application in the history of the island, which implicated several transboundary designated nature sites.

## **Divergence Pre- and Post-Brexit**

As noted above, the planning systems in both jurisdictions are broadly similar at project and plan/programme level due to their common international and EU law heritage. However, even before Brexit, environmental regulations and the infrastructure for participation demonstrated significant divergence.<sup>14</sup> Northern Ireland does not provide for third-party administrative planning appeals: only the applicant developer can use that mechanism, leaving the public and NGOs with recourse only to judicial review. This makes it very difficult to address substantive failings in first-instance decisions, as the courts take a restrictive approach to substantive review. Different approaches to costs in both jurisdictions create further barriers to transboundary access to justice. Northern Ireland's costs cap regime leaves the public and NGOs bearing a substantial own-costs burden and prohibits conditional fee arrangements (which are permitted in Ireland). Conversely, Northern Ireland does not restrict crowdfunding for court cases, whereas in Ireland such arrangements remain illegal under archaic maintenance and champerty statutes dating to the 1600s – retained after independence but abolished in all other UK jurisdictions.<sup>15</sup>

Divergence has worsened since Brexit on both sides. The EU Simplification packages represent a regression of EU environmental protection (addressed briefly below). In Ireland, Aarhus rights have been subject to sustained downgrading over recent years. The Planning Act 2024 has already radically altered standing, particularly for grassroots NGOs now exposed by new disclosure requirements.<sup>16</sup> Chapter 2 of the Act provides for radical alteration of the costs regime – not yet commenced – which has been widely criticised by NGOs and stakeholders.<sup>17</sup> The consultation on proposed implementation of a single

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<sup>11</sup> Oberthür, S., von Homeyer, I., Schewe, L., & Moore, B. (2025). Public participation in EU climate governance: the underexploited potential of national energy and climate plans. *Journal of European Integration*, 47(2), 257-276. <https://doi.org/10.1080/07036337.2025.2460194>.

<sup>12</sup> Gaia Lisi & Filippo P. Fantozzi (2024). Implementation cannot wait: civil society calls on the European Commission to tackle national energy and climate shortcomings. <https://www.greendealnet.eu/civil-society-calls-European-Commission-to-tackle-national-energy-climate-shortcomings>.

<sup>13</sup> Amy Strecker, V'cenza Cirefice, Alison Hough and Ciara Brennan, 'Transboundary environmental justice: Gold mining in the Sperrin Mountains', EJNI Research Report, April 2025. <https://ejni.net/wp-content/uploads/2025/07/EJNI-Transboundary-Consultation-Sperrins-08.04.25.pdf>.

<sup>14</sup> For a full account of divergence pre-dating Brexit see Hough, A. (2022) Finding Common Ground: an all-island study of implementation of the Aarhus Convention in Ireland/Northern Ireland – Synthesis Report, available [here](#).

<sup>15</sup> Environmental Justice Network Ireland (2024). Demystifying the cost of environmental justice on the island of Ireland: Costs handbook (Dec 2024). <https://ejni.net/wp-content/uploads/2025/07/EJNI-Costs-Handbook-Dec-2024.pdf>.

<sup>16</sup> E.g. [Section 286\(2\)\(c\)](#) (commenced) requiring the organisation to have no fewer than ten members – a requirement that does not apply to any other type of organisation under Irish law. Some organisations with strong track records of successful environmental litigation have only three or four members. See Part 9, Chapter 2, Planning and Development Act 2024.

<sup>17</sup> E.g. [Section 286\(4\)](#) of the Planning Act 2024: a mandatory condition for initiating litigation under the Act is disclosure on affidavit (publicly available) of the names and addresses of the members of the civil society organisation who voted in favour of taking the legal challenge, exposing them to potential attack.

element, [scale fees](#), attracted an unprecedented almost 1,500 submissions, the vast majority negative.<sup>18</sup> The Act has also been criticised for centralising planning power in the Minister for Housing, who can set national planning policy by ministerial direction.<sup>19</sup>

The [Civil Reform Bill 2026](#) now proposes sweeping restrictions on standing for general judicial review that would fundamentally reshape what accountability means for public bodies and government departments.<sup>20</sup> Another legislative measure, the [Critical Infrastructure Bill 2026](#) proposes a more reforms aimed at streamlining infrastructure permitting, with the express objective of reducing judicial reviews.

In most cases the absence of transboundary participation in both jurisdictions appears to stem from a combination of insufficient awareness and training among civil servants responsible for notifications, and a lack of political will to seek or respond to invitations for transboundary participation. The failure to utilise the mechanisms of the Good Friday/Belfast Agreement designed to foster cross-border cooperation – the North-South Ministerial Council, the British Irish Council and the British Irish Intergovernmental Conference<sup>21</sup> – is a hugely limiting factor.

### III Recent Developments: The EU Simplification Agenda and Non-Regression

The EU's current "simplification" agenda is advancing at a pace that makes it impossible for civil society to keep up. Impact assessment and genuine public engagement have been suspended on grounds of competitiveness and crisis.

The [Omnibus I](#) package downgraded ESG legislation such as the Corporate Sustainability Due Diligence Directive before it had ever been implemented, rushed through without public consultation or impact assessment. An investigation by the European Ombudswoman criticised the Commission for this failure, for the exclusion of NGO stakeholders, and for the absence of climate-consistency assessments.<sup>22</sup>

The most recent Environmental Omnibus<sup>23</sup> strikes at the heart of core environmental participatory laws including the Water Framework Directive, Habitats Directive and EIA Directive. A full analysis is beyond the scope of this submission, but key concerns include: restrictions on timeframes and deemed-decision provisions that will constrain the windows available for public participation; the legislative presumption that renewable energy projects serve an overriding public interest for the purposes of the Habitats

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<sup>18</sup> Environmental Justice Network Ireland (2024). *Demystifying the cost of environmental justice on the island of Ireland: Costs handbook*. <https://ejni.net/wp-content/uploads/2025/07/EJNI-Costs-Handbook-Dec-2024.pdf>; EJNI (2024). *Consultation on scale fees under the Planning and Development Act 2024: EJNI submission*. <https://ejni.net/publications/consultation-on-scale-fees-planning-and-development-act-2024/>; Gupta, H. (2025). *Proposed legislation affecting judicial review of planning decisions* (L&RS Briefing Paper, 18 December 2025). [https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2026/2026-01-21\\_briefing-paper-proposed-legislation-affecting-judicial-review-of-planning-decisions\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2026/2026-01-21_briefing-paper-proposed-legislation-affecting-judicial-review-of-planning-decisions_en.pdf).

<sup>19</sup> E.g. National Planning Statements by the Minister can set the parameters of the entire planning system with no consultation required, and all subordinate plans must align. Section 25, Planning Act 2024; Section 150 – Minister's Power to Revoke or Amend a Planning Permission.

<sup>20</sup> FLAC (Feb 2026). Government's judicial review reform proposals could block constitutional challenges & cases about access to basic public services. <https://www.flac.ie/news/2026/03/24/governments-judicial-review-reform-proposals-could/>; Free Legal Advice Centres (2026). *Don't Shoot J.R.! An access to justice analysis of the General Scheme of the Civil Reform Bill 2025*. [https://www.flac.ie/assets/files/pdf/flac\\_submission\\_on\\_the\\_civil\\_reform\\_bill\\_0226.pdf](https://www.flac.ie/assets/files/pdf/flac_submission_on_the_civil_reform_bill_0226.pdf).

<sup>21</sup> Hough, A. (2019). Brexit, the Good Friday/Belfast Agreement and the environment: Issues arising and possible solutions. Athlone Institute of Technology. <https://research.theia.ie/handle/20.500.12065/3112>.

<sup>22</sup> The European Commission's failure to comply with its Better Regulation Guidelines in preparing a legislative proposal on corporate sustainability reporting and due diligence, European Ombudsman <https://www.ombudsman.europa.eu/en/case/en/68856>.

<sup>23</sup> EU COM (2025) Simplification of administrative burdens in environmental legislation. [https://environment.ec.europa.eu/publications/simplification-administrative-burdens-environmental-legislation\\_en](https://environment.ec.europa.eu/publications/simplification-administrative-burdens-environmental-legislation_en).

Directive, replacing a case-by-case balancing test; and the designation of acceleration areas, which is itself a planning decision with direct consequences for what projects will be permissible and on what terms. Whether the public participation requirements of Aarhus Article 7 are met by the SEA process accompanying area designation is contested.

#### IV. Procedural Rights of Specific Groups in Planning

EU, Irish and Northern Irish law treats the public as a homogeneous mass and does not differentiate between participants who may face particular barriers to participation, whether due to structural exclusion or the impact of intersectional identities on capacity to engage. Neither Irish nor Northern Irish law requires any capacity-building or facilitation. Participation in highly complex documents such as Climate Action Plans takes the same form as for any other consultation: documents are posted on a website, frequently during a holiday period and with no formal public notification, for written observation. These signatories to the Aarhus Convention and the ECHR fail to recognise the implicit obligations those human rights treaties impose, and the indirect exclusion caused by the manner in which public consultations are conducted. Consultations generally provide no supports for those who are marginalised for any reason. There are no legal requirements around capacity-building, inclusion or mandatory assistance. Ireland has soft guidelines on good public consultation<sup>24</sup> which are weak and frequently ignored. Northern Ireland has a legislative obligation on public bodies to promote equality and good relations.<sup>25</sup> There is an extensive body of knowledge on consultation best practice that should be considered for codification into mandatory process-based rules to ensure inclusive participation.

Technology could relieve administrative burdens on both government and the public and remove barriers to participation, though this requires significant investment and robust human rights impact assessments of any novel technology application.<sup>26</sup> Civic tech and publicly funded digital third spaces are urgently needed to ensure democratic digital discourse.

#### V. Good Practice Examples

Ireland has been a leader in experimental models of democratic engagement, notably its use of Citizens' Assemblies to develop policies on controversial social issues. Some examples of innovative approaches:

- The Youth Climate Assembly is a best practice example of facilitated inclusion, though the process was not integrated into the policy cycle.<sup>27</sup>
- The Citizens' Assembly on Biodiversity Loss 2023 is cited internationally as an example of participatory best practice.<sup>28</sup>
- The National Climate Conversations are similarly well-designed initiatives but again lack any formal link to or influence on the climate planning and policy-making process.<sup>29</sup>

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<sup>24</sup> Guidelines on Public Consultation (2019), [assets.gov.ie/static/documents/public-consultation-principles-guidance.pdf](https://assets.gov.ie/static/documents/public-consultation-principles-guidance.pdf).

<sup>25</sup> Section 75 of the Northern Ireland Act 1998 places a statutory duty on designated public authorities to have due regard to the need to promote equality of opportunity and the desirability of promoting good relations.

<sup>26</sup> Hough, A. (2025). Emerging technologies and improving implementation of Aarhus Convention environmental human rights. 29(1/2) *Environmental Liability* 5.

<sup>27</sup> Department of Children, Equality, Disability, Integration and Youth; Department of the Environment, Climate and Communications (2024). Report of the National Youth Assembly on Climate 2024. <https://www.gov.ie/en/publications/report-of-the-national-youth-assembly-on-climate-2024/>.

<sup>28</sup> 2022 Assembly on Biodiversity Loss, Citizens' Assembly. <https://citizensassembly.ie/previous-assemblies/citizens-assembly-on-biodiversity-loss/>.

<sup>29</sup> Climate Conversations 2025 Consultation. <https://www.gov.ie/en/department-of-climate-energy-and-the-environment/consultations/climate-conversations-2025-consultation/>.

- The All-Island Brexit Stakeholder Consultations initiated in 2016 were a best practice example of transboundary social dialogue.<sup>30</sup>
- The Public Participation Networks in Ireland, created in 2012, are excellent examples of harnessing grassroots community energy for local government policy input. They should also be utilised by government departments for national-level consultation capacity-building and engagement.<sup>31</sup>

## VI. Recommendations

1. The EU should adhere to its Treaty obligations of progressive realisation and non-regression in relation to environmental and climate governance, and in particular comply with its Aarhus Convention and Espoo Convention obligations in respect of public participation in environmental decision-making at EU institutional and national level.
2. Strengthen SEA as the key mechanism for rights-compliant integrated planning at the strategic level in a transboundary context.
3. Improve enforcement of EU law, including through funding conditionality mechanisms tied to demonstrating good-quality consultation and transboundary consultation practices in climate and other plans.
4. Provide full access to justice for members of the public and NGOs at EU institutional level, including reform of Article 12 of the Aarhus Regulation and removal of the State Aid exclusion.
5. Provide mandatory training for all government departments and officials in Ireland and Northern Ireland on transboundary consultation obligations and best practice in inclusive consultation.
6. Develop an all-island document on public consultation best practice in national and transboundary contexts, recognising barriers to participation for different groups and measures to address them, adopting innovative community-based engagement that meets people where they are is essential. The existing Public Participation Networks in Ireland could be an excellent vehicle for direct community engagement. A parallel network should be created in Northern Ireland, linked directly to the Irish networks.
7. Harmonise participation standards and processes across the island of Ireland.
8. Establish non-regression as a binding constraint: planning reform processes must not reduce existing participation, information, or access to justice rights, be consistent with Aarhus Convention obligations, and Article 3(8) protection of environmental defenders must be given effect.
9. Restore meaningful access to justice in planning decisions in Ireland by reversing recent restrictions on judicial review.
10. Require public bodies to have regard to future generations in planning decision-making.

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<sup>30</sup> DETE (2017). Report on DJEI All Island Brexit Stakeholder Consultation. <https://enterprise.gov.ie/en/publications/report-on-djei-all-island-brexit-stakeholder-consultation.html>.

<sup>31</sup> Find your local Public Participation Network: <https://www.gov.ie/en/department-of-rural-and-community-development-and-the-gaeltacht/services/find-your-local-public-participation-network/>.

11. Make greater use of existing mechanisms for transboundary engagement, including the Good Friday/Belfast Agreement bodies.
12. Introduce mandatory requirements to consult on legislative proposals and provide good-quality impact assessment data to consultees. This is required in Ireland, Northern Ireland and at EU level by international law and internal constitutional requirements.
13. Invest in technology to relieve the administrative burdens of public participation on both sides of the border and require human rights impact assessments of new technology applications.
14. Ensure harmonisation of digitalised judicial and administrative systems on the island.

## VII. Conclusion

While Ireland is a leader in experimental democratic innovation, including citizens' assemblies, such initiatives tend to lack a link to the policy pipeline. Northern Ireland has fewer examples of large-scale government led participatory processes, but thanks to years of integration funding it has a strong and vibrant community, voluntary and NGO sector, and significant grassroots social innovation. In both jurisdictions, project- and plan-level permitting participation was already lacklustre and non-inclusive, transboundary consultations are practically non-existent, and legislative consultation not required. The deregulatory spirals in the EU and Ireland represent very serious threats to the rule of law and protection of human rights in the planning process. Removing public participation and review from administrative decision-making strikes at an essential element of the rule of law and removes an important protection against the arbitrary exercise of decision-making power.