

UN Special Rapporteur on the human right to a clean, healthy and sustainable environment, Ms. Astrid Puentes Riaño

Country Visit to Ireland 2026

Introduction

This submission has been prepared in advance of the visit to Ireland in February 2026 of UN Special Rapporteur on the human right to a clean, healthy and sustainable environment, Ms. Astrid Puentes Riaño.

Friends of the Earth is a community at the heart of the growing movement for a just world with zero pollution. We campaign and build movement power to bring about the system change that is needed for a just world where people and nature thrive. We promote education and action for environmental sustainability and justice and focus on Ireland's response to the big environmental challenges of our time, particularly the climate emergency. We have particular experience in participatory education, campaign strategy, shaping public debate and driving policy change.

Key to the delivery of our mission at Friends of the Earth is collaboration and partnership with a range of civil society organisations including the Environmental Pillar, Stop Climate Chaos Coalition, Irish Coalition for Business and Human Rights (ICBHR), Energy Poverty Network, Cost of Living Coalition and more.

Summary Issues

The mandate of the Special Rapporteur on the human right to a clean, healthy and sustainable environment and her visit to Ireland provides an unparalleled opportunity to embed energy and environmental policy within a human rights framework.

The Rapporteur's mandate brings into sharp focus the links between energy, environment, social justice and human rights. It reinforces the links between energy policy and climate action and that the State has obligations within this policy structure not only for efficiency or affordability, but within a rights-based, justice-driven framework.

For Ireland, facing deep and growing inequalities in energy access, rising costs, and a climate imperative, this is an opportunity to reimagine energy policy not primarily as an economic issue, but one deeply integrated to human dignity, equality and justice.

A rights-based, inclusive, and accountable Energy Transition Plan which prioritises fossil fuel phaseout and public good over corporate profit can ensure that no one is left

behind. This can ensure too that large energy consumers and polluters such as the data centres industry are strictly regulated and controlled. It can deliver warm homes and cleaner air for everyone in Ireland which is not based on income or social advantage.

For the purposes of our submission, we have focused on four key environmental and climate challenges: Ireland's emissions trajectory, fossil fuel phaseout, data centres and energy poverty.

1. Key Challenge: Ireland's Emissions Trajectory

The latest EPA emissions data released on 4 July 2025 highlights that, with only a 2% decrease in GHG emissions (compared to a 6.8% decrease the previous year), progress on climate action is slowing and actions are nowhere near sufficient to ensure compliance with national and EU commitments.

The data indicates that from 2021- 2024 Ireland has used 82.5% of the first Carbon Budget for the five-year period 2021-2025. Consequently, an extremely challenging annual reduction of 10.3 per cent for 2025 is needed if Ireland is to stay within a legally binding budget.

This year's EPA Emissions Projections Report indicates that Ireland has gone backwards in its actions to tackle polluting emissions, predicting, at-best, a 23% reduction by 2030, lower than the 29% reduction projected last year, and much lower than the 51% commitment enshrined in climate law.¹

The Report states that the "Climate Action Plan 2025 is not specifically referenced in this report as it had yet to be published during the preparation phase of the 2024-2025 projections. A review was undertaken and there are no significant additional measures in CAP 2025 therefore no major omissions in these projections." This essentially means that an entire year has passed without a single major climate policy having been added into the national Climate Action Plan.²

The Government must urgently introduce corrective measures to comply with the Climate Action and Low Carbon Development (Amendment) Act 2021.

¹ EPA Greenhouse Gas Emissions Projections 2024–2055
<https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/irelands-greenhouse-gas-emissions-projections-2024-2055.php>.

² EPA Provisional Greenhouse Gas Emissions 1990-2024
<https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/>.

This means new and additional climate actions, to prevent the projected overshoot of the first two carbon budgets. The first opportunity to do so is in the updated Climate Action Plan 2026.³

Professor Boyd, the previous UN Special Rapporteur on Human Rights and Environment stated that the Irish Government ‘has clear, positive, and enforceable obligations to protect against the infringement of human rights by climate change’. In his 2018 statement, he noted that the Government ‘must reduce emissions as rapidly as possible, applying the maximum available resources. This conclusion follows from the nature of Ireland’s obligations under international human rights law and international environmental law.’⁴ This conclusion was also underlined by Professor Philip Alston, UN Special Rapporteur on Extreme Poverty and Human Rights, during his visit to Ireland in December 2019.⁵

2. Key Challenge: Phaseout of Fossil Fuels

The continued use of fossil fuels is destroying the planet’s capacity to sustain human life and wellbeing. Fossil fuel combustion is driving climate breakdown, destabilising weather systems, degrading air and water quality, eroding soils, and accelerating biodiversity loss. By delaying an urgent phaseout of fossil fuels, States including Ireland are locking societies and economies into more dependent carbon use, inflicting irreversible harm on people and planet.

Global scientific and policy authorities have made the direction of travel crystal clear. The International Energy Agency has confirmed that under a 1.5°C-aligned pathway there can be no new oil or gas fields, no new coal mines, and no additional LNG infrastructure.⁶ COP28, for the first time in nearly 30 years, explicitly called for “transitioning away from fossil fuels.” Yet that call was weakened by loopholes including a failure to require rich countries to lead the transition, references to gas as a ‘transition fuel’, and reliance on unproven technologies. At COP29, despite mounting climate damage, there was no meaningful advance.

³ It should also be noted that Ireland’s trajectory is also impacting the global carbon budget and undermining achievement of Paris Agreement objectives. There is a specific obligation on the Minister to take ‘climate justice’ into account in climate mitigation and adaptation planning, as stipulated in the Climate Action and Low Carbon Development Act 2015 (See 3.2 (c)).

⁴ UN Special Rapporteur on Human Rights and Environment, Statement on the human rights obligations related to climate change, with a particular focus on the right to life David R. Boyd, October 25, 2018.

⁵ <https://www.irishtimes.com/news/environment/stunningly-little-being-done-to-combat-climate-change-un-official-says-1.4120866>.

⁶ <https://www.iea.org/reports/world-energy-outlook-2024>.

With fossil fuels responsible for more than 75% of global greenhouse gas emissions, this failure is indefensible. Likewise, at COP30 although Ireland expressed clear support for a the promised roadmap on a fossil fuel phaseout roadmap failed to materialize.

At national level, while Ireland has significant climate governance framework in place, thanks to the 2021 Climate (Amendment) Act, this has been interpreted by certain parts of Government as merely referring to investment in renewables and energy efficiency. The upshot is that fossil fuel infrastructure is still being built and actively supported by Government. This has mainly taken the forms of new gas-fired power plants, and the continued installation of fossil fuel boilers.

Ireland and the EU must ensure that COP31 puts fossil fuel phaseout at the centre of the negotiations. This means insisting on an immediate end to all new fossil fuel projects. The IPCC has made it clear: to limit warming to 1.5°C, global greenhouse gas emissions need to peak before 2025 and be cut by at least 43% by 2030 and 60% by 2035, compared to 2019 levels. Current pledges remain insufficient. The 2025 UN Emissions Gap Report concluded that existing policies would lead to an increase of 2.8°C by 2100, putting the world on a path to a “serious escalation of climate risks and damages”.⁷

To this end, Ireland must also consider its own national policy choices. The 2025 ICJ Advisory Opinion makes clear that States may be internationally responsible for failing to regulate private actors whose fossil fuel activities undermine climate protection. The Court explicitly states that permitting fossil fuel expansion, granting exploration licences, or providing subsidies may constitute an internationally wrongful act.⁸

This finding is highly relevant to Ireland’s consideration of LNG infrastructure. We have major concerns with current Government plans which include advancing both a state-owned LNG terminal and allowing a commercial project (Shannon LNG) in the Shannon Estuary risk. This risks locking Ireland into long-term fossil gas dependence and contravene both climate science and international legal obligations. The latter project is owned by the US parent company New Fortress Energy which is also involved with fracked gas production and exports that have devastated communities in the US. LNG development would increase Ireland's exposure to human rights controversies related to gas production in the US (and elsewhere).

⁷ <https://www.unep.org/resources/emissions-gap-report-2025>.

⁸ Obligations of States in respect of Climate Change (Request for Advisory Opinion). Case No. 187. <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>.

We have particular concerns that approval of the state-owned terminal and consideration of the commercial project (Shannon LNG) are taking place notwithstanding a clear obligation on public bodies to have regard to climate policy (under s.15 of the Climate Act). The upshot is that relevant state bodies (planning authorities, the energy regulator and the state gas network company) risk locking-in long-term use of fossil fuels through an LNG terminal.

Both projects would increase emissions at a time when Ireland is alarmingly off-track on meeting its climate obligations which will place even greater constraints and challenges on society. The Government has failed to respond to warnings of the state climate watchdog regarding the massive emissions associated with a polluting LNG terminal. The Government also has not addressed the serious impact on energy prices – the Government has put forward a figure of roughly a €900million figure over 10 years for investment in an LNG terminal which is to be imposed through a new levy when households are already struggling.

Independent analyses are alerting the State to the dangers of failing to limit fossil fuel production. The 2025 Climate Change Performance Index shows Ireland falling four places, with experts flagging LNG proposals as “extremely problematic” and likely to “lock in long-term fossil fuel use.” Data centre expansion is also pushing up emissions and electricity demand faster than renewable energy can be built, undermining Ireland’s 2030 targets.⁹

Ireland should instead champion an equitable global phaseout of fossil fuels, ensuring energy access for poorer countries and expanding renewable energy with community participation and nature protection at its core. Ireland is well positioned to lead diplomatic efforts, including supporting the development of a Fossil Fuel Non-Proliferation Treaty, as already called for by small island states, WHO, the European Parliament, and the Irish Dáil.

Finally, as Ireland will lead EU negotiations at COP31, Friends of the Earth is calling on the Irish Government to take a principled stand in line with the values of the Irish population in relation to climate governance at COP30. Fossil fuel companies have a direct financial interest in delaying climate action and have consistently lobbied to weaken global commitments. To safeguard the integrity of the talks, Ireland must ensure that no fossil fuel lobbyists are allowed to participate in the COP31 negotiations.

⁹ <https://ccpi.org/country/irl/>.

This is essential to restoring public trust and ensuring the process is driven by science, justice, and the interests of people, not polluters.

Phase out of Fossil Fuels: Recommendations

- Ireland should immediately rule out both the state-owned and commercial LNG terminals proposed for the Shannon Estuary and prohibit any new LNG or fossil fuel infrastructure.
- As part of its Climate Action Plan 2026, Ireland should introduce specific fossil fuel phase out timelines and pathways.
- As recommended by the Climate Change Advisory Council, Ireland should ensure that the operations of public bodies align with Climate Law and relevant bodies, particularly those increasing gas demand, should be amended.
- As the EU's lead negotiator at COP31, Ireland must prioritise a commitment to a global fossil fuel phase out roadmap. It must also ensure that no fossil fuel lobbyists or representatives of coal, oil, or gas companies are accredited to the negotiations. This includes blocking corporate actors whose commercial interests depend on continued fossil fuel expansion.

3. Key Challenge: Right to Energy and Energy Poverty

Access to affordable, reliable and sustainable energy is essential to vindicate human dignity under the Universal Declaration on Human Rights in addition to equality and non-discrimination measures across the UN and regional human rights treaties. Access to energy is increasingly recognised as a prerequisite for the enjoyment of a wide range of human rights.

Under article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), everyone has the right to an adequate standard of living. While the Covenant does not explicitly mention energy or electricity, the Committee on Economic, Social and Cultural Rights (CESCR) has repeatedly interpreted this provision as encompassing access to the basic services essential for human dignity explicitly including energy and electricity.

In its General Comment No. 4, the CESCR notes that services required to fulfill the right to adequate housing include access to energy.¹⁰ Jurisprudence indicates that this may encompass measures to ensure all households can meet their basic electricity needs and to expand social tariffs to ensure affordability for low-income households.

¹⁰ CESCR General Comment No. 4 on the right to adequate housing (1991).

In General Comment No. 24, the Committee further stresses that private providers of essential services such as water and electricity must be subject to strict regulation and “public service obligations” to guarantee universal coverage, continuity of service, fair pricing, quality standards and user participation.¹¹

Other human rights mechanisms have recognised that electricity is necessary to protect the right to life, the right to health, and the right to benefit from scientific progress.¹² Access to sustainable energy is also enshrined in the 2030 Agenda for Sustainable Development as SDG 7. Taken together, these instruments point clearly towards an emerging and pressing right to energy. Notwithstanding a formalised human right to energy, States have obligations to respect, protect and fulfil the right to life and right to health as it pertains to people’s access to affordable, clean energy supplies.

Energy Poverty as a Human Rights Issue in Ireland

Energy poverty is not a short-term cost of living issue. It is a long-term structural problem driven by low incomes, high energy costs, and poor energy efficiency. It is also patterned by structural inequalities that determine who is most at risk of energy deprivation.

In 2022 almost one in three homes were classified as being in energy poverty. This number is now likely to be significantly higher given that energy costs have not significantly reduced in the intervening years.¹³ 2024 figures also indicate that despite energy credits, the number of customers in arrears is at historic high levels: 13% of electricity customers (approx. 300,000 customers) and 27% of gas customers (approx. 183,000 customers).¹⁴

¹¹ Note the proposed introduction of the Private Wires Bill in 2026.

¹² The Human Rights Committee has linked access to essential services, including electricity, to the protection of the right to life (General Comment No. 36); the CESCR has identified energy as an underlying determinant of the right to health (General Comment No. 14); and its General Comment No. 25 affirms that adequate infrastructure such as electricity is necessary to enable individuals to benefit from scientific progress and its applications.

¹³ ESRI Research Series / News - Energy poverty at highest recorded rate (June 2022).

<https://www.esri.ie/news/energy-poverty-at-highest-recorded-rate> See also

<https://www.svp.ie/end-poverty/poverty-in-ireland-key-facts-and-figures/>

¹⁴ CRU (2025). Arrears and NPA Disconnections Update. (June 2025)

https://cruie-live-96ca64acab2247eca8a850a7e54b-5b34f62.divio-media.com/documents/Arrears_and-NPA-disconnection-update-June-2025.PDF.

The Standards in Living Conditions Survey (SILC) released in March 2025 and referring to 2024¹⁵ shows deep inequalities in access to clean energy with 13% of people living in single-adult households with children could not afford to keep their home adequately warm.¹⁶ The data further unveils that:

- one in five people in single-adult households with children went without heating at some point due to lack of money.
- Unemployed people and people unable to work due to long-standing health problems were significantly more likely to be unable to keep their home adequately warm. For example, around 10% of unemployed people and 11.4% of those unable to work due to long-term health problems, compared with a national average of 4.9%.
- People in rented or rent-free accommodation are substantially more exposed. In 2024, people in rented accommodation were more than twice as likely as owner-occupiers to go without heating (13.2% vs 6.0%), and more than three times as likely to be unable to afford to keep their home adequately warm (9.4% vs 2.9%).

These figures reflect intersectional inequalities. For example, the SILC 2024 data, the Pobal Deprivation Index¹⁷ and the 2022 census¹⁸ clearly demonstrate that the groups most likely to have low incomes, poor building efficiency and higher energy costs include:

- One-parent families
- Traveller communities
- People with disabilities
- People with long-term health problems or needing end-of-life care at home (such as cancer patients)
- Older people
- Carers
- Migrant families

¹⁵ Most up to date data available from the national census office.

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<https://www.cso.ie/en/releasesandpublications/ep/p-silced/surveyonincomeandlivingconditionssilcenforcedeprivation2024/deprivationitems/>.

¹⁷ <https://www.pobal.ie/pobal-hp-deprivation-index/>.

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<https://www.cso.ie/en/releasesandpublications/ep/p-cpsr/censusofpopulation2022-summaryresults/keyfindings/>.

- Rural households

Moreover, a 2025 Pobal study shows that households in the most disadvantaged areas are almost five times less likely to use renewable energy than those in the most affluent communities.¹⁹ This evidence reveals an emerging two-tier energy transition, where higher-income households can access cleaner, cheaper energy, while low-income households are locked into expensive fossil fuels.

Most importantly, the daily lived reality for rights holders and households across Ireland is stark. Various civil society organisations report households sitting in cold, dark homes, fearful of turning on the heat; families skipping meals to top up pre-pay meters; and people with medical needs who must keep their homes warm, dreading their energy bills. Households are rationing energy to the point of self-disconnection, at serious risk to health.²⁰

Evidence now also shows long-term impacts on children too. A recent longitudinal UCD study has linked energy poverty to lower educational outcomes and poorer mental health among children and adolescents, with cumulative negative effects as children grow older. Energy poverty therefore directly undermines the rights of the child to health, education and development.²¹

High Energy Costs and Fossil Fuel Dependence

The EU Commission's 2025 Country Report on Ireland notes that energy poverty has increased in recent years and that Ireland had the third highest household consumer electricity prices in the EU.²² High costs are closely linked to Ireland's dependence on

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<https://www.pobal.ie/disadvantage-communities-almost-five-times-less-likely-to-benefit-from-renewable-energy-at-home/#:~:text=The%20Pobal%20UCD%20research%20demonstrates.from%20household%20renewable%20energy%20sources>.

²⁰ See recent report from Dublin homes

<https://www.irishtimes.com/ireland/housing-planning/2025/12/04/living-with-cold-mouldy-damp-homes-in-south-dublin/>.

Society of St Vincent de Paul (SVP), *Warm, Safe, Connected? Priorities to protect households in energy poverty* (2023).

Economic and Social Research Institute (ESRI), *Energy Poverty and Deprivation in Ireland* (2022).

Friends of the Earth Ireland, *Still Left Out in the Cold* (2023).

²¹Da Silva Pedroso, M., Winston, N. Dingley, O. et al. (2025). Improving Child Wellbeing: The Effects of Transport and Residential Energy Poverty on Education and Mental Health of Children and Adolescents. Child Indicators Research. <https://doi.org/10.1007/s12187-025-10284-0>.

²² European Commission (2025), 2025 Country Report – Ireland, p. 99.

fossil fuels, combined with high PSO levies, an ageing grid and limited interconnection with Europe.

Until Ireland can reduce reliance on fossil fuels, particularly gas in electricity generation, and take advantage of indigenous renewable electricity by electrifying heating and transport, we will be exposed to volatile commodity prices and geopolitical shocks.

A fair energy transition away from fossil fuels where lower income and vulnerable households can directly feel the benefits, must be prioritised.

Rural households, in particular, are often dependent on solid fuels, kerosene and bottled gas, with limited access to alternatives. People with medical or vulnerability-related energy needs, such as older people, people with disabilities, people with serious illnesses, and families with young children face even higher, often year-round, energy requirements.

Ireland's least efficient homes are overwhelmingly occupied by those least able to upgrade them. Renters in the private sector are effectively locked out of most energy efficiency and renewable energy supports, yet they face much higher levels of energy deprivation than homeowners. Lower-income households, even where grants exist, often cannot afford the upfront investment required for retrofits or solar panels. For example, recent SEAI data shows that in 2024, out of around 53,000 homes supported for energy upgrades, only 7,700 were fully funded under the Warmer Homes Scheme.²³ As such, only a relatively small share of upgrades directly targeted energy-poor households. Without a deliberate shift in focus, current retrofitting policy risks reinforcing inequality rather than reducing it. To this end, the Government did take concrete steps as part of Budget 2026 with the allocation for retrofitting supports rising from €89m to €558m, a 19% increase.

Future Human Rights-Based Approach to Energy

From a human rights perspective, energy cannot be treated as a normal market commodity. A rights-based approach to energy which is fundamentally connected to climate action and Ireland's binding climate targets requires:

- Participation from people most affected by energy poverty who should be involved in designing, implementing and monitoring policy.

²³ <https://www.seai.ie/news-and-events/news/record-year-of-progress>.

- Non-discrimination and equality which means that measures must prioritise groups most at risk of energy deprivation.
- Transparency and accountability, which must ensure that targets are measurable, time-bound and subject to public scrutiny.
- States must use all appropriate means to progressively realize the right to energy for everyone.

Finally, we are concerned that the previous commitment to update the Energy Poverty Action Plan, in which civil society and groups with lived experience played an active role, has been dropped and replaced by a pledge to develop a broader Energy Affordability Action Plan. The focus on energy poverty should be reinstated and any mechanisms such as the Government Taskforce should include civil society representation. Framing policy solely in terms of affordability risks diluting the State's obligation to tackle the structural drivers of energy poverty and to guarantee a fair transition away from fossil fuels.

Right to Energy and Energy Poverty: Recommendations

In December 2025, Friends of the Earth with members of the Energy Poverty Network appeared before the Joint Oireachtas Committee on Climate, Energy and Environment. We provided a series of policy recommendations to the Committee in relation to energy poverty and steps required to advance energy equality and fossil fuel phase out.²⁴

In tandem with these specific policy asks, our key structural recommendations for the Special Rapporteur are:

- That the State should give concrete effect to the emerging right to energy and ensure a just energy transition.
- A new Energy Poverty and Affordability Action Plan should be placed on a statutory footing, with clear, measurable, time-bound targets to reduce energy poverty, robust monitoring and reporting obligations, and a governance structure that includes both civil society organisations and people with lived experience of energy poverty.

In summary, Friends of the Earth calls on the State to take specific steps in law, policy and budget allocations to ensure that no one should be forced to choose between heat

²⁴ FoE statement on 10 Dec 2025 is yet to be published on the Oireachtas website. It is available as a PDF here - <https://drive.google.com/file/d/1PiKi9OFpa1EtcBJcfzIZmGv51bTkwSQM/view?usp=sharing>.

and food, or between powering essential medical equipment and paying rent. In doing so we will accelerate the energy transition required to meet our binding national and EU climate targets and we will alleviate structural inequality and affirm the right to human dignity.

4. Key Challenge: Corporate Environmental Pollution and Data Centres

The rapid expansion of large-scale data centres in Ireland, often powered by fossil fuels (notably gas), is severely undermining Ireland's legally binding climate commitments, degrading environmental integrity, and risking serious harm to human health, ecosystems, and future generations.

At Friends of the Earth, we are calling on the State to place a moratorium on new data centre developments.

Human rights and rise of data centres in Ireland

The environmental impacts, which include emissions, resource depletion of water and land, and pollution disproportionately burden local communities, who often have little or no voice in the decision to locate new centres in their locality. For example, local air quality may be threatened when data centres rely on diesel or gas generators, contributing to pollution that disproportionately affects nearby communities. This is undermining people's right to a healthy environment, clean air, and adequate living conditions. Indeed, the Climate Change Advisory Council has found that continued approval of such developments constitutes a failure to meet due diligence obligations under environmental and human rights law.²⁵

Moreover, the diversion of energy resources into the energy-intensive corporate infrastructure without a clearly articulated public good, raises serious questions of energy justice and the prioritisation of needs for people and public service or corporate bodies.²⁶

Consumption of national energy by data centres

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<https://www.climatecouncil.ie/councilpublications/annualreviewandreport/CCAC-AR2025-Electricity-FINAL.pdf>.

²⁶ <https://www.friendsoftheearth.ie/events/energy-for-who/>.

Data centres already consume more than 20% of Ireland’s electricity, with forecasts suggesting this could rise to 30% by 2030.²⁷ As of 2023, data centres consumed 21% of the country’s metered electricity and by 2024 this reached 22%.²⁸ This is in stark contrast to the EU-wide average for data-centre electricity consumption (typically 2–3% of national use), making Ireland’s data-centre burden anomalously high.

Research by Professor Hannah Daly (University College Cork), commissioned by Friends of the Earth, concludes that the rapid growth in data-centre energy demand is a major blind spot in Ireland’s climate strategy. The report warns that rising gas consumption by data centres makes legally binding carbon budgets “unachievable.”²⁹

The study notes that data-centre growth has outpaced the build-out of renewable energy between 2017 and 2023. This means that data centres are not consuming *additional* clean energy, but displacing it, thereby prolonging dependence on fossil gas.³⁰

The 2025 review by Climate Change Advisory Council (CCAC) strongly criticises the failure of regulatory and licensing bodies to require data centres to source their power from renewables. It warns that data-centre expansion and new LNG terminals risk derailing climate action.³¹ In this respect, allowing data centres to plug directly into the natural gas grid, or to rely on on-site gas or diesel generation, is particularly problematic. However, seven data centres already have such connections, and dozens more are planned.³²

Herbata Data Centre

A proposed multi-billion-euro data-centre complex in Ireland currently under planning review poses a serious and imminent risk to the human right to a clean, healthy and sustainable environment. Evidence submitted to *An Coimisiún Pleanála* (planning authority) demonstrates that the “Herbata” data-centre campus in Naas, County Kildare, would significantly undermine Ireland’s climate obligations, contravene EU

²⁷ https://www.friendsoftheearth.ie/assets/files/pdf/foe_data_centre_resource_updated_august_2024.pdf.

²⁸ <https://www.ucc.ie/en/epmg/>.

²⁹ <https://www.friendsoftheearth.ie/news/new-ucc-research-reveals-alarming-impact-of-data-centres-on/>.

³⁰ UCC, *Ibid*.

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<https://www.climatecouncil.ie/councilpublications/annualreviewandreport/CCAC-AR2025-Electricity-FINAL.pdf>.

³² UCC, *ibid*.

environmental and climate law, and set a dangerous precedent for large-scale, fossil-fuel-dependent digital infrastructure across Europe.

On 20 August 2025, local authorities granted planning permission for the €3 billion centre. Following this decision, Friends of the Irish Environment (FIE) and Friends of the Earth Ireland (FoE) lodged a joint appeal before An Coimisiún Pleanála, supported by a formal legal observation from ClientEarth. This intervention warns that the development, as proposed, is incompatible with Ireland’s legal duties under domestic, EU and international law. This includes obligations to uphold the right to a clean and healthy environment.

The Herbata project would consist of six large data halls and on-site fossil gas infrastructure. According to expert assessments submitted to the appeals body, the centre’s energy demand would be unprecedented. Its continuous load of approximately 240 MW (2.1 TWh/year) could triple electricity demand for Co Kildare and amount to nearly one-fifth of the annual consumption of a major European city such as Madrid.

This extreme demand would require Ireland to expand fossil-fuel-based electricity generation at a time when its climate laws require rapid decarbonisation. Over one carbon-budget period, the centre would emit approximately 4.74 MtCO₂eq, equivalent to 24% of the electricity-sector ceiling.

The Climate Action and Low Carbon Development (Amendment) Act 2021 requires public bodies including planning authorities decisions to take account of climate policy as part of their decision-making align with sectoral carbon budgets. Therefore, permitting a single private development to consume a quarter of the national power-sector budget would undermine Ireland’s compliance with the Paris Agreement, EU Climate Law, and the Climate Acts.

These failures raise significant concerns under international environmental and human rights standards, including States’ duties to prevent foreseeable environmental harm, exercise due diligence, and protect communities from pollution and climate impacts.

Moreover, the Herbata project must be viewed in the wider context of Europe’s digital-infrastructure expansion. The European Commission’s “AI Continent” strategy aims to position the EU as a global leader in artificial intelligence, driving strong incentives for new data-centre construction. Approving a highly fossil-fuel-intensive campus in Ireland would send a dangerous signal that climate commitments can be overridden to facilitate energy-intensive digital growth.

As ClientEarth notes in its press release to the case, what happens in Naas “will not stay in Naas.”³³ If a single data centre in Ireland can consume close to 20% of a major city’s power supply, this undermines Europe’s credibility on climate law and jeopardises its ability to meet its Green Deal commitments.

Beyond climate harm, the development risks destabilising Ireland’s energy system.

The proposed centre could monopolise scarce renewable capacity, forcing greater reliance on gas at a time when Ireland faces severe electricity-price volatility. Evidence from US regions with heavy data-centre clustering shows electricity prices have increased by up to 267% in five years. A similar pattern in Ireland would worsen ongoing cost-of-living pressures and disproportionately impact low-income households, raising concerns of environmental injustice.

According to recent jurisprudence of the UN Human Rights Committee and as stated above in relation to the Advisory Opinion of the International Court of Justice, States may be responsible for failing to regulate private actors whose emissions undermine climate protection. Approving highly polluting fossil-fuel-dependent infrastructure in defiance of climate science and legal obligations risks constituting an internationally wrongful act.

In this regard, Pedro Arrojo-Agudo, the UN Special Rapporteur on human rights and drinking water has recommended a moratorium on data centre construction until they can provide clear information on their water and energy consumption and the risks that they pose to climate change and human rights. Mr Arrojo-Agudo specifically refers to Ireland in this respect and notes “significantly, the Minister for the Environment, Climate and Communications of Ireland, one of the countries with the highest concentration of mega-data centres, in response to a parliamentary question, stated that there was no record held by a public body that included the energy and water needs of data centres”.³⁴

Corporate Environmental Pollution and Data Centres: Recommendations

- Introduce an immediate moratorium on new data centre developments. Given the overwhelming evidence that current and planned data-centre expansion is

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<https://www.clientearth.org/latest/press-office/press-releases/clientearth-lawyers-intervene-on-irish-data-centre-that-could-send-dangerous-signal-for-europe/>.

³⁴ <https://docs.un.org/en/A/HRC/60/30>.

incompatible with Ireland's carbon budgets, climate laws, and human-rights obligations, the State should halt new data-centre approvals until a regulatory framework is established that ensures full compliance with climate, environmental and human-rights standards.

- Require existing and future data centres to demonstrate 100% additional renewable energy sourcing and full transparency on energy and water use. Data centres should provide publicly available, independently verified data on electricity demand, water use, and associated emissions, and eliminate reliance on fossil-fuel infrastructure.

Conclusion

Friends of the Earth welcomes the upcoming visit of the Special Rapporteur to Ireland at this critical juncture when we are campaigning for faster emission reductions embedded within a strong equality and human rights framework.

We support the submissions made by partner civil society organisations including the Environmental Pillar, Stop Climate Chaos Coalition, and the Irish Coalition for Business and Human Rights (ICBHR).

As the Rapporteur has requested suggestions for her time in Ireland, we would recommend a visit to (i) the Grangecastle data centre site in Dublin (ii) a social housing building or complex.

We would be delighted to support the office of the Special Rapporteur in organising these visits and to engage as required during the visit.