

GX 1728

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2003/2004

Exam Code(s)	2BL1, 2BL2, 2CW, 3BA6, 3BL1, 3BL2, 3CL1, 3CW1, 4BA8,, 4BL2, 4CL2, 1EM1, 1OA1
Exams(s)	2 nd 3 rd & 4 th LL.B, 2 nd & 3 rd Bachelor of Civil Law 3 rd & 4 th Bachelor of Corporate Law 3 rd & 4 th Bachelor of Arts (Public & Social Policy) Erasmus & Occasional Students
Module Codes(s)	LW358
Module(s)	Environmental Law II
Paper No.	1
Repeat Paper ___	
Special Paper ___	
External Examiner(s)	Professor Yvonne Scannell
Internal Examiner(s)	Mr. Cian Carroll
Instructions	Answer THREE questions
Duration	TWO Hours
No. of AnswerBooks	
Requirements:	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	International Treaties. Any primary and secondary legal instruments relevant to Environmental Law.
Department(s)	LAW

PTO

Discuss the main features in the EC Water Framework Directive (2000/60/EC).

Answer **both** parts.

- a) Discuss with reference to case law the problems faced by individuals and environmental organisations taking a judicial review action in environmental cases. (60 marks)
- b) What do you think will be the impact in Ireland of Directive 2003/35/EC (which implements for IPC and EIA the provisions relating to access to justice in the Aarhus Convention)? (20 marks)

3. X Ltd., a company of which Joseph is managing director, purchased land including a small lake. It intends filling in the lake to facilitate residential development. Patrick, an independent waste contractor, offers to reclaim the lake by filling it with 'stuff thrown out by the locals, that kind of thing'. He tells Joseph he has been doing this for years on his own land and that the 'stuff going into the lake is not listed in the Categories of the Waste Management Act and so there's no problem.' Joseph agrees to his proposal. Joseph notices three old washing machines, unsealed containers holding needles and glasses of blood through the window of Patrick's van but says nothing. Eighteen months later, Joseph is contacted by a local authority official threatening enforcement proceedings against him and X Ltd. for breach of the Waste Management Act and Air Pollution Act. The official reports that the locals have complained of 'offensive smells from the lake and of suffering ill health and nuisances as a result of the emissions.' He also states that a link between the lake and these effects has been found by a local chemist. Joseph replies that the lake infill was carried out by Patrick but the official is unaware of anyone involved by the name of Patrick.

Advise Joseph how the Waste Management Acts and the Air Pollution Act might affect him in this situation.

4. The Army recently opened a new training ground for urban warfare near Ballybrogan in Mayo. The training exercises conducted there have caused considerable annoyance and discomfort to local residents. Old shells and packaging from ammunition is causing a litter problem. Rats are living in the ruins of the building. The local stream appears to be polluted by the runoff from the munitions store. There is continuous noise from gunfire and the heavy artillery is causing the buildings to vibrate. The odours from the explosives have made several of the residents ill.

Advise the local residents on their common law remedies.

5. Discuss the main features in the Habitats Directive and its implementation in Irish law.

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