



**An Roinn  
Ealaíon, Oidhreachta agus Gaeltachta**  
**Department of  
Arts, Heritage and the Gaeltacht**

**Our Planning Ref: G Pre00099/2015**  
*(Please quote in all related correspondence)*

28 October 2015

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Department of Agriculture, Food and the Marine,  
Agriculture House,  
Kildare Street,  
Dublin 2.

Via email to [2025strategy@agriculture.gov.ie](mailto:2025strategy@agriculture.gov.ie)

**Re: Food Wise 2025 and associated draft Environmental Analysis**

A Chara,

The Department of Arts, Heritage and the Gaeltacht has the following observations to provide in relation to nature conservation as it concerns the Agri-food Strategy Food Wise 2025 and its associated Environmental Report and Natura Impact Statement.

**Vision for Food Wise 2025**

The Department welcomes the narrative within the draft Strategy that recognises the role that Ireland's environment plays in supporting the agri-food industry and likewise, the pressures that the industry places upon it. The bringing together of a wide range of stakeholders in Ireland's agri-food industry provided an opportunity to identify the challenges faced by the industry in ensuring it meets the environmental credentials it aspires to, and to agree on key integrated actions that are required to support that ambition. The Department welcomes commitments to, for example,

--*"invest in evidence-based monitoring and research of agri-environment measures to demonstrate the environmental outputs and identify areas for improvement and/or additional measures"*.

*"ensure appropriate monitoring across all sectors of the agri-food industry on the environmental impacts at regional level.. include[ing] evaluation and assessment of the delivery of the sustainability and mitigation actions set out in the strategy report"*

--*"enhance collective coherence with wider Government policy in respect of implementation of measures, such as RDP measures and Origin Green, to address environmental and sustainability issues"* as well as a number of other actions that are aimed at improving the sustainability of the agri-food sector.

There is a considerable focus here on post-programme adoption/implementation and it is suggested that further focus might be placed on enhancing the information/research needs to inform the design and assessments of the agri-food programmes and the Strategy prior to their adoption, in ensuring they do not contribute to deterioration of the environment or adversely affect European sites and to help DAFM meet its own national obligations.

The Food Wise 2025 strategy also offers a timely opportunity to incorporate and develop a vision for some of Ireland's most biodiverse farmland areas. These areas offer key values in terms of quality as well as an opportunity for Ireland's produce to be linked and marketed to high-end environmentally sustainable produce. Socio-economic conditions in many of these areas are leading to land abandonment, afforestation with non-native trees or continuing attempts at agricultural "improvement". While various sectors are considered in terms of produce (e.g. dairy, beef, tillage), biodiversity does not appear to be promoted as a real product (in terms of a service or commodity), though it is promoted as a celebrated product of Ireland's agriculture industry. This is a key consideration if environmental protection and economic competitiveness are to be equal and complementary in the Strategy.

The draft Strategy also acknowledges the challenge of arresting biodiversity loss. Ireland has legal obligations to restore biodiversity generally and specifically in relation to a number of habitats and species that are protected under the Birds and Habitats Directives. It would be useful to include text relating to these obligations in the draft Strategy so as to ensure that all relevant factors impacting on or affected by the Strategy are fully acknowledged. The Irish Government's *Prioritised Action Framework for the Implementation of the Birds and Habitats Directive* should be used to inform the development of the Strategy, to identify necessary mitigation and to inform the environmental assessments.

Greater emphasis could also be placed on developing a vision to improve the capacity of the sector and its regulatory authorities to integrate environmental issues into decision-making and to further develop decision-making systems that will support compliance with legal obligations. The on-going dialogue and consultations between the Departments in relation to biodiversity obligations, including those arising from the EU Habitats and Birds Directive will assist DAFM in incorporating these matters into the Strategy. Consideration should be given to DAFM's information needs to enhance strategic and site-level planning that will better facilitate DAFM's work of meeting its obligations not to cause deterioration to European sites in the exercise of its functions.

It is stated within the draft Strategy that "*On the basis of available data, the Committee believes that the following growth projections are achievable by 2025:*

- *Increasing the value of agri-food exports by 85% to €19 billion.*
- *Increasing the value added in the agri-food, fisheries and wood products sector by 70% to in excess of €13 billion.*
- *Increasing the value of Primary Production by 65% to almost €10 billion.*
- *The creation of an additional 23,000 direct jobs in the agri-food sector all along the supply*

*chain from primary production to high value added product development.”*

At the same time, the Environmental Report states that “*there are no specific growth targets within the Strategy*”. These different statements appear on the face of it to be at odds with each other although this may arise simply as a result of wording differences; if the above are in fact targets, the Department would be interested to learn how such targets for increased value of primary production can be met without further depletion of fisheries and/or further substantial agricultural intensification with potential resultant environmental issues, notwithstanding the environmentally-related actions and proposed mitigation.

The draft Strategy also states that “... *environmental protection and economic competitiveness will be considered as equal and complementary, one will not be achieved at the expense of the other.*” The Department would like to bring attention to Article 6 (3) and 6 (4) of the Habitats Directive, and Regulation 42 of the European Communities (Birds and Natural Habitats Regulations) 2011 which limit the discretion of decision-making authorities in adopting plans or programmes that adversely affect the integrity of European sites. This was made clear by the judgment of the European Court of Justice against Ireland in Case C418/04, “the Birds Case”, especially in regard to aquaculture and with a resultant effect on licensing of fisheries. Regulation 27 also places obligations on public authorities in relation to nature conservation in European sites; some of the language in the draft Strategy could be tidied up to more accurately reflect these legal obligations. It is recommended that the Strategy itself, and the actions within, should be informed by these obligations, as well as the Prioritised Action Framework referenced above.

The Department notes that it is stated within the draft Natura Impact Statement (page 6) that the “*AA screening and AA of the draft Strategy has taken full account*” of the Department’s observations on this and other relevant programmes. There are a number of significant issues raised by this Department in observations and correspondence to the Department of Agriculture in recent months that do not appear to have been used to inform the development of the Strategy itself or the accompanying assessments and in that context these observations might be reviewed by your Department..

Some of these are highlighted below, but it is recommended that these are considered in conjunction with all earlier observations and correspondence to the Department of Agriculture concerning, *inter alia*,

- the Rural Development Programme and GLAS,
- obligations of public authorities in relation to nature conservation
- Food Harvest 2020.

The Department acknowledges that the draft Agri-food Strategy is a high-level strategic document and includes many actions that will not result in interventions in the natural environment. A large element of the Strategy appears to encompass the implementation of the Department of Agriculture’s new programmes for the period 2014-2020 that are undergoing or have undergone their own Strategic Environmental and Appropriate Assessment. Thus, these environmental

assessments appear to be relying on the assessments for the other programmes to support the conclusion in the Natura Impact Statement that these programmes, and Food Wise 2025, will not adversely affect the integrity of European sites i.e. SACs and SPAs, or have significant effects on the wider environment. While there may indeed be no adverse impact on the integrity of these sites, this Department is of the view that the Food Wise 2025 documentation does not necessarily support this conclusion. Further detail is provided on this below.

DAFM should also bear in mind however that those assessments have been undertaken of programmes that are to be completed by 2020, whereas the Food Wise Strategy extends to 2025; it is not clear if this has been taken into account in the assessments, particularly the NIS, and the implications it has for the findings within.

It is stated in the Conclusion of the Screening Statement (page 28) that there is “*potential for significant adverse impacts on the Natura 2000 site network potentially arising from the Draft Agri-food Strategy 2025*” and “*therefore the AA process should proceed to Appropriate Assessment culminating in the preparation of a Natura Impact Statement*”. While the latter is likely to be unintended mis-statement, it is important to point out that the conclusion of an AA must be a determination by the public authority, pursuant to Article 6(3) of the Habitats Directive, as to whether or not a plan would adversely affect the integrity of a European site, prior to the adoption of the plan.

**Aquaculture:** In relation to aquaculture, the draft Strategy includes a commitment (page 96) to “*Commission an independent review of the existing aquaculture licensing system involving all key stakeholders, to identify the current shortcomings and bottlenecks (legislative, resource and logistical), to report by early 2016 and implement necessary changes to the aquaculture licensing system as a matter of priority*”. This appears to be based on the “*Threat*” that is identified on page 94 of “*Slowness/uncertainty of aquaculture license determination*”. This Department recalls that proposals were made some years ago, showing that the provision of relatively small additional staff resources could substantially speed the process of determination.

This Department has not been consulted previously on the proposed review. Given the legal proceedings from the European Commission that led to the establishment of the current licensing process, and the role of this Department in that regard, this Department wishes to be consulted directly on any commitment by DAFM to undertake such a review. The Department requests that DAFM contact it to discuss this matter further before it finalises the draft Strategy.

#### **Comments on the ecological analysis undertaken:**

As mentioned earlier, this Department has provided observations on the ecological issues that may arise as a result of the DAFM programmes incorporated within FoodWise 2025. While it is not necessary to repeat those observations in full here, the following issues have come to the Department’s attention and are set out in brief:

The effects of ammonia deposition need to be considered in terms of impact not just on soil but on Annexed habitats, including raised bog, peatlands, and semi-natural grasslands. In particular, there is no recognition that exceedance of critical loads of Nitrogen is currently a problem at some European sites and that any further ammonia emissions will only exacerbate critical load exceedance throughout the network. It is not clear how this will be addressed, while also delivering on the Strategy's growth projections.

*Effects on pollinators:*

The draft National Pollinator Plan recognises that for Ireland's vision for Food Harvest 2020 (the precursor to this Strategy) to materialise, "pollinators will have a key role to play in maximising yields from our current crops and those that will be important in the future". The Agri-food Sector and its growth may affect pollinators in a number of ways, e.g. through pesticide/chemical use, loss/conversion and fragmentation of semi-natural habitats etc. While this is noted in the narrative in the Environmental Effects in the Environmental Report and the Pollinator Plan is referenced in the Natura Impact Statement, pollinators do not appear to be considered in the matrix analysis in the Environmental Report or in any meaningful analysis of the effects that the Strategy may have upon them (including the use of neonicotinoids and cypermethrin) and the ecosystem services and functions they fulfil, how these effects need to be reduced and mitigated and whether the Strategy will negatively affect the objectives of the National Pollinator Plan.

The following publication may be of use in informing such analysis:

European Academies Science Advisory Council (2015). *Ecosystem services, agriculture and neonicotinoids*<sup>1</sup>.

*Adverse effects on Site Integrity:*

While the ECJ ruling of C-258/11 considered the implications of permanent and long-lasting effects on a site, the Commission's Guidance of 2001 also includes a useful checklist of Indicators concerning Site Integrity (Box 10) that can usefully inform appropriate assessments; these include delays or interruption of progress in achieving conservation objectives, amongst others.

*Integration of the Assessments with each other and with the Strategy*

There appears to be little integration of the analysis and findings of the Natura Impact Statement with the Environmental Report, and with the Strategy itself, including in relation to the monitoring and mitigation requirements, which undermines their robustness. The narrative in the documents about integration appears to concern only data exchange rather than an exchange of analysis of ecological issues and effectiveness of mitigation requirements. An example of the need for better integration with the Strategy (as well as those examples raised under Monitoring and Mitigation below) is the statement that the Strategy is "*building on the Wild Atlantic Way*" yet the WAW is not considered in the assessment of cumulative effects.

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<sup>1</sup> Available at [www.easac.eu](http://www.easac.eu), as accessed on 25<sup>th</sup> August 2015

**Mitigation:** The Natura Impact Statement relies entirely on existing processes (Statutory Management Requirements, GLAS, Activities Requiring Consent) to mitigate for any potential effects on site integrity. Meanwhile, the Environmental Report mitigation measures *“builds on existing measures and in some cases call for increased monitoring. No new or novel mitigation measures are recommended”*. This is a concern to this Department, as expressed in previous correspondence and for the reasons set out below.

There are a number of references, assumptions and conclusions made about the GLAS programme and its risk of effects on the environment that are of concern to this Department. These have been brought to the attention of DAFM previously and so, will not be repeated here. They have direct implications for DAFM’s conclusion of the appropriate assessment of the Strategy.

GLAS is described (NIS page 25) as a programme that *“promotes farming practices that are sensitive to the protection of the environment, water quality and landscape”*. On page 105, it is referred to as being *“directly connected with or necessary for the management of certain European sites”*. While the Department acknowledges that these are the aspirations for GLAS, it has also highlighted risks that may arise in its roll-out and implementation. The documentation provided does not explain how these risks have been overcome even though it is still concluded in Appendix B to the NIS that *“no further safeguards are needed”*. It is also stated that *“The GLAS scheme itself has not undergone AA Screening but has been addressed under the assessment of the RDP (See Section 4.9.7 above).”*

The Department has previously brought to DAFM’s attention that plans and programmes should undergo Article 6 (3) assessments at subsequent levels of implementation, as further details of the plan or programme arise including at the time of adoption of the GLAS plans by DAFM.

Sections 6.1 and 6.2 and their reliance on cross compliance, Notifiable Actions and the EIA Agriculture Regulations and on GLAS as key mitigation, raise some concern as they do not take into account or address the issues raised by this Department in relation to the requirements of Article 6(3) of the Habitats Directive.

In addition, it should be remembered that while GLAS includes measures for particular species, there are other habitats and species of conservation concern (dependent on or that may be affected by agriculture) that GLAS does not address.

Meanwhile, the Environmental Report includes proposed mitigation for a number of sectors (at least, seafood and marine fisheries, grassland, cereals and tillage):

*“Annual workshops will be held with NPWS where impacts arising due to the expansion of agricultural activities will be discussed. Observed impacts and/or potential impacts will be discussed and mitigation measures agreed where required.”*

This Department has not yet been consulted directly on these proposed measures and requests direct communication from DAFM. An agreement of the terms of reference of such an engagement

is required. Given the issues previously raised by this Department that have not all been shown to have been addressed in the development of the Strategy and its associated programmes, it is unclear how “*annual workshops*” will contribute in a meaningful way to addressing the environmental effects that will or may arise from the Strategy. It is also unclear what mechanisms DAFM will use to “*observe impacts*” to inform any such discussions (see comments on Monitoring below).

There may indeed be merit in having a formal inter-Departmental involvement in identifying shortcomings and bottlenecks in the implementation of GLAS, locally-led agri-environment schemes, the Basic Payment Scheme, the Areas of Natural Constraint Scheme etc. At the same time this should not be considered as mitigation upon which a conclusion of “no adverse effects on site integrity will arise” can rely.

Lastly, key mitigations for the Forestry Programme arising from the Freshwater Peal Mussel Pilot case are outstanding, including Catchment Management Plans for the top 8 Freshwater Pearl Mussel Catchments. The conclusions of the environmental report are also based on the assumption that “*Forest expansion would create more carbon sinks and have positive effects for air quality and climate change*” and an associated action in the Strategy assumes that afforestation will increase carbon capture but it is not clear how this carbon calculation will occur in practice in the Forest Service’s consent process for afforestation applications.

### **Monitoring:**

In the Environmental Report, the proposed monitoring focuses mostly on identification of effects on water, though effects on biodiversity are noted as possible/potential/likely, and so appear to be inadequate in monitoring the programme as a whole. There is no reference or detail about the recently advertised monitoring programme for GLAS or how it will inform or support the monitoring of the effects of the Agri-food Strategy.

Also, even though the NIS has concluded that the draft Strategy will not adversely affect European sites, it is stated in Appendix B of the NIS that the monitoring programme will be used to identify adverse effects on integrity, where they may be occurring, (Appendix B, NIS). This may be a working issue but points to a lack of confidence and certainty that the appropriate systems are in place pre-consent of GLAS plans by DAFM.

In the absence of the resolution of these issues (and others) within the documentation provided, it is the view of this Department that it is premature to conclude that this programme will not adversely affect the integrity of European sites.

The documentation states that all significant issues raised in the consultation process will be brought to the attention of DAFM.

To conclude its observations in relation to nature conservation, the Department would welcome communication from DAFM on how its observations will be taken account of and addressed within the Strategy and also to discuss the proposed review of the aquaculture licensing system and references to inter-Departmental engagement.

You are requested to please send any further communications to the Development Applications Unit (DAU) to [manager.dau@ahg.gov.ie](mailto:manager.dau@ahg.gov.ie); or if emailing is not possible, correspondence may alternatively be sent to:

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