



## Submission to Consultation on Ireland's Draft CAP Strategic Plan and Environmental Assessments

The following photos depict Ireland's current Red Listed Farmland Birds of Conservation Concern (Corn Bunting included which went extinct in Ireland around 2006)

Curlew



Common Kestrel



Corncrake



Corn Bunting  
-now extinct  
in Ireland



Lapwing



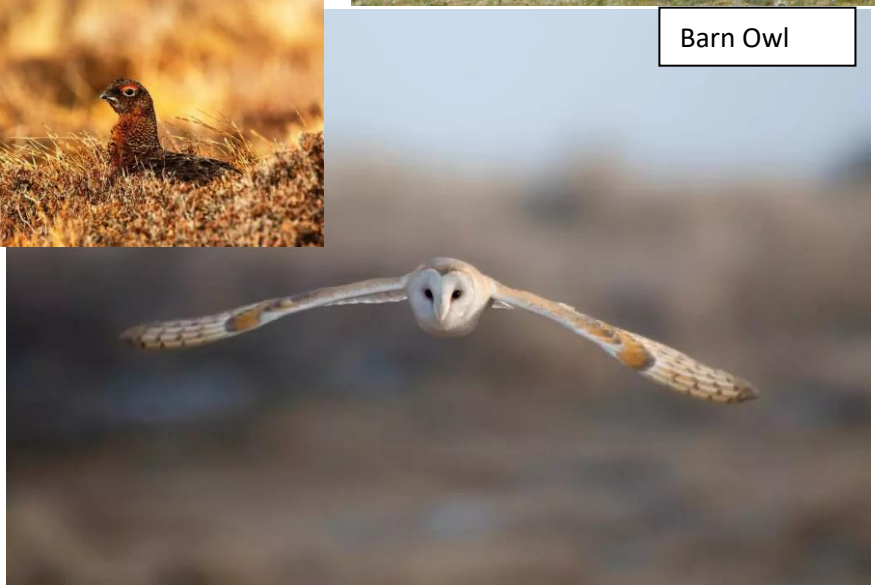
Twite



Red Grouse



Barn Owl



Yellowhammer





Red Shank



Golden Plover



Dunlin



Whinchat



Meadow Pipit



Stock Dove



Common Snipe



Grey Partridge



## Introduction

BirdWatch Ireland staff have been actively engaged in the CAP Consultative Committee as Oonagh Duggan is one of two Environmental Pillar representatives. We welcome the constructive engagement with the Department of Agriculture, Food and the Marine over the years that this Committee has been running.

We are concerned however that while there are certainly some improvements in Ireland's CAP Strategic Plan 2023-2027 for biodiversity and water over the current CAP 2014-2020 (2022), we feel that the plan falls far short of what's needed to address the serious environmental problems associated with agricultural production in Ireland.

Ireland's CAP Strategic Plan by continuing to support the business-as-usual model of intensive livestock production will result in further impacts to Ireland's biodiversity, water quality and greenhouse gas emissions profile because the restraints to stop the impacts are not in place and funding continues to pour in to activities that are causing problems. By this we mean the following:

- systems of governance and accountability to ensure that there is proper enforcement of environmental laws including the Water Framework Directive, the Nitrates Directive, the Birds Directive, the Habitats Directive and Environmental Impact Assessment as well as national laws are weak.
- Lack of adequate mitigation measures in the environmental assessments of the CAP plan and no demonstrated commitment to address the ones that are included
- There are exceptions in the conditionality which, unless changed, weaken the potential of the conditions to effect change (GAEC 2, GAEC 8, GAEC 9)
- Significant funding for interventions which support intensive production models.
- interventions are mostly not targeted and the 'right measure in the right place' is not evident throughout the ecoschemes and the AECM except for the Cooperative Project.

On May 9<sup>th</sup> 2019 Dáil Éireann declared a climate and biodiversity emergency in Ireland but little action has been taken since to treat this as an actual emergency. BirdWatch Ireland is very concerned for the future of farmland birds, pollinators and habitats. In 2026 we and our colleagues the RSPB in Northern Ireland will publish the fifth Birds of Conservation Concern in Ireland assessment. From taking stock of this CAP plan and the lack of targeted interventions for farmland birds coupled with the level of livestock production supported in the plan and driven by Food Vision 2030, we have never been more concerned for the fate of farmland birds in Ireland especially those that are Red and Amber listed. Coordinated and focused action is urgently required between government departments to address the drivers of farmland bird losses, to engage in active conservation and to restore populations in line with EU Biodiversity Strategy goals and our own moral and legal obligations to do. The Ministers in the Department of Agriculture and the Department of Heritage need to work together to craft a resourced plan to stop the wipe out of farmland birds.

## 1.0 Overarching points in our submission

BirdWatch Ireland welcomes the following developments in the CAP Strategic Plan (CAP plan from here on)

- ✓ The move to allow 30% of a parcel which may include previously ineligible features (e.g. scrub) to be eligible for the basic payment
- ✓ The extension of GAEC 8 to all farmland and not just arable, going beyond the CAP regulation

- ✓ Removing some of the productive elements from GAEC 8 and including ponds in this list of habitats.
- ✓ Setting the Space for Nature ecoscheme to 10%
- ✓ The changes made to meet convergence and supporting smaller farmers
- ✓ The Cooperative Projects agri-environment scheme.
- ✓ Additional focus on trees
- ✓ Positive to see further European Innovation Projects being rolled out
- ✓ Positive to see BirdWatch Ireland farmland hot spot mapping being considered for targeting of measures
- ✓ Welcome move to fund farm renewable energy technology

### **Summary of Key Points**

- 1.1 The State has failed to include measures to address farmland bird declines in this CAP Strategic Plan which is unconscionable and must be addressed.
- 1.2 The State must put in place a robust scheme for breeding waders built on the experience of the Curlew EIP.
- 1.3 Targeting of the Barn Owl box scheme using BirdWatch Ireland farmland bird hotspot mapping must occur to avoid putting nest boxes in the wrong places and this opportunity should be used to tackle secondary poisoning of Barn Owls by rodenticide.
- 1.4 It is critical that tree planting measures are undertaken outside of areas important for waders due to the risk of predation.
- 1.5 An analysis by the Environmental Pillar of how the CAP plan addresses goals of the European Green Deal show that there is a long way to go to achieve these goals.
- 1.6 It is not clear how the Strategic Environmental Assessment process fed into the development of the CAP plan. There is no indication in either the Environmental Report or the actual plan of the iterative process and the integration of the SEA findings in the Plan. We would expect to see a table indicating exactly how the SEA findings and concerns were rectified in the CAP plan. This should be provided.
- 1.7 An alarming flaw in the environmental assessments is that concerns raised of significant effects do not result in mitigation measures to negate the effects. Also, recommendations are proposed instead of mitigation measures but these are insufficient and risk being challenged in a court of law as failing to adequately meet the requirements of the Strategic Environmental Assessment Directive.
- 1.8 The Natura Impact Statement which charts the process and results of the Habitats Directive Article 6.3 process to assess effects of the plan on EU protected sites, habitats and species cannot conclude that there will be no significant adverse effects on the integrity of the Natura 2000 network because it doesn't assess the effects on actual Natura sites. It furthermore cannot pass the test of 'complete, precise and definitive findings, beyond reasonable scientific doubt' because these are not evident. Doubt threads the assessments. Also there are numerous recommendations/ mitigation measures presented but no indication that these will be effective or addressed and no mention of mitigation in the CAP plan. Other mitigation measures are proposed for actions in plans that have not been statutorily approved (ie draft River Basin Management Plan) and this is not possible to do.
- 1.9 The message of the 'right measure in the right place' is highlighted as the key component of the 'preferred alternative' in the Environmental Report but there are few targeted measures which support the 'right measure in the right place' in the CAP plan.
- 1.10 It is welcome that Ireland will extend GAEC 8 out to all farmland instead of just arable as specified in the CAP regulation and that it has cut out most productive elements for this GAEC which is focused on protection of habitats, again going beyond the CAP regulation.

- 1.11 We call on the DAFM to cease the derogation to allow hedgerow removal under GAEC 8 until a review of the EIA regulations is undertaken and we can be satisfied that the environmental value of hedgerows is not being undermined by this derogation.
- 1.12 Due to a lack of region and farm-specific targeting of environmental measures and a lack of funding, the proposed measures in Ireland's draft CAP Strategic Plan will not meet the CAP objective to **Bolster environmental care and climate action and to contribute to the environmental- and climate-related objectives of the Union.**
- 1.13 There is no serious effort in the draft CAP plan to address greenhouse gas or ammonia emissions from livestock production. Measures proposed are all voluntary only and with no defined emissions cuts presented. It is impossible to quantify what if any effects will be of plan interventions to help Ireland achieve the 22-30% cut in emissions from agriculture signalled in the Climate Action Plan.
- 1.14 A full suite of agroforestry measures should be introduced to maximise environmental benefits of tree planting in the right place.
- 1.15 A significant flaw in the Agri-environment and Climate Measure is the lack of targeted schemes to halt and reverse farmland bird declines especially, but not only, breeding waders. This is a serious omission by the State and must be rectified.
- 1.16 The Cooperative Projects scheme in the Agri-environment and Climate Measure, by scaling up lessons learned in the relevant European Innovation Partnerships but the funding allocated is lower than anticipated. This will either result in fewer farmers being involved (15,000 instead of 20,000) or there will be scaling back of the environmental outcomes.
- 1.17 The changes made in the CAP plan on convergence and capping do assist in providing more fairness to farmers in Ireland by redistributing funding to smaller farmers but Ireland did the legal minimum only which lacks ambition.
- 1.18 The funding distribution across schemes and measures in Pillar 1 and Pillar 2 support the current livestock production model and there's inadequate funding and redirection of policy to support diversification of agriculture towards more organics, tillage or horticulture. This poses a challenge for Ireland to meet the CAP Objective and European Commission recommendation to **Foster a smart, resilient and diversified agricultural sector ensuring food security.**
- 1.19 Most of the €9.8 billion in citizen funding for agriculture through Ireland's CAP plan is targeted to support interventions with no defined environmental benefit. We estimate that only 7% of the funding has the best chance for environmental results. The ecoschemes proposed by Ireland have very little environmental ambition. In particular the scale of the funding lines for the Basic Income Support Scheme, the Young Farmer scheme and for Areas of Natural Constraints, which combined amount to over half the CAP budget, and have no defined environmental outcomes attached to them.
- 1.20 The need for bespoke farm level advice to support on the ground action by farmers is critical. However, there is no funding allocated to the advisory services on conditionality or ecoschemes. The farm advisors will advise farmers on the schemes and payments available to farmers. If these schemes are not targeted and focused on results, it follows that the advisory services won't be targeted and focused on results. There is a need for a significant upskilling of farm advisors on climate, water quality, and farm specific biodiversity profiles and this detail is not provided.
- 1.21 If Ireland was serious about addressing the scale of the biodiversity loss on farmland and diffuse pollution caused by agriculture policy drivers, then the CAP funding would be mostly directed to ensuring that the Conservation Objectives and appropriate management measures necessary for Natura sites on farmland and in pathways of effects from farmland would be the fully funded. Measures for wider countryside biodiversity loss and water quality declines would also be funded. Cuts in emissions would be supported by diversification in agriculture away from predominant livestock production.



- 1.22 Government messaging on CAP in the past and now is that the CAP will deliver environmental benefits but all the environmental indicators show that positive outcomes for environment have not been delivered. **Of particular concern is the absence of anticipated outcomes information on concrete tonnes of greenhouse gas emissions expected to be cut, the lack of targeted actions for farmland birds and pollinators etc...**
- 1.23 The monitoring and controls do not include measurement of environmental benefit which undermines the investment citizens are investing in the CAP plan in Ireland.
- 1.24 Rapid response monitoring is required of the ecoschemes to ensure that actions are delivering and so quick adjustments can be made to the scheme. If there are unintended consequences these need to be picked up immediately.
- 1.25 We recommend that the Article 12 reporting and Birds of Conservation Concern in Ireland assessments are datasets that should be included in the monitoring.
- 1.26 The draft CAP plan is optimistic in its presentation of expected outcomes with no reference to the mitigation measures required by the actual assessment.

## 2.0 Halting and Reversing Farmland Bird losses has been forgotten

2.1 Ireland's CAP Strategic Plan has few targeted measures to halt and reverse farmland bird declines. Despite numerous interventions by our staff representing the Environmental Pillar on the CAP Consultative Committee both verbally, in presentation in April 2020 and in submissions, BirdWatch Ireland is alarmed with the State's failure to address farmland bird decline in the current CAP.

On September 30<sup>th</sup> 2021 we first saw the detail in the AECM and with the exception of the Barn Owl nest box scheme, there were no schemes to address the most threatened farmland birds including breeding waders but others too. Since that time, we have focused a significant amount of time and effort to press for a scheme to comprehensively address breeding wader declines and still have no indication, as of writing, of any breeding wader scheme to be included in the CAP Strategic Plan.

Objective 6N1 of Ireland's Needs Assessment of the CAP Strategic Plan is - **Restore, maintain and improve Ireland's habitats and landscapes in order to halt biodiversity decline including farmland birds.** The interventions are focused on habitats and are, with some exceptions, mostly untargeted. They are most certainly not targeted towards supporting wild bird conservation, if it happens for some species, it will be a by-product.

It appears that the assumption has been made that by targeting certain habitats/regions, farmland birds will either (i) automatically occur there, or (ii) re-colonise these areas if the habitats are managed in a certain way. This is not always the case.

BirdWatch Ireland's review of the Agri-Environment Schemes can be found in Appendix 1. In this review we have analysed the presented AECM against requirements for waders, raptor and passerines. The results show that the AECM has little benefit for waders. In addition, targeted measures for other species such as Twite,

While several measures are potentially beneficial for raptors and passerines (in their own right and as part of the food chain for raptors), without knowing the detail of the action and where they might be targeted, it is not clear what the overall benefit will be to these species. **Most starkly however, is that the review shows that waders are not served by the most of the AECM measures. While measures for wader populations must be provided for within the CP areas with the appropriate ecological supports and access to productive measures, the fact that there is no dedicated scheme for waders outside of CP areas with the same access and supports is seriously worrying.** We understand that

there may be a results-based focus on some of the grassland measures in the AECM but this is absolutely not sufficient to address halt the loss of waders.

## 2.2 Conservation Status of Farmland Birds in Ireland

BirdWatch Ireland and the Royal Society of the Protection of Birds Northern Ireland published a new Birds of Conservation Concern in Ireland assessment in April 2021. The assessment of the 212 regularly occurring bird species in Ireland shows that there's been a 45% increase in the number of farmland birds on the Red List of Birds of Conservation Concern in Ireland between 1998-2020<sup>1</sup>.

Due to the nature and criteria for red lists some species are not declining but rather are vulnerable at an EU level; however of those that are declining in Ireland the number of breeding farmland birds has steadily increased with each assessment, from 8 in 1998 to 16 in 2020, see Table 1. **The farmland bird group has grown on the red list more than any other group in the last 20 years.**

Table 1: Red listed, declining breeding farmland birds in each BOCCI assessment, total number of current red listed farmland birds is 16

BOCCI 1	Added BOCCI 2	Added BOCCI 3	Added BOCCI 4
-1998	-2007	-2012	-2020
Barn Owl	Golden Plover	Dunlin	Kestrel
Corncrake	Redshank	Whinchat	Snipe
Curlew		Meadow Pipit	Stock Dove
Grey Partridge			
Lapwing			
Red Grouse			
Twite			
Yellowhammer			

Of particular concern are the breeding waders (Curlew, Redshank, Dunlin, Lapwing and Snipe) and Kestrel, Stock Dove and Whinchat, which have all declined by between 50-89% in the last 25 years.

Meadows	Arable/mixed farmland	Damp pastures	Upland/Coastal
Corncrake	Grey Partridge	Curlew	Red grouse
Meadow Pipit	Barn Owl	Lapwing	Twite
Whinchat	Yellowhammer	Redshank	Golden plover
	Stock dove	Snipe	Dunlin
	Kestrel		

<sup>1</sup> Gilbert, G, Stanbury, A., Lewis, L., (2021) Birds of Conservation Concern in Ireland 4: 2020–2026 *Irish Birds* 43: 1–22 Kilcoole available here <https://birdwatchireland.ie/birds-of-conservation-concern-in-ireland/>

Fig 2 2020 Farmland birds on Birds of Conservation Concern Red list (circled species are Annex 1 of the Birds Directive)

**Most of the 16 2020 red-listed species were once common and widespread.**

*The Corn Bunting has become extinct and Chough and Hen Harrier have moved to the Amber List. Ireland is on its way to being the first EU country to lose Curlew as a breeding species unless drastic action is taken. If this happens, Ireland will be required by the European Commission to reintroduce the species at much higher cost.*

Loss of habitat is the key reason for these declines as a result of the activities associated with the intensification of agriculture mainly but also as a result of afforestation of High Nature Value farmland which results in the loss of, and fragmentation, of habitats and increased cover for predators such as corvids and foxes which depredate the eggs and chicks of ground nesting birds.

Not only are species that have suffered long term declines (e.g. Curlew, Lapwing, Corncrake etc.) not faring any better (populations have not recovered), species that were recently common and widespread such as Kestrel, Snipe and Stock Dove are now in decline too<sup>2</sup>. **The Kestrel has suffered a 28% decline in breeding population between 2006 and 2016 and a loss of 30% in breeding distribution. Between 1998 and 2016, Kestrel declined by almost 45%, one of the largest declines for any species in the survey in Ireland.** Stock Dove has suffered a 39% decline in breeding population and a 36% decline in breeding distribution. Causes for the shocking decline of Kestrel in Ireland in recent years are likely centred around prey availability, loss of habitat, reduced feeding opportunities, as well secondary rodenticide poisoning<sup>3</sup>.

Kestrel, Stock Dove and Yellowhammer are the three red-listed birds of conservation concern in the Farmland Bird Index and that Kestrel and Stock Dove went from amber (in 2014) to the red list in 2020 indicating declines related to negative impacts from changes in agriculture and an indictment of the current 2014-2022 CAP and Food Wise 2025 agriculture policies.

### **2.3 Reasons for declines – not enough has been done by the State to save these birds**

In the European Court of Justice Ruling against Ireland (The Birds Case 2007 (C-418/04<sup>4</sup>)) which is still open, the ruling in the 4<sup>th</sup> Complaint states that Ireland had not taken sufficient appropriate steps to avoid pollution or deterioration of habitats **outside SPAs**. *“The measures taken by Ireland are partial, isolated measures, only some of which promote conservation of the bird populations concerned, but which do not constitute a coherent whole”*. This is still the case in 2021.

In 2017 the National Parks and Wildlife Service stated in its Programme of Measures<sup>5</sup> to address the ruling that various measures in the CAP including targeted actions within GLAS would help Corncrake, Grey partridge, breeding waders and Twite; Hedgerow measures will benefit ... owls and Kestrels, wild bird cover will...benefit Yellowhammer, Low Input Permanent Pasture/Traditional Hay Meadow will benefit Snipe & Whinchat. But these measures and others have not worked to protect and restore farmland bird populations. Successive iterations of agri-environment schemes have not delivered protection and restoration of farmland birds in the wider countryside. Other aspects of CAP measures – land eligibility rules that encourage the destruction of habitats, unclear enforcement or effectiveness SMRs and GAECs (cross compliance). On top of that production supports including TAMS are

<sup>2</sup> Lewis, L. J., Coombes, D., Burke, B., O'Halloran, J., Walsh, A., Tierney, T. D. & Cummins, S. (2019) Countryside Bird Survey: Status and trends of common and widespread breeding birds 1998-2016. Irish Wildlife Manuals, No. 115. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht, Ireland.

<sup>3</sup> Ibid

<sup>4</sup> <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-418/04>

<sup>5</sup> <https://www.npws.ie/sites/default/files/files/Birds%20Case%20PoM%20May%202017%20Final.pdf>



supporting intensification which is driving the loss of multiple small areas of biodiversity rich habitats. There are other issues impacting farmland birds which we cannot address here as they are not entirely relevant to the CAP process but they will be listed out of fairness and comprehensiveness and the fact that they are land-used related. Those are afforestation of high nature value farmland and the lack of adequate environmental assessment of afforestation applications, lack of adequate site protection for threatened species, failure to establish and implement conservation plans for threatened species.

In 2015, when BirdWatch Ireland engaged with the DAFM to help design schemes in the current GLAS, access to productive investments to support GLAS farmland bird measures was requested but was declined. Specialist ecological advisory support was also suggested and this was not accepted. We firmly believe that if those were accepted, that we would be on a journey of increasing confidence for the future of farmland birds.

## 2.4 Policy Context

In the CAP plan 2023-2027, despite a European Commission requirement for no backsliding, there are only two measures in the AECM which relate directly to birds, the Geese and Swan measure and the Barn Owl nest box measure, whereas there were several schemes in every past CAP, ineffective as they were. Of major concern is that there is no scheme to address breeding wader declines especially in the context of the Curlew EIP which has led the way to devising methods to support Curlew conservation.

The SWOT for the draft CAP Strategic Plan identified the scale of the declines in farmland birds and the causes. The Needs Assessment for the draft CAP Strategic Plan contains an objective (Objective 6.N1) to *Restore, maintain and improve Ireland's habitats and landscapes in order to halt biodiversity decline including farmland birds and pollinators*. A range of interventions is proposed for consideration in the Needs Assessment, however Ireland's CAP Strategic Plan fails to address this. Besides a geese and swan measure and the Barn owl nest box scheme, **there are no other defined schemes to support red and amber listed farmland birds in the AECMs, to reverse declines and to meet this Needs Assessment objective.**

The Prioritised Action Framework 2020-2027 includes a specific recommendation on agri-environment schemes in the wider countryside to benefit waders. It states "Schemes such as these would be very beneficial across the Natura 2000 network in grassland sites and **in the wider countryside, particularly for where there are populations of breeding waders which have no other protection mechanisms in grassland sites. These types of incentivised approaches could be delivered as a higher-level option to national prescription-based AES.**"

Curlew, Lapwing, Redshank, Snipe and Dunlin are all migratory waders which require special measures to protect their breeding areas under Article 4(2) of the Birds Directive:

*Member States shall take similar [special conservation] measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas...*

Ireland has so far failed to implement such measures for the breeding areas in particular and may become the first EU member state to lose our breeding population of Curlew.

## 2.5 Farmland bird hotspot mapping

In 2021, BirdWatch Ireland, with funding from the Heritage Council and DAFM, gathered 29 authoritative datasets of bird records from a range of sources. From the **2.5 million observations** we have extracted over **130,000 scientifically validated records** relating to the 27 red and amber listed

birds of conservation concern, scored and weighted species and produced maps highlighting the most significant locations for 27 Red and Amber listed declining species reliant on farmland, using data from a wide range of validated data sets collected by Government, NGOs, volunteers and citizens. The Farmland Birds Hotspot Map is shown in Figure 1. **This map highlights the most important locations for the 27 red and amber listed birds of conservation concern as whole in the country.** Figure 2 shows the Hotspot Map for 6 species of breeding waders. Species specific maps will be published to inform targeting of measures, if requested. For example a Barn Owl species specific map will support the Barn Owl nest box scheme.

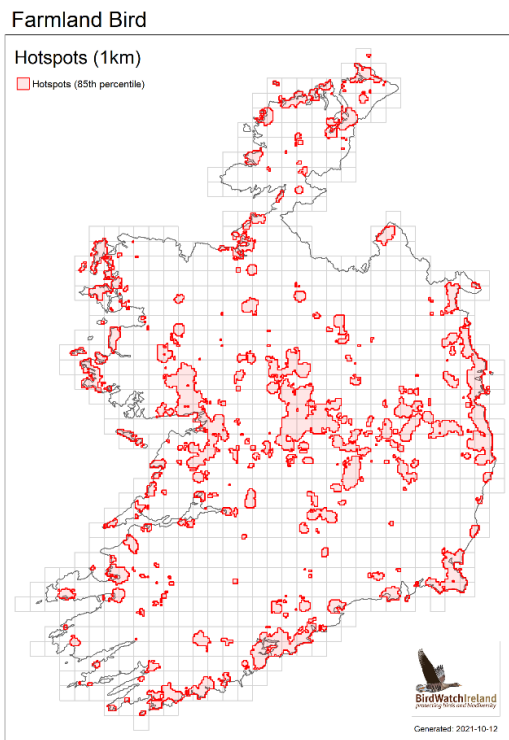


Figure 1: Farmland Bird Hotspots at 1km resolution

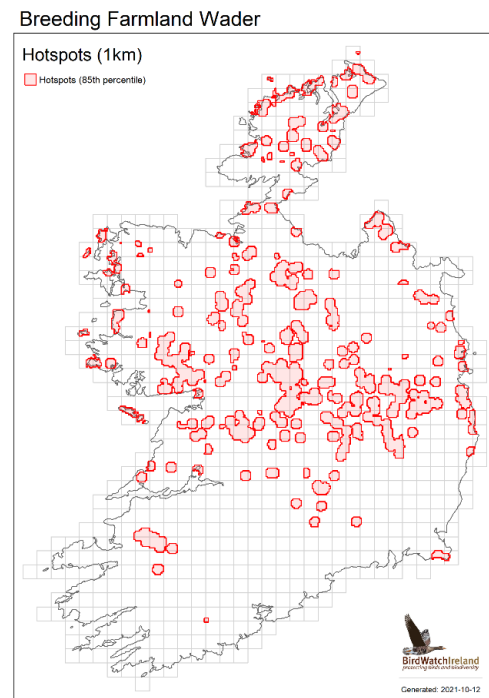


Figure 2: Breeding Farmland Wader Hotspots at 1km resolution

As can be seen in Figures 1 and 2, national hotspots differ depending on the group of species under consideration.

When BirdWatch Ireland overlaid our hotspot layer with the indicative map of the new proposed Cooperative Project (CP) areas, it was **clear that CP areas only very minimally overlap with breeding wader sites.** Habitats for breeding waders which are the most threatened and declining species include lowland wet grassland, damp rushy pastures and the grassland areas surrounding bogs which are not represented in CP areas. Whereas the CPs will have targeted supports and additional measures are planned in the next AECM (which is a very welcome addition), **there are substantial areas where there are no schemes or supports whatsoever for breeding waders and for other species.**

## 2.6 The Urgent Need for a Robust Breeding Wader Scheme

We have engaged with the Department of Agriculture, Food and the Marine and the National Parks and Wildlife Service on the issues and trust that an effective scheme for breeding waders will be included in Ireland's CAP Strategic Plan. However, we are concerned that it will fall short of what is needed for these highly threatened species. If, for example, a draft wader scheme builds upon the general AECM as a starter menu of actions for farmers then this foundation will be weak. A robust scheme is required and targeting the most important areas for waders and significantly, including a conservation keeping element. BirdWatch Ireland submitted an outline of the type of scheme required and a costing of €30million. **It is critical that these funds are found in Ireland's €9.8billion CAP budget and the best scheme possible put in place to address the losses.**

One of the key reasons for declines in farmland waders is poor productivity as a result of nest and chick predation. To reverse declines, it is essential to improve productivity by protecting nests and creating suitable habitat conditions for chick rearing and fledging within the immediate area around the nest site. **It is essential therefore to target the areas where the birds are known to be nesting.** The general AECM itself will not deliver the specialised management interventions required by breeding waders in particular (please see our review of AECM later in this submission).

Those specialised interventions include the following:

1. Control of the impact of predators through predator fences and conservation keeping before and during the breeding season.
2. No tractor operations during the breeding season.
3. Reduced stocking/no mowing during the breeding season.
4. Cattle grazing to create the correct sward and tussock structures.
5. No fertiliser.
6. Control of rushes.
7. Winter grazing

Non-productive investments are critical and include creation of scrapes, scrub control and predator fencing. Advisory supports to the farmer will ensure better understanding of the requirements of the species. **Many of these measures are currently being trialled successfully by the Curlew EIP, but the scaling up of the EIP to cover the breeding wader farmland bird hotspots is required if Ireland wishes to reverse the declines in breeding waders.**

It is important to note that management for breeding waders is also beneficial for skylark, meadow pipit, whinchat, species rich grassland, species rich hay meadows, and a host of invertebrates that are supported by mixed swards.

However, the large areas of farmland bird hotspots outside the CP areas is gravely concerning. Ireland runs the risk of losing the (albeit somewhat limited) gains made for priority birds species in GLAS. **Now is the time to build on the successes through further roll out the more targeted and invested locally led approach to cover these hotspot areas. Otherwise, we are in danger of regressing in relation to measures to protect red-listed farmland birds.**

**It is critical that a dedicated and robust agri-environment scheme is developed for breeding waders. And it must include the provision of a team of specialist ecological advisors and access to productive investments or it will not work.**

## 2.7 Targeted Bird of Prey scheme

We welcome the inclusion of a species-specific measure for Barn Owls in the AECM. Our work on Barn Owls has confirmed recent population increases in certain parts of the country ([see the 2020 report below](#))<sup>6</sup>, and there is significant potential to deliver benefits to build on this positive population trajectory. In order to do so, the measures for Barn Owl need to be effectively targeted and should be informed by the best available data and knowledge of the species. A measure for the provision of nest boxes for Barn Owls was included as an option in REPS, and due to its design, implementation and targeting, this measure was often not effective and in fact in some cases had a negative effect. We propose minor changes to the current proposed measure for maximum benefit as outlined below.

**The provision of Barn Owl nest boxes needs to be targeted to the places (both at the site-specific and landscape level) that they will be effective.** For example, there are many places where Barn Owl nest boxes should not be provided (e.g. based on the distribution of the population, nest site availability, habitat conditions and proximity to certain road types). Our recent and ground-breaking research with Transport Infrastructure Ireland has provided new information on the impacts of major roads on Barn Owls ([see here](#))<sup>7</sup> and this information should be applied to the targeting of nest boxes to avoid negative effects. In addition, our survey and monitoring work has showed that in certain parts of the country where Barn Owl populations are low, the lack of nest sites is not a factor limiting the population, and therefore the provision of nest boxes is not the most appropriate measure in these areas. Our Barn Owl data (information on over 750 breeding sites) has been used to inform the farmland bird hot spot mapping and also through predictive modelling to identify high risk collision hotspots on roads and through a similar process, to include detailed information on the habitat suitability and requirements of Barn Owls ([see an example of our work using GPS transmitters here](#))<sup>8</sup> we propose to identify the most suitable areas (and unsuitable areas) for the provision of Barn Owl nest boxes, to ensure this measure is successful.

We propose that the provision of nest boxes for Kestrel is included as a measure alongside the Barn Owl nest box measure. This would compliment the nest box measure and could be applied to the areas which are suitable for Kestrel but not for Barn Owl, thus allowing for all (or most) participants to avail of this measure, while ensuring it is targeted to the species and areas that it will deliver benefits to (right action in the right place).

In addition to spatially targeting the provision of nest boxes at the landscape level, there is the requirement for ensuring that Barn Owl nest boxes are located appropriately at the farm-level. The provision of Barn Owl nest boxes was included as a measure in REPS, however it was not effectively designed or accompanied by the appropriate advice and as a result, there were many issues with the practical implementation of this measure (e.g. nest boxes placed in unsuitable locations, where disturbance may be a factor etc.). We have extensive experience and knowledge of Barn Owl populations in Ireland (we have confirmed over 750 breeding sites, we confirmed over 85 occupied nest boxes in 2021 and currently monitor over 600 nest boxes throughout the country, [see report here](#))<sup>9</sup>. We have developed standards for Barn Owl survey and monitoring ([see here](#))<sup>10</sup>, [and here](#))<sup>11</sup> as

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<sup>6</sup> <https://drive.google.com/file/d/1t3GJ0t-YLA7YTV6nIMa1iRaO76Chdj-q/view>

<sup>7</sup> <https://www.tiipublications.ie/library/RE-ENV-07004-01.pdf>

<sup>8</sup> <https://www.youtube.com/watch?v=UNE-VhtXCoA>

<sup>9</sup> <https://drive.google.com/file/d/1t3GJ0t-YLA7YTV6nIMa1iRaO76Chdj-q/view>

<sup>10</sup> <https://www.youtube.com/watch?v=yYzEzW7PFdE&t=12s>

<sup>11</sup> <https://www.tiipublications.ie/library/PE-ENV-07005-01.pdf>



well as general information on Barn Owl and their conservation ([see here<sup>12</sup>](#), [and here<sup>13</sup>](#)) and we are currently developing guidance on the provision of nest boxes which will be available in November 2021. We strongly urge that this experience and expertise is included in the planning and design of the Barn Owl measure from the outset to ensure that advisors, planners and farmers on the ground have the appropriate advice to inform this measure and to avoid similar issues that occurred in the past.

We also propose that monitoring the effectiveness of this measure should be key and the necessary plans built in from the outset, this would allow on-site advice to farmers, as well as an assessment of the effectiveness of the provision of nest boxes to demonstrate the benefits and to inform future measures. We have the experience and licences (nest visits and ringing) to coordinate the monitoring of this measure in a tangible and effective way. Please see an example of our monitoring work [here](#).

In summary, in relation to the current Barn Owl measure, we propose:

- The provision of Barn Owl nest boxes needs to be targeted to the places (both at the site-specific and landscape level) that they will be effective. This is a simple but essential addition to the existing proposed measure and should be informed by the best available data and knowledge of the species (e.g. informed on the distribution of the population, nest site availability, habitat conditions and proximity to certain road types) to ensure that this measure is effective and does not have a negative impact
- Specific and detailed advice needs to be provided to all farmers who want to provide a Barn Owl nest box and sites need to meet a minimum criteria in order to be deemed suitable
- All nest boxes installed should be monitored (by licensed professionals) to assess the effectiveness of this measure (rate of uptake, breeding success etc.)
- The provision of Kestrel nest boxes should be included as an option, and targeted to the areas which are unsuitable for Barn Owls, but deemed suitable for Kestrel

#### **Rodenticides:**

Guidance and incorporating an 'Integrated Pest Management' approach to best practice rodent control to reduce negative impacts to non-target wildlife should be a requirement to all farmers which select the provision of a Barn Owl or Kestrel nest box (as informed by our proposed targeting above). In addition, measures which require best practice rodent control should be targeted to the areas which are identified as important for vulnerable species (e.g. farmland raptors) as informed by the farmland bird hot spot mapping.

The Campaign for Responsible Rodenticide Use (CRRU) Code was included in GLAS, however its effectiveness and whether it resulted in any real change in practices remains unknown. We strongly urge that the rodenticide measures are targeted to ensure that they are practical to implement, measurable and that the advisors are armed with the relevant knowledge in order to ensure same. For this measure we recommend, basic but accessible video guidance for both the advisor and the farmer. Our team work as Expert Advisor to CRRU and have designed and delivered accredited training schemes for best practice rodent control and can assist with the design and implementation of this measure. In addition, there needs to be a means of assessing this measure, as if not implemented properly it could have a negative effect (e.g. increasing rodent numbers, the requirement for SGAR's with increased toxicity, increased resistance in rodents etc.). We have developed a survey to gather

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<sup>12</sup> <https://www.youtube.com/watch?v=YESLEPyNPK8&t=27s>

<sup>13</sup> [https://birdwatchireland.ie/publications/barn-owls-in-ireland-info-on-ecology-and-their-conservation/?fbclid=IwAR0P-JCg1TyH\\_FYRVInm27-apxyQeh36oJeKrHKWm1KQSZlo933ilUEg53A](https://birdwatchireland.ie/publications/barn-owls-in-ireland-info-on-ecology-and-their-conservation/?fbclid=IwAR0P-JCg1TyH_FYRVInm27-apxyQeh36oJeKrHKWm1KQSZlo933ilUEg53A)

information on rodent control practices and knowledge among end users, in this case farmers ([available here](#)) and propose that this could be implemented on a before and after basis, along with site assessments to a sample of farms. This is essential to determine the effectiveness of this measure and to inform future improvements and amendments.

*Recommendation:* The provision of Barn Owl nest boxes needs to be targeted to the places (both at the site-specific and landscape level) that they will be effective. This is a simple but essential addition to the existing proposed measure and should be informed by the best available data and knowledge of the species (e.g. informed on the distribution of the population, nest site availability, habitat conditions and proximity to certain road types) to ensure that this measure is effective and does not have a negative impact

*Recommendation:* The provision of Kestrel nest boxes should be included as an option, and targeted to the areas which are unsuitable for Barn Owls, but deemed suitable for Kestrel

*Recommendation:* Specific and detailed advice needs to be provided to farmers who want to provide a Barn Owl nest box and sites need to meet minimum criteria in order to be deemed suitable

*Recommendation:* All nest boxes installed should be monitored (by licensed professionals) to assess the effectiveness of this measure (rate of uptake, breeding success etc.)

*Recommendation:* 'Integrated Pest Management' to reduce negative impacts of poor rodent control practices to non-target wildlife should be a requirement to all farmers which select the provision of a Barn Owl or Kestrel nest box (as informed by our proposed targeting above) and on a wider scale. This measure needs to be accompanied by adequate training for advisors and planners (video), the dissemination of clear and practical guidance to all participants, and the effectiveness of this measure should be assessed (before and after assessment of rodent control knowledge and practices).

**The Natura Impact Statement also suggests that Barn owl nest boxes should not be placed near Natura sites but there is no justification for this. We suggest further discussion with our Raptor Conservation officer to discuss this as there is no evidence that Barn Owls will predate waterbirds, if this is the concern.**

## **2.8 Supporting farmland birds within the Cooperative Projects**

The Cooperative Projects (CPs) have an opportunity to address farmland bird declines within those areas but this must be specified with details within CP tender documentation and coordinated with specialist input from an overarching CP oversight body so that landscape scale benefits can accrue and populations restored. DAFM have stated that where CP areas contain farmland bird hotspots, the delivery of measures to protect these species must be a high priority for the Operational Groups (OGs or equivalents) and we greatly welcome this.

*Recommendation:* Species specific maps can be developed for CP areas to support the conservation of declining farmland birds in these areas. CPs must be directed to ensure that declining red or amber listed bird species are addressed in measures implemented on farmland. This text should be included in the tender document.

*Recommendation:* Overarching guidance underpinned by expert advice and evidence must be provided to CPs on measures for farmland birds within their areas and in coherence with other CP areas. BirdWatch Ireland can assist with this.

## 2.9 Avoiding conflict between AECM measures

Some measures within the general AECM work against Objective 6 of the draft CAP Strategic Plan Needs Assessment to halt the decline of farmland birds. This includes measures for tree planting (also evident in ecoschemes).

*Recommendation:* Appropriate targeting of tree planting using hotspot mapping to avoid sensitive areas is required and the screening of the AECM measures by an appropriately qualified individual is also required to ensure that tree planting does not impact important areas for ground nesting birds.

## 2.10 Planning and processing of AECM applications to ensure objectives are met

It is very positive to see that a farm sustainability plan is included in the next AECM schemes. By carrying out farm sustainability plans at the right time of the year and with the advisor walking the farm before plans are submitted, there is a much greater chance of the right action in the right place. In addition, this will underpin requirements of the Habitats Directive and Birds Directive where no lacunae are permitted or any doubt about the potential to impact conservation interests or birds in the wider countryside. Therefore, it is essential that farm planners have sufficient lead in time to prepare farm plans and to advise on the best options for farmers. An example of where this can go wrong is the choice of field for low-input permanent grassland. Flowering time for these grasslands is mid-summer. A planner would need to walk the land at the right time to choose the right fields. The GLAS scheme / tranche methodology resulted in a rush of farm plans being developed with farm planners having insufficient time to do farm visits to underpin their proposals for AECM measures on farm. This must be avoided at all costs in the next AECM or we will be facing further declines in farmland birds. **If farm advisors are not afforded sufficient time to go out on farm, we believe that the DAFM will not be able to stand over any Strategic Environmental Assessment and Appropriate Assessment conclusions of no significant impact to threatened wild birds and Natura sites.**

*Recommendation:* It is critical that farm planners are given sufficient lead in time to walk farms and at the right time of the year and to then complete applications so as to ensure the best possible outcomes for biodiversity, climate and water.

## 2.11 Common Farmland Bird Index

The main information in the CAP Strategic Plan about Ireland's farmland fauna or fauna supported by and affected by agriculture is sparse and needs elaboration including information on causes of declines. In particular the section on farlands birds in the Environmental report is solely focused on the Common Farmland Bird Index (CFBI) which is insufficient. The info provided on the CFBI needs to be refined and corrected.

**Detail:** A more thorough overview of the status of Ireland's farmland birds is warranted and needs to include information on the status of breeding waders, Barn Owl, Kestrel, Hen Harrier and other species that rely on farmland in the wider countryside but are not captured in the CFBI. The NIS goes somewhat into more detail on Annex species and SPAs for these but the wider countryside birds make no appearance which is concerning. There are a range of reports and comprehensive information from BirdWatch Ireland and NPWS on these species which could be referenced for inclusion. These species groups rely on agriculture and farmers farming with them and not against them. The very simplified descriptions of important aspects of our farmland biodiversity is not acceptable. A much more thorough presentation of the conservation status of birds, pollinators and habitats is required and **the assessments should reflect carefully the impacts of actions on these groups and provide mitigation measures.**

The Environmental Report section 5.11 *Evolution of the environment in the absence of the CAP Strategic Plan 2023-2027* states “The ongoing severe decline of farmland birds and waders associated with the agricultural landscape and habitat features would persist. Likewise, the ongoing decline of pollinators with no interventions to address herbicide, pesticide use and nutrient management”. But the only bird measures within the CSP are for geese and swans and a barn owl nest box scheme. **There are no targeted measures for waders in the draft CSP and so the proposed plan isn't making a whole lot of difference to this most threatened of farmland bird groups and could be seen as backsliding since there are measures in the current plan (though their effectiveness is doubtful but the Curlew EIP is an excellent targeted scheme which needs scale up and roll out).** Also, we have concerns about how Hen harrier in the wider countryside will benefit. We have asked for heaths, earth banks, wetlands, wet grasslands, and semi-natural grasslands to be included in GAEC 8 and Space for nature ecoscheme which would also help pollinators.

The detail on the CFBI also needs to be expanded and thoroughly described and please reflect our points below in the documentation:

2.1.1.1 The SEA monitoring table and info in the Natura Impact Statement relay inaccurate information about the Common Farmland Bird Index. This information needs to be corrected. The limitations of the CFBI should also be explicitly referred to in the draft CAP plan and assessments. I suggest that the evaluators review the BirdWatch Ireland webpage about [the FBI here](#) and include relevant accurate information. The CFBI was established in 1998 when several of Ireland's important farmland bird species were showing substantial declines because of intensification of agriculture and mechanisation and couldn't be included in the CFBI. While the FBI is used across Europe, its origins and limitations must be stated.

*More comprehensive and accurate info about the CFBI is needed in the draft CSP, and the assessments*

2.1.1.2 Both the SEA and the NIS state variations of the following :

“There are 18 common farmland bird species included in the Common Farmland Bird Index (1998-2019): Kestrel, Pheasant, Stock Dove, Woodpigeon, Swallow, Pied Wagtail, Stonechat, Magpie, Jackdaw, Rook, Hooded Crow, Starling, House/Tree Sparrow, Chaffinch, Greenfinch, Goldfinch, Linnet, Yellowhammer. These species are reliant on farmland primarily for food or nesting. Farmland birds are known to be good indicators of High Nature Value (HNV) farmland with positive correlations, having been observed between population trends for farmland birds, including both generalist and specialist species and the extent of HNV”.

Farmland birds are a very important indicator of HNV farmland, but the statement above appears to conflate the CFBI with HNV bird indicators and this needs to be corrected. Some specialist farmland bird species can be good indicators of HNV farmland but the common farmland bird species included on the CFBI are not necessarily good indicators and they can occur in a range of habitats including urban. Indeed only make up a very small subset of the CFBI could be considered as indicators of HNV farmland and these are declining red and amber listed species ie **Kestrel, Yellowhammer, Stock Dove, Tree Sparrow, Linnet**. We need to reverse the trends and more support for actions for HNV land is really important.

*More comprehensive and accurate information on the relationship between the CFBI and HNV farmland needs to be reflected in the reports and the assessment of the CAP actions/GAECs etc need to reflect that the HNV farmland bird subset is in trouble.*



2.1.1.3 The following detail on declines of species on the Farmland Bird Index should be reflected in the CSP and the SEA ER. Kestrel, Stock Dove and Yellowhammer are the three red listed birds of conservation concern in the Farmland Bird Index and that Kestrel and Stock Dove went from amber (in 2014) to the red list in 2020 indicating declines related to negative impacts from changes in agriculture and an indictment of the current 2014-2022 CAP and Food Wise 2025 agriculture policies. See Kestrel and Stock Dove declines in the attached word doc extracted from the Countryside Bird Survey report (2019). These declines should be ringing alarm bells at DAFM. In particular the decline of Common Kestrel is shocking with a 31% loss in breeding distribution and a 28% loss in breeding population between 2006-2016.

*Further assessment on the implications of these losses must be included in the SEA ER and reflected in mitigation measures in the draft CAP Plan.*

2.1.1.4 The CFBI is **not** a monitoring tool for upland birds and waders as is stated in TABLE 10.1 SEA MONITORING TABLE in the Environmental report of the SEA. Relevant surveys and monitoring are needed for these groups and this should be a recommendation.

*This needs to be amended in the assessments and a recommendation made that wader and upland birds surveys are undertaken to provide monitoring information.*

### 3.0 Review of the draft CAP plan and the Environmental Assessments

BirdWatch Ireland staff have reviewed the environmental assessments and have serious concerns.

3.1 There is no indication that the environmental assessments have influenced the CAP plan. The Strategic Environmental Assessment is a very important assessment which through a logical step wise process with feedback provided from consultants to nullify negative environmental effects directly incorporated into the measures in the plan. There is no indication that this has taken place. **A table showing the negative effects, the proposed mitigation measures (not recommendations) and resulting change in the plan to ensure no significant effects is required.**

3.2 The BirdWatch Ireland question, of whether the plan will address farmland bird decline has not been answered, in the environmental assessments.

3.3 The description of the 'Evolution of the Environment in the absence of the draft CAP Strategic Plan' is problematic and is not supported by the interventions in the CAP plan. Also, it would have been worthwhile to assess the effects on the environment of not having the Common Agriculture Policy. In relation to biodiversity, this section states without Ireland's CAP Strategic Plan:

"There would be limited considerations of the inter-connections between such issues including water quality, water dependent habitats, species decline and loss with changing and loss of landscape features. No provisions made to contend with future climate change".

"The ongoing severe decline of farmland birds and waders associated with the agricultural landscape and habitat features would persist. Likewise, the ongoing decline of pollinators with no interventions to address herbicide, pesticide use and nutrient management".

In the current CAP 2014-2020(2022) there is a Curlew EIP addressing declines in this species. In the proposed CAP plan there is no scheme or measure for Curlew or other highly threatened breeding waders. **This is back sliding.** Also, since there is no evidence of effective targeting of measures in ecoschemes or the AECM, it is not convincing to suggest that what is being proposed will address the problems of poor water quality and effects of water-dependent habitats and species. In addition, measures in the CAP Plan to reduce pesticides and to manage nutrients are largely voluntary.

It is notable that the Air Quality and Climate piece in this section does not list projected outcomes for actual cuts in emissions from livestock but focuses on the benefits accrued through on farm investment in renewable technologies.

"In the absence of the CAP SP, there may be fewer opportunities to support GHG emissions associated with the interventions. The realisation of objectives relating to energy efficiency, renewable energy and critically the urgent need to reduce GHG emissions may not be achieved though clearly this SEA parameter will interact with the achievement of other plans and targets including Ag Climatise, Foodwise 2030 and sectoral targets. Addressing air quality in particular ammonia emissions and local emissions arising from agricultural activities would not be maximised and addressed".

3.4 The **assessment of alternatives** in the Environmental Report would have merited from more detailed economic and environmental analysis. The preferred alternative is 2A showing the maximum benefits for people and our environment would move Ireland to a largely organic nation with extensive grazing and more agroforestry. But this wasn't chosen. Instead a mix of all the alternatives was chosen rendering obsolete the consultants assessment of alternatives so that the predetermined CAP plan is the best solution. This is a regret indeed for the future of our environment in Ireland.

#### 3.5 The Preferred Alternative focusing on the Right Measure in the Right Place?

The Environmental Report states that the preferred alternative 'is identified as broadly positive, however, refinement and addition of mitigation measures is also needed as well as tailoring responses

to the Irish context in line with the European Commission recommendations. From an environmental perspective it is essential that the 'right measure in the right place' be applied. Thus, in this regard the SEA has highlighted the need **to allow for farm specific measures to be developed to ensure the public goods aspect and overall environmental performance of the Draft Plan is based on sound advice, ie. the "right measure in the right" place alternative.**

We have identified the following measures which will support the 'right measure in the right place'.

- ✓ Using BirdWatch Ireland farmland bird hotspot mapping to avoid tree planting in important areas for birds.
- ✓ the Cooperative Projects element of the AECM. This will potentially cover 15,000-20,000 or 11-15% of farmers in the country.
- ✓ Targeting of the Barn Owl Box scheme to ensure nest boxes are placed which will benefit Barn Owls.

There is otherwise little targeting in most ecoschemes or AECM actions:

- No guidance will be made available to farmers on the most ecologically beneficial choice of habitats to be included in Space for Nature;
- The extensive grazing practice includes a wide band of livestock units which doesn't support targeting for conservation grazing
- The nitrogen reduction practice aims to improve water quality by reducing nitrogen but in some areas phosphorus is the problem and not nitrogen, again demonstrating a lack of targeting of the intervention to the problem.
- The tree planting agricultural practice is completely lacking targeting to support riparian zones for example; Targeting to avoid tree planting in important sites for waders and other threatened ground nesting birds is critical and has been committed to by DAFM.
- There's no indication of how much land would be required to be covered under the GPS fertiliser spreading and pesticide spraying practice;

**Throughout this submission we will demonstrate how the CAP plan fails to target valuable citizen funding to address environmental problems which is the basis for the SEA and NIS conclusions rendering both open to legal challenge.**

## **4.0 Mitigation Measures in the Environmental report and Natura Impact Statement**

### **4.1 The Environmental Report and Inadequate Mitigation Measures**

Comments in the Environmental Report underneath the assessments of interventions relay some significant concerns, mostly evidence based, which are not translated into mitigation measures or changes to interventions in the CAP plan. In addition recommendations are made instead of mitigation measures and it is unclear why both are included. This causes concern and must be rectified. Recommendations don't need to be acted upon, mitigation measures must be, and they must be listed specifically as actions within the CAP plan.

We suggest that all assessment concerns are translated into specific mitigation measures in the CAP plan.

#### **4.1.1 The need for full and comprehensive monitoring, delivery and implementation of GAECs on the ground at farm.**

The Environmental report states that "Key to the success of the GAECs from an environmental perspective and in particular to address critical, significant environmental problems relating to biodiversity, water and climate is the need to ensure full and comprehensive monitoring, delivery and implementation on the ground at farm level as is required under the EU legislative framework for the CAP Strategic Plan".

A clear response from DAFM to this concern is required including very specific actions which will ensure that the concern is address, listed as a mitigation measure and included in the CAP plan.

#### 4.1.2 The need for the monitoring regime to be targeted to allow for remedy adverse effects and enhance positive effects

In the Environmental report it states that “In addition, to address and respond to trends relating to environmental issues, the monitoring regime should be targeted in a practical manner as outlined in the CSP and Financing Regulations to allow for results that enhance the positive measures in the plan and respond accordingly where adverse effects are identified early in the plan stage. The monitoring commitments are subject to annual review and remedial actions/revisions if adverse effects are identified through this monitoring in accordance with the EU framework. This should provide the improvement of environmental conditions on farms and in turn broader reversal of adverse trends”.

It is not clear how the monitoring regime will pick up issues and enhance measures. This must be clearly spelled out, listed as a mitigation measure and included in the CAP plan.

#### 4.1.3 Basic Income Support Scheme

The Environmental Report could not provide certainty that there would be no significant impacts from the BISS in their assessment. They state:

“However, for sub questions under the SEA parameters the impact is currently uncertain on a number of SEOS, for example the issue of ammonia emissions and potential effects on BFF, in particular peatland habitats. The same possible issue arises in relation to ammonia emissions arising from application of fertiliser, though better, target cross referencing at farm level and full adherence to buffers under GAEC 3 should support and strengthen this. An uncertain effect also relates to the controls that may be included in the 5th NAP with uncertain effects identified in relation to W, SG SEOS. A further uncertainty relates to the sectoral targets under the Climate Action Plan. **As a consequence, uncertain effects and positive effects are identified in terms of inter-related effects for example between ammonia, sensitive habitats, air quality, human health and water”.**

There are no mitigation measures listed to provide confidence that the BISS will not lead to negative effects on biodiversity, climate and water. Mitigation measures must be spelled out in the CAP plan to remedy this.

#### 4.1.4 Complementary Income Support for Young Farmers

The environmental assessment could not provide certainty that there would be no significant impacts from the CIS-YF in their assessment. They state:

“Again, uncertain impacts are identified for some SEOS, such as ammonia emissions relating to air and water SEOS with accompanying BFF SEOs. An uncertain effect also relates to the controls that may be included in the 5th NAP with uncertain effects identified in relation to W, SG SEOS. A further uncertainty relates to the sectoral targets under the Climate Action Plan. **As a consequence uncertain effects and positive effects are identified in terms of inter-related effects for example between ammonia, sensitive habitats, air quality, human health and water”.**

There are no mitigation measures listed to provide confidence that the CIS-YF will not lead to negative effects on biodiversity, climate and water. Mitigation measures must be spelled out in the CAP plan to remedy this.

#### 4.1.5 Ecoschemes

The environmental assessment could not provide certainty that there would be no significant impacts from ecoschemes:

“regulations required at least 25% of Pillar 1 CAP to be devoted to ecochemes. By designing this intervention for all farmers, the intention would be that a greater number of farmers agree to participate in this scheme on an annual basis. Should this be achieved, there will be greater spatial spread achieved under this measure with accompanying positive effects across a number of SEOS including BFF, PHH, SG, W,L, CH and MA. The potential for positive in combination effects are also identified through the 5 actions eligible under the Ecoscheme, again dependant on the levels of uptake of this scheme. Should all farmers apply, a total area of 4.5164 million



hectares could be included in the scheme. If uptake is only 50% of farmers, this would cover approximately 2.258 million hectares. **As a consequence, uncertain effects and positive effects are identified in terms of inter-related effects for example between ammonia, sensitive habitats, air quality, climate change, human health and water.”**

There are no mitigation measures listed to provide confidence that the lack of take up of ecoschemes will not lead to negative effects on biodiversity, climate and water. Mitigation measures must be spelled out in the CAP plan to remedy this.

**There is no indication of targeting in the Ecoscheme which would support the concept of the ‘Right Measure in the Right Place except for the use of the BirdWatch Ireland farmland bird hot spot mapping layer to avoid tree planting on wader areas.**

#### **4.1.6 CRISS**

The move to distribute more CAP funding to smaller farmers is welcome. These funds, as with all direct payments, should be targeted to the environmental action. We ask is it possible that additional funds could increase production in High Nature Value farmland areas threatening species and habitats? This would be a perverse outcome to the much need supports for smaller farmers. This has not been assessed in the Environmental Report of the CAP plan.

#### **4.1.7 Areas of Natural Constraints**

The environmental assessment classes the ANC payment as broadly positive but in our view while there are socio-economic benefits of ANC payments in Ireland and they may have consequences for halting land abandonment and it can prevent smaller, extensive farm land being subsumed into larger, more intensive farming enterprises is difficult to determine. This is a payment without any environmental targeting on the ground and perversely could lead to significant negative environmental consequences. In addition, most of the country would appear to be listed as ANC which defies logic when the level of production has expanded several fold in the last decade.

**The ANC payment needs detailed assessment of the effects on the environment and mitigation measures put in place.**

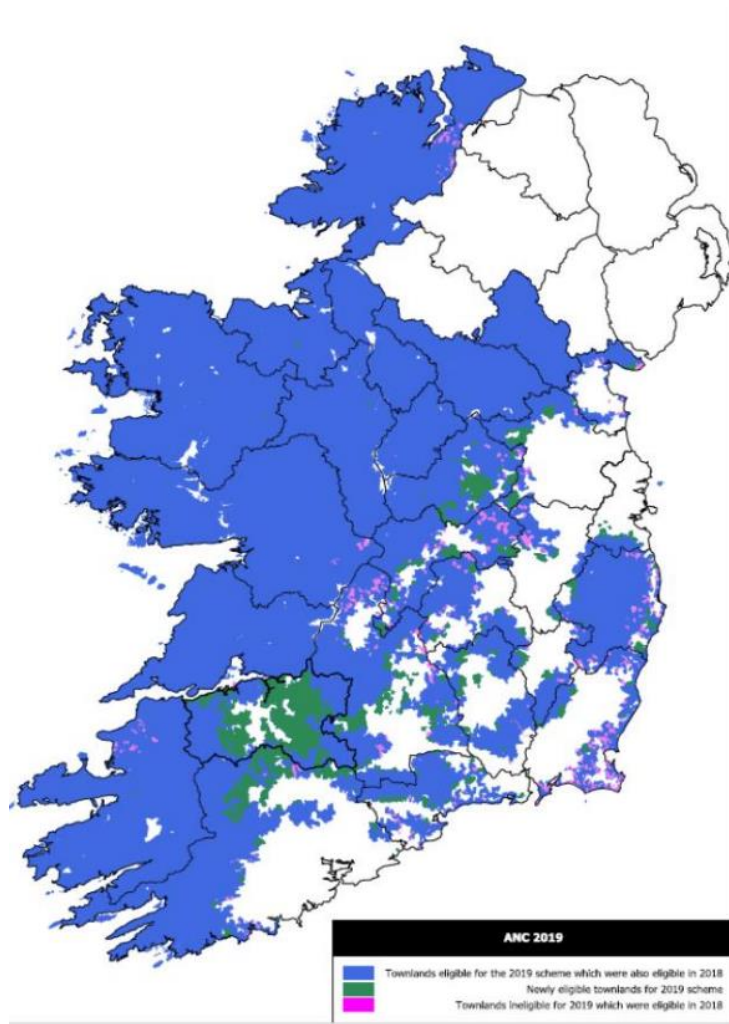


Figure 1 ANC map

#### 4.1.8 Tree planting for ammonia capture

The environmental assessment noted the following in relation to this scheme.

“It is noted that planting trees for ammonia mitigation should be used as a complimentary measure for reducing on-farm emissions of ammonia to the atmosphere. It takes time for the young trees to mature to the point where the canopy closes and the maximum ammonia capture is reached. **There are more tried and tested methods for reducing ammonia emissions on the farm which include housing technologies (e.g. ventilated manure belts), storage covers, and spreading manures & slurries by injection or trailing shoe method.** These types of measures should be applied in the first instance when considering managing nitrogen losses from farm practises. Therefore this measure should be seen as complementary and above measures through other Interventions could generate greater emission reductions”.

We are concerned that there is no coherent set of measures to address ammonia in the CAP plan. It is unclear this point from the information provided if there will be any investment opportunities for farmers to purchase and use trailing shoe and other technologies to cut ammonia emissions.

#### 4.1.9 On Farm Investments

On Farm investments like slurry pits and new buildings have the potential to subvert and increase production. These investments require planning permission yet there are questions over the effectiveness of local authorities to undertake screening for Appropriate Assessments and the assessment of effects on water quality. The environmental assessment stated the following which has not been addressed as a mitigation measure:

“The capacity of local authorities to undertake and request Appropriate Assessment screenings is an area of concern and in this regard the recommendation from the draft River Basin Management Plan will be important: *Action: Carry out a review of Local Authority Resources to put in place appropriate resources to support individual local authorities in fulfilling their role in water quality protection and restoration.* Awareness raising and feedback with local authorities is recommend in line with EPA recommendation on State of Ireland environment about co-ordination between public bodies. There is a clear need to highlight to local authorities and advisors etc to raise awareness about the need for AA or EIA Screening under some of these measures in particular where there is a hydrological link between the farm and European Sites.

The ownership and responsibility under the Planning and Development Act should be raised clearly communicated and be a condition - exempted development and revision of EIA thresholds should be considered -this is further reinforced under the AA Mitigation Measures for Agri-food 2030 as follows: *The strengthening of the implementation of the EIA (Agriculture) Regulations is also important in providing a further level of protection for habitats under pressure from agriculture. Any risk/s to any Natura 2000 sites as a result of new agricultural activities or enterprise should be subject to suitable environmental assessment requirements under AA and EIA (Agriculture) criteria. Best practice in this respect could be further extended to include assessment of all agricultural activities. Therefore, all new agricultural activities, changes in agricultural activities or management practice, should be cognisant and compliant with all relevant environmental legislation. Environmental legislation would include, but not be limited to, AA and EIA Agriculture Regulations.*

The Bradán Beo case 2018 740 JR may be also relevant when it undertakes assessment of the impacts of measures on water quality. The central significance of the Bradán Beo decision is that it represents the first application of the Weser ruling (ECJ Case C-461/13) in an Irish context. The High Court has decisively held that ensuring compliance with Art 4(1) of the WFD is a threshold requirement to be satisfied before development consent can be granted”.

**The following mitigation measure drawn from the consultants concerns about should be undertaken immediately to ensure that planning consents or exemptions given for investments under OFIS grants (and TAMs grants) are in compliance with EU law:**

- Carry out a review of Local Authority Resources to put in place appropriate resources to support individual local authorities in fulfilling their role in water quality protection and restoration.
- Awareness raising and feedback with local authorities is recommend in line with EPA recommendation on State of Ireland environment about co-ordination between public bodies. There is a clear need to highlight to local authorities and advisors etc to raise awareness about the need for AA or EIA Screening under some of these measures in particular where there is a hydrological link between the farm and European Sites.
- The ownership and responsibility under the Planning and Development Act should be raised clearly communicated and be a condition - exempted development and revision of EIA thresholds should be considered -this is further reinforced under the AA Mitigation Measures for Agrifood 2030.

**There are no mitigation measures listed to provide confidence that the lack of take up of ecoschemes will not lead to negative effects on biodiversity, climate and water.** Mitigation measures must be spelled out in the CAP plan to remedy this.

#### **4.1.9.1 Dairy to Beef Scheme**

In relation to this scheme the environmental assessment lists the following concern and could not rule effects on climate.

“Whilst the objective of this measure relates to less time/shorter time required from birth to killing and accompanying reductions in food requirements, energy costs and GHG emissions **it is unclear how effective at national scale this will be. Therefore, uncertain are identified in relation to this.** Should this intervention continue to support the trend of increasing cattle numbers this will give rise to adverse effects on CC, AQ, W within combination and cumulative effects across all other SEOs. The improvement of animal welfare measures is a positive element and objective of this scheme. Interactions regarding forthcoming sectoral targets for Climate Change give rise to uncertain effects consequently”.

#### 4.1.9.2 Suckler Carbon Efficiency Programme

The environmental assessment flagged concerns about the environmental effects of this scheme and raises doubts about its efficacy to cut emissions from this sector. No information has been provided as to the verified emissions cuts achieved under the Beef Genomics Scheme. This would have been a helpful contribution to understanding the merits or not of this scheme.

“fine tuning and improving efficiency of suckler cattle should improve efficiency in terms of GHG emissions. This could be combined with other measures such as those in AECM and Ecoscheme which in combination could contribute to maintaining or increasing soil organic matter, improve nitrogen use efficiency as well as other measures such as those under GAEC 2 and 9. The issue of methane as a GHG is a serious concern and challenge to achieve 2030 agreements as well as those to be announced in the Sectoral Climate Targets. Depending on uptake this may contribute to AQ CC SEOs in particular but increasing numbers of livestock as identified by the EPA will not make this achievable over the short to medium term”.

Specific and scientifically underpinned projected emissions cuts from the implementation of this scheme should be provided. Minister McConalogue is quoted as stating that since 2015 when this scheme was initiated €254 million has been invested in the Beef Genomics Scheme but there’s no evidence provided if the scheme has achieved its goals before deciding on extending the scheme.

## 5.2 The Natura Impact Statement and Mitigation Measures

5.2.1 The assessment of the CAP plan Article 6.3 of the Habitats Directive includes an assessment of EU protected (grouped) habitats and species. Throughout the assessment mitigation measures that must be included but these are not evident in the CAP plan and there is no indication that they will be undertaken. A full list of mitigation measures must be included in the CAP plan with a timeline of when they will be implemented and by whom.

**“The assessment carried out under that provision may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned** (judgment of 25 July 2018, *Grace and Sweetman*, C-164/17, EU:C:2018:593, paragraph 39 and the case-law cited). We do not believe that complete, precise and definitive findings and conclusions as per European Court of Justice rulings has been reached in the Article 6.3 assessment.

The NPWS in their SEA scoping submission stated that “Site Specific Conservation Objectives (SSCOs) at field/farm scale for Natura 2000 sites should be considered and that DAFM will need to place the infrastructure with the support of ecologists”. **There is no indication that this has been adhered to and it should be and must be.**

Throughout the NIS assessment of habitats and species tables, there are references to the requirement that the intervention must be mitigated to meet the Conservation objectives of qualifying interests of Natura sites.

- In the first instance again there is conflation between recommendations and mitigation measures. Recommendations don’t have to be taken up and do not support ‘complete, precise, definitive findings and conclusions’. **There should be no recommendations in the CAP plan, only mitigation measures which nullify negative impacts and this is the only solid basis for the NIS conclusions.**
- Secondly, there is no reference in the CAP plan that even the recommendations will be adhered to. There should be cast iron guarantees that they will be implemented at farm level and this guarantee must be specified in the CAP plan.



- Thirdly most of the ‘recommendations’ rely on implementation of the conditionality and that is not sufficient. If this was already happening, we would not be in the position of 85% of EU protected habitats having ‘bad’ conservation status with agriculture the primary driver of declines. Concrete recommendations supporting the ‘right measure in the right place’ are required which will ensure that activities undertaken at farm level will not impact protected sites, species, and the wider countryside that species rely upon.
- Fourth, the assessment of the BISS, CRISS and CIS-FY interventions highlights the potential for significant impacts but the ‘recommendations’ fall short in providing assurances to mitigate negative impacts. In particular there is the serious and high potential of negative impacts through farm hydrological connections to water bodies and ammonia deposition. These are not adequately mitigated for. This is a failing of the NIS and a gap.

For example in relation to peatlands and grassland habitats the following is stated more or less relating to both and yet the mitigation measure relies on the conditionality as a mitigation measure. The environmental assessment findings in relation to the potential for significant effects from the BISS:

“(BISS) relates to direct payments to support farming and viable farm incomes. It supports farmers in the continuation of a secure food supply. The continuation of agricultural practices will, in the absence of measures that aim to align agriculture with practices that are necessary for the maintenance of healthy ecosystems and the conservation status of Annex 1 grassland habitats, have the potential to result in adverse impacts to these habitats. **It is noted that the implementation of the CAP and the delivery of income support is based on adherence to all SMRs and GAECs. In the absence of adherence to SMRs and GAECs, as a minimum requirement, continued agricultural practices will have the potential to perpetuate the agricultural threats identified for Annex 1 grassland habitats and particularly those relating to agricultural threat A02; A6; A9; A10; A11; A19; A20; A26; A31; H04.** Of particular threat to grassland habitats are inappropriate grazing, nutrient application and atmospheric ammonia deposition. It is noted that the latter has not been identified in the Article 17 reporting as a threat to grassland habitats. However, Kelleghan et al. and the UCD AmmoniaN2K project have identified atmospheric nitrogen deposition as an impact to grassland habitats”.

The evaluators then ‘recommend’ the following to address this:

**“It is recommended** that the location of grassland habitats with respect to farms in receipt of BISS should be well documented. SMR 1, 2, 4 controls and GAEC 2, 3, 6, 7 to be applied to farms within the wider vicinity of SACs designated for Annex 1 grassland habitats. The implementation of these controls will have the potential to contribute towards minimising impacts to air quality and these habitats rely upon low levels of atmospheric nutrient deposition. In addition, **it is recommended** that BISS should be provided to farms on the basis that farming activities are consistent with the objectives of the Departments Ag Climatise plan”.

The documentation of Annex 1 grasslands with respect to farms in receipt of BISS should be done but this on its own wont mitigate the impacts to them unless there is a break in the chain of impacts (which could include the impacts of ammonia deposition) but there is no indication how this will be achieved. The recommendation to adhere to the conditionality when the failure to adhere to the conditionality is a concern doesn’t provide confidence. In addition, in relation to SMR 4 there is no indication as to how the state will ensure that the relative articles are acted upon. Those are:

- Article 6.1 Establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites **or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites (Article 6(1));**
- Article 6.2 Take appropriate steps to avoid the deterioration of natural habitats and the habitats of species as well as the disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive (Article 6(2))

**As the competent authority DAFM must lay out how it intends to ensure compliance with SMR 4.**

Likewise with SMR 3 relating to the Birds Directive, the relevant articles to be complied with relate to important habitats for birds both INSIDE and OUTSIDE of Natura sites. Again, this must be complied with.

A suggested mitigation measure would be that all farms in receipt of BISS, CIS-YF must develop a farm plan which is subject to Appropriate Assessment.

- Fifth, there is no assessment of the impacts of the CAP plan on specific Natura sites. While it is welcome to consider the effects on habitats and species and the scale of the potential for impacts, Article 6.3 states that “**Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.** In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

In addition European Court of Justice has ruled the following in Case C-461/17, states that “In order for the integrity of a site as a natural habitat not to be adversely affected for the purposes of the second sentence of Article 6(3) of the Habitats Directive, **the site needs to be preserved at a favourable conservation status; this entails the lasting preservation of the constitutive characteristics of the site concerned that are connected to the presence of a natural habitat type whose preservation was the objective justifying the designation of that site in the list of sites of Community importance**, in accordance with that directive (judgment of 17 April 2018, *Commission v Poland (Białowieża Forest)*, C-441/17, EU:C:2018:255, paragraph 116 and the case-law cited).

With agriculture as the most significant driver of biodiversity loss in Ireland and the largest pressure and threat on EU protected habitats and species<sup>14</sup>, much more focus is needed within the CAP plan on measures, interventions and actions that ensure that farming is working in line with what protected habitats, species and sites need.

- **Sixth**, in relation to Commonage and the NIS, the potential for significant effects on commonage Natura sites is highlighted and it is states that ‘heretofore Commonage Management Plans (CMPS) do not contain any reference to the Conservation Objectives (COs) of said SACs’. The text goes on to say that ‘CMPs for commonage lands within SACs must be based on the requirements of the qualifying habitat of SAC and these must be monitored’. Furthermore ‘It is recommended that ecological expertise with regard to the management of peatland and heath habitats is required for the preparation of actions under this measure that are to be applied to commonage lands within SACs’. Specifically it states that ‘The peatland/heathland ecological expertise will be required to ensure that the actions to be implemented in such areas are consistent with the conservation objectives targets for these habitats’.

**All of these mitigation measures must be put in place in the CAP plan noting the requirement for specific ecological expertise.**

- **Seventh**, In relation to the On Farm Investment scheme and the potential for negative effects on Natura sites, the following mitigation is proposed as an outcome of the environmental assessment:

“OnFarm Capital Investments for infrastructure development are subject to suitable environmental assessments required under Appropriate Assessment and EIA criteria. **Best practice (we would say**

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<sup>14</sup> NPWS (2019). The Status of EU Protected Habitats and Species in Ireland, pg 84.

jurisprudence is underpins that all activities be assessed) in this respect could be further extended to include assessment of all agricultural activities. Therefore, all new agricultural activities, changes in agricultural activities or management practice, should be cognisant and compliant with all relevant environmental legislation. This is in line with Agri-Food 2030 AA mitigation measures. The implementation of such an approach, in line with best practice, will ensure that relevant environmental assessments identify potential impacts to Annex 1 habitats and provide appropriate measures to ensure likely significant effects are avoided”.

**This mitigation measure along with the requirement to review local authority AA processes must be included in the CAP plan.**

- **Eight, in relation to the reliance on SMR 1, buffer strips to mitigate water quality concerns to mitigate impacts to water-dependent habitats and species.**

Several water-dependent habitats and species are assessed under the Natura Impact assessment. All of them rely on implementation of a range of SMRs and GAECs.

In particular they rely on SMR 1 Water Framework Directive. In 2016 SMR1-**Protection of Water against Pollution caused by Nitrates** was the SMR breached the most as reported by DAFM inspections of 1% of farms for compliance with the SMRs. In the 2020 and 2019 cross compliance reports, the second highest number of breaches in each year is of SMR - **Protection of Water against Pollution caused by Nitrates**. Other cross compliance report years were unavailable. The 2020 report states :

#### **SMR 1 Protection of Water against Pollution caused by Nitrates**

The aim of this requirement is to reduce the pollution of waters caused by nitrates and phosphates occurring from agricultural land and farmyards. Common breaches related to:

- inadequate collection of livestock manure, other organic fertilisers, soiled water or silage effluent.
- failure to minimise the generation of soiled water.
- inadequate management of the storage facilities for livestock manure, other organic fertilisers, soiled water or silage effluent.

**Several water-dependent habitats and species are in trouble including Annex 1 Kingfisher which has gone from green listed to amber listed as a bird of conservation concern. Kingfisher relies on clean unpolluted water for its prey.**

**It would appear that breaches of this SMR is a common occurrence annually and therefore is unreliable as a mitigation measure. As a consequence the NIS cannot state beyond a reasonable scientific doubt that there will be no significant adverse effects on water-dependent habitats and species.**

In relation to buffer strips and their efficacy, the SEA provides some useful commentary on the merits or not of different widths of buffer strips. The recommendation is made that :

“The proper, appropriate farm level design, training, implementation, adherence, monitoring and inspection of this measure is critical to reverse the identified significant decline of water quality arising from agricultural activities. This should provide improved interactions with all SEOS Again in the absence of compliance, monitoring and full implementation of this GAEC uncertain or continued decline of water quality will continue; mitigation is recommended”.

There is no provision for advisory supports to underpin proper design of buffer strips so claims that these are appropriate measures to address water quality pollution must be qualified.

Buffer strips are effective to address overland flow. This generally occurs on heavy soils, and they will intercept phosphorus and silt. Where soil is free draining, nitrates will pass down through the soil, and the buffer zones will not provide sufficient mitigation. In addition, even where the buffer zones are intercepting flow pathways, the width necessary will depend on many factors, including soil type, slope and land use. A 3-metre buffer strip has no basis in research, and as such cannot be relied upon to provide suitable mitigation. The EPA have produced Pollution Impact Potential maps (PIP maps), which indicate where the greatest areas of risk are for N and P runoff. Any feature should rely on those, and buffer strip widths should be tailored to the risk of runoff. In some cases 3 metres will be sufficient, but in many cases they will not. There is no targeting within the CAP plan to ensure the required level of detail to ensure that buffer strips address the water quality issues we face in relation to agriculture.

Nutrient management plans for farms are either non-existent or are often just paper exercises. They aren't well implemented, and this is recognised by DAFM, as quoted in their most recent NAP document put out for public consultation:

*"It is clear from a number of the submissions that nutrient management planning is not being implemented in many cases. This is further borne out in research undertaken by Teagasc. Mainstreaming the use of these tools and ensuring their regular use will be a key component of any successful NAP".*

As a result, farmers don't have set plans, and there is no paper trail for where the slurry and fertiliser is being spread, and when. Spreading outside the closed season is becoming 'almost the norm' according to DAFM staff. Compliance with the GAP regulations is very low, again recognised in the draft NAP document, and by extension SMR 2 is not currently effective.

### **NIS mitigation**

We would observe that one of the mitigation measures relied upon is screening under Article 6.3 of the Habitats Directive for individual derogation applications. Currently Ireland does not carry out Appropriate Assessment for the purposes of Article 6(3) of the Habitats Directive when granting annual authorisations to apply livestock manure in excess of the maximum amount otherwise permitted under the Nitrates Directive. There are currently no specific regulations in place requiring that, and in practice we are unaware of any such assessments forming part of the authorisation procedure.

**As such, the only national environmental safeguards in place on derogation farms are those provided by the GAP regulations, which EPA water quality monitoring would indicate are inadequate for protecting water quality. They cannot be relied upon as mitigation measures under the ambit of the Habitats Directive.**

Recent ECJ case law confirms that the Irish procedure is not in compliance with Article 6(3) of the Habitats Directive, the judgement on Cases C-293/17 and C-294/17<sup>15</sup> held:

*"Article 6(3) of Directive 92/43 must be interpreted as precluding national programmatic legislation, such as that at issue in the main proceedings, which allows a certain category of projects, in the present case the application of fertilisers on the surface of land or below its surface and the grazing of cattle, to be implemented without being subject to a permit requirement and, accordingly, to an individualised appropriate assessment of its implications for the sites concerned, unless the objective*

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<sup>15</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CJ0293>

*circumstances make it possible to rule out with certainty any possibility that those projects, individually or in combination with other projects, may significantly affect those sites, which it is for the referring court to ascertain.”*

While AA screening of individual derogation licences would indeed provide a certain level of mitigation, given that these are not currently carried out, and we are not aware that this is likely to change with the next derogation, this cannot be relied upon as a mitigation measure.

In regard to this comment in the NIS:

***“It is recommended that farms within Annex 1 river habitat catchments are identified. SMR 1, 2, 4 controls and GAEC 3, 4, 6, 7, 8, 9 & 10 to be applied to farms within or upstream of SACs designated for Annex 1 river habitats. The implementation of these controls will have the potential to contribute towards avoiding impacts to water quality and instream conditions that these habitats rely upon. In addition, the implementation of Agri-Food Strategy 2030 mitigation measures, RBMP mitigation measures and the National Sludge Management Plan mitigation measures as referenced in Chapter 5 of the Natura Impact Statement will further contribute to avoidance of agricultural threats to these habitats.”***

We would observe that it is a legal requirement to have all the relevant information before the decision maker, in order for a legally compliant decision to be made in regard to the Habitats Directive. Knowledge of the exact location of the Annex 1 habitats should not be a ‘recommendation’, it should be a legal obligation, failing to do so would be a lacunae in the data, and any authorisation decision taken on foot of this cannot be considered to be compliant with Article 6(3) of the Habitats Directive.

#### **SMR 1 WFD- Article 11 points**

Following on from points made above relating to the impossibility of relying on SMR 1 as a mitigation measure due to persistent annual breaches, we note that several of the mitigation measures for water dependant species in the NIS assessment table rely on this SMR, which specifically for water quality equates to Article 11(3)(e) and Article 11(3)(h) of the Water Framework Directive. The mitigation measures concludes that:

*“The implementation of these controls will have the potential to contribute towards avoiding impacts to water quality and instream conditions that these habitats rely upon.”*

We would highlight that Article 11(3)(e) relates to abstraction for drinking water. Ireland is currently subject to an infringement complaint<sup>16</sup> from the ECJ over the lack of adequate transposition of this specific requirement of the WFD. This is outstanding, and there is as yet no legislation to address this shortfall. As such, this cannot be lawfully be relied upon as a mitigation measure for the protection of water quality, as it itself is subject to infringement action.

In regard to Article 11(3)(h) we would highlight that Ireland is failing in its obligations under the Water Framework Directive. The last comprehensive EPA Water Framework Directive report<sup>17</sup> highlighted that more than half our rivers, lakes and estuaries (47%; 49.5%; and 62% respectively) are in less than good status and the recent draft River Basin Management Plan (RBMP) identifies agriculture as the most significant pressure, impacting 62% of water bodies. The EPA WFD report stated:

*“A new sense of urgency is now needed to address the issues affecting water quality particularly in relation to agriculture and other land management practices which are key drivers behind the recent increases in nitrates and phosphorus that we are seeing in our rivers and lakes and the increasing inputs of these nutrients to our marine environment.”*

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<sup>16</sup> [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_20\\_1687](https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1687)

<sup>17</sup> [EPA \(2019 \) Water Quality in Ireland 2013-2018](#)



The latest EPA water quality indicators report<sup>18</sup>, published in 2021, clearly describes the requirement for the next Nitrates Action Programme to deliver for water quality:

*“Reducing the nitrate levels in our water must be a priority. The next Nitrates Action Programme must deliver reductions in nitrogen losses to water. There also needs to be full implementation of existing regulations by Local Authorities and the Department of Agriculture, Food and the Marine.”*

The EPA highlighted that levels of nitrate pollution are strongly linked to increasing agricultural intensification, with clear trends of increasing nitrogen pollution in the south and south-east of the country, the area which has seen the greatest intensification of dairy production since the lifting of the milk quotas. In these areas over 85% of the nutrient pollution is as a result of agriculture<sup>19</sup>.

As such, again to rely on the implementation of the WFD as a mitigation measure is flawed. We are not in compliance with the WFD, which aimed to achieve good water status for all waterbodies by 2021. The next deadline is 2027, and the EPA have indicated that we are unlikely to achieve that.

Under the Habitats Directive there is a requirement to prove that any proposed mitigation measures will prevent adverse impacts on the integrity of the site. Furthermore, it is now well established in law that approval can only be granted for plans and projects when it has been established beyond all reasonable scientific doubt that the subject proposal will not adversely impact any Natura 2000 sites. In Case C-258/11, *Sweetman & Others v An Bord Pleanála & Others*, it was held that:

*“authorisation for a plan or project ....may therefore be given only on condition that the competent authorities ....are certain that the plan or project will not have lasting adverse effects on the integrity of the site. That is so where **no reasonable scientific doubt remains as to the absence of such effects**”* [emphasis added].

Given the failings by Ireland in adequately implementing Article 11 of the WFD, which encompasses the sole water quality measure under SMR 1, the reliance on SMR 1 to provide suitable mitigation for water quality is flawed and cannot be lawfully construed as providing protection to facilitate a conclusion of ‘beyond reasonable doubt’.

Worryingly, addressing poor and declining water quality is a key national concern and besides the EPA PAAs in the AECM, the other measures are untargeted in approach to address issues.

### **5.2.2 Lesser Horseshoe Bat, Sheep Welfare Scheme and Anthelmintics**

On the subject of anthelmintics the Appropriate Assessment is correct about lesser horseshoe bat sensitivity. The use of antihelmintics in cattle is also an issue of serious concern to Bat Conservation Ireland considering the impacts this has on carbon sequestration, soil health, biodiversity and reduced invertebrate availability for feeding bats, including but not limited to lesser horseshoe bats.

The comment that the impact of these drugs on lesser horseshoe bats needs to be monitored is welcome but this is not in the CAP plan, and there is a lack of detail as to how this will be funded and enacted upon. **This should be specified in the CAP plan.**

Bat Conservation Ireland would have concern that by targeting only lesser horseshoe bat SACs and ‘core sustenance zones’ around them there may be potentially greater negative impact of anthelmintics in areas where the species is already more vulnerable (i.e. not in statutory designations). We recommend that the requirements for participants in the Sheep Welfare Scheme to adhere to Teagasc dosing guidelines should be broadened out to include the entire distribution area for the

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<sup>18</sup> EPA (2021) [Water Quality in Ireland: An Indicators Report](#)

<sup>19</sup> EPA (2021) [Assessment of the catchments that need reductions in nitrogen concentrations to achieve water quality objectives](#)

lesser horseshoe bat and therefore include more areas, for example, of County Limerick, where the species is already under pressure. This could be done in liaison with NPWS mapping. All of the above should be acknowledged and agreed to be included in the CAP Plan.

### 5.2.3 Other mitigation measures which must be included in the CAP plan

Other relevant mitigation measures from Food Vision 2030 were provided in the environmental assessments and underpin conclusions but there's no indication that these will be implemented. These are spelled out below.

- 5.2.3.1 It is recommended that a results-based scorecard is applied for Geese and Swan and PAAs. The scorecard system for these Tier 1 lands should be developed in conjunction with relevant expert bodies such as the NPWS, IFI, EPA and Birdwatch Ireland.
- 5.2.3.2 The screening of the AECM measures by an appropriately qualified individual is also required to ensure that tree planting does not impact important areas for example ground nesting birds, many of which are listed on Annex 1 of the Birds Directive. Note, additional recommendation to include the PIP maps to support co benefits around tree planting measures.
- 5.2.3.3 **Of overriding importance is the targeting of the most appropriate measures in the most appropriate places.** It is imperative that the location of Natura sites is well documented in relation to potential agricultural activities. **This would include consideration of potential impact pathways at a catchment level for water bodies (oligotrophic, mesotrophic and dystrophic waters, turloughs) and at a landscape level for flowing water features (in particular, the larger river sites). It would also include consideration of mobile Annex species (particularly birds, mammals (volant and non-volant) and fish) and species that use different parts of a SAC or SPA at different stages of their life cycle (or a combination of Natura habitat and non-Natura habitat). For example, there are many surface waters that are not designated, but that support Annex II/IV fish and mammals and/or Annex I birds.**
- 5.2.3.4 The baseline survey of all Ireland's farms is a very good start in establishing exactly where biodiversity hotspots lie. However, it should be emphasised that this is particularly important in relation to SACs and SPAs, as these are the key sites at a European level. Therefore, knowing where an individual farm is in relation to a SAC or SPA feature is very important in order to avoid or reduce impacts from agriculture. **Targeting of Natura 2000 sites by future agri-environment schemes, especially with higher level measures, also provides a high potential level of mitigation.** If Natura sites can be incorporated into these schemes, this would provide a high level of protection (provided management was tailored to the individual site).
- 5.2.3.5 The strengthening of the implementation of the EIA (Agriculture) Regulations is also important in providing a further level of protection for habitats and species under pressure from agriculture. Any risk/s to any Natura 2000 sites as a result of new agricultural activities or enterprise should be subject to suitable environmental assessment requirements under AA and EIA (Agriculture) criteria. Best practice in this respect could be further extended to include assessment of all agricultural activities. Therefore, all new agricultural activities, changes in agricultural activities or management practice, should be cognisant and compliant with all relevant environmental legislation. Environmental legislation would include, but not be limited to, AA and EIA Agriculture Regulations.

- 5.2.3.6 Throughout the Agri-Food Strategy there is an emphasis on a move towards grass-fed systems, and the use of clover and multi-species swards. Whilst this is beneficial overall and will facilitate a reduction in GHGs and (provided it is managed) nitrogen use, it should not be at the expense of existing high quality (potentially Natura) sites. Again, it is a case of implementing such measures in areas where no significant negative impacts to existing semi-natural (especially Natura) sites could occur. This can be achieved through knowledge of the precise location of Natura sites in relation to farm holdings. The baseline surveys proposed for every farm holding should place particular emphasis on the location of SAC habitats and thereby ensure that these are suitably considered by any agricultural intensification or conversion to grassland systems. This would also apply to conversion to tillage i.e. no conversion of SAC habitats to tillage areas. Such measures could additionally be reinforced through the strengthening of the EIA (Agriculture) Regulations.
- 5.2.3.7 Relevant studies of direct and indirect impacts should be made available to agri-environment and agricultural advisors and relevant agricultural workers (including farmers), where Natura 2000 sites are present on a landholding. This should include an appreciation of appropriate buffer zones (e.g. in terms of disturbance effects on Annex II (Habitats Directive) and Annex I (Birds Directive) species. Scientific literature on habitat buffer zones should also be made available (e.g. the hydrological effects of forestry on peatlands). Training in the identification of these habitats will supplement existing in-house measures.
- 5.2.3.8 Disturbance effects on Annex I bird species can be controlled **through the avoidance of operations in known areas during the breeding or wintering season.** As is the case with other mitigation measures, where gaps are identified, these procedures should be supplemented with training in the identification of Annex I habitats and Annex II species (Habitats Directive) and Annex I species (Birds Directive).

## 5.2.4 Other miscellaneous concerns in relation to the NIS

### 5.2.4.1 Ammonia deposition, impacts and CAP response

Ireland is annually in breach of the National Emissions Ceiling Directive due to high ammonia levels. This impacts a range of habitats including peat habitats, Annex 1 grasslands and the species they support including rare and protected bryophytes and plants which are sensitive to ammonia deposition. Kelleghan et al (2020)<sup>20</sup> state the following “The extensive production system for cattle in Ireland, inclusive of land spreading, is the primary contributor to ambient concentrations of ammonia (Doyle et al., 2017); it exceeds the critical level for lichens and moss species across most of the country. They recommend that “Habitats Regulations Assessments are necessary for cattle & slurry spreading” and that “Environmental Assessments need to consider contribution of all types of Nitrogen inc. wet deposition & NOx’s”. **This is a mitigation measure that should be included in Ireland’s CAP plan to ensure that there is no adverse impact on Annex 1 habitats and Natura sites from livestock production including funded through the CAP plan.**

### 5.2.4.2 GAEC 9- Environmentally Sensitive Permanent Grassland

GAEC 9 (listed as 10 before numbering change) is referenced in many mitigation measures in the NIS Assessment Table but in reality the current map of GAEC 9 habitats in Ireland is extremely limited. Ireland has the second lowest number of hectares of GAEC 9. Figure 2 below illustrates the tiny percentage of land covered by GAEC 9 currently.

<sup>20</sup> Kelleghan, D.B., Hayes, E.T., Everard, M. and Curran, T.P., 2020. Assessment of the Impact of Ammonia Emissions from Intensive Agriculture Installations on Special Areas of Conservation and Special Protection Areas. EPA Research Report 2013-EH-MS-14



Fig 2: GAEC 9 environmentally sensitive permanent grassland classified under CAP 2014-2022, source DAFM.

To conclude on mitigation measures: recommendations must be revised to be actual mitigation measures, the red flags, concerns, doubts raised in the environmental assessments must translate into action to mitigate the concerns; a table of mitigation measures and how they negate the negative impact or concern found plus a timeline for implementation and monitoring must be included in the CAP plan. **We cannot see how an Appropriate Assessment determination could be made of no significant adverse effects without review of the concerns raised which cast doubt throughout the assessments, and ensuring robust mitigation measures are included, demonstrated to be taken seriously and coupled with an implementation plan.**

## 6.0 Comments on individual interventions.

### 6.1 Eligible Hectare

The move to allow 30% of a parcel with scrub or other habitat on it to be eligible for payment is very welcome. While farmers will not be penalised for removal of those habitats, there should be more incentive for farmers to retain habitats as a result of this change. We hope that this will result in less burning of important habitats due to farmer's fears of basic payment deductions, but the change should be well communicated to farmers so that they are aware of it. **A communications plan is**

necessary in this regard to accompany the change and to advice on the importance of scrub and other habitats.

## **6.2 Statutory Management Requirements**

The text on Statutory Management Requirements (SMRs) 3 and 4 on pages 182, 187<sup>21</sup> and 188<sup>22</sup> of the draft CSP are completely inadequate and fail to describe appropriately the breadth of the implications of these SMRs especially SMR 3 which applies outside SPAs. See Appendix 2 BirdWatch Ireland's submission on the breadth of the application of SMRs 3 and 4. The implications for the application of SMR 3 mean that much greater attention and focus is required on wider countryside effects of the CAP plan to avoid further deterioration of habitats for wild birds.

## **6.3 Conditionality**

### **GAEC 2**

That Ireland is delaying the implementation of GAEC 2 on protection of wetlands is very concerning. It has been known for years that wetlands would be included in LULUCF reporting. Concern is raised in the environmental assessments for wetland and peatland habitats in the interim years before this GAEC will be implemented. This is a critical action to meet our 2030 climate targets and has myriad co-benefits for biodiversity and water quality.

### **GAEC 8 Space for Nature**

In relation to GAEC 8, we very much welcome the extension of GAEC 8 to all farmland and not just arable and thereby going beyond the CAP regulation. We regret the lowering of the baseline from 5% to 4% when Teagasc research shows that there is already a high baseline on sample of intensive tillage, dairy and beef farms and of course more extensive high nature value farmland would have even more.

We reiterate that monoculture forestry should not form part of the non-productive features. The objective of these plantations is a tree crop and not safeguarding biodiversity. Likewise with short-rotation coppice.

It is critical that the list of eligible habitats for GAEC 8 is widened to include the following which are sourced from the FARMECOS work funded by DAFM.

Considerable evidence indicates that the list of landscape features should be expanded from the current (EFA) list. This would have a high biodiversity dividend and would greatly assist farms to attain and exceed the 5% and 10% habitat area thresholds (Larkin et al., 2019; Rotchés-Ribalta et al. 2020). The FARMECOS (Farming And natural Resources: Measures for Ecological Sustainability) project provisional list (unpublished) of eligible features.

These habitats should be included:

Hedgerows/treelines

Buffer strips

Wet grassland

Wetlands

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<sup>21</sup> Pg 187: SMRs 3 and 4 are primarily aimed at protection and conservation of wild birds and habitats. Accordingly, areas are designated specifically for this purpose. In many cases such designation bans ploughing, thereby avoiding the associated loss of soil organic carbon, thus contributing to the overall objective of enhancing carbon sequestration.

<sup>22</sup> Pg 188 SMRs 3 and 4 will positively directly impact biodiversity through controls on Special Protected Areas (SPAs) and Special Areas of Conservation (SACs) intended to protect wild birds and habitats.

field margins (no chemical inputs)

native woodlands/scrub

Heathland

Semi-natural grassland (as per Fossit Guide to Habitats and Table 12 in Larkin et al)

Earth banks

Ponds

peatland

drainage ditches on mineral soils and associated margin

Larkin et al (2019)<sup>23</sup> stated that ‘A broad range of habitats present on Irish farms have been shown to be excluded from the EFA measure. This, coupled with the fact that implementation of the EFA measure is only required on a very small percentage of Irish agricultural land could have implications for the retention of excluded habitats’.

#### **GAEC 8 Retention of Landscape Features**

DAFM provides derogation from the requirement to retain landscape features like hedgerow by allowing hedgerows to be removed but with the requirement that twice the length is planted first before removal. In some instances, hedgerow removal must be screened under EIA regulations if there is the potential for significant adverse effects on the environment and if certain thresholds might be crossed. Research undertaken by Neil Foulkes with funding from the Environmental Pillar<sup>24</sup> highlighted how the DAFM implementation of these regulations needs to be examined internally as there is evidence to show that the EIA regulations are not being implemented correctly, that hundreds of kilometres of hedgerow, potentially old and ecologically valuable hedgerow, is being removed with unknown environmental effects. The value of an old hedgerow ecologically often vastly outweighs that of whips newly planted. **We are unclear of the legal basis for this derogation to allow the removal of hedgerows and call on the DAFM to make this clear. We call on the DAFM to cease this derogation until a review of the EIA regulations is undertaken and we can be satisfied that the environmental value of hedgerows is not being undermined by this derogation.**

#### **GAEC 9 Environmentally Sensitive Permanent Grassland**

GAEC 9 requires the inclusion of Environmentally Sensitive Permanent Grassland (ESPG) as a condition of the Basic Income Support Scheme to protect the most environmentally sensitive grasslands from being ploughed (to support carbon sequestration, support species and habitats of biodiversity value, protect against soil erosion and protect soil quality). Ireland’s cover of ESPG is currently one of the lowest in Europe according to the 2017 European Court of Auditors report<sup>25</sup> on Greening with only 1% of permanent designated as environmentally sensitive, see Fig 2 below. **Ireland has the flexibility under Article 12.2 of the CAP regulation to improve its allocation of ESPG by including environmentally sensitive grasslands in all national and EU designated sites and outside of Natura sites and we urge the state to do so.**

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<sup>23</sup> Larkin, J., Sheridan, H., Finn, J. A., Denniston, H. & Ó’hUallacháin, D. 2019. Semi-natural habitats and Ecological Focus Areas on cereal, beef and dairy farms in Ireland. Land Use Policy, 88, <https://doi.org/10.1016/j.landusepol.2019.104096>

<sup>24</sup> Neil Foulkes and Hedgelaying Association of Ireland (2017) Assessment of Environmental Impact Assessment (Agriculture) Regulations on Field Boundary Removal

<sup>25</sup> Special Report n°21/2017: Greening: a more complex income support scheme, not yet environmentally effective available here <https://op.europa.eu/webpub/eca/special-reports/greening-21-2017/en/>



Ireland is losing important semi-natural grasslands to intensification, conversion to forestry and land abandonment as outlined in the 2007-2012 grasslands survey (O'Neill et al 2013) and the resurvey of 3 Annex 1 grasslands (Martin et al 2018) as well as several other national and local surveys. Semi-natural grasslands, supported by low input and low-intensity grazing, are very important for a range of bird species, invertebrates, plant species including those protected under Flora Protection Orders. Bird species known to be supported by semi-natural grasslands include the following Red and Amber listed Birds of Conservation Concern<sup>26</sup>, **Barn Owl, Curlew, Lapwing, Meadow Pipit, Skylark, Kestrel, Snipe, Hen Harrier, Merlin, Short-eared owl**. There's been a 45% increase in the number of farmland birds added to the Red List of Birds of Conservation Concern in Ireland between 1998-2020 due to loss of and degradation of habitat mainly. The Irish government must do everything in its power to halt these losses and safeguard habitats through every possible measure.

Main data regarding the implementation of ESPG in 2016								
MS	all ESPG		ESPG designated inside Natura 2000			ESPG designath outside Natura 2000		
	(ha)	(as % of all PG)	(ha)	(as % of all ESPG)	(as % of PG inside N2000)	(ha)	(as % of all ESPG)	(as % of PG outside N2000)
HU	460,145	65%	460,145	100%	92%	0	0%	0%
CZ	416,962	43%	138,737	33%	101%	278,225	67%	33%
CY	740	40%	740	100%	95%	0	0%	0%
IT	1,267,973	38%	1,050,647	83%	121%	217,326	17%	0%
BG	425,491	33%	425,491	100%	100%	0	0%	0%
ES	2,492,436	31%	2,492,436	100%	121%	0	0%	0%
SK	142,239	27%	142,239	100%	95%	0	0%	0%
EL	458,258	22%	458,258	100%	103%	0	0%	0%
RO	679,522	15%	679,522	100%	88%	0	0%	0%
DE	543,674	12%	543,674	100%	57%	0	0%	0%
HR	76,487	12%	76,487	100%	105%	0	0%	0%
LT	66,313	12%	66,313	100%	100%	0	0%	0%
SE	49,058	11%	49,058	100%	104%	0	0%	0%
LU	6,526	10%	3,025	46%	35%	3,501	54%	6%
FI	3,143	10%	3,143	100%	111%	0	0%	0%
PL	256,825	8%	256,825	100%	41%	0	0%	0%
SL	20,850	7%	20,850	100%	28%	0	0%	0%
NL	48,984	6%	48,984	100%	95%	0	0%	0%
DK	9,547	5%	9,547	100%	18%	0	0%	0%
UK	580,112	5%	561,491	97%	47%	18,621	3%	0%
BE	14,640	3%	11,152	76%	21%	3,488	24%	1%
AT	24,795	2%	24,795	100%	9%	0	0%	0%
IE	30,175	1%	30,175	100%	92%	0	0%	0%
LV	9,703	1%	3,762	39%	6%	5,941	61%	1%

Figure 3, ESPG in Ireland extracted from the European Court of Auditors report 2017.

It is really important that Ireland significantly increase ambition under Article 12.2 of the CAP Regulation in the current CAP to significantly increase the hectares of ESPG. Specifically, these must include the maximum hectares of:

- Semi-natural grasslands in Natura sites (Special Areas of Conservation and Special Protection Areas)
- Semi-natural grasslands in Natural Heritage Areas and proposed Natural Heritage Areas
- Semi-natural grasslands in the wider countryside that important bird, animal and plant species rely on

<sup>26</sup> Gilbert, G, Stanbury, A., Lewis, L., (2021) Birds of Conservation Concern in Ireland 4: 2020–2026 *Irish Birds* 43: 1–22 available here <https://birdwatchireland.ie/birds-of-conservation-concern-in-ireland/> .

- mapped important grasslands which are carbon stores.

Article 12.2 of the CAP regulation gives Ireland flexibility to increase ambition. As well as including environmentally sensitive permanent grassland inside both SACs and SPAs, as well as nationally designated sites, we suggest that Ireland include the following as criteria for ESPG outside of Natura sites:

- (a) they cover organic soils with a high percentage of organic carbon, such as peatlands or wetlands;
- (b) they contain habitats listed in Annex I to Directive 92/43/EEC or protected by national legislation
- (c) they contain plant species listed in Annex II to Directive 92/43/EEC or protected by national legislation (Flora Protection Orders);
- (d) they are of considerable importance for the wild bird species listed in Annex I to Directive 2009/147/EC;
- (e) they are of considerable importance for wild animal species protected under Directive 92/43/EEC or protected by national legislation;
- (f) they cover permanent grassland of high nature value as defined by objective criteria to be set by the Member State;
- (g) they cover soils with a high risk of erosion;
- (h) they are located in an area designated as sensitive in the river basin management plans under Directive 2000/60/EC.
- (i) they are of considerable importance as feeding, roosting, staging areas for the Red and Amber listed Birds of Conservation Concern in Ireland<sup>27</sup>.

#### **Remove forestry and other exceptions from ESPG**

Currently forestry is allowed to be planted on ESPG which is outrageous and must be forbidden if it is happening. Forestry cannot be planted on ESPG and must be removed from the list of exceptions. There should be no exceptions to ESPG remaining intact.

#### **Interaction with GAEC 9 and other elements of the CAP**

It would be beneficial if there were supports for farmers through EcoSchemes or AECMs to support the maintenance of ESPG both inside and outside Natura sites. In the current CAP Traditional Hay Meadow scheme under GLAS, there's a minimum requirement of 3 grass species whereas there's no clear support for grasslands which could be ESPG and would by default be more species rich.

### **6.4 Ecoscheme**

The SEA did not assess the new agricultural practices proposed by DAFM to be included in ecoschemes in late November and this should be done and sent out for consultation. The environmental assessments of the CAP plan recommended that

**“It is recommended that DAFM establish and communicate proposed annual measures and these be subject to adaptation and change should monitoring reveal no improvement throughout the duration of the scheme.** Innovative and ambitious measures should also be included based on recommendations arising from feedback from farmers and agricultural advisors as well as the CAP Consultative Committee including those in the AECM and EIP schemes. There is an opportunity to learn and mainstream measures that could inform the annual eco scheme in this regard. A specific agricultural measure targeting climate change adaptation should be considered given Ireland's 2030 commitments; in this regard flexibility should be designed once the Climate Action Plan and the Nitrates Action Programme is available”

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<sup>27</sup> Gilbert, G, Stanbury, A., Lewis, L., (2021) Birds of Conservation Concern in Ireland 4: 2020–2026 *Irish Birds* 43: 1–22 Kilcoole available here <https://birdwatchireland.ie/birds-of-conservation-concern-in-ireland/>

It is unclear what monitoring will be undertaken to ensure these annual practices will result in positive results. **We recommend that DAFM devise in conjunction with Teagasc a rapid response monitoring and evaluation of these schemes to ensure that they are achieving their goals.**

Figure 4 below includes comments on specific agricultural practices in ecoschemes.

#### **6.4.1 Space for Nature agricultural practice**

We welcome that Ireland has increased the space for nature % to 10% and for this to reflect one entire agriculture practice. The 10% meets the EU Biodiversity Strategy goal

The EU Biodiversity Strategy states the following in relation to the “Farmland birds and insects, particularly pollinators, are key indicators of the health of agroecosystems and are vital for agricultural production and food security. Their alarming decline must be reversed. To provide space for wild animals, plants, pollinators and natural pest regulators, there is an urgent need to bring back **at least 10% of agricultural area under high-diversity landscape features**. These include, *inter alia*, buffer strips, rotational or non-rotational fallow land, hedges, non-productive trees, terrace walls, and ponds. Member States will need to translate the 10% EU target to a lower geographical scale to ensure connectivity among habitats, especially through the CAP instruments and CAP Strategic Plans, in line with the Farm to Fork Strategy, and through the implementation of the Habitats Directive”.

Studies from across Europe show that if a minimum of 10-14% of agricultural land were to be non-productive, then birds, and thus other wildlife, would recover (Busch et al., 2020; BIOGEA, 2020; Traba and Morales, 2019; Walker et al., 2018; Langhammer et al., 2017; Pe’er et al., 2014; Oppermann, 2008). **It is the minimum, as at landscape level, 26-33% may be required for landscape-level recovery (Walker et al. 2018).**

Larkin et al (2019) undertook a study of EFAs in Ireland which showed that “Almost 10% of the total area of farms within this sample comprised habitats beneficial for wildlife, with linear features such as hedgerows, buffer strips and drainage ditches accounting for 43% of the total area of wildlife habitat surveyed” in a 119-farm sample. Meeting this requirement in GAEC 9 should not be difficult. The quality of the habitats was not assessed though and this gives room for working on ecologically appropriate management of habitats in ecoschemes.

#### **No focus on improving quality of habitats in ecoscheme**

While it is welcome that the state increased the space for nature to 10%, this is mostly the status quo nationally. Higher ambition to address the biodiversity crisis would ensure that the focus on quality of habitats was included and the fact that it isn't is really regrettable. Rotchés Ribalta also stated that ‘retention of habitats alone, with little attention on habitat quality, may not be sufficient to help reverse the decline of farmland biodiversity (Hodgson et al. 2011)<sup>28</sup>.

**We request that DAFM revisit this and ensure that advisory supports are provided to help farmers improve the quality of habitats such as hedgerows (tall and wider), ponds and wetlands. With the**

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<sup>28</sup> Rotches-Ribalta, R., Ruas, S., D.Ahmed, K.S., Gormally, M., Ryan, M., Stout, J., White, B., Lee, A. Moran, J, and Ó hUallacháin, D., (2021) Assessment of semi-natural habitats and landscape features on Irish farmland – New insights to inform EU Common Agricultural Policy implementation. *Ambio*: 50: 346-359

potential of up 129000 farmers participating in this ecoscheme the potential biodiversity dividend could be great if it had good support.

#### 6.4.2 Application of Lime

It is critical that liming of high nature value farmland is avoided. How will DAFM ensure that this doesn't happen?

Ecoscheme	Structure			Detail		Comments	
Agricultural Practice 1							
Space for Nature			Allocate at least 7% of their land to these features.		Must do another ecoscheme to meet 25% of Basic Payment		No focus on improving quality of habitats plus Forestry plantation since 2009 included. Forestry monoculture should be removed except native woodland <b>list of features:</b> land lying fallow, eligible forestry, short rotation coppice, field copse, hedgerows, drains, buffer strips, field margins, stonewalls, ponds. List of Habitats should be extended as per submission.
			Allocate at least 10% of their land to these features.		Equals full 25% of Basic Payment		
Agricultural Practice 2							
Extensive Livestock Production (low stocking rate, not no stock)					Between a minimum (0.15 LU/hectare) and a maximum (proposed as 1.5 LU/hectare) value		New Higher stocking rate is worrying.
Agricultural Practice 3							
Limiting Chemical Nitrogen Usage					New figures		promote low usage of chemical nitrogen
Agricultural Practice 4							
Planting of Native Trees or hedgerow			3 trees per ha or 1m hedgerow per ha		Must do another ecoscheme to meet 25%		Planting may be front loaded in first year but unclear if all funds will be paid then & ramifications for AECM. Must avoid important areas for ground nesters
			6 trees per ha or 2m of hedgerow per ha		Equals full 25%		Can include planting trees in gappy hedgerows
Agricultural Practice 5							
Use of a GPS-controlled Fertiliser Spreader					Fertiliser register will ensure compliance		Unknown how much fert shd be spread this way using this tech.
Use of a GPS-controlled Pesticide Sprayer					New		Unknown benefits.
Agricultural Practice 6							
Soil Sampling and, where appropriate, Liming on all eligible hectares					This action can be chosen once every three years in line with Teagasc guidance regarding the appropriate intervals between soil samples being taken.		Must avoid high nature value farmland
Agricultural Practice 7							
Enhanced Crop Diversification			Where a farmer has a crop diversification requirement, s/he must plant a break crop (beans, peas, oilseed rape or oats) as their second or third crop. Where a farmer has a 2-crop requirement, the break crop must account for at least 25% of the arable area. Where a farmer has a 3-crop requirement, the break crop must also account for at least 25% of the arable area				
Agricultural Practice 8							
Sowing of a Multi Species Sward			6% of eligible hectares planted in MSS				Must ensure that conversion of semi-natural grassland is avoided

Fig 4 detail on Agricultural practices in ecoscheme and comments.

## **7.0 Agriculture Greenhouse gas emissions- Failure to use the CAP to invest in cutting agriculture 2030 climate targets**

A significant disappointment in this CAP plan is the acknowledged lack of action to meaningfully address greenhouse gas emissions from agriculture. There are some anticipated climate benefits from the Suckler Carbon Efficiency Programme through improving genetic merit but there is no focus at all on cutting emissions from dairy cows. In addition, there are no estimated emissions cuts from the €254million in state investment in the similar Beef Genomics Scheme. The emissions reductions expected from the nitrogen reduction ecoscheme are unclear and it is unknown if farmers will sign up for it.

Recently, the government endorsed the Climate Change Advisory Council's target range of 22-30% reduction in emissions from agriculture by 2030 but actions that could be incentivised in the CAP are not visible.

The recommendations from the three national environmental coalitions report<sup>29</sup> should inform the CAP plan and where appropriate implemented through it.

- Publish a revised roadmap for agri-related greenhouse gas emissions reductions that sets out a time scale to achieve, as a minimum, compliance with EU and national law, including the forthcoming Climate Amendment Bill, by 2030, and an implementation and enforcement schedule that can be monitored on an annual basis.
- Put in place a declining cap on total national reactive nitrogen (and phosphorus) usage based on an assessment of the total amount and rate of nitrogen inputs from fertiliser and animal feed that is appropriate and sustainable for climate action, air and water quality to bring usage down to 2011 nitrogen inputs levels (296 ktN) within three years, followed by a more gradual, steady reduction thereafter.
- Consult with stakeholders and devise regulatory, voluntary and combined measures based on international best practice to limit and reverse recent expansion in the dairy sector by rapidly bringing sectoral greenhouse gas emissions back to 2011 levels by 2025 or as soon as feasible thereafter. Such measures should include a requirement for dairy farmers to reduce their herds and stocking rates to the level consistent with local environmental, and national ammonia and climate constraints, with immediate priority given to farms in sensitive catchment areas.
- Put in place compensatory measures to facilitate and incentivise herd reductions and diversification in the beef suckler and finishing sectors. Farmers relying on CAP payments for the bulk of their farm incomes should not be financially worse off by implementing herd reductions on a gradual basis.

## **8.0 Tree Planting and Agroforestry**

Ireland needs to plant many more trees but in a targeted way which maximises environmental benefit. Tree planting will be promoted through an agricultural practice in the ecoscheme and in the AECM

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<sup>29</sup> Environmental Pillar, SWAN and Stop Climate Chaos (2020) Towards a New Agricultural and Food Policy for Ireland Recommendations for Government

but there is no targeting of this action to the right locations on farm or wider landscape in a ecologically holistic way.

A full suite of agroforestry measures focused on a variety of species and a continuous cover management model should be introduced to promote natural regeneration and ecological corridors for nature connectivity. In addition, DAFM should prioritise the protection and restoration of ecological corridors of linear native woodlands and hedgerows that connect existing fragments of semi-natural, native, and ancient woodlands.

Tree planting along riparian corridors, shelterbelts, and ecological native woodland corridors for connectivity in the landscape are critical. The lack of targeting means this is a regrettable missed opportunity.

In addition, there is no coherent approach to integrating agroforestry in farm holdings and to maximise its proven benefits. Ireland is lagging behind in this regard which is extremely disappointing.

A positive is that the applications for the tree planting ecoscheme and AECM measures will be informed by the BirdWatch Ireland Farmland Bird Hot Spot mapping layer. This will indicate where tree planting should be avoided in order to protect threatened ground nesting waders and other species. Trees, hedgerows and scrub provide cover for foxes and cover and perches for corvids which predate wader (and Hen Harrier) nests.

The environmental assessment noted and we agree that:

“Greater awareness raising and highlighting environmental issues from DAFM to provide greater clarity and understanding to applicants undertaking this scheme is recommended. This measure is a key example of requiring the right measure, right place approach”.

## 9.0 Addressing poor and declining water quality

The CAP objective **“Foster sustainable development and efficient management of natural resources such as water, soil and air”** is really important in an Irish context. BirdWatch Ireland welcomes the proposed goal of the preferred alternative CAP of “right action in the right place’ in order to ensure effective targeting of measures to deliver biodiversity, water and climate action in an integrated manner on farms” but regrets that this is not reflected in Pillar 1 and thus wont reach the majority of farmers or all problem areas for water.

### 9.1 Limiting chemical nitrogen ecoscheme agricultural practice

EPA data from 2021 [EPA (2021) [Assessment of the catchments that need reductions in nitrogen concentrations to achieve water quality objectives](#)]] shows that significant reductions in nitrate leaching are necessary for the majority of the problem catchments in 2019 (reductions of over 50% in some cases). Any ecoscheme for fertiliser reduction should be specifically tailored to these problem catchments.

The specific percentage reductions of fertiliser required should be tailored to the data from the EPA, which catalogued the reductions necessary in order to comply with Water Framework Directive requirements. Teagasc have carried out some modelling on measures needed to address this [ Teagasc (2021). [The Impact of Nitrogen Management Strategies within Grass Based Dairy Systems](#)], but to date their published results are insufficient for estimating the fertiliser load reduction to deliver the nitrate runoff reduction necessary.

Along with our colleagues in the Environmental Pillar, we recommend:



- In the absence of that necessary information, we recommend that the broad aim of Farm to Fork be implemented, with a 20% reduction in fertiliser use applied, and that these ecoschemes be targeted at the problem catchments.
- that any farmer who will receive Eco Scheme payments, must also be offered a number of voluntary training opportunities to increase understanding of local conditions and pressures. While mandatory training will be required for recipients of AECM payments, there should be opportunities for all farmers to avail of this training and knowledge exchange.

## 9.2 AECM measures to address water quality

BirdWatch Ireland welcomes the proposal that “the underpinning principle for the (Pillar 2 AECM) scheme will be ‘right action in the right place’ in order to ensure effective targeting of measures to deliver biodiversity, water and climate action in an integrated manner on farms”. In solidarity with the Water Forum we support the proposal for targeted measures for optimum environmental outcomes, which is an improvement relative to previous AECM schemes of CAP as it relates to water.

- We recommend that the definition of ‘Vulnerable water area’ for Tier 2 is “any water body where agriculture has been identified as a significant pressure”, and priority should be given to those identified as having a critical source area (supported by EPA PIP maps). These should be moved to Tier 1.
- The draft RBMP states that 2500km of riverside interception measures (equivalent to 3% length of all river channels) will require targeted mitigation measures to significantly improve water quality. This information is based on the EPA’s Pollution Impact Potential (PIP) maps , or critical source area maps, which combine the soils and the DAFM farm data and these should be reflected in priority actions.
- When assessing applications for the AECM, along with giving priority to farms within a PAA and vulnerable water area within a critical source area, farmers who proposed mitigation measures within their farm sustainability plans with a range of co-benefits for water, biodiversity, soil and climate, should be ranked higher than those addressing only one problem while accepting that some solutions for climate may impact biodiversity e.g. tree planting in buffer zones or fencing in areas important for groundnesting birds including breeding waders. Though, those areas that have been declared PAAs due to other stresses, such as lack of Urban Water Treatment, should be ignored. It is very likely that the new River Basin Management plan will increase the number of PAAs, these will need to be included.

## 9.3 Spatially targeted extended buffer zones

Buffer zones are one of the most common and important measures used to mitigate impacts of farming on water quality from a large range of pollutants and significant issues such as phosphate, total phosphorus, sediment, nitrate, ammonium, pesticides and microbial pathogens with multiple co-benefits such as enhanced aquatic and terrestrial biodiversity. It is important however, to consider that effectiveness of buffer zones for mitigating impacts on water quality will be dependent on the permeability of the soil, subsoil and bedrock, and on the topography. Therefore, the Forum recommends that greater consideration be given to requiring spatially targeted extended buffer zones, whereby they are added as a mandatory measure within Tier 2 for vulnerable water bodies in poorly draining areas where runoff of pollutants is posing a threat to watercourses. Again it is critical that buffer zones should be managed so as to support floral diversity and quality and avoid becoming rank. Where tree planting is proposed, this must avoid important areas for ground nesting birds including breeding waders.

In freely draining areas, a high proportion of rainfall infiltrates vertically underground to the water table, thereby flowing underground and bypassing much of the nearby buffer zones. Buffer zones in

freely draining areas therefore provide less protection for water quality from nutrient pollution, although they still have many environmental benefits for biodiversity and hydromorphological integrity. In contrast, in poorly draining soils, a high proportion of effective rainfall must ‘run off’ either as overland flow or shallow subsurface flow. Buffer zones in poorly draining soils enable interception of runoff and are therefore more effective at protecting local watercourses relative to freely draining soils.

Utilisation of spatially targeted extended buffers need not increase the area of buffer zones as some of the area allocated to uniform width buffers (their width could be decreased) could be repositioned to the water and pollutant flow delivery paths and zones and could be designed and shaped to suit the local topography, thereby getting optimum benefits from the area allocated to buffer zones. Utilisation of the new EPA Pollution Impact Potential (PIP) maps would aid location of the flow delivery paths and points.

BirdWatch Ireland recommends that the following additional actions are added as individual or Co-operative Project actions;

- Incorporating spatially targeted buffer zones along water courses where appropriate, e.g. riparian zones, grass margins
- Protecting and re-establishing native woodlands and avoiding important areas for ground nesting birds
- Re-wetting peatlands
- Protection and re-establishment of wetlands
- Restricting livestock access to water courses but not including additional fencing in areas important for ground nesting birds
- Actions to mitigate invasive species on their lands, e.g. alongside water courses and drainage ditches, and to encourage participation in local biosecurity programmes.
- That a water expert is included in the project team to ensure water quality protection is a key focus in the scheme.

#### **9.4 Rewetting drained high carbon farmlands and peatlands**

This is beneficial to climate change and water quality. There is no coherent strategy within the CAP Plan for this very important measure, though future description of GAEC 2 might help but there is no current plan to include ‘maintaining high water table’ in this GAEC. We regret the delay in rolling out GAEC 2 and suggest that the Ramsar definition of wetlands is globally recognised including by Ireland and should be the one used.

When concern was raised by the agricultural sector that rewetting peatlands could cause flooding on neighbouring farms, Dr. Florence Wilson who lead this peatlands research responded that “it is difficult to identify the fields that need these measures; to block drains you need to know where they are and rewet successfully rather than flood. Rewetting seeks to make moist they should not be flooded” (taken from discussion between lead researchers and Forum members). A report published by the Department of Culture, Heritage and Gaeltacht, called “Best practice in raised bog restoration in Ireland”, also indicates that blocking drains can slow the flow of water off the bog thereby potentially reducing the frequency and magnitude of flood events by restoring the hydrological function of the bog. Furthermore, buffer zones can further protect neighbouring farms from the risk of floods.

Current emissions from drained grassland on peat soils is 8 million tonnes per year, and this is treated within LULUCF, the draft Climate Action Plan and there is an ambition to reduce this by 880,000 tonnes per year by 2030.

This is an ambitious target, with considerable changes and support required by farmers, and needs an overall plan to achieve it. Some of the co-operative AECM schemes will be beneficial but the plan needs to include the financing of this and the techniques to be deployed.

- **DAFM must identify areas of agricultural land that require better management of existing carbon stocks and where immediate rewetting is possible. And put in place targeted, customized support through the CAP for the management and rejuvenation of existing carbon stocks.**
- **Ensure that measures to promote soil carbon sequestration, rewetting of grasslands and afforestation are done for sound environmental reasons and not with a view to generating unreliable and impermanent carbon offsets.**

## **10.0 Supporting diversification of farming**

There is little in the CAP plan to support small horticulture producers. It is clear that the focus is on livestock production mainly with producer organizations targeted at very high turnover vegetable and fruit firms. This export focused approach means Ireland will continue to rely on imports of fruit and vegetables for many years to come undermining our national food security.

The three national environmental coalitions have called for the development, funding of and implementation of a Just Transition action plan for the agricultural sector to identify and address the specific needs of farmers and communities in rural areas. In developing this plan, assess the emissions reductions and environmental benefit of diversification options. If produced this could have informed Ireland's CAP plan. Additional CAP measures could be included to identify the grants, training and advisory supports needed for diversification, and the potential economic viability and employment opportunities of diversification strategies. Critically, support should be built by involving those affected by policy changes to identify sustainable alternatives, with support and input from the wider community and civil society working collectively toward rapid and fair solutions.

Diversification strategies should be based on the merits of delivering public goods that deliver landscape and catchment-scale environmental and socio-ecological benefits. These strategies should take into account the local agro- and socio-ecological context, including soil type and the socioeconomic needs of farmers.

### **Organic Farming Scheme(OFS)**

Issue: pg. 436. The financial allocation for dry stock (Beef and Sheep) is far too low. The financial allocation for all categories is overall too low to generate the required growth towards the 7.5% target.

The OFS needs to be competitive with other AECM options to encourage take up. Take up was low in 2020 for precisely this reason - farmers had better paying options. However, from a national exchequer perspective, there is a market and premium for organic produce, so the potential to recoup monies spent is also there with a stronger organic market. While higher payments alone will not grow the organic sector, they form a core part of getting farmers to sign up to the OFS.

Pg 438 states: "The costings are based on modelling and comparative analysis for the various sectors taking account of additional costs incurred and revenue foregone for organic production systems compared to conventional sectors."

It is unclear how the 'costs incurred and income forgone' result in the funding allocation per hectare for dry stock to remain the same as it has been for many years, and to remain so until 2027. Payment rates per hectare in Ireland are low, and lower than many EU member states, from all parts of the EU.

However, there are options remaining to increase the funding allocation. Pg. 438 also states: "In arriving at the proposed payment rates, due consideration is also given to other relevant and topical aspects such as participation by sector in the current OFS, the market for organic product and EU policy." Also "Teagasc have been asked to independently confirm the adequacy and accuracy of the calculations."

We would also question the logic of recommending alternative 2b "organic farming, agro forestry and support for extensive farming" in the SEA, over alternative 2a "Organic farming from the current rate of under 2% to the government commitment of 7.5%", and indeed for this to score higher in the SAA (pg 122).

There is no logic presented to specifically conflate 2a and 2b in the first instance; there is no dedicated market, or market premium for the extra farming methods presented in 2b.

Higher rates per hectare in all sectors of organic farming are recommended than is currently proposed in the CAP SP.

Producer Organisations (POs)

"Low level of Producer Organisations" is recognised as a weakness in the draft CAP SP (p.g. 34). Early stage support for POs is welcome; however the entry requirement of E2.5 million for POs in horticulture is too high. EP recommends lowering this.

## **11.0 Comments on other elements of the CAP**

### **Ex ante evaluation**

Observation: The current draft plan under consultation does not contain the ex ante evaluation.

**Question/comment:** Point 2(a) of Article 95 establishes that each CAP Strategic Plan shall contain the ex ante evaluation in its annex. This would have provided the consulted stakeholders with the robust evidence to appraise - among others - how the expected outputs will contribute to results; or whether the quantified target values for results and milestones are appropriate and realistic.

### **Small Farmer Scheme**

There is no option for this in Ireland. A small farmer scheme should be offered in Ireland.

### **Social Conditionality**

Social Conditionality has not been recognised by the CAP plan at all. This is not acceptable and it must be included.

Section 4: Elements common to several interventions

#### **Negative list of CAP beneficiaries**

**Observation, pag 298:** A negative list of CAP applicants to be excluded by funding is missing (airports, waterworks, real estate services, railway services and permanent sport).

**Question:** why is the current negative list of CAP beneficiaries not included in the CAP SP 2023-2027? The definition of "active farmer" is too broad and loose. It is recommended to insert a negative list.

### **Section 5.1 Direct payment interventions**

## Capping

**Observation, pag. 320 and pag. 300.** It is unclear if labour costs can be deducted from the 100% reduction of payments above 66 000 Euro. It is unclear why the max unit of amount was set at 320 Euro/ha and whether this max unit will apply as of 2023 or 2026.

**Question/comment:** it is recommended that a justification is provided for the max unit amount set at 320 in relation to the national average amount, as well as for the starting date, possibly 2023.

## CRISS

**Observation, pag. 323-326:** CRISS was set up at 10% of the national ceiling for direct payment. CRISS payments are allocated to the first 30 hectares of every farm. A target is missing for the result indicator R.6 *Redistribution to Small Farms*

**Question/comment:** more ambitious scenarios were not explored in the modelling analysis published in August 2021 by DAFM (e.g. 12% or 15%). A new modelling scenario can be run to find out the potential effects of CRISS at higher levels of ringfencing, and allocated through different thresholds with a view to redistribute more budget from large to small and medium size farmers.

## Rules on allocations from the reserve

Observation, pag. 302: "Ireland may also operate the reserve for a category of farmers who have been deemed to have a specific disadvantage".

**Question/comment:** Are women applicants going to be prioritised in the distribution of the national reserve? BirdWatch Ireland recommends the CAP Plan prioritises a rule for gender equality for the allocations from the reserve.

## 12.0 Governance, Monitoring and Evaluation

### 12.1 Inaccurate reference to the Farmland bird index

The Farmland Bird Index is used as an indicator in the CAP. BirdWatch Ireland sent in an early submission outlining concerns in relation to inaccuracies relating to Farmland Bird Index. This submission is included in the Appendices. It is not appropriate indicator to monitor upland birds and waders as these species are not included in the FBI. Suggest that NPWS survey and monitoring results for waders, Hen Harrier, Red Grouse etc are used instead to monitor these species. We recommend that the Article 12 reporting and Birds of Conservation Concern in Ireland assessments are datasets that should be included in the monitoring.

### 12.2 CAP Plan Description of the monitoring and reporting systems

Section "capture and processing data, including monitoring and evaluation data from external sources, including". Data from BirdWatch Ireland and other relevant NGOs should be considered for the list of data sources.

### 12.3 Rapid Response monitoring is required

Rapid response monitoring is required of the ecoschemes to ensure that actions are delivering and so quick adjustments can be made to the scheme. If there are unintended consequences these need to be picked up immediately.

### 12.4 Monitoring and evaluation-learning from GLAS.

The evaluation of GLAS 2014-2020 highlighted recommendations in relation to monitoring of AECM in the next CAP. It would be helpful in the CAP plan and its implementation to understand if GLAS recommendations were taken on board or if the DAFM has gone above and beyond these.

The GLAS evaluation noted :

“Improve the additionality of GLAS actions through greater attention to site selection across successive AES and in some cases through more demanding action prescription or a results based-approach”.

Review the Monitoring and Evaluation (M&E) approach for the next AECM, including:

- establishing a baseline for sites and extending the timeframe for monitoring across programmes, as relevant;
- incorporating the field survey within a wider survey of mobile species populations;
- incorporating ecological modelling to estimate effectiveness, especially where data is difficult to gather due to spatial and temporal constraints;
- obtain the breakdown of the effectiveness on water quality and GHG at action scale; and
- investigate how the M&E outputs can be linked to Natural Capital metrics to allow a more holistic assessment of biodiversity and other ecosystem services.

### **12.5 Governance systems and coordination systems**

- BISS on-spot controls

Observation, pg. 522: 5% of population (random/cascade selection) will be checked for: - Declared area - Land eligibility (eligible hectare) - Land/crop use

We recommend that:

On-the-spot controls should also check the compliance with the conditionalities rules and standards. Use of digital tools to increase the min 5% of population checked annually for the compliance to conditionality rules with the use of new digital tools.

- Eco-scheme on-spot controls

It is regrettable that there is no focus on monitoring the environmental benefit (ie quality of habitats, tonnes of nitrogen reduced, litres of spray avoided) as a result of the action. How will results be reported on if there is no measurement of the environmental benefit. Citizens expect environmental benefit from the schemes they are investing in.

Observation, pag. 524: the % of beneficiaries under On-spot control is missing.

We recommend that a minimum of 5% is checked for auditing purposes, whereas the monitoring and evaluation of the results and impacts is reinforced.

- Controls for non-IACS (EAGF)

Observation, pag. 534: Checks will be conducted on legislative compliance of recognized producers organisations.

Along with the Environmental Pillar, we recommend that compliance checks of recognised producer organisations are carried out also on any national legislations stemming from the adoption of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain.

## **13.0 Does Ireland’s CAP plan meet the EU Green Deal?**

Recently, the Council of the EU took the final step of the Common Agricultural Policy (CAP) reform by approving the CAP regulations at European level. According to Commissioner Wojciechowski, *“Member States now have the opportunity to design their own strategies, based on their own needs and strengths. They have the opportunity to set targets, and take actions, to achieve real results”*.



Article 92 provides that “Member States shall aim to make, through their CAP Strategic Plans, a greater overall contribution to the achievement of the specific environmental and climate-related objectives in comparison to the overall contribution made in the period 2014 to 2020.”

The section (1.3.3 page 1.6.2) in Ireland’s CAP plan ‘Consistency with and contribution to the Union targets for 2030 set out in the Farm to Fork Strategy and the EU Biodiversity for 2030’, has no entries.

#### Environmental Pillar Analysis of the draft CAP plan against EU Green Deal targets.

Farm2Fork Target	
National contribution to the EU 2030 target of 50% reduction of nutrient losses, while ensuring no deterioration in soil fertility	Eco-scheme to reduce amounts of chemical nitrogen. GAEC 4 and buffer strips but they are not targeted. Nutrient management left in the main to others such as Nitrates Action Plan.
National contribution to the EU 2030 target of 10% of agricultural area under high-diversity landscape features	New Eligible Hectare, GAEC 8 and Agricultural practice 1 in the Ecoscheme – Space for Nature
National contribution to the EU 2030 target of 25% of the EU’s agricultural land under organic farming	The Organic scheme has increased funding but its target is still only 7.5%
National contribution to the EU 2030 targets of 50% reduction of the overall use and risk of chemical pesticides, and use of more hazardous pesticides	No specific pesticide scheme
National contribution to the EU 2030 target of 50% reduction of sales of antimicrobials for farmed animals and in aquaculture	Though various SMRs have limits on antimicrobial, there is no specific scheme

#### Analysis of the EU Biodiversity plan key commitments (page 14) vs CSP

EU Biodiversity Plan	CSP
1. Legally binding EU nature restoration targets to be proposed in 2021, subject to an impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.	Concerning that Ireland is delaying implementation of GAEC 2-protecting wetlands. Inadequate targeting of Natura and Commonage AECM. The scorecard to be used for the Natura AECM will solely be focused on grasslands and not other habitats which indicates a significant gap. Specific ecological advice necessary for upland commonage as highlighted by the environmental assessments but unclear if this will be implemented through the advisory services. Commonage Management Plans must be aligned with the Conservation Objectives of relevant Natura sites according to the Natura

	Impact Statement but no indication that this will be done. Critically, seriously inadequate measures or effort to support the target of 30% species and habitats at favourable conservation status. No scheme for critically endangered breeding waders. Nothing for a range of other farmland birds, not to mention other species of concern. New Eligible Hectare, GAEC 8 and Ecoscheme 1 – Space for Nature. Some co-operative AECM schemes aimed at restoration of carbon rich habitats but little detail provided.
2. The decline in pollinators is reversed.	Nothing to specifically help all pollinator. Indirect benefits highlighted in AECM buffer strip measure but GLAS evaluation highlighted how buffer strips were often rank and missing floral species diversity. They need to be managed and there was a lack of ecological advice to support management measures.
3. The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.	No specific pesticide scheme but agricultural practice to use precision spraying in ecoscheme is promoted.
4. At least 10% of agricultural area is under high-diversity landscape features.	New Eligible Hectare, GAEC 8 and Ecoscheme 1 – Space for Nature but list of habitats needs to be extended to include wetlands, heath, peatlands and more in BirdWatch Ireland submission to ensure diversity of habitats. Regrettable lack of focus on quality of habitats which means we are status quo since most Irish intensive beef, tillage and dairy farms already have 10-14% habitats on farms when all on-farm habitats are taken into account however, quality varies significantly.
5. At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.	The Organic scheme has increased funding but its target is still only 7.5%
6. Three billion new trees are planted in the EU, in full respect of ecological principles.	Little direct support for organised native tree planting, there is an ecoscheme for planting 3 trees per hectare and the AECM includes further tree planting measures. Critically these must be targeted to avoid important areas for ground nesting birds.
7. Significant progress has been made in the remediation of contaminated soil sites.	Nothing in CSP
8. At least 25,000 km of free-flowing rivers are restored.	Nothing in CSP

9. There is a 50% reduction in the number of Red List species threatened by invasive alien species.	Potential in the Cooperative Projects to include some measures to address this.
10. The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.	Eco-scheme to reduce amounts of chemical nitrogen. GAEC 4 and buffer strips but they are not really targeted. Nutrient management left in the main to others such as NAP

#### **14.0. Leader funding**

The benefits of LEADER for economic development and rural well-being are enormous so its important that this funding continues and is increased if at all possible. In addition, it is critically important that ecologists review and approve all Leader projects before they are funded in line with mitigation measure in the Natura Impact Statement.

## Appendices

### Appendix 1 BirdWatch Ireland analysis of the AECM measures

CAP CSP AECM Measure Info			Pros and Cons for wild birds		
CAP Strategic Plan AECM measure	Priority or General	Measure Detail	Waders	Raptors	Passerines
Private Natura	Priority Environmental Asset	Low Input Grassland scorecard action to be developed W/NPWS	If upland Natura, Red Grouse, Hen Harrier, other spp could benefit but critical that action is in line with Conservation Objectives of SACs and SPAs. This action may not capture breeding waders as they are not Annex 1, therefore this measure may be of no benefit. <b>Targeted support through CPs needed to maximise benefits.</b> Other bird species could benefit but targeting required and unclear if this will happen. Knowledge of data distribution is critical. Burning of uplands should be avoided unless in small patches subject to regulation and for conservation of biodiversity.		
Commonage land (results-based payment will apply)	Priority Environmental Asset	<b>Draft CSP:</b> The measure will improve the condition of the heath land /grassland and associated species e.g., red grouse, curlew, Hen harrier. <b>Additional:</b> A results based approach will incentivise habitat improvements for several species including upland birds such as red grouse, golden plover, curlew and dunlin?	If upland commonage, Red Grouse, Hen Harrier, other spp could benefit but critical that action is in line with Conservation Objectives of SACs and SPAs. Again, its important not to assume that breeding waders and other spp that are not conservation interests will automatically benefit. <b>Targeted support through CPs needed to maximise benefits.</b> Other bird species could benefit but targeting required. Knowledge of data distribution is critical. Red listed spp include Snipe, Meadow Pipit, (Annex spp =Dunlin, Golden Plover). Commonage management plans must be set against Conservation objectives of Natura areas. Very important that if Curlew and Snipe are expected to be beneficiaries of this scheme that measures are targeted for them. Critical, that there's no miselling of the potential benefits to species.		
EPA Priority Areas for Action on water	Priority Environmental Asset	No Info	Unclear, care needed		

Geese and Swans	Priority Environmental Asset		<b>Draft CSP:</b> This action promotes the production of a grass sward, to protect, not disturb and to feed overwintering geese and swans including the Whooper Swan, Greenland White Front Goose, Barnacle Goose and Brent Goose. and Swans. Many of which are Red and Amber listed. Without intervention, local populations face disturbance.	N/A	n/A	N/A
Minimum Tillage	Priority Environmental Action for intensive Arable and Livestock	General AECM	Reduces the risk of soil erosion	Unclear on link between Min Till and waders. More study needed. Machine work must be undertaken before breeding season. Could have benefits for Lapwing if done correctly and pre/post breeding season.	Unclear, more study needed. Spray for weeds an issue. Could be more rodents = food for raptors.	Unclear, more study needed. Spray for weeds problematic.
Catchcrop	Priority Environmental Action for intensive Arable and Livestock	General AECM	This measure will provide a Crop Cover/Green Manure that will utilise residual nutrients in the soil following harvesting preventing nutrient loss and protecting water quality.	No benefits for waders.	Increase in small birds/passerines could be beneficial food source for raptors	The outcome of this measure depends on what crop is planted. The crop must provide a seed source over winter, eg linseed under spring barley or similar
Winter Bird Food	Priority Environmental Action for intensive Arable and Livestock	General AECM	To establish a winter bird food mix in the spring and by leaving it un-harvested, the crop provides a tailored food source for farmland birds throughout the autumn and winter.	Impt to avoid planting on wet grasslands/wetlands and damp rushy pasture	Beneficial as in food web w/small seed eaters being source of food for raptors***	Beneficial for seed eaters

Planting Trees - Parkland	Priority Environmental Action for intensive Arable and Livestock	General AECM	<b>Draft CSP</b> This measure will create new non-productive features to improve on-farm biodiversity. there are several opportunities for native tree planting in the AECM, as rows, to create boundaries along fenced paddocks, to create parkland habitat or plant groups of trees.	Screening of applications CRITICAL to avoid conflict with breeding wader sites. No planting of any trees within 1.5-3km of wader sites. Fencing allow perch posts for corvids which could predate on groundnesting birds.	Screening of applications critical to avoid conflict with objectives for ground nesting raptors ie HH. As long as trees are not planted in the breeding range or roost sites of HH (which is restricted to upland areas where most non-conifer trees are not suited, then it shouldn't be an issue).	
Planting Trees in Riparian Buffers	Priority Environmental Action for intensive Arable and Livestock	General AECM	In Grassland - the Riparian Buffer Strip/Zone will be fenced off from livestock with no chemical or organic fertilisers or pesticides. Wider options than baseline available and these will also create areas for biodiversity.			
Tree Belt for Ammonia Capture at farmyard	Priority Environmental Action for intensive Arable and Livestock	General AECM	This measure will create new non-productive features to improve air quality as well as on-farm biodiversity			
Winter Bird Food (margin or whole field) (R)	Priority Environmental Action for intensive Arable and Livestock	General AECM	<b>Draft CSP detail:</b> To establish a winter bird food mix in the spring and by leaving it un-harvested, the crop provides a tailored food source for farmland birds throughout the autumn and winter.	No benefit. Impt to avoid planting on wet grasslands/wetlands and damp rushy pasture	Beneficial as in food web w/small seed eaters being source of food for raptors	Beneficial for seed eaters
Unharvested cereal headlands (R)	General AECM		<b>Draft CSP detail:</b> An open structured cereal headland provides a vital food source for seed-eating farmland birds and small mammals as well as creating a habitat for insects.	No benefit	Beneficial as in food web w/small seed eaters being source of food for raptors. However, there should be no	Beneficial for seed eaters. However, there should be no application of fertiliser in these areas



				application of fertiliser in these areas	
Over Winter Stubble (R)	General AECM	<p><b>Draft CSP detail:</b> Creates a biodiversity element by providing a foraging site for farmland birds and small mammals during the autumn and winter.</p> <p><b>Additional:</b> To provide a winter food source for seed-eating birds that feed on spilt grains and the seeds of broad-leaved weeds.</p>	Potentially supports waders but research needed. Waders would feed on invertebrates rather than seed source. Invertebrates would be encouraged by the open structure.	Beneficial for foraging raptors	Beneficial for passerines.
Grass Margins - Arable	General AECM	<p><b>Draft CSP detail:</b> "This action will create margins with no chemical or organic fertilisers in addition to watercourses margins protected under GAEC 4 as they will be placed on other field boundaries. Once fenced off in grassland or sown in arable land they will remain in situ, uncultivated for the duration of the scheme. With good planning they can be placed further up delivery flow paths in Critical Source Areas to help mitigate the risk of soil erosion. It will result in the creation of additional non-productive features and area to improve on-farm biodiversity". <b>Additional :</b> provide safe nesting and chick rearing habitat in arable fields and good hunting habitat for barn owl and kestrel.</p>	This will not provide any benefit for waders like Lapwing if these margins are beside hedges which predominates in Irish landscape. Grass margin could provide cover for predators. Any benefit provided by increased invertebrate diversity outweighed by the risk of predation.	Beneficial for foraging raptors. However, there should be no application of fertiliser in these areas	Beneficial for passerines. However, there should be no application of fertiliser in these areas

Sown Legume fallow/Environmental Mgt of Arable Fallow?	General AECM	<b>Draft CSP:</b> Creates a biodiversity element by providing a food source for birds and pollinators while simultaneously improving soil structure and fertility. It also contributes to a reduction in green-house gas emissions	No benefit for waders, ensure that this scheme does not take place on wader habitat.	Unclear on this one	Unclear on this one
Brassica Fodder Crop (R)	General AECM	<b>draft CSP:</b> Provides a food source and a foraging habitat for farmland birds, insects and small mammals in the autumn while also contributing to the storage of carbon in the soil and contributing to water percolation. <b>Additional:</b> to provide weedy stubble in the winter months to benefit species including reed bunting, yellowhammer, tree sparrow, dunnoek, linnet and finches.	Unlikely to benefit	?	?

Low input grassland (results based)	General AECM	<p><b>Draft CSP:</b> Results based measure. Rewards extensive grassland management to benefit soils, water, air, biodiversity. Field margins provide buffers between agriculture and corridors for the movements of plants and animals. Hedgerows allowed to grow tall and wide will benefit biodiversity and carbon. The late meadow bonus helps conservation of wildflowers and provides food for seed eating birds and nesting habitat for ground nesting birds. <b>Additional:</b> Low input grassland- results based rewards farmers for extensive management providing a diverse grassland in terms of structure and species diversity, with associated benefits for aquatic species and waterbirds. This action also incentivises fencing field margins to provide safe nesting habitat and insect food resources as well as overwintering habitat for insects and foraging habitat for kestrel and barn owl. This action also disincentivises overtrimming of hedgerows, allowing them to grow up and be protected, proving safe nesting habitat, and food supply throughout the year. The action provides a bonus payment for a late cut meadows. This provides safe nesting habitat for curlew and good chick rearing habitat for</p>	<p>Field margins and new fence lines/incentives for non-trimming of hedgerows would be detrimental in breeding wader sites, this is a clear conflict with other good aspects of this Low-input grassland measure. Late cut mowing option is good for Curlew, Snipe, ensure centre out mowing for breeding Curlew. It will not provide for Lapwing who do not nest or chick rear in meadows. The hedgerow and fencing component directly conflicts with some of the positives of this measure.</p>	?	?
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		lapwing and a good seed source for species such as linnet and twite.			
Grass Margins - Grassland	General AECM	1. 2/3/6/10m. Same benefits as numbers 1 and 2 above. Provides habitat for hunting barn owl and kestrel.	If grassland goes rank, it's not beneficial. No real benefits for Lapwing. Grass margin could provide cover for predators. Any benefit for waders through increased invertebrate diversity is outweighed by	Beneficial for raptors	Beneficial for passerines

			increased risk of predation.		
Sustainable grazed pasture (MSL) (results based)	General AECM	<p>Draft CSP: The inclusion of legumes greatly contributes to the improvement of soil structure, fertility and microbial activity while also benefitting green-house gas emissions. The flowers from the legumes are a valuable food source for pollinators. Field margins provide buffers between agriculture and corridors for the movements of plants and animals. Hedgerows allowed to grow tall and wide will benefit biodiversity and carbon. The late meadow bonus helps conservation of wildflowers and provides food for seed eating birds and nesting habitat for ground nesting birds.</p> <p>Additional: rewards farmers for sowing a multi species ley with fenced field margins and protection of hedgerows as above. The action provides a bonus payment for a late cut meadows. This provides safe nesting habitat for curlew and good chick rearing habitat for lapwing and a good seed source for species such as linnet and twite.</p>	<p>See above comments. Reseeding is totally detrimental for breeding waders and curlew. This option provides a reward for reseeded what otherwise could be natural species rich / unimproved grassland. Multi species swards are intensive swards (all be it better than monoculture rye grass). Sward composition will not be suitable nesting habitat, or chick rearing habitat, and will potentially increase</p>	unclear on action, more detail required.	

			vulnerability to predation. Fencing of field margins and the hedge management will negatively affect breeding waders and is at odd with management for them. This option will not provide for Lapwing who do not nest or chick rear in meadows. This measure is not suitable for waders.		
Ryegrass Seed Set for birds (R)	General AECM	<b>Draft CSP:</b> Generates a vital food source for seed eating birds during the autumn and into late winter. <b>Additional:</b> this action provides energy dense winter food source for birds, with farmers required to fence off 10m margins in ryegrass swards from summer to the following spring. The ability of ryegrass to retain seed right into March bridges the late winter hungry gap for numerous bird species such as yellowhammers, grey partridge, buntings and skylarks	Unlikely to benefit	Unlikely to benefit	Possibly beneficial for seed eaters

		while also benefiting invertebrates and small mammals.			
Management of intensive grassland next to a watercourse	General AECM	<b>Draft CSP:</b> This is a carbon and water protection measure, encouraging extensive use of vulnerable fields and will provide more benefits to biodiversity. <b>Additional:</b> This action incentivises extensive management of fields next to a watercourse. This will provide safe nesting and chick rearing opportunities for several species as well as an increased diversity of flowering species, providing seed for seed eating birds and a more heterogeneous structure will increase insect food resources.	Still unclear what this measure means. Has potential but needs detail	unclear what this measure means	unclear what this measure means
Riparian Buffer Strip-Arable/Grassland	General AECM	<b>Draft CSP:</b> In Arable - sowing of a grass strip with specific species plus no application of organic or chemical fertilisers will be in addition to the GAEC 4 and will remain in situ for the duration of the scheme therefore reducing soil erosion. In Grassland - the Riparian Buffer Strip/Zone will be fenced off from livestock with no chemical or organic fertilisers or pesticides. Wider	Unclear what this means. If it means planting trees, it could be detrimental to waders and other ground nesting birds. If unmanaged they will become rank and be useless for	If it means an increase in grassy areas with no fertiliser, it could be beneficial	



		options than baseline available and these will also create areas for biodiversity. <b>Additional:</b> provide undisturbed zones which birds will utilise for breeding/feeding/roosting/nesting/chick rearing.	breeding and chick rearing waders. Generally likely to be detrimental to breeding waders.		
Planting New Hedgerow	General AECM	<b>Draft CSP</b> coppicing/laying: provides essential habitat for birds for roosting, nesting, chick rearing and feeding. A wide diversity of plants are included in the specification ensuring a diversity of structure and food resources.	Will conflict with breeding wader conservation if wader areas not excluded from this measure	Beneficial for raptors if done in right areas	Beneficial for passerines
Hedgerow Rejuvenation (Coppicing or laying)	General AECM	<b>Draft CSP:</b> This measure will improve the existing non-productive features (hedgerows) so they will be of higher quality to support on farm biodiversity	Will conflict with breeding wader conservation if wader areas not excluded from this measure		
Management of peat soils	General AECM	<b>Draft CSP:</b> To reduce losses of greenhouse gas (GHG) emissions from drained peatsoils under agricultural management through the manipulation of water table levels at a farm level. This measure although targeted at GHG emissions in the first instance will have important additional benefits for biodiversity and water quality	Potentially beneficial for waders but it completely depends on what is proposed. Details needed.		

Barn owl box	General AECM	<b>Draft CSP:</b> This provides artificial nesting and roosting sites for barn owl. This is the most threatened species of owl in Ireland and is red listed on the 'Birds of conservation concern list in Ireland'. This provides artificial nesting and roosting sites for barn owl. This is the most threatened species of owl in Ireland. The measure will be targeted.		Details on spec needed & targeting required to avoid negative consequences from a potentially beneficial measure.	
Conservation of Rare Breeds (results based)	General AECM		Could be positive if it allows beneficial grazing.		
Planting a traditional Orchard	General AECM		Will conflict with breeding wader conservation if wader areas not excluded from this measure		

## Appendix 2- BirdWatch Ireland early submission to DAFM December 2 2021 on the Farmland Bird Index

This email is an early submission from BirdWatch Ireland in relation to the presentation of information on farmland birds and the Farmland Bird Index as represented in the draft CSP and the environmental assessments. We will be making further submissions but wish to send this now as a response to the DAFM call for early submissions where possible. Can you acknowledge receipt of this email and let me know please what action you will take following my submission of the information below?

**Key points:** The main information about Ireland's farmland fauna or fauna supported by and affected by agriculture is sparse and needs elaboration including information on causes of declines. In particular the section on farmlands birds in the Environmental report is solely focused on the Common Farmland Bird Index (CFBI) which is insufficient. The info provided on the CFBI needs to be refined and corrected.

**Detail:** A more thorough overview of the status of Ireland's farmland birds is warranted and needs to include information on the status of breeding waders, Barn Owl, Kestrel, Hen Harrier and other species that rely on farmland in the wider countryside but are not captured in the CFBI. The NIS goes somewhat into more detail on Annex species and SPAs for these but the wider countryside birds make no appearance which is concerning. There are a range of reports and comprehensive information from BirdWatch Ireland and NPWS on these species which could be referenced for inclusion. These species groups rely on agriculture and farmers farming with them and not against them. The very simplified descriptions of important aspects of our farmland biodiversity is not acceptable. A much more thorough presentation of the conservation status of birds, pollinators and habitats is required and **the assessments should reflect carefully the impacts of actions on these groups and provide mitigation measures.**

The ER section 5.11 *Evolution of the environment in the absence of the CAP Strategic Plan 2023-2027* states "The ongoing severe decline of farmland birds and waders associated with the agricultural landscape and habitat features would persist. Likewise, the ongoing decline of pollinators with no interventions to address herbicide, pesticide use and nutrient management". But the only bird measures within the CSP are for geese and swans and a barn owl nest box scheme. **There are no targeted measures for waders in the draft CSP and so the proposed plan isnt making a whole lot of difference to this most threatened of farmland bird groups and could be seen as backsliding since there are measures in the current plan (though their effectiveness is doubtful but the Curlew EIP is an excellent targeted scheme which needs scale up and roll out).** Also, we have concerns about how Hen harrier in the wider countryside will benefit. We have asked for heaths, earth banks, wetlands, wet grasslands, and semi-natural grasslands to be included in GAEC 8 and Space for nature ecoscheme which would also help pollinators.

The detail on the CFBI also needs to be expanded and thoroughly described and please reflect our points below in the documentation:

- 3 The SEA monitoring table and info in the Natura Impact Statement relay inaccurate information about the Common Farmland Bird Index. This information needs to be corrected. The limitations of the CFBI should also be explicitly referred to in the draft CAP plan and assessments. I suggest that the evaluators review the BirdWatch Ireland webpage about [the FBI here](#) and include relevant accurate information. The CFBI was established in 1998 when several of Irelands important farmland bird species were showing substantial declines because of intensification of agriculture and mechanisation and couldn't be included in the CFBI. While the FBI is used across Europe, its origins and limitations must be stated.

*1.1 More comprehensive and accurate info about the CFBI is needed in the draft CSP, and the assessments*

4 Both the SEA and the NIS state variations of the following :

“There are 18 common farmland bird species included in the Common Farmland Bird Index (1998-2019): Kestrel, Pheasant, Stock Dove, Woodpigeon, Swallow, Pied Wagtail, Stonechat, Magpie, Jackdaw, Rook, Hooded Crow, Starling, House/Tree Sparrow, Chaffinch, Greenfinch, Goldfinch, Linnet, Yellowhammer. These species are reliant on farmland primarily for food or nesting. Farmland birds are known to be good indicators of High Nature Value (HNV) farmland with positive correlations, having been observed between population trends for farmland birds, including both generalist and specialist species and the extent of HNV”.

Farmland birds are a very important indicator of HNV farmland, but the statement above appears to conflate the CFBI with HNV bird indicators and this needs to be corrected. Some specialist farmland bird species can be good indicators of HNV farmland but the common farmland bird species included on the CFBI are not necessarily good indicators and they can occur in a range of habitats including urban. Indeed only make up a very small subset of the CFBI could be considered as indicators of HNV farmland and these are declining red and amber listed species ie **Kestrel**, **Yellowhammer**, **Stock Dove**, **Tree Sparrow**, **Linnet**. We need to reverse the trends and more support for actions for HNV land is really important.

*2.1 More comprehensive and accurate information on the relationship between the CFBI and HNV farmland needs to be reflected in the reports and the assessment of the CAP actions/GAECs etc need to reflect that the HNV farmland bird subset is in trouble.*

5 The following detail on declines of species on the Farmland Bird Index should be reflected in the CSP and the SEA ER. Kestrel, Stock Dove and Yellowhammer are the three red listed birds of conservation concern in the Farmland Bird Index and that Kestrel and Stock Dove went from amber (in 2014) to the red list in 2020 indicating declines related to negative impacts from changes in agriculture and an indictment of the current 2014-2022 CAP and Food Wise 2025 agriculture policies. See Kestrel and Stock Dove declines in the attached word doc extracted from the Countryside Bird Survey report (2019). These declines should be ringing alarm bells at DAFM. In particular the decline of Common Kestrel is shocking with a 31% loss in breeding distribution and a 28% loss in breeding population between 2006-2016.

*5.1 Further assessment on the implications of these losses must be included in the SEA ER and reflected in mitigation measures in the draft CAP Plan.*

6 The CFBI is **not** a monitoring tool for upland birds and waders as is stated in TABLE 10.1 SEA MONITORING TABLE in the Environmental report of the SEA. Relevant surveys and monitoring are needed for these groups and this should be a recommendation.

*4.1 This needs to be amended in the assessments and a recommendation made that wader and upland birds surveys are undertaken to provide monitoring information.*

### Appendix 3

## Submission on Statutory Management Requirements 3 and 4

July 2021

The Basic Income Support Scheme of the CAP Regulation requires compliance with various Statutory Management Requirements and conditions. The SMRs include SMR 3 relating to the Birds Directive and SMR 4 relating to the Habitats Directive. These are very important SMRs as they form the foundation upon which conditions, EcoSchemes and Agri-Environment Schemes are built. Farmers can lose CAP funding if they are found to be in breach of the SMRs.

It is our view that if there was absolute coherence and compliance between SMRs on the Birds Directive and the Habitats Directive in CAP programming over the years then habitats for birds would be improving with the resultant increase in populations and internationally important and protected habitats would not be declining but this has not been the case.

In particular if Article 3(1) and Article 3(2)(b) were adhered to, Irish bird groups including breeding waders, farmland birds and waterbirds would not be in the dire situation that they are in currently. Farmland birds continue to decline with a 45% increase in the number of farmland bird species added to the Red List of Birds of Conservation Concern (the highest level of concern) between 1998-2020<sup>30</sup>.

**The State is failing to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds.** If article 6(2) was adhered to there would be no deterioration of habitats yet, the Article 17 report<sup>31</sup> published by the NPWS and sent to the European Commission states that 85% of EU protected habitats have unfavourable status and 70% of those are impacted by agriculture (NPWS 2019 pg 84). The Department of Agriculture, Food and the Marine as the competent authority has an obligation to ensure that these articles are understood and adhered to.

See Figures 1 and 2 below. Most of the 16 2020 red listed species were once common and widespread. The Corn Bunting has become extinct and Chough and Hen Harrier have moved to the Amber List.

Meadows	Arable/mixed farmland	Damp pastures	Upland/Coastal
Corncrake	Grey Partridge	Curlew	Red grouse
	Barn Owl	Lapwing	Twite
	Yellowhammer		Chough
	Corn bunting		Hen Harrier

Fig 1 1998 Farmland birds on Birds of Conservation Concern Red list (circled species are Annex 1 of the Birds Directive)

<sup>30</sup> Gilbert, G, Stanbury, A., Lewis, L., (2021) Birds of Conservation Concern in Ireland 4: 2020–2026 *Irish Birds* 43: 1–22 available here <https://birdwatchireland.ie/birds-of-conservation-concern-in-ireland/>

<sup>31</sup> NPWS (2019). The Status of EU Protected Habitats and Species in Ireland. Volume 2: Habitat Assessments. Unpublished NPWS report. Edited by: Deirdre Lynn and Fionnuala O'Neill available here <https://www.npws.ie/publications/article-17-reports/article-17-reports-2019>

Meadows	Arable/mixed farmland	Damp pastures	Upland/Coastal
Corncrake	Grey Partridge	Curlew	Red grouse
Meadow Pipit	Barn Owl	Lapwing	Twite
Whinchat	Yellowhammer	Redshank	Golden plover
	Stock dove	Snipe	Dunlin
	Kestrel		

Fig 2 2020 Farmland birds on Birds of Conservation Concern Red list (circled species are Annex 1 of the Birds Directive)

### 1.0 SMR 3 – The Birds Directive

The articles of the Birds Directive that are specific to SMR 3 are abridged and bulleted below. It is critical that farmers **are made aware that all articles of the Birds Directive**<sup>32</sup> are applicable to them as they are to all citizens.

As the competent authority in charge of the CAP implementation, DAFM must include hyperlinks to the Birds Directive text in the documentation sent to farmers outlining their legal obligations. Critically this includes Article 5 which gives detail on the protections afforded to wild birds especially during the period of breeding and rearing of chicks (this includes ground nesting birds). **In addition, specific advice, support and measures must be detailed in the CAP Strategic Plan to ensure that farmers are supported to protect habitats in the wider countryside in compliance with the articles of the Birds Directive relevant to the SMRs and inspections should reflect the articles too.**

The following abridged articles of the Birds Directive are relevant to the CAP 2023-2027 and the full and exact text of these articles is included in Appendix 1:

- Article 3(1) In the light of the requirements referred to in Article 2, Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1
- Article 3(2)(b) The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures: upkeep and management in accordance with the ecological needs of habitats **inside and outside the protected zones**;
- Article 4 (1),(2), and (4) measures related to SPAs, Annex 1 bird species, migratory bird species, wetland habitats and the requirement to avoid deterioration of habitats for birds inside and outside SPAs.

Where the articles refer to SPAs, the Activities Requiring Consent should be adhered to. However, Article 3(2)(b) **applies outside of SPAs** as does Article 4((2) and 4(4).

Article 3(2)(b) states:

**(b) upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones**; Those could include a wide range of habitats for the different farmland, upland, riverine and wetland bird species that use farmed lands. This infers that a management regime must be put in place to safeguard these habitats. BirdWatch Ireland's hotspot mapping could help in this regard.

<sup>32</sup> Birds Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN>

Article 4(1) refers to Annex 1 bird species and Special Protected Areas and farmers' obligations in relation to these but Article 4(2) refers to **non-Annex 1 migratory species and the importance of protecting wetlands**. This is important as many wintering waterbirds use wetlands and grasslands inside and outside SPAs for feeding and roosting (during high tide events). There's been a 40% decline in waterbirds in less than 20 years in Ireland. Climate change is playing a role but so too is loss of habitat and disturbance<sup>33</sup>.

Article 4(2) and 4(4) also include non-Annex 1 birds that are found outside of SPAs. Article 4(2) states: *Member States shall take similar measures for **regularly occurring migratory species not listed in Annex I**, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.*

The BirdWatch Ireland hotspot mapping project co-funded by DAFM will assist in identifying areas where these birds regularly occur. Wetlands mapping outside of Natura sites has been undertaken in Ireland. Wetland maps should be integrated into the DAFM GIS system for inspections under this SMR.

Article 4(4) states *4.4 In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.*

**It is critical that DAFM spells out in the CAP Strategic Plan how it proposes to adhere to these articles of the Birds Directive in the SMRs.**

#### **SMR 4: The Habitats Directive**

The relevant articles of the Habitats Directive<sup>34</sup> applicable to the BISS are Article 6.1 and 6.2 and they can be found in Appendix 2.

As the competent authority in charge of the CAP, DAFM must include hyperlinks to the Habitats Directive text in the documentation sent to farmers outlining their legal obligations. **In addition, specific advice, support and measures must be detailed in the CAP Strategic Plan to ensure that farmers are supported to avoid deterioration of habitats in compliance with the articles of the Habitats Directive relevant to the SMRs and inspections should reflect the articles too.**

#### *Article 6.1 of the Habitats Directive*

6.1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.

In relation to this article, it is critical that commonage management plans and farm plans are put in place that **are in line with/coherent with the conservation objectives of the sites**.

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<sup>33</sup> Lewis, L. J., Burke, B., Fitzgerald, N., Tierney, T. D. & Kelly, S. (2019) Irish Wetland Bird Survey: Waterbird Status and Distribution 2009/10-2015/16. *Irish Wildlife Manuals*, No. 106. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht, Ireland. Available here

[https://www.npws.ie/sites/default/files/publications/pdf/IWM\\_106\\_Irelands\\_Wintering\\_Waterbirds.pdf](https://www.npws.ie/sites/default/files/publications/pdf/IWM_106_Irelands_Wintering_Waterbirds.pdf)

<sup>34</sup> The Habitats Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>



6.2. Member States shall take appropriate steps to **avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated**, in so far as such disturbance could be significant in relation to the objectives of this Directive.

It will be critical for DAFM to put in place measures, checks and monitoring which avoid the deterioration of habitats in Natura sites. In addition, it will be critical that Annex II species are protected. Special provisions will be required in areas where Annex II species are found. The list of Annex II species can be found here in the NPWS Check List of Listed Species<sup>35</sup>.

**It is critical that DAFM spells out in the CAP Strategic Plan how it proposes to adhere to these articles of the Habitats Directive in the SMRs.**

**Articles of the Birds and Habitats Directives relevant to SMRs 3 and 4 (strike through means these are not applicable to the SMRs but they still apply to government and all citizens)**

#### *Article 1*

1. This Directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation.
2. It shall apply to birds, their eggs, nests and habitats.

#### *Article 2*

Member States shall take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.

#### *Article 3*

3.1. In the light of the requirements referred to in Article 2, Member States **shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.**

3.2. The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:

- ~~(a) creation of protected areas;~~
- (b) upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;
- ~~(c) re-establishment of destroyed biotopes;~~
- ~~(d) creation of biotopes. EN L 20/8 Official Journal of the European Union 26.1.2010~~

#### *Article 4*

4.1. The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.

In this connection, account shall be taken of:

- (a) species in danger of extinction;
- (b) species vulnerable to specific changes in their habitat;
- (c) species considered rare because of small populations or restricted local distribution;
- (d) other species requiring particular attention for reasons of the specific nature of their habitat.

Trends and variations in population levels shall be taken into account as a background for evaluations. Member States shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species in the geographical sea and land area where this

<sup>35</sup> [https://www.npws.ie/sites/default/files/general/Listed\\_species\\_checklist\\_Dec12.pdf](https://www.npws.ie/sites/default/files/general/Listed_species_checklist_Dec12.pdf)

Directive applies. 2. Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. **To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.**

4.2. Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.

~~3. Member States shall send the Commission all relevant information so that it may take appropriate initiatives with a view to the coordination necessary to ensure that the areas provided for in paragraphs 1 and 2 form a coherent whole which meets the protection requirements of these species in the geographical sea and land area where this Directive applies.~~

4.4 In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.

## **Appendix 2:**

Article 6 (1) and 6(2) of the Habitats Directive

6(1). For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.

(2). Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.