Response by the Environmental Pillar's to DAFM's CAP Strategic Plan 2023-2027 consultation on Proposed Interventions.

In this response, we have gone through the consultation document and provided our response or comment to each of:

4. Stakeholder Consultation
4.1 Targeting/Distribution of Direct Payments

5. Proposed Intervention Outlines
5.1 Pillar I
5.2 Pillar II

6. Key Questions to be addressed
This is a repeat of questions in 4. Stakeholder Consultation – so we have not repeated the answers

Section 4 Stakeholder Consultation

4.1 Targeting/Distribution of Direct Payments

Consultation question: Should Ireland implement capping at an effective rate of €66,000 or €100,000, or at a rate in between?

EP Answer: €66,000
Additional : small farmers will never reach this level with degressivity starting at 30,000.

Consultation question: Should internal convergence stop at 85% of the national average payment entitlement value in 2026, or should it go to a higher percentage?

EP Answer: Full 100% Convergence from the start – there has already been 7 years to get ready.

Consultation question: Should Ireland go beyond the 10% of direct payments to redistribute from larger to smaller or medium-sized holdings? Or should Ireland seek to use the derogation to reduce the percentage?

EP Answer: Yes, 10% is the minimum proposed in the regulation (CAP Strategic Plan regulation grant flexibility to the Member States to allocate 'at least 10% to CRISS). Analysis should be done for the higher shares, which has not been done in the modelling - only 10%

was assessed. Modeling should analyse 15% and 20% before a decision is made.

Consultation question: Should this funding be redistributed to farmers with holdings of less than 30 hectares?

EP Answer: Yes.

Consultation question: Should redistributed funding be maximised to farmers with holdings of less than 30 hectares or applied at a minimum level

EP Answer: Yes (i.e. they should be maximised for holdings of less than 30 hectares).

Consultation question: Should Ireland go beyond the 25% of direct payments to be allocated to eco-schemes? Or should Ireland use the flexibility in the regulation to reduce the percentage allocated to eco-schemes?

EP Answer: Yes, go for 30% now. Nevertheless, without certainty as to what will actually be in eco-schemes (as regards practices) and clarity on alternatives (e.g. are they considering transfers to results based payments, AECMs, or simply basic income support?) this is difficult to answer. Any flexibilities from monies unspent should prioritise transfers to results based schemes.

Consultation question. Or should Ireland use the flexibility in the regulation to reduce the percentage allocated to the eco-schemes

EP Answer: See above. In general, no but it depends on how they want to use this flexibility for.

Consultation question: What aspects of the current system do you consider unfair, and what is the best combination of all of the above mechanisms in order to bring about a fairer distribution of direct payments?

EP Answer: In the first instance, we need more information on performance monitoring and evaluation, which is missing completely from this consultation. Also, better data systems needed to assess overall distribution of payments from both pillars. e.g. Setting up a unique beneficiary code (UBC) for individual beneficiaries can help understanding how all CAP funds are distributed across the Irish territory and social classes.

Secondly, the basic idea of basic payments is outmoded and needs to be replaced. While convergence is helping with payment fairness, it is progressing too slowly. **Basing payments** on how productive the land was 20 years ago is not appropriate to current needs, which can be expressed as high nature value or carbon farming systems; or systems with other relevant values; also per hectare payments discriminates against very productive and socio-economically useful horticulture systems which produce large amounts of food per hectare, while employing large numbers of

people. See the French CAP Strategic Plan, who proposed a scheme for horticultural production at small scale. Supports could be ring-fenced for local selling small grower/farmers.

The reduction of the max unit amount of BISS payment from 700 to 500/ha, with full convergence by 2026 is welcomed.

Finally, the idea of a flat payment for all Eco-Schemes practices deserves a detailed analysis once the practices are outlined in detail.

Consultation question. Should there be a specific intervention to incentivise gender equality?

EP answer: As Ireland has one of the lowest percentages of women in farming, a specific intervention is needed. Options could be:

- Specific share of national ceiling dedicated to women farmers.
- Selection criteria for rural development
- Young farmers
- Priority access to women in the Organic Farming Scheme

Wider discussion is needed on gender equality in other policy areas such as inheritance and succession law, farmers union representations, education.

5. Proposed Intervention Outlines

5.1 Pillar I

(1) Definitions

Definition: Eligible Hectare: It is proposed that an eligible hectare shall consist of any Agricultural Area which, during the year for which support is requested, is used for an Agricultural Activity or, where the area is also used for non-agricultural activities, is predominantly used for agricultural activities, and which is at the farmer's disposal.

From 1 January 2023, it is proposed (in Ireland) to allow up to 30% of a parcel consisting of features that may be beneficial to water protection, climate or biodiversity to be considered eligible. This would ensure that for areas of certain non-agricultural features, a farmer would not have to remove them to allow them draw down a BISS payment, Eco Scheme, or any Pillar II area-based payments. DAFM estimates that implementation of the “up to 30% features that may be beneficial to water protection, climate and biodiversity” may bring approximately an additional 55,000 hectares into eligible hectares.

EP Answer: This is a good idea which we support. It may help reduce scrub burning in Spring. However, questions remain regarding wetlands, ponds etc which should be answered soon.

Definition: Active Farmer: It is envisaged that Member States will be required to include in their CSP a definition of an Active Farmer that will: Describe an Active Farmer in terms of a minimum level of agricultural activity; and/or comprise a negative list, i.e. exclusions from the definition.

> **EP Answer:** Maintain and update the negative list.

(2) Conditionality

GAEC 2 Protection of wetland and peatland at the latest by 2025. DAFM is considering appropriate definitions of peatlands and wetlands.

> **EP answer:** Definitions should not encourage the drainage of farmlands high soil organic matter/carbon. There should be options for paludiculture in eco-schemes - see here for more options for paludiculture.

GAEC 4 Establishment of buffer strips along water courses.

> **EP Answer**: - more information needed on relationship with rules for derogation and new Nitrates Action Plan?

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GAEC 8 Crop rotation in arable land, except for crops growing under water

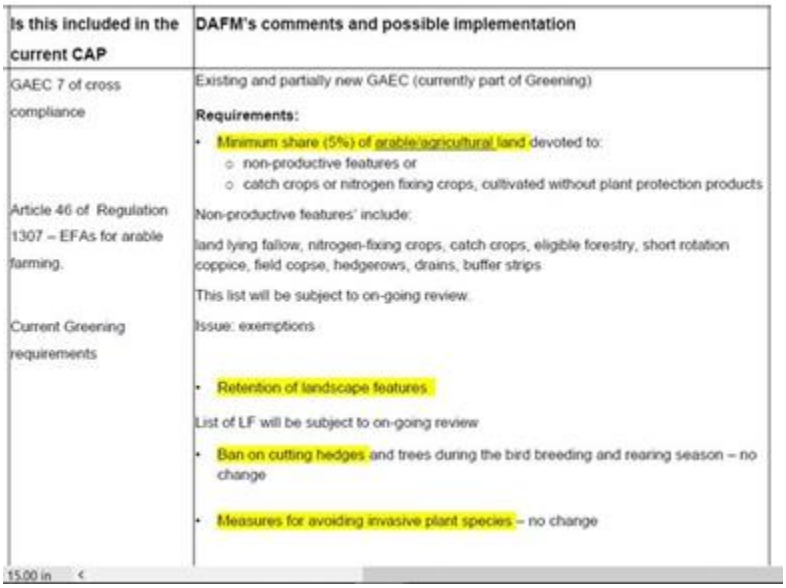
> **EP answer:** Maintaining focus on rotation over diversification is key here, with a focus on breaking the life cycle of pests. So Irish tillage farmers should not be at a disadvantage, but the focus should encourage a reduction in pesticide and herbicide use.

GAEC 9 Minimum share of agricultural area devoted to non-productive areas or Minimum share of at least 4% of arable land at farm level devoted to non-productive areas and features, including land lying fallow.
Where a farmer commits to devote at least 7% of his/her arable land to non-productive areas and features, including land lying fallow, under an enhanced eco-scheme in accordance with Article 28(5a), the share to be attributed to compliance with this GAEC shall be limited to 3%.
Minimum share of at least 7% of arable land at farm level if include also catch crops or nitrogen fixing crops, cultivated without the use of plant protection products, of which 3% shall be land lying fallow or non-productive features. Member States should use the weighting factor of 0,3 for catch crops.
Retention of landscape features.
Ban on cutting hedges and trees during the bird breeding and rearing season.
As an option, measures for avoiding invasive plant species.

> **EP Answer:** focus on all land and not just arable land is welcome. Non-productive features should not include drains. Weighting should prioritise more ecological options

(already establish landscape features such as hedgerows, ponds, small forests, etc) and not production surrogates such as N fixing crops.

If Ireland is going to halt the losses of farmland biodiversity the choices for space for nature in GAEC 9 are critical. At the May 20th CAP Consultative Committee, the DAFM proposed its outline of GAEC 9 (Figure 1). It was most welcome to see DAFM increase ambition beyond current CAP negotiation proposals and to apply GAEC 9 **to all farmland** and not just arable land. We congratulate the department for taking this position. We ask DAFM to listen to the science and increase the ambition to 10% of farmland as space for nature in GAEC 9.



Is this included in the current CAP	DAFM's comments and possible implementation
GAEC 7 of cross compliance	Existing and partially new GAEC (currently part of Greening) **Requirements:** • Minimum share (5%) of arable/agricultural land devoted to: ○ non-productive features or ○ catch crops or nitrogen fixing crops, cultivated without plant protection products
Article 46 of Regulation 1307 – EFAs for arable farming.	Non-productive features' include: land lying fallow, nitrogen-fixing crops, catch crops, eligible forestry, short rotation coppice, field copse, hedgerows, drains, buffer strips This list will be subject to on-going review
Current Greening requirements	Issue: exemptions • Retention of landscape features List of LF will be subject to on-going review • Ban on cutting hedges and trees during the bird breeding and rearing season – no change • Measures for avoiding invasive plant species – no change

Fig 1 DAFM GAEC 9 proposal presented on May 20th 2021

The Environmental Pillar also does not support the inclusion of nitrogen fixing crops or catch crops, eligible forestry or Short Rotation Coppice under GAEC 9. Instead, an additional set of habitats should be allowed as eligible under GAEC 9. **We request that, as per the flexibility afforded under Article 12 of the CAP regulation, that DAFM seek to increase ambition for biodiversity on farmland by only including real space for nature in GAEC 9 and for that to be increased to 10%.**

The EU Biodiversity Strategy (2020) calls for at least 10% of agricultural area under high-diversity landscape *features. The specific text from the Strategy which Ireland has endorsed is :*

> "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". This policy must underpin GAEC 9 in Ireland's CAP Strategic Plan.

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 Eco-Schemes.

The Irish scientists report on the green architecture published in Pe'er et al (2021) stated that "GAEC 9 in the proposed CAP regulation (defines protection of landscape features and land devoted to non-productive areas) should secure landscape features and non-productive land, with a threshold of at least 10% of farm area applied to all farmland".

Ireland has an opportunity here to go beyond the limited ambition of the CAP agreement as of June 2021 to restore biodiversity on farmland and strengthening GAEC 9 is an important part of the CAP foundation to do so.

GAEC 9 space for nature should be real habitats and not elements that are associated with production or energy crops. It is acknowledged that some productive elements can provide benefit to the environment but this is not the meaning of GAEC 9 which is to support biodiversity.

The Irish scientists in their report (Peer et al 2021) stated "To avoid the failures of the greening measures of the current CAP, no exemptions or exceptions should be made, and productive features should not be included. **Catch crops and nitrogen-fixing crops do have a value for soil quality, but their frequently-intensive management yields limited or no biodiversity benefit**s. **They should therefore belong in GAECs 7 and 8 only".**

- Forestry is usually composed of Sitka Spruce with minimal benefits for biodiversity.

- Short Rotation Coppice (SRC) is a bioenergy crop. In the current CAP SRC is allowed under greening with control on fertiliser and pesticide use. It is absolutely not suitable as space for nature due to the fact that its purpose is for something entirely different.
- Catch crops and nitrogen fixing crops have questionable benefits for biodiversity (see below).

In relation to nitrogen fixing crops, catch crops and short rotation coppice, Pe'er et al (2017) reviewed greening and Ecological Focus Area (EFA) options highlight the risks involved with "the inclusion of options in EFAs, such as nitrogen fixing crops, catch crops or short-rotation coppice, **that do not have clear and direct benefits on biodiversity** (Burrascano et al. 2016; Pe'er et al. 2014, 2017) or are implemented anyway by the farmers and hence require no change of practice (e.g. catch crops)". Figure 2 highlights the effectiveness of EFA options as described by Pe'er et al (2017).

Underwood et al (2016) highlight that nitrogen fixing crops and catch crops can be detrimental to farmland birds and they detail the importance of winter stubble with natural regeneration of vegetation for bird species. A systematic review found evidence in seven studies and reviews from the UK that leaving overwinter stubbles leads to higher densities of farmland birds in winter.

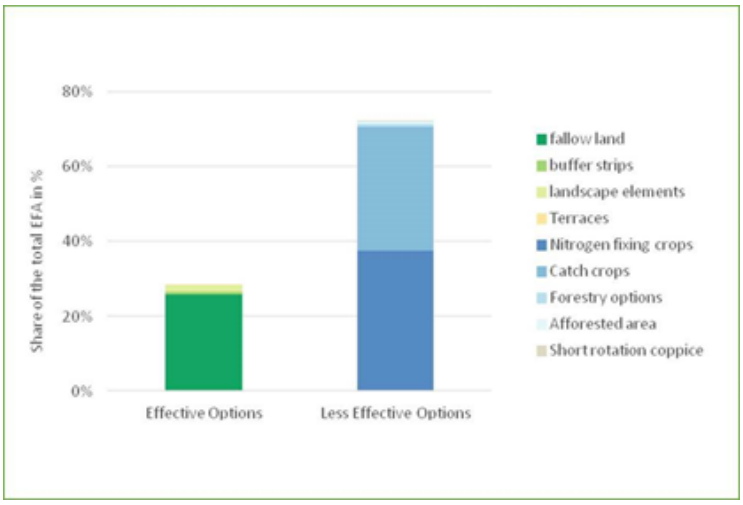


Fig 2 taken from Pe'er et al (2017)

Expand the list of Landscape Elements in GAEC 9

Larkin et al (2019) also found that a large percentage area (average of 9.5% after application of conversion and weighting factors) of farms sampled **was covered by habitats not classed as EFA under EU legislation**. This makes the case that a wider set of habitats should be included in DAFM's list as eligible under GAEC 9. The habitats are there already. The list of non-productive features should be expanded to include ponds, wetlands, semi-natural grasslands, wet grasslands, damp rushy fields, and heaths. Excluding them would be detrimental to biodiversity in Ireland. Including this wider set of

habitats will help farms attain threshold levels, and will better ensure biodiversity protection (Finn,J & O'hUallacháin 2021). Finn and O'hUallacháin state 'Preserving these habitats can help reduce ecological losses, increase biodiversity, promote the sustainability of agricultural systems, and reward/recognise the existing habitats on Irish farmland'.

GAEC 10: Ban on converting or ploughing permanent grassland in Natura 2000 sites designated as environmentally sensitive permanent grasslands in Natura 2000 sites

EP Answer:

That Ireland significantly increase ambition under Article 12.2 of the CAP Regulation in the current CAP to significantly increase the hectares of Environmentally Sensitive Permanent Grassland under GAEC 10. 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 mapped important grasslands which are carbon stores.

GAEC 10 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). The political agreement in June 2021 following Trilogues saw the wording of this condition confined to Natura sites only.

Ireland's cover of environmentally-sensitive permanent grassland is currently one of the lowest in Europe according to the 2017 European Court of Auditors report[1] on Greening with only 1% of permanent designated as environmentally sensitive. (See Appendix 1 and 2 at the end of this submission).

Ireland has the flexibility to improve its allocation of ESPG by including environmentally sensitive grasslands in all national and EU designated sites **and** outside of Natura sites.

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[2], 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.

Comprehensive criteria for ESPG in Ireland's CAP Strategic Plan

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, aswell 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[3]

NPWS should have the most complete knowledge of available datasets. BirdWatch Ireland may also have relevant datasets.

Interaction with GAEC 10 and other elements of the CAP

It would be beneficial if there were supports for farmers through Eco-Schemes 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.

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[1] 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/

[2] 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/ .

[3] 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/

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, Eco-Schemes 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[1]. **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[2] 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 3 and 4 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 3 1998 Farmland birds on Birds of Conservation Concern Red list (circled species are Annex 1 of the Birds Directive)

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 4 2020 Farmland birds on Birds of Conservation Concern Red list (circled species are Annex 1 of the Birds Directive)

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[3]** 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 3:

- 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.

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[4].

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 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[5] applicable to the BISS are Article 6.1 and 6.2 and they can be found in Appendix 4.

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**.

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[6].

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.

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[1] 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/

[2] 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

[3] Birds Directive https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN

[4] 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

[5] The Habitats Directive https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN

[6] https://www.npws.ie/sites/default/files/general/Listed_species_checklist_Dec12.pdf

Additional observations on Section 5.1 – Pillar I

(4) Complementary Income Support for Young Farmers (CIS-YF)

EP Answer: General support for initiatives that encourage young and new entrants into farming.

(5) Eco-scheme

EP Answer: The response below is directly to the information in the August 2021 consultation document. On 18th June 2021, the Environmental Pillar sent a submission to the DAFM on Eco-schemes, the questions posed at the time were different, but the paper still gives important details on Eco-schemes - **See Appendix 5.** In that submission we outline the principles of Eco-Schemes should be and detail for future schemes. Eco-schemes practices should meet at least two CAP specific objectives e.g. vaccines alone as animal welfare cannot meet environmental objectives. It is critical that CAP

Consultative Committee members are presented with the detail on schemes as soon as possible.

Eco-schemes categories in Ireland

Currently, the Department is considering four categories of eco-schemes:

1. Contribute to Climate Change Mitigation and Adaptation
2. Sustainable & Efficient Management of Natural Resources
3. Contribute to the protection of Biodiversity and enhance ecosystem services
4. Improve Animal Health & Welfare

The 4th - animal welfare - is **not suitable as an eco-scheme** and should be funded elsewhere.

1.Contribute to Climate Change Mitigation and Adaptation.

This includes extensive livestock; livestock reduction should include dairy cows and sheep; reduced chemical nitrogen inputs; catch crops and milk recording as proposals. Milk recording is not suitable, catch crops are when carefully planned, reduced Nitrogen is when accurately measurable, extensive farming should relate to high nature value area and also be measurable.

> **Recommendation from EP:** This latter option - extensive livestock - should relate to livestock reduction numbers for robust achievement of national emissions and pollution targets. Carefully managed catch crops are also acceptable as an eco-scheme.

2. Sustainable & Efficient Management of Natural Resources

Department proposals here are spring slurry spreading; Low Emissions Spurry Spreading (LESS); precision agriculture; excluding bovines from watercourses.

> **Recommendation from EP:** Spring slurry spreading is only acceptable if very carefully monitored and spaced out throughout the season and must be avoided where it is known that ground nesting birds are nesting so that birds can complete their breeding cycle; LESS technologies are supported elsewhere so justification is needed; precision agriculture should be funded elsewhere; Excluding bovines from watercourses is especially important for dairy farmers and should be accompanied by expanded riparian zones.
>
> **Recommendation from EP: Recommendations - new proposals:**
>
> - Planting of multispecies swards on existing reseeded land not on semi-natural grasslands and there should be no incentive through this measure to reseed semi-natural grasslands. Indeed severe penalties should apply if they are lost.
> - Measures to stop the release of carbon from soils (ie peatlands, drained soils etc) should be encouraged including drain blocking and rewetting.
> - Measures to reduce pesticide use.
> - Transition to full use of composted farmyard manure organic.

3. Contribute to the protection of Biodiversity and enhance ecosystem services

Department proposals suggest: credit for existing habitats and hedgerows; planting groves of trees; hedgerow management, native tree corridors.

> **Recommendations from EP:**
> For existing habitats and hedgerows the relationship to GAEC 9 needs to be clearly established, and ponds, wet grasslands, wetlands, wet flushes should also be listed. Overall

focus should be on conservation of high value habitats. Wild bird cover strips could be included, but not on existing biodiversity rich habitats. Hedgerow management is fine; native tree corridors are a good suggestion and should not be treated with pesticides or fertilizers. **Recommendation - new proposal**: retaining winter stubble on arable land. This can be good for bird populations and soil (carbon retention). Consideration should however be given for impact on livestock farmers and straw availability. See Environmental Pillar submission to Department of Agriculture for more.

To implement eco-schemes, the Department proposes to use a points based system – to give farmers flexibility while also rewarding those who are doing more for the environment. A farmer will select appropriate measures to meet points requirement (min 300 points) under the different packages to qualify for eco-scheme payment A min of 75 points must be achieved in each of the three environmental packages, cross-compensation allowed for flexibility.

Overall measures that **encourage the reduction in fertilizer use and pesticides**, integration of catch crops and other soil or biodiversity protections, and **further enhance so-called enhanced conditionality** (e.g. **more ambitious GAECs** for landscape features, native woodlands etc) are optimal.

(7) Sectoral Intervention in the Fruit and Vegetables Sector

EP answer: No data is provided in the SWOT about the number of existing cooperatives in Ireland per different sectors (honey, milk, cheese, etc.).

There needs to be a target on the number of cooperatives to be supported under producer organisations. Why should Ireland aim to support only big POs in F&V? Threshold for recognised Producer Organisation is too high (at E2.5 million of Marketed Sale Volume) and excludes by definition new POs. More cooperatives in other sectors might be targeted too, besides those of beef and sheep under Pillar II. Support should prioritise small to medium cooperatives, whose annual profits are shared equally among the members and strengthen the long -term position of farmers in the supply chain. Ireland's farmers capture a lower % of the value chain than the EU average.

(Statistics:https://ec.europa.eu/info/sites/default/files/food-farming-fisheries/by_country/documents/analytical_factsheet_ie.pdf) .

(8) Coupled Income Support for Protein Aid

EP Answer: Some prioritisation for protein crops for direct human consumption should also be considered.

Section 5.2 Pillar II

(1) Agri-Environment Climate Measure (AECM)

Any additional bespoke farm/landscape measures required will be implemented with the assistance of a Local Project Team at local level. This co-operation element will support a

landscape approach in these areas for the management and restoration of priority habitat/species, carbon storage, water quality, and biodiversity through improved land management and resilience.

Pillar Answer: More detail on AECMs is needed. However, given the climate imperative of proposed actions under the next CAP, there will be a dedicated and attractive action for farmers under this intervention for land re-wetting. This may be one of the cooperation measures, or a separate action under this measure. Similarly, tree-planting measures will be included here, including agro-forestry and riparian planting ensuring that this does not conflict with plans to protect and restore ground nesting bird populations which are negatively impacted by afforestation as it provides cover for predators (corvids and foxes) which predate young and further reducing populations of red and amber listed birds of conservation concern. It is critical that ecological survey is undertaken so that new planting does not occur on biodiversity-rich habitats. This will help deliver co-benefits, along with climate, for water quality and biodiversity. Mandatory planting of broadleaf trees on some farms may be included in the right habitats- preferably on degraded land which is biodiversity poor ensuring net gain for biodiversity overall. Farmers who choose to participate in the AECM will have one agri-environment climate measure contract only. Results-based approaches will be used, where appropriate, and support for non-productive investments will be provided when necessary to help improve habitat scores. Participants in AECMs should be required to submit an expression of interest first to give time to farm planners to do site visits of their lands to assess them for schemes and to ensure that appropriate measures are put in place to improve biodiversity, water quality etc. Short turn arounds for farm advisors will result in poor schemes.

(2) Agri-environment Climate Training

EP answer: Broad-based and inclusive design needed, including environmental sector inputs.

(3) Organic Farming Scheme

EP Answer: The proposal here is for a continuation of business as usual. It will not see a significant increase in the area of organic, and nothing close to 7.5% as the target is. In particular the payment rate is far too low, and is not competitive with for e.g. REAPs payment rates - this impacts on the numbers joining the OFS. However, there is no potential dedicated market for REPS foods (there is no product segregation making this impossible to achieve) so organic should be the main environmental approach prioritised financially. Organic farmers need a payment rate of E500 (livestock) E600 (Tillage) E700 (Horticulture) to be competitive and to have a rate similar to ambitious EU member States with growing organic sectors. However it is at all stages of the agri-food system that investments are needed, to guarantee a steady ,and sustainable growth of the sector, and to avoid price collapses for existing producers. This means all areas including production, processing, research, marketing, 3rd level and public procurement need simultaneous investment. In particular, the budget allocation of Teagasc and Bord Bia for organics are both far too low and disproportional to the growth targets for the sector. Horizon Europe has a large organic-

specific allocation for the coming years,this funding should be accessed to grow R&D in the sector. See suite of proposals for OFS on page 7 and 8 of Oliver Moore's JOCECA submission here.

(9) European Innovation Partnership (EIP-AGRI) Operational Groups

EP answer: How are the key learnings enabled to permeate more widely? Eg can you apply for a 'Bride' project in another river catchment? Can commercial viability be also integrated into EIPs (e.g. available segregated products from EIPs)?

(10) On-farm Capital Investment Scheme

EP Answer: Investments in farm diversification (e.g. social farming equipment, direct selling, on-farm processing. Agri-tourism, agri-learning initiatives) should be an option here too.

(11) Continuous Professional Development (CPD) for Advisors

EP Answer: Very much needed; NOTS should also be supported (ie not just Teagasc); better supports in organic farming training from farm to fork needed; inclusive and wide range of inputs needed in design (including from organic and environmental sectors)

(12) Knowledge Transfer Programme

EP Answer: Similar to above - Full course on sustainability, biodiversity & climate change needed. Who is going to design the training – will there be Environmental Input –high level training board could be useful, if broad representation.

(13) LEADER Programme

EP Answer: What is the share of the RDP budget allocated to LEADER? It should be at least or possibly above 5%, and possibly higher than last programming period in absolute values. The % over the RDP budget and the absolute figure need to be defined to compare with the past. Rules must be clarified to integrate LEADER groups under CLLD multi-fund approach.

Additional observations

Performance Monitoring and Evaluation Framework (PMEF) and social conditionality are both missing in the proposals. The design of national result and impact indicators, rules and control for on-spot checks, the use of digital tools to make public data more accessible, but also to collect better data on environmental performances, etc.

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APPENDICES

APPENDIX 1: Percentages of ESPG in EU-27 taken from European Court of Auditors report (2017)

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%

APPENDIX 2: ESPG in Ireland under current CAP 2014-2020 (ext 2022). Source DAFM.

APPENDIX 3

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 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 4:

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.

APPENDIX 5 - June 18th 2021 - Response by Environmental Pillar on Eco Schemes

Environmental Pillar submission to proposed Eco-Schemes

The Environmental Pillar representatives of the CAP Consultative Committee have reviewed the DAFM's proposed Eco-Schemes as presented at the 20th May 2021 meeting and make the following suggestions.

Our submission includes presentation of overarching principles to inform the development of Eco-Schemes, commentary on suggested schemes and new suggestions for Eco-Schemes.

Eco-Schemes

1.0 Overarching Principles

1.1 Priority should be given to nature based solutions; Aim to initiate system change/transition towards more sustainable system, not marginal improvements to unsustainable models/practices or efficiency gains that can increase the overall environmental footprint of agriculture; a clear link to environment/climate objectives and relevant indicators must be evident; No (environmental) trade-offs so that an eco-scheme aimed at one environmental dimension must not have negative impacts on other environmental dimensions; a clear link between the level of payments and the expected environmental ambition of a scheme. There must be assurances that eco schemes will not pay for compliance with EU or national law.

1.2 As the name suggests, Eco-Schemes should fund measures that have a measurable and significant environmental impact in line with EU Green Deal targets

1.3 The overall goal of the CAP and national policies to significantly increase environmental ambition and to address the Dáil declared climate and a biodiversity emergency should be reflected in the design, delivery, implementation and monitoring of Eco-Schemes. The CAP Strategic Plan must clearly specify how the three tiers will work together to increase environmental ambition (or indeed threaten it), ie eligibility rules and conditionality, Eco-Schemes and Pillar 2 schemes. There will also need to be clear distinctions between the tiers to demonstrate the benefits of each.

1.4 Focus on a per hectare payment instead of per kilo.

1.5 The principle of 'no backsliding' must be integrated into all measures principle including that existing important on-farm habitats for biodiversity are not replaced, or lost, by other measures.

1.6 Eco-schemes should serve to expand ambition (e.g. in the case of landscape features, expansion towards 10 %) and improve management. AECMs should receive priority in budgeting and efforts, targeting protected areas, High Nature Value Farmlands (HNVFs) , wetlands and peatlands, and long-term restoration efforts.

1.7 Clear delineation is needed on defining the practices which are covered by conditionality ("nutrient management plan", "winter soil cover and catch crops") or other practices included in conditionality ("buffer strips with management practices and without pesticides", "crop rotation", "maintenance of landscape features"...) as there's a very thin line between what's compulsory and what could be paid for through Eco-Schemes. Clear baselines and conditions are required or otherwise Eco-Schemes could end up paying farmers for very unambitious practices that barely go beyond conditionality requirements.

1.8 Specific figures need to be presented on projected emissions reductions from the CAP strategic plan to demonstrate how CAP funds and measures contribute to meeting national targets of 51% emissions reductions by 2030 including cuts to nitrous oxide and methane emissions. In addition, the narrative supporting the final agreed Eco-Schemes must clearly show how biodiversity loss and water quality declines will be reversed.

1.9 Eco-Schemes should pay for both the change to and the maintenance of beneficial farming practices, facilitating the transition to more sustainable farming and maintaining the practices where they are at risk in the absence of policy support (e.g. High Nature Value and organic farming), ideally with options that become structural and do not risk going back to the previous practice as soon as the payment disappears

1.10 Eco-schemes should not remunerate farming practices with contested benefits, such as purpose-grown energy crops, or minimum tillage and soil cover in permanent crops which depends on herbicides, and which may deliver more carbon sequestration in the soil, but would impede achieving other objectives. DAFM proposed Eco-Scheme measures which are inappropriate to Eco-Schemes should be removed and funded elsewhere, if they need to be funded.

1.11 Eco-Schemes should absolutely not result in an increase in fertilizer or pesticide use per hectare.

1.12 The bundling of Eco-Schemes to geographical areas should be considered.

1.13 Biodiversity focused Eco-Schemes must ensure that there is no destruction of existing important habitats for biodiversity to facilitate new measures.

1.14 Monitoring and evaluation requirements are taken into account at the very early stages of the Eco-scheme design so that all information needed is identified, in particular baseline data including the most recently available and reliable information from both quantitative and qualitative sources; Indicators used to monitor and evaluate the schemes are directly relevant to the scheme's own objectives; The monitoring and evaluation of Eco-schemes interacts with other CAP interventions, which may be complementary, synergetic or in some cases contradictory to achieving the objectives of the schemes as well as the wider environment, climate and other objectives set out in the Member States' CSP. Therefore, the monitoring and evaluation of Eco-schemes needs to be an integrated part of the overall monitoring and evaluation concept of the CSP

2.0 Structure and points basis

2.1 More clarity is needed on the Eco-Scheme points-based system and how this will work with the potential for issues or trade offs identified and presented for transparency.

2.2 The 4 packages of measures proposed include three environmental packages and one relating to animal health. We will provide more information below on the 3 environmental Eco-Schemes but from the outset we don't think its appropriate to include an Animal Health and Welfare package as part of the Eco-Schemes. No rationale has been provided on how this measure fits and what its environmental benefit would be. This should be removed.

3.0 Detailed comments on the 3 environmental packages

3.1 Contribute to Climate Change Mitigation and Adaptation (CAP SO.4)

- **Extensive livestock production** : We assume that this measure is to support low stocked farmers to stay low or does it support cutting livestock production? Also it would be beneficial if this measure could specifically target farmers in High Nature Value map locations to support biodiversity in these areas. Stocking rates would need to be described and appropriate to the biodiversity and water quality profile of the farm and larger area.
- **Reduce chemical nitrogen inputs** : Need more info on how it would be done properly. Meets green deal targets. Needs to be done in a verifiable way.
- **Catch Crops** (tillage and horticulture): potentially positive and could lead toward carbon farming though the accounting principles for this are not developed enough yet.
- **Milk Recording :** The rationale for including milk recording needs to be provided. We do not believe that this is an appropriate Eco-Scheme and Teagasc research shows that while promoting uptake of milk recording could benefit in improving the herd and yields, Teagasc indicates that the benefits for climate are not proven. Balaine et al 2020 state that the use of milk recording technology does not change GHG emitted per unit of milk produced. Any rationale to include this to address anti-microbial resistance should be addressed in other forms potentially by the dairy processors. **This is not appropriate as an Eco-Scheme and should be removed.**

- **New suggestion: Agroforestry measure** Consider support for agroforestry.

3.2 Sustainable & Efficient Management of Natural Resources (CAP SO.5)

- **Spring application of slurry:** It is critical that farmers are guided to not spread all slurry in Spring but rather it should be spread over Feb, March, Apr, May, June. 80% of slurry could go out by first week in June which would take into account first silage cut. Critically, if this is a measure to help protect water quality, very strict conditions would need to be applied and how these would be monitored is also important.

- **Low Emission Slurry Spreading (LESS),** Justification required for this measure which larger farmers are undertaking anyway.
- **Precision Agriculture**
  The practices under "precision farming" are not good for the environment per se: they are about increasing efficiency, but agriculture can be extremely efficient and still very damaging to biodiversity and the environment. For example, precision farming to reduce inputs still means using inputs (and it may only deliver marginal reductions), whereas in many places soils are already saturated with nitrogen and pesticides residues and what is really needed is to support farmers to adopt alternative agronomic practices to phase out the use of synthetic inputs. Higher yields require higher levels of inputs - e.g. higher stocking rates with N derogation resulting in normally more mineral fertilizer needed to grow more grass to feed the higher numbers. This would also hold for other increased yieldsEven where precision farming does have environmental benefits, it remains unclear that eco-schemes are the right policy instrument to promote it. These technological solutions can have a high upfront investment cost but any higher cost for their application should then be offset by efficiency gains. Additionally, this investment cost is proportionally much higher for smaller farms than large ones. This means that smaller farms either need much more financial support or wouldn't buy the technology anyway, while bigger farms with large economies of scale would buy it independently of public financial support. In other words, Eco-Schemes would have very limited added value, as they might reward farms for something they would do anyway while failing to promote wider uptake. **This is a technological measure which is more suitable under productive investments like TAMs instead of Eco-Schemes.**
- **Excluding Bovines from Watercourses** The GLAS Evaluation by ADAS highlighted the benefits and limitations of this measure in terms of measurability, flexibility and controllability and these must be taken into account if this is progressed. It would have more value if targeted at dairy and tillage farmers. Riparian planting might be more appropriate here depending on location and avoiding areas that are important for ground nesting birds.
- **Other suggested Eco-Schemes for inclusion:**
  - Planting of multispecies swards on existing reseeded land not on semi-natural grasslands and there should be no incentive through this measure to reseed semi-natural grasslands. Indeed penalties should apply if any are lost in line with the no backsliding principle.
  - Measures to stop the release of carbon from soils (ie peatlands, drained soils etc) should be encouraged including drain blocking.
  - Reduce pesticide use.
  - Conversion from slurry to composted farmyard manure

3.3 Contribute to the protection of Biodiversity and enhance ecosystem services (CAP SO.6)

- **Credit for existing habitats & hedgerows** : It is unclear how this measure relates to GAEC 9 and retention of features of the landscape. Much more detail needs to be provided so that a clear distinction can be made with clear, verifiable improvements and no backsliding. Ponds, wet grasslands, wetlands, wet flushes should also be listed. The report[1] from the Workshop of Irish scientists '**A new Green Architecture, Novel Eco-schemes and biodiversity indicators' stated the following :**
    - Conservation of existing high nature value habitats, and to encompass those that occur outside of protected areas. Wider range of habitats to be considered as landscape features, to improve conservation of existing habitats. This approach should also focus on habitats that occur outside of protected areas, many of which contain rare and threatened species.
    - Creation of new habitats only in areas where there are no existing wildlife habitats.
    - Installation of ponds
    - Control of invasive species
    - Wild bird cover strips should also be considered. Wild bird cover including crops such as radish and mustard can be good for pollinators and offer multiple benefits for biodiversity over an extended season. **However, of fundamental importance is that they should not be located on existing biodiversity rich habitats**.

- **Planting groves of trees** – Native trees of national provenance must be used. Again the GLAS evaluation by ADAS highlighted issues that needed to be considered for this measure and with hedgerow management. If it could be supported with specialist advice these would be more beneficial. In saying that additional incentive it would be beneficial if a group of farmers were incentivised to plant groves say the same area in 4 adjacent fields that are close together thereby creating a larger grove ensuring larger patches, this would have greater biodiversity benefit but also perhaps issues with property lines and fencing. It's very important that this measure is not proposed in areas important for threatened ground nesting bird species. Tree cover increases the cover for predators (foxes and corvids) which prey on eggs and chicks. Predation is a leading cause in the decline in Curlew, Lapwing and other critically endangered bird species.
- **Hedgerow Management** –The guidance for this measure need to be ambitious and guided by expert ecologists to support birds, insects, plants and other wildlife.
- **Nature Corridors** (wide field margins?) is a good measure but should have zero pesticides or fertilizer usage. Ponds are also important stepping stones in the landscape and should be considered as part of Nature Corridor measure.

New Suggested Eco-Scheme:

Bird of Prey Protection/Smart Rodenticide Use

Goal: To address the issues of secondary poisoning impacting birds of prey especially Barn Owl and Kestrel which are red listed birds of conservation concern[2].

The control of rodents is a necessary component of agriculture and the safe production of food. The use of rodenticides although effective in controlling rodents can affect a wide range of non-target wildlife which can be contaminated by rodenticides through primary and secondary poisoning (birds of prey including Barn Owl and Kestrel are particularly susceptible). This measure will focus on reducing rodenticide use while ensuring best practice rodent control. Participants will be rewarded for implementing Integrated Pest Management measures to reduce the requirement for rodenticides and to reduce the exposure of rodenticides in wildlife. These measures will include habitat modifications to reduce the suitability of farms and farm buildings for rodents (removing food, water and harbourage), employing non-invasive monitoring methods to detect rodent activity, and employing methods to control rodents including trapping, shooting and use of dogs/cats where this is possible. Guidance on these measures will be provided through videos which will deliver the specific practical information on how participants should implement the IPM approach. Where rodenticides are required the participants will adhere to specific guidance (following a variation of the Campaign for Responsible Rodenticide Use (CRRU) Code) specifically designed for this scheme and to cater for the relevant land uses, which will include an Environmental Risk Assessment, monitoring using non-invasive methods and record keeping which will serve to reduce the overall use of rodenticides and to limit the potential for contamination in the food chain

New Suggested Eco-Scheme:

Retain winter stubble on arable land fringed with cover crops on headlands

Goal: To stem the growing declines in seed eating wild birds and to support water quality

Arable stubble can support a variety of seed types (see O'Connor and Shrubb, 1986 in McMahon et al., 2003). Retention of (unploughed) stubble over winter has been shown to support species diversity (McMahon et al., 2003). Skylark, Linnet, Lapwing, Jack Snipe, Yellowhammer, Reed bunting, Stock Dove are known to benefit from winter stubble. Advances in harvesting technology, weed management and more resilient autumn cereals resulted in a decline in overwinter stubble in recent decades (Moorcroft et al., 2002). This reduction in winter stubble within arable farming is thought to have resulted in the decline of seed-feeding birds (McMahon et al., 2003; Moorcroft et al., 2002) such as Yellowhammer and Skylark, given that drops in numbers of these birds are related to reduced winter survival (Gillings et al., 2005). Gillings et al. (2005) determined that agri-environment schemes which promote over-winter stubble retention could greatly assist the conservation of farmland bird species in the UK. Stubbles which support natural regeneration of weeds (Moorcroft et al., 2002; Gillings et al., 2005) and contain patches of bare ground (Moorcroft et al., 2002) would provide the best over-wintering habitat for seed-eating birds (eg. Skylark), in addition to other wildlife. Including a winter cover crop around the headlands would help reduce any runoff from winter rain. Winter cover crops including triticale, wheat, barley, kale, fodder rape and linseed that are seed-bearing can support large numbers of

finches and buntings. Cover crops can provide a range of benefits, such as nutrient retention, weed control, reduced erosion and habitat for invertebrates (Rivers et al., 2018). There should be no spraying or destroying the green cover of stubble.

New Suggested Eco-Scheme

Support farmers farming for Natura 2000 Conservation Objectives which would mean that farmers automatically get funding for being in Natura land.

4.Improve Animal Health & Welfare (CAP SO.9)

This is not appropriate as an Eco-Scheme and should be removed.

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ENDs

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