An Taisce
The National Trust for Ireland

**CONSULTATION SUBMISSION ON**
**RSK Strategic Environmental Assessment (SEA) Scoping Report**
**Agrifood Strategy to 2030**

**Submitted to department of Agriculture and the Marine**
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## 1. OVERARCHING LEGAL CONSIDERATIONS

It is submitted that both the draft document circulated and the objective of proceeding with a new ten-year AgriFood strategy is systemically in breach of both national and EU law and will expose the Department and the State to multiple legal actions.

### 1.1 CLIMATE ACTION

Since this document was prepared the Irish Supreme Court upheld the action by Friends of the Irish Environment that the National Mitigation Plan does not meet the requirement of the Climate Action and Low Carbon Development Act 2015.

### 1.2 THE PROPOSED NEW SEA PROCESS FAILS TO ADDRESS UNRESOLVED ARTICLE 10 SEA OBLIGATION FOR MONITORING AND REMEDIATION OF FOOD WISE 2025 WHICH HAS 5 YEARS LEFT TO RUN

Any strategy under the SEA Directive seeking to supersede an existing one at mid term point must address the SEA status and compliance of the existing strategy.

Section 1.3 of the RSK the ***Draft Strategic Environmental Assessment (SEA) Scoping Report*** fails to address the fact that the existing 10 year strategy Foodwise 2025 which was approved in 2015 has five years left to run. This Government strategy was subjected to the Strategic Environmental Assessment in 2015.

Section 1.3 of the RSK Document with regard to Foodwise 2025 states that *ONLY 27 % OF TARGETS HAVE BEEN ACHIEVED*. In relation to the remainder vague phrases like "*commenced or progressing*" or "*undertaken and ongoing*" are used.

Article 10 of the SEA Directive sets out the provisions for monitoring of a programme subject to SEA and obligation for remedial action where unforeseen adverse effects arise:

1. *Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.*



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2. *In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.*

The provisions of Article 10 are not just for monitoring, but notably for the remediation of unforeseen adverse effects.

Section 8.12 of the 2001 European Commission guidance states that *"Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g regarding the predicted intensity of the environmental effect) or unforeseen effects resulting from change of circumstances."*

The monitoring which has been carried out by the Department co-ordinated High Level Implementation Committee (HILC) and in particular set out in the May 2020 *"Environmental Sustainability Committee Report to the 2030 Agri Food Strategy Group ESC Environmental Monitoring*". This shows that GHG emissions, dairy cow numbers and fertilizer use in 2019 exceeded the figures for 2020 on which the 2015 SEA process and projections were based.

The report then went on to state that there was "*Continued decline in water quality since 2013"* and exceedance of the EU emissions ceilings for ammonia since 2016, 98% caused by agriculture and continuing.

However, no effective remedial action was proposed even on these two impacts as required by Article 10 of the SEA Directive.

Irish dairy industry expansion has now passed the tipping point of unsustainability in intensification of nitrate fertiliser grassland; dependence on feed imports; expansion of milking parlours, milk powder and cheese factory processing; and consequent multiple adverse impacts include on human health with ammonia air pollution exceeding EU emission ceiling levels since 2016, increased greenhouse gas emissions, nitrates impacts on water quality, biodiversity impacts including farm bird loss, and inadequate research on chemicals and pesticides.

### 1.3 PREMATURITY OF PROCEEDING WITH SEA CONSULTATION AND ADOPTION OF NEW AGRI FOOD 2030 STRATEGY IN ADVANCE OF ADOPTION OF NATIONAL CAP STRATEGIC PLAN

Only passing reference is given to the Cap Strategic Plan process which is progressing.

No consideration is provided by RSK as to how the proposed SEA process for AgriFood 2030 is to be integrated with the Irish CAP plan process.

In parallel to the drafting for SEA consultation of a new 10 year programme by AgriFood 2030 Strategy Committee, the consultation process for the national CAP Strategic Plan is proceeding with a stakeholder forum which is still at preliminary stage in considering the Needs process.

Proceeding with a 2030 AgriFood strategy in advance of the CAP plan, which will need to comply with the EU Biodiversity Strategy 2030 and Farm to Fork Strategy, would be premature.

## 2. INADEQUATE DEFINITION OF "STRATEGIC PRIORITIES" IN FAILING TO MEET THE REQUIREMENTS OF THE SEA DIRECTIVE

SEA is a legal process.

The framework for defining strategic priorities is set out in Annex I (f), which lists the headings under which an SEA is required to be framed:

> *"Annex I (f) the likely significant effects (1) on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors."*

The considerations adopted by the DAFM Committee responsible for the SEA process proposed are set out 4 points under section 1.3.

*"The Committee has agreed Department of Agriculture, Food and the Marine 4 Strategic Environmental Assessment Scoping Report 602974-01-01 to adopt a 'Food Systems' approach in the development of the strategy and its deliberations so far have centred around four thematic areas, namely:*

*1) Future food and beverages that meet consumer and societal expectations.*
*2) Primary producer viability and well-being.*
*3) An innovative, competitive Agri-Food sector driven by technology and talent.*
*4) A climate smart, environmentally sustainable agri-food sector"*

In Chapter 2, Section 2.2 the consultants set out "Sustainability Topics".

Section 2.7 gives passing reference to "EU Farm to Fork" but none to the EU Biodiversity Strategy to 2030.

It is submitted that the considerations set out by RSK are systemically deficient with regard to addressing EU Directives on SEA and air quality, EU food and biodiversity policy, the Paris Agreement 2015 and national climate legislation.

### *EU A FARM TO FORK AND EU BIODIVERSITY STRATEGY 2030*

**The draft document submitted by RSK is not fit for purpose even on its stated objective in providing the ten year AgriFood Strategy to 2030, as it does not properly address the overarching EU policy framework.**

In May 2020 in furtherance of the 2019 **European Green Deal** the European Commission published in parallel:

*"A Farm to Fork strategy for a fair healthy and environmentally friendly food system*" and EU *Biodiversity Strategy for 2030 - Bringing nature back into our lives".*

The draft RSK document gives only passing mention of the of *Farm to Fork* and none to *EU Biodiversity Strategy 2030* in Chapter 2.

The 14-point EU Nature Restoration Plan in Section 2.2.9 of the Biodiversity Strategy which set out objectives which are almost entirely applicable to agriculture, fisheries and land use and need to form the basis of all EU and Irish agricultural fisheries and food policy for the decade ahead, No 14 being specific to fishing:

1. *Legally-binding EU nature restoration targets to be proposed in 2021, subject to an environmental 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.*
2. *The decline in pollinators is reversed.*
3. *The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.*
4. *At least 10% of agricultural area is under high-diversity landscape features.*
5. *At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.*
6. *Three billion new trees are planted in the EU, in full respect of ecological principles.*
7. *Significant progress has been made in the remediation of contaminated soil sites.*
8. *At least 25,000 km of free-flowing rivers are restored.*
9. *There is a 50% reduction in the number of Red List species threatened by invasive alien species.*
10. *The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.*
11. *Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*
12. *No chemical pesticides are used in sensitive areas such as EU urban green areas.*
13. *The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.*
14. *The by-catch of species is eliminated or reduced to a level that allows species recovery and conservation.*

Current and continuing nitrate fertiliser grass based bovine agriculture levels in Ireland, is incompatible with these objectives.

***EU COURT OF AUDITORS REPORT ON BIODIVERSITY LOSS***

The RSK Draft does not address the May 2020 The EU Court of Auditors report on the EU wide failure of successive agri-environmental schemes under CAP to reverse biodiversity loss.

The report was effectively summarised in Agriland[1]:

*"The Common Agricultural Policy (CAP) was not effective in reversing the decades-long decline in biodiversity – and intensive farming remains a main cause of biodiversity loss, according to a new report by the European Court of Auditors (ECA).*

*The auditors found gaps in the EU 2020 biodiversity strategy and its coordination with the CAP.*

*In addition, the auditors say the commission's tracking of CAP spending on biodiversity is "unreliable" and that most CAP funding has "little positive impact" on it.*

*Some CAP schemes have greater potential to improve biodiversity, but the commission and member states favoured low-impact options, it was added.*

*In Europe, the number and variety of species on farmland have declined over many years. Since 1990, populations of farmland birds and grassland butterflies – a good indicator of changes – have decreased by more than 30%.*

*Intensive farming has led to a downturn in the abundance and diversity of natural vegetation and consequently animals, and remains a main cause of biodiversity loss, the court found.*

## 3. ADEQUACY OF BASELINE DATA SET OUT IN CHAPTER 3 OF RSK DRAFT

### 3.1 The Current State of Ireland's Environment

RSK have not set out adequate baseline considerations in Chapter 3 of the Draft document under the headings set out in Annex 1 (f) of the SEA Directive (Schedule 2 of the Irish SEA regulations) on the current state of the environment.

### 3.2 Ecology and Nature Conservation

The following are not addressed:

[1] https://www.agriland.ie/farming-news/cap-not-effective-in-reversing-biodiversity-decline-court-of-auditors/

- Data on insect and pollinator decline from National Biodiversity Data Centre and other sources, with consequent issues of fertiliser, slurry spreading and herbicide use and land management generally;

- Particular farm bird species population decline;

- 6 yearly Article 17 Report from Ireland to European Commission in August 2019 on status of habitats and species with critical data on adverse agricultural impacts;

- Assessment of Biodiversity impact of exceeding of EU ammonia air pollution thresholds since 2016 with 2% annual increase 98% caused by agriculture impact on priority habitats under Habitats Directive on designated peatlands in particular;

- Data on ecological impact on aquaculture and seaweed and kelp harvesting;

- Overview of overfishing impact;

- The considerations on transboundary impact form Northern Ireland (p13) does not address high ammonia emissions in NI.

### 3.3 Socio-Economic

Data is not provided on employment and welfare conditions and health protection of workers in agriculture, factory processing and fisheries sectors including fishing boats.

### 3.4 Health and Quality of Life

Data on health exposure of workers in agricultural facilities with high ammonia air pollution levels, and potentially greater exposure impact to respiratory diseases and viruses in view of exceeding of EU Ammonia air pollution thresholds since 2016 with 2% annual increase 98% caused by agriculture is required.

Healthy working conditions for meat factory works, which have been highlighted by COVID 19 are not addressed.

In February 2019 international coverage was generated on the issue of the ill-treatment and exploitation of migrant workers in the Irish fishing industry[2].

UN special rapporteurs stated in a warning letter to the Irish government that Ireland's permit scheme for migrant workers on its fishing trawlers breaches international human rights law.

[2]https://businesshumanrightsireland.wordpress.com/2019/02/20/four-un-special-rapporteurs-warn-ireland-of-risks-of-forced-labour-in-irish-fishing-industry/

The four UN rapporteurs – on modern slavery, trafficking in persons, racial discrimination and human rights – joined together to issue an exceptional rebuke to the Irish government, saying they had received information that the permits were making migrants from outside the EU vulnerable to modern slavery and serious abuse on Irish fishing vessels.

### 3.5 Soil

No consideration is provided on:

- Level of increased carbon loss from horticultural peat extraction and use of peat for animal bedding, in Ireland and for export;
- Impact of horticultural peat extraction on drinking water;
- Carbon loss in high carbon soil from land drainage for agricultural land use change;
- Carbon soil erosion in areas affected by agricultural land burning.

### 3.6 Water

EPA and other data on meeting of water quality, including continuing decline of high status waters with consequent impact on fertiliser, slurry spreading and herbicide use and land management generally is not cross-referenced with evaluative data on nitrate excess.

No consideration is given to exceedances of trihalomethanes (THMs) in drinking water supplies in Ireland when organic matter, such as suspended peat sediment from horticultural peat extraction sites, are treated with chlorine at water treatment plants.

### 3.7 Air

The policy response on breaching of EU ammonia air pollution ceiling thresholds since 2016 with 2% annual increase, 98% caused by agriculture is referenced.

However, there is no consideration provided on the adequacy of the draft DAFM farm code (page 27) which is voluntary, and how nitrates are to be reduced to at least below EU ceiling levels.

### 3.8 Climatic Factors

Ireland's Environmental Protection Agency has reported that from 2011 to 2018 (the most recently reported year) agricultural nitrous oxide emissions increased by 18% and methane increased by 15%. The primary driver has been an increase in reactive nitrogen usage via

fertiliser and feed in sector-driven intensive cattle farming, particularly dairy. Synthetic nitrogen fertiliser imports increased by 38% over this period.

In additional to the GHG emission accounting under the current EU system, the full post 2027 calculation of Land Use Change will require accounting.

The RSK considerations do not address additions GHG impact of carbon soil loss for land use change inclusion horticultural peat extraction and land drainage.

Pages 20 and 29 on adaptation in referring to disruption due to *"prolonged periods of rainfall drought and snow"* do not address the impact of 2018 drought in causing a fodder crisis requiring increased animal feed import and use of peat for animal bedding because of straw shortage and vegetable harvest impact.

### 3.9 Material Assets

The considerations set out by RSK do not address:

- Increased disease risk to industrial animal and crop agriculture, as shown by 2020 Co Monaghan Chicken Flu;
- Debt risk and sustainability of investment in increased milk production and beef and dairy processing in creating "stranded assets";
- Greenhouse gas migration or "carbon leakage" as the Dutch Cheese company Royal A Ware and Norwegian TINE seek to locate processing plants in Ireland;
- Potential of fishing vessels being unusable because of requirement to meet marine conservation fish population targets.

### 3.10 Cultural heritage including architectural and archaeological heritage

No consideration is given to impact of currently unregulated horticultural and animal bedding peat compost extraction and agricultural land reconfiguration on archaeology.

### 3.11 Landscape

No consideration is given to

- Effectiveness of DAM Regulations on hedgerow and field boundary removal;
- Landscape impact of increased bovine animal housing.

### 3.12 Natural Capital

RSK seek to look at the " *interrelationships between the sustainability topics".*

- Health impact on workers in agricultural processing facilities and increased ammonia levels;
- The impact of nitrates reaching a tipping point in water quality and biodiversity impacts;
- Health interrelationship between healthy diet and access to clear air; and
- Nitrates impact on aquaculture.

## CHAPTER 4 SEA FRAMEWORK

The 11 SEA Objectives set out in Section 4.1 under SEA Objectives are systemically deficient in the quantified timetabled and targeted objectives required and not fit for purpose. The ineffectuality and vagueness of language of what is set out in the 11 tabulated boxes particularly evident for Water, Air Quality, and Climate Change.

Any agri food strategy must address a range of internationally and EU defined targets and objectives on climate, biodiversity, nitrates and water as well as public health.

For Objective 5, Water, the table merely states protecting and improving water quality rather than stating the *requirement* for Ireland to meet its commitments to the Water Framework Directive by 2027. Agriculture is responsible for the greatest pressure on water. Intensification and expansion of animal agriculture since 2010 under Irish agri-food strategy policy has greatly increased this pressure on water quality. Therefore it is grossly inadequate to merely aspire to protect and improve water quality from a current basis that is already damaged and degraded by policy since 2010. RSK fail to note the key requirement to limit total synthetic fertiliser inputs to agriculture to reduce nutrient loading nationally.

Similarly for Objective 6, Air Quality, the stated aim to "support improvements in air quality" is grossly inadequate given Ireland has been breaching its NECD ammonia limit since 2016 and the EPA and EU Commission have stated that proposed measures will not reduce ammonia emissions sufficiently to meet the target in future. Bringing ammonia back under EU emission ceiling levels is a legal obligation as well as public health and biodiversity loss reversal imperative

For Objective 7, Climate Change, it is extremely troubling that RSK state "*[s]upport the agri-food sector in reducing its GHG footprint per unit of output*", which indicates that RSK are unaware that climate change impact depends on **absolute total** agriculture sector emissions, *not* on an efficiency footprint measure. In the absence of a reducing cap on total

emissions such an efficiency focus merely enables cost savings that are reinvested to increase production and emissions. Since 2011, methane emissions are up 15% and nitrous oxide emissions are up 18%, despite constant policy and strategy measures focused on footprint improvement.

Also for Objective 7, Climate Change, the phrasing "*Support land management practices that protect and capture carbon, particularly from peatlands and forests"* is extremely weak. If fails to clearly state the critical distinction that prioritising immediate measures to prevent ongoing carbon losses from land use is of far greater climate action priority than policy supporting slow, uncertain and impermanent sequestration measures. Ongoing carbon losses from organic soils under pasture are 6 $MtCO_2$/year and from peat extraction for horticulture 2 $MtCO_2$/yr. Managed forestland in Ireland is already a net source and afforestation is slow so near-term restrictions on forest harvest are needed to prevent carbon loss.

## CHAPTER 5 ALTERNATIVES AND SCOPE OF THE SEA

### 5.1 CONSIDERATION OF ALTERNATIVES

RSK state that:

> *The development of reasonable alternatives to the Agri-Food Strategy is being addressed predominantly through the 2030 Committee, and with reference to the previous 2025 Food Wise SEA process.*

The 2030 Committee membership, as for 2025 Food Wise, is heavily biased toward agri-food industry vested interests with only a single environmental NGO member among over 30 members. It is grossly negligent for this scoping document to fail to highlight this inadequate and improper lack of independence in defining "reasonable alternatives'.

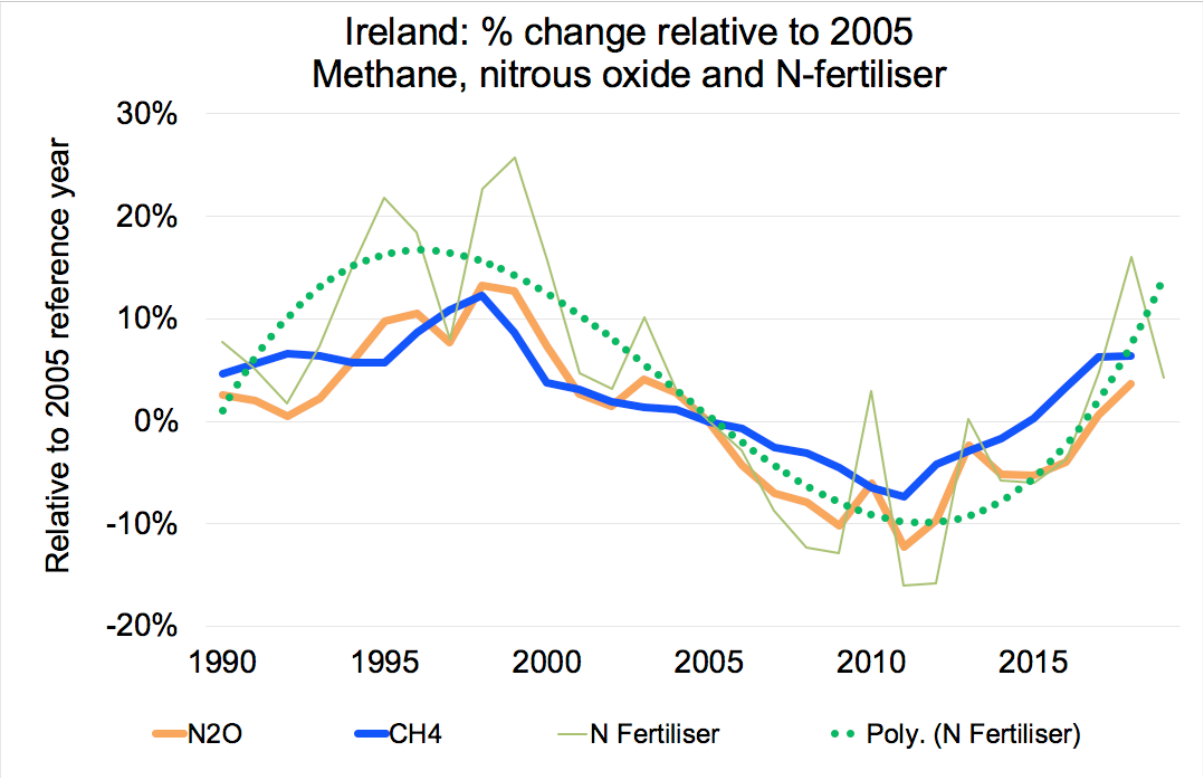
### 5.2 Reasonable Alternatives Considered

Under Strategy Context, the scoping document incorrectly states:

> *As at the previous strategy period it was also recognised by the committee that agriculture both at primary production and processing level is limited in its capacity to respond quickly, being dependent on biological processes to grow crops and rear animals.*

This is a false statement. Recorded data since 1990 for Ireland's agriculture sector shows that it responds extremely quickly to policy changes. As the chart below shows the Irish agri sector is primarily responsive to the total amount of nitrogen fertiliser being used nationally, which drives ruminant production and resultant methane emissions and nitrogen pollution (nitrous oxide, ammonia and nitrates). EU policy from 1998 to 2011 based on extensification and the milk quota ensured emission reductions, but Ireland's agri-strategies since 2010,

designed by the agri-food industry has reversed these policies at the cost of increasing climate, air and water pollution.




Therefore, reversing the current strategy and first limiting total nitrogen inputs to the 2011 level and following a path continuing the 1998–2011 trends in nitrogen and cattle numbers would be and obvious, evidence-based reasonable alternative.

The document incorrectly states:

> *There is also a desire to build on the 2025 Food Wise Strategy approach, recognising its successes and limitations to create a stronger strategy for the period to 2030.*

There no such widespread desire and none at all among environmental NGOs. This statement is based only on the answers to the biased leading questions in the Public Consultation. If the respondents had been first made fully aware that environmental indicators have been increasingly negative under the existing approach it is very likely that a fully engaged consultation with a much greater population sample would have arrived at very different results. At the very least the scoping document could comment on this possible likely bias.

The document misleadingly states:

> *p.49: As a sector, rather than government, -driven strategy a key aspect of this throughout different implementation periods has been allowing for public and industry perceptions on strategy performance to be reflected in subsequent implementation periods.*

As has been pointed out in a peer-reviewed article by Kenny et al. 2016 the "sector-driven" Irish strategies since 2010 have seen a "distinct absence of public health representation in the process, an avoidance of some key public health challenges and the dominance of a 'business as usual' approach". In the opinion of eNGOs including An Taisce the same is true for the inadequate approach of the strategy committees and strategies to environmental and climate concerns.

Contrary to the assertion of RSK the public consultation cannot be taken to indicate a clear support for the 2030 Strategy. Nor are the proposed Reasonable Alternatives given in the scoping document in any way adequate to be used in an SEA. Nor is the sector-driven 2030 Strategy Committee sufficiently independent to review any proposed SEA alternatives.

On p.41, Alternative 2 is the only "reasonable alternative" stressing environmental factors whereas three others are merely variations on the business-as-usual approach of intensification and dairy expansion under Food Wise 2025.

> *p.51* ***Alternative 2: Greater Emphasis on Environmental Sustainability***
> *Alternative 2 assumes that the focus of the strategy be skewed more heavily towards the promotion of greater sustainability in food production and processing in comparison with 2025 Food Wise.*

This is a grossly inadequate alternative that is not reasonably supported.

Even if the detail has yet to be defined for Alternative 2 it is extremely unclear from this description what this alternative means even in qualitative terms. Comparing this alternative on the basis of a fractional change of FW2025 and only emphasising added "promotion of greater sustainability in food production and processing" is not a reasonable alternative. It suggests that marketing promotion of claims is the aim rather than real, immediate and long-term improvements in the environmental indicators that have been damaged by Irish sector-driven agri-strategies since 2010.

In fact, given the reversal since 2010 of previously improving environmental and emission trends, the most reasonable alternative would be to reverse the strategy direction since 2010 by first limiting total synthetic nitrogen inputs to the 2011 level immediately (below 300,000 tN) and showing a path continuing the 1998–2011 trends in nitrogen and cattle numbers.

This is an evidence-based reasonable alternative to the sector-driven strategy since 2010 that is far more likely to meet climate, ammonia and water targets in the near term. It is essential that the reasonable alternative meets these targets very quickly, primarily by

limiting total synthetic nitrogen inputs in Ireland (which increased by 38% from 2011 to 2018).