

**Opening statement to Joint Oireachtas Committee on Agriculture,
Food and the Marine
8th May 2018
Burnt land 2017**

Introduction

I welcome the opportunity to address the Committee today on this matter. We previously attended a meeting of this Joint Committee in closed session on 30 January, at which point we had a very useful discussion on this issue and how it relates to some of the key financial supports operated by the Department Agriculture, Food and the Marine. We also offered to come back to brief Committee members in public session in relation to any further developments on the issue of the burning of land, and I will outline today some of the main issues in that regard.

Area based schemes

As I outlined to members of the Joint Committee in January, the range of area based schemes available to farmers, such as the Basic Payment Scheme (BPS) Greening and the Areas of Natural Constraints (ANC) Scheme, are vital supports which help to underpin the continued development of a competitive and sustainable Agri-Food sector in Ireland. These payments also provide a significant financial boost for individual farmers and the wider rural economy.

In order to ensure that these payments continue to issue in an efficient and effective manner, it is essential that the Department continues to implement a range of administrative verification checks to underpin the payment of some €1.6bn annually under such schemes. It is in this context that the issue of the burning of land is so important. The Department will continue to ensure that the verification checks required by EU Regulations are fully in place and that we can continue to build on our strong record of delivering payments to farmers under these schemes.

Update on 2017 Burnt Land Cases

When I updated the Joint Committee in January I outlined the position in relation to the ongoing investigation of cases of burnt land outside the permitted timeframes in 2017. At that stage, a number of cases had been identified and processed and the appeals process was underway.

I am happy now to be able to update the Committee in relation to where this process now stands.

In general terms, where the area determined on a given holding to have been burned exceeds 3% of the eligible area declared on that holding, an administrative penalty of 1.5 times the area burned is applied.

In reviewing the appeals received to date, the Department has decided that, where an applicant has proven to the satisfaction of the Department that s/he was not in any way involved in the burning of the affected lands, the administrative penalty only is waived. However, the land remains as ineligible and thus no payment issues in respect of this land. This is the position which I outlined at our last meeting. This is due to the fact that where land has been burned, it is not in a state suitable for an agricultural activity such as grazing or cultivation and can not then attract a payment under the BPS.

To date 100 farmers have submitted appeals to the Department in relation to burnt land. 69 of those appeals have been internally reviewed and accepted. In these cases, the administrative penalties have been reviewed but the burnt land in question is not payable in 2017. The farmers have been written to notifying them of the outcome. The administrative penalty reimbursements due have issued to 51 of the 69 cases to date with €67,321.34 being reimbursed. The remainder will be reimbursed as appropriate in the near future.

The remaining 31 appeals are currently under review by the Department, and some farmers have been requested to submit additional information.

Should any applicants wish to pursue these decisions further, they can of course lodge an appeal with the independent Agriculture Appeals Office. It is also worth noting that, all other things being equal, the burnt land in question should be eligible for inclusion in 2018 BPS applications.

2018 and Future Years

At our last meeting, I also updated the Committee in relation to the communication initiatives the Department had put in place in 2017 around this issue. Given the importance of this issue in relation to how it impacts on key scheme payments for farmers, I am in agreement with the Committee's view at the time that every effort should be made to ensure that farmers are aware of the rules and regulations in this area and, most importantly, of the impact that the burning of land outside of the permitted time frames can have on their payments.

As part of the annual cycle of applications for the BPS, all farmers receive an application pack early in the year. This pack includes the terms and conditions for the BPS which set out, inter alia, the main elements that farmers need to be aware of in terms of land eligibility. As we discussed in January, the burning of land can impact on the eligibility of land for payments under schemes such as the BPS and thus this important document outlines the relevant rules in this regard. These terms and conditions are also available to all stakeholders on the Department's website.

I am conscious that the Terms and Conditions of the BPS contain a large volume of important information for farmers. With this in mind, Minister Creed issued a specific press release in March of this year in order to explicitly draw farmers' and advisors' attention to the closed season during which it is illegal to burn land. This communication set out very clearly that the illegal burning of land in the period between 1st March and 31st August could have a number of implications for farmers. It set out that farmers who burn land after 1st March should be aware that

- They risk prosecution
- such land is not eligible for payment under the BPS
- the inclusion of illegally burnt land in the 2018 BPS application may also result in reduced payments and penalties in other area based schemes such as the Areas of Natural Constraints Scheme
- the illegal burning of land can also render the land of neighbours ineligible for payment, and
- the identification of lands that were burnt during the closed season may result in such land being inspected by the Department.

The purpose of this communication was to be as clear as possible in relation to the rules surrounding the burning of land, and to alert farmers to the impact it may have on their payments etc. The press release was timed to coincide with the closed period for burning while also allowing farmers plenty of time to ensure that they reflected

accurately their eligible land in their BPS applications. The Minister also urged farmers and the wider public to be mindful of the damage that burning can cause and to take appropriate care.

In order to reinforce this message and to ensure that the communication was received and understood by as many farmers as possible, the Department also issued a text message to farmers in March. The Department regularly uses text messages as a means of getting succinct messages directly to farmers on key issues. In this case, the text issued to remind farmers of the closed season and to draw their attention to the possible impact of burning on their payments.

In addition we have also held discussions with farmer representative bodies to further ensure a clarity of message around this important issue.

Current Position

The Department keeps the situation in relation to the burning of land under review. While there have been some isolated reports of burning recently, I am glad to report that we have not witnessed any evidence of burning on the scale witnessed at this stage last year. I would like to reiterate that farmers and the wider public should remain vigilant in this regard however. This will be especially important as weather conditions change in the coming weeks.

The Department will continue to investigate matters related to the illegal burning of land as they arise. I am confident, however, that the rules around burning and the impact on payments have been clearly communicated to all the major stakeholders.

We will also continue to prioritise the processing of scheme payments as a matter of the utmost priority in the Department, in order to ensure that these vital financial supports are paid to farmers in the most efficient and effective manner possible.

My colleagues and I will be happy to discuss this matter in more detail and we will do our best to answer any queries.

ENDS