



2018

# IFDL OPENING STATEMENT



**Ifdl Henharrier**

**Jason Fitzgerald**

1/30/2018

## Opening Statement by Jason Fitzgerald

Committee members,

Morris Flynn,

Kenneth Fitzgerald,

Sean Kelly,

Chairman, Deputies, Senators and officers of the Committee,

My name is Jason Fitzgerald. I am Chairman of Irish Farmers with Designated Land (IFDL). I am here today with IFDL committee members, Kenneth Fitzgerald, Morris Flynn and Sean Kelly. IFDL was formed in August 2014 and from that time we have been highlighting the disadvantageous position farmers have found themselves in since their lands have been designated as either SPA (Special Protected Areas), SAC (Special Areas of Conservation) or NHA (Natural Heritage Areas). These lands have been selected as important sites that may ensure that some of our endangered birds and habitats are sustained for future generations to enjoy. This is something that we all must embrace.

However, since lands in Ireland have been designated under EU directives, there has been one clear loser and that is the owner of these lands, the farmer. Back in 1992 the burren was designated a SAC with little or no engagement or consent from farmers. Through the nineties and early naughties, large tracts of land predominantly across western regions were designated as SAC's and SPA's. In 2007-2008 a further 170,000 hectares of land across nine Counties of Ireland was also designated for the protection of the hen harrier, an annex 1 bird. In total almost

15% of the Republic of Ireland has been designated under a European Directives. Some of our most picturesque hills, bogs, precious wetlands, rivers and productive agricultural land has been restricted decimating the economic opportunity that was available prior to the designation accruing. Ireland ink has benefited to the tune of Billions through the decades right up to today form tourism, iconic imagery, the natural capital from these lands and future more the valuable carbon sinks these lands provide naturally.

The farmer, not the creator of these important lands but certainly the protector, guardian and custodians of its habitats has been burdened by these designations without access to meaningful compensatory solutions. Many generations have come and gone but all have pass on these lands with pride in their life's work to the next generation. A freehold, an asset for the next generation to carry on or to sell to seek of better quality, more profitable land. Something previous generations may not have been able to achieve because of finical circumstances. A farm that allowed them to walk into their local bank with the deeds in one hand and using the other one to firmly shake the bank managers hand, at least knowing they could look the bank manager in the eye because the farmer had something of value to negotiate with.

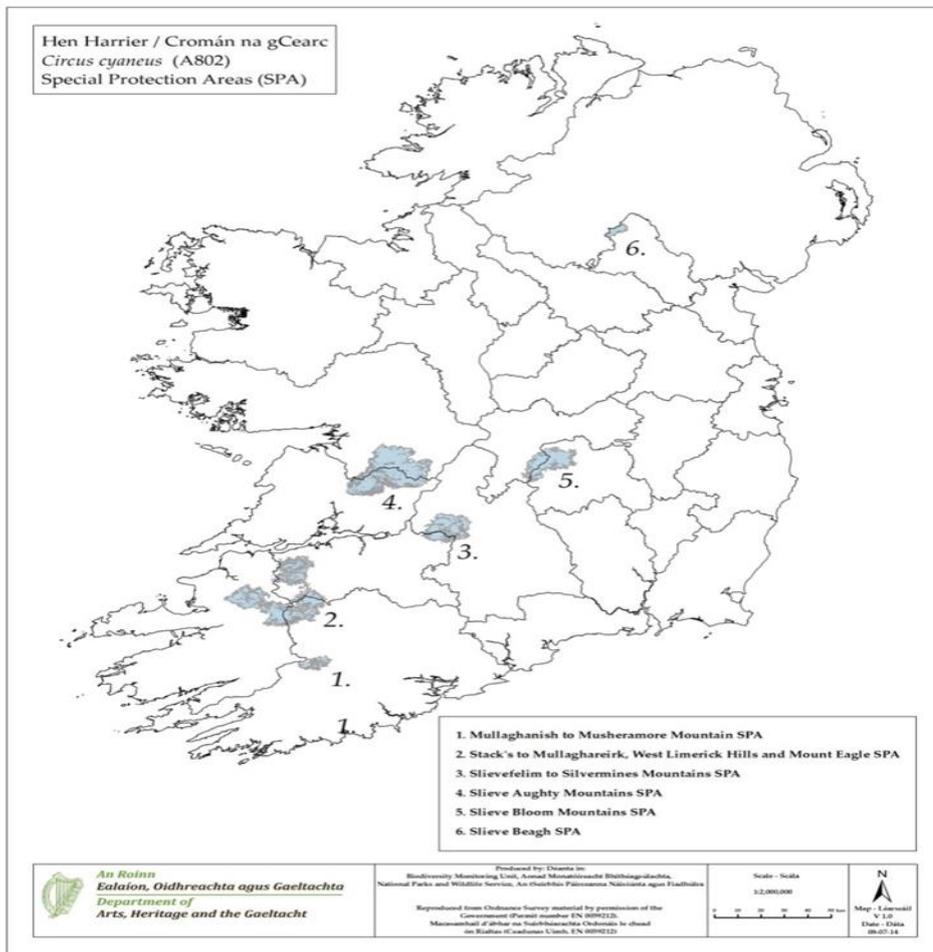
Sadly, this is no longer the case. Depending on the type of designation and where it is situated, various degrees of devaluation has accrued. Farmers who now have large amounts of land designated have suffered the worst. But most have been devastated by land devaluation. There plans for the future, there plans for retirement, the hope of going into a bank with something tangible in their hand is gone. These farmers are no longer able to borrow against the deeds of their lands because the banks see no value or opportunity in natura designated areas. Unlike other farmers who take this for granted as they should. Regardless of what comes around the corner they can leverage the value of their deeds against their borrowings. However, this is no longer the case through designated areas throughout the Country. Maybe they might want to invest in their business, a medical emergency may occur, maybe they need to sell a site, or

maybe the death of a family member may change everything. A farm that once was a valuable asset farmed with pride and care now is an asset that can be neither sold or developed to take advantage of the economic opportunities that are available to their neighbours who were lucky enough to escape the heavy-handed pen of the National Parks and Wildlife Service (NPWS). This is not only devastating farmers but also their families and their communities.

To put in an urbanistic comparison, an industrial estate with two identical factories. One has suddenly become restricted, the other not and free to develop, expand, upgrade and adapt to the changing economic environment. One will progress and in the event the owner needs to sell. The owner will receive the market value for their business. Whereas the restricted business will ultimately close because of the bureaucratic and time-consuming nature of asking permission to carry out basic necessary works over and above what their neighbouring business is required to do. The restricted business may not be allowed to develop or modernise. This will ultimately lead to the loss of jobs and loss of revenue to local businesses and the local economy unless the full cost of the restrictions is paid over to the business that is restricted. In effect restoring an equilibrium of economic opportunity.

One of the most devastated areas is the 6 Hen Harrier SPA's. Some 3,760 farmers across nine Counties, Clare, Cork, Galway, Kerry, Laois, Limerick, Monahan, Offaly and Tipperary.

Figure 1 Map of six Hen Harrier areas



Why have these farmers suffered so badly?

Pressure came from Europe in the form of the bird's case. Ireland was threatened by the judgment with fines because they hadn't carried out the designation process to protect certain species including the hen harrier.

In November 2007, farmers were given a three-month window to object to the designation but even if the farmer in question was to object there was no guarantee the appeal would be successful. Most farmers were happy with the designation because of the strength of the

comprehensive and robust assurances that were offered. Farmers were offered a compensation scheme, access to afforestation and a devaluation rebalancing solution.

After the window of appealing the Designation process had expired, the afore mentioned scheme was launched but many barriers to entry appeared, that had not previously been mentioned, as a consequence only 376 of the 4,000 farmers managed to access the scheme, the scheme was suspended in less two years after it was launched. The payments through the scheme were €350 per hectare for the first 40 hectares and a reduced graduated payment thereafter.

- €350 per hectare up to 40 hectares'
- €25 per hectare from 40-120 hectares.
- €5 per hectare thereafter.

*Figure 2 Total area, total herd numbers and total area farmed currently*

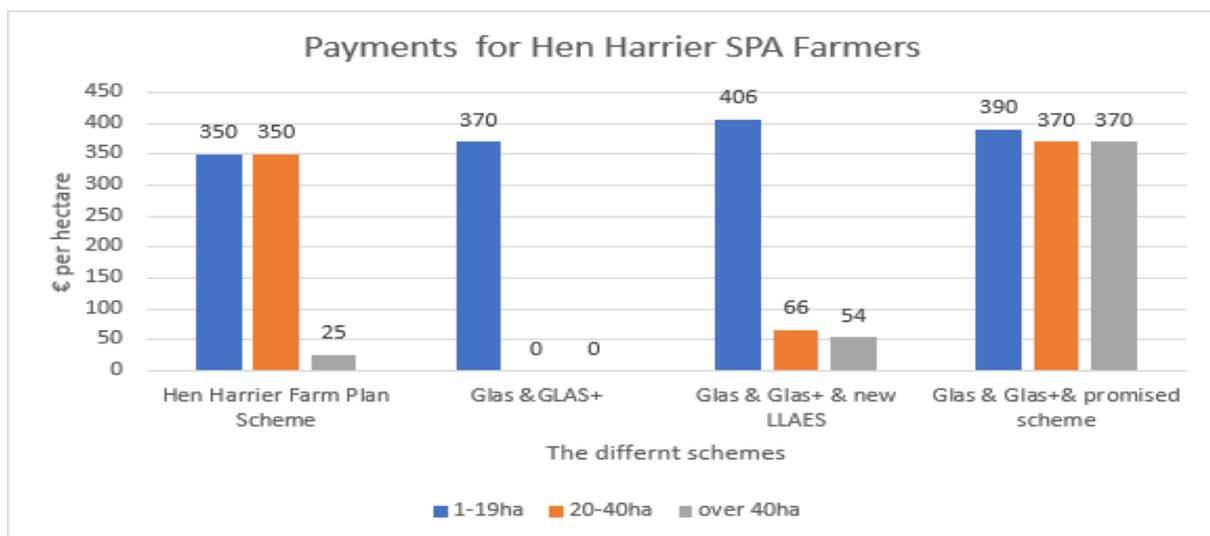
| SPA                  | Total Area     | Herd numbers | Farmed land (ha) |
|----------------------|----------------|--------------|------------------|
| <b>Stacks</b>        | 56,600         | 1550         | 20,730           |
| <b>Slieve Aughty</b> | 59,400         | 1180         | 20,650           |
| <b>Slievefelim</b>   | 20,920         | 420          | 7,090            |
| <b>Slieve Bloom</b>  | 21,770         | 380          | 4,270            |
| <b>Musheramore</b>   | 4,960          | 160          | 3,050            |
| <b>Slieve Beagh</b>  | 3,450          | 70           | 820              |
| <b>Total</b>         | <b>167,100</b> | <b>3,760</b> | <b>56,610</b>    |

90% of the farmers who sat in community centres in 2007 have not received any compensatory solutions over and above access to schemes that were main stream and open to non-designated farmers up until GLAS Plus payments in the very last days of 2016 and many into 2017.

Schemes like REPS, AOES and GLAS were all main stream schemes and available to all farmers regardless of designation or not. As a result, had no positive affect on the valuation of land.

Many farmers believed this would all change after a commitment by Minister Simon Coveney on the 23<sup>rd</sup> of October 2015. He stated that a new locally led scheme would be targeted at farmers with large tracks of hen harrier land. He also stated that these farmers were forgotten, left behind and this new scheme would be comparable with old hen harrier Farm Plan Scheme. This is not the case and farmers are still left behind and still their lands remain sterilised and worthless.

Figure 3 the different level of payments through different schemes



## Forestry

Forestry has become a very contentious issue when mentioned in relation to hen harrier SPA's. As can be seen from figure 4 there was an agreed quota of over 9,000 hectares of afforestation to be planted in Hen Harrier SPA areas over a 15-year period. Each SPA was allocated a yearly quota.

However, as can be seen in figure 5 only over 1,100 of this agreed quota was delivered.

Figure 4 levels of afforestation agreed prior to the designation

| HEN HARRIER SPA AREA | Area available for planting based on 55% threshold HA | PROTOCOL ANNUAL QUOTA HA |
|----------------------|---|--------------------------|
| AUGHTIES             | 2490  | 166                      |
| BEAGHS               | 390   | 26                       |
| BLOOMS               | -   | -                        |
| BOGGERAGHS           | 1010  | 67                       |
| FELIMS               | 760   | 50                       |
| MULLAGHREIRKS        | 4410  | 294                      |
| TOTAL                | 9060  |                          |

There was a clear commitment given to farmers that afforestation would be generally permitted. This never materialised. As can be seen from figure 5 the levels of permits consistently fell below the targets. This was certainly not from lack of demand but a deliberate attempt to restrict afforestation even further.

Figure 5 levels of afforestation delivered

| SPA          | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | TOTALS |
|--------------|------|------|------|------|------|------|--------|
| AUGHTIES     | 89   | 113  | 43   | 65   | 26   | 33   | 368    |
| BEAGHS       | 10   | 0    | 0    | 7    | 0    | 6    | 23     |
| BLOOMS       | 28   | 50   | 0    | 0    | 0    | 0    | 78     |
| BOGGERAGHS   | 18   | 5    | 0    | 23   | 0    | 0    | 46     |
| FELIMS       | 48   | 86   | 9    | 0    | 0    | 27   | 170    |
| MULLAGHERIKS | 100  | 168  | 78   | 99   | 15   | 44   | 503    |
| TOTALS       | 292  | 422  | 130  | 195  | 40   | 109  | 1188   |

The question remains if afforestation had such a negative affect on the hen harrier why was there so much afforestation proposed at the outset.

Farmers were well aware of the importance of additional afforestation in SPA areas. It meant that farmers would still be able to sell land at similar market value to land outside of the designated area.

There was a complete ban on afforestation put in place in 2011-2012 despite the targets not being met. This was apparently related to poor results in the 2010 National Hen Harrier Survey.

It was decided that a Threat Response Plan would be established to look at the threat to the hen harrier from intensive agriculture, forestry and wind turbines. Today, the end of January 2018, no results have been published. This is nothing short of disgraceful. The Threat Response Plan has been used as a stalling tactic. While farmers have been receiving zero compensation on land that they can neither sell or plant.

Why would anybody buy designated land when the economic opportunities are non-existent? The schemes that are available to date are also available to farmers outside designated areas. Wind energy companies will not work in general with private land owners. However, Coillte have been accommodated by planning authorities for approvals for wind Turbines in Hen Harrier SPA's. In fact, there are now over 270 wind turbines in these SPA'S. Of those 270 wind turbines over 230 have been erected since these lands became designated in 2007, despite County development plans against wind turbines in Hen Harrier SPA's. Solar companies also steer clear of Hen Harrier SPA's as they are not willing to get in to a timely and costly bureaucratic battle with planning and environmental authorities. So, the largest land owner in this SPA, the state lands have not suffered anything like the loss of opportunity or loss of income from forestry as private land owners. This is very discriminatory and shows who is carrying the real cost of designated areas. This designation is costing farmers hundreds of millions of euro in opportunity costs.

It is quite clear why these lands have become devalued. The level of supports is far too low and far too stop-start. There needs to a combination of things to happen.

- Firstly, a statutory payment needs to put place. Paid by the NPWS every year for every hectare of designated land in recognition of the restrictions of designation. Regardless of who is in Government this payment must be made every year. In relation to the Hen Harrier SPA this Payment must be at least €370p/h and index linked. The last CAP had an option to pay farmers in designated areas such a payment type similar to an ANC payment but this was not taken up by Ireland.
- Additional schemes to boost income further through actions or habitat improvement will be welcome thereafter but not as substitution for a payment per hectare as out lined above.
- Many of these lands are becoming abandoned and it is clear that the agriculture policy is most definitely leading and has led to abandonment of land which is against EU policy. As these lands have recommended livestock limits (0.6L/H-0.1L/H) a new suckler cow scheme of €350 per cow or ewe scheme of €50 ewe is warranted. As these lands are under grazed which is negatively affecting the biodiversity cycle.

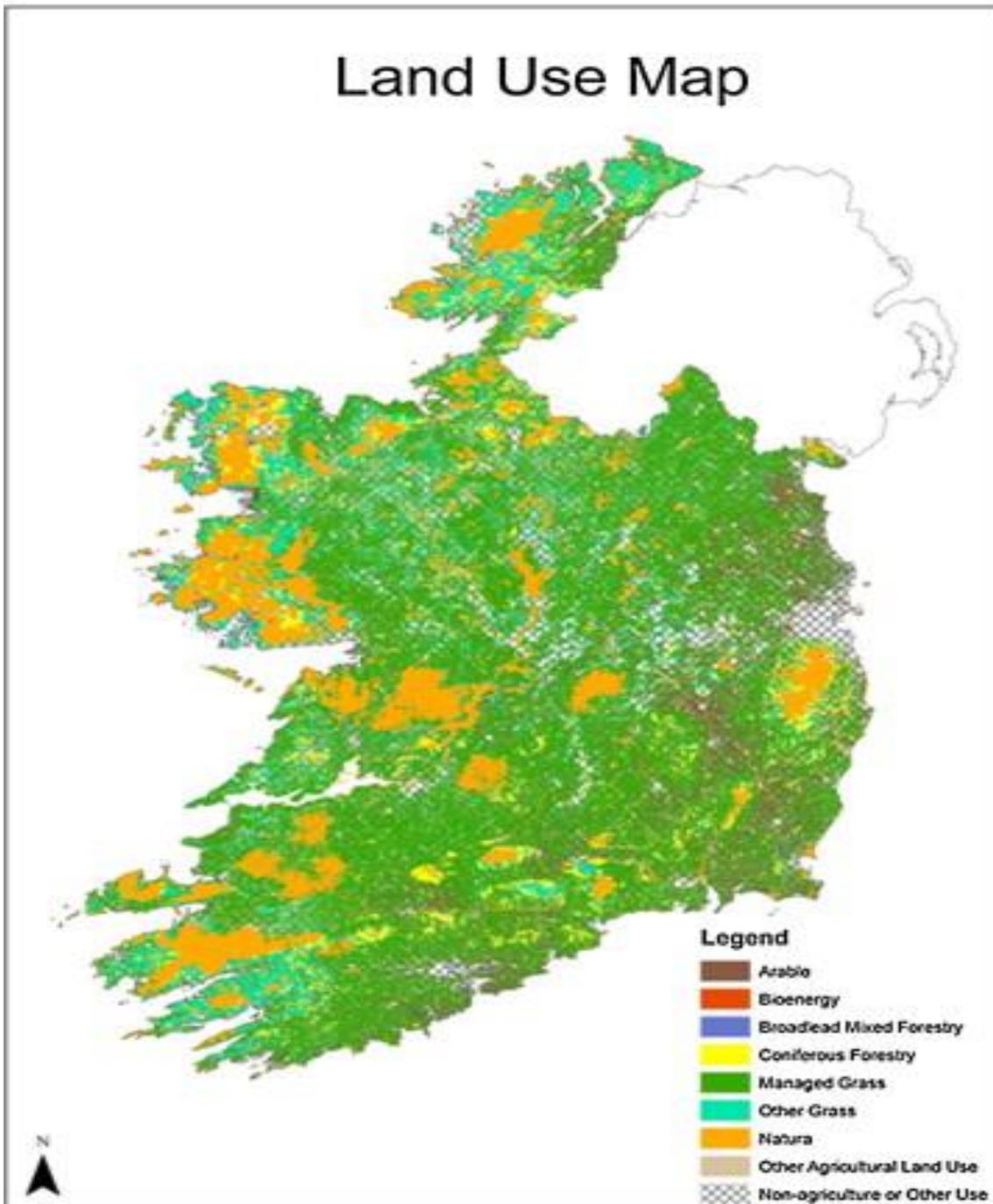
It is IFDL's firm believe that farm abandonment or non-active farming is doing far more damage to the population of hen harriers than forestry. The challenge is to support farming to the same level or above the level that of forestry payments. The level of payments must rise to a level that the market value of land will rise to a similar level to afforestation value. Currently suitable forestry land outside designated areas is achieving up to €5,500 per acer whereas designated land of similar type and quality is only achieving €800-€1,200 per acer. This is absolutely unacceptable. The gap must be bridged.

Jim O'Brien recently wrote an article in the Farming Independent, stating that in the last 20 years there has been a 40% decrease in the number of people employed in agriculture and fisheries in Connacht and Counties like Clare and Donegal. I am in no doubt that the same can be said for parts of Cork, Kerry, Limerick and Tipperary as well. I personally know of many townlands where there most likely will never be a child born in again. This is wrong and for a small Country like Ireland with so many assets all over the Country to allow parts of our Country to become abandoned is unacceptable.

Recently at the Citizens Assembly it was highlighted just how valuable our peat type soils are which currently offsetting a large % of carbon emission and highlighted as a very valuable carbon sink.

Addressing Land devaluation can be done in a number of ways;

- Allow unconditional afforestation relative to undesignated areas suitable for afforestation.
- Provide a tax credit similar to the value of afforestation to the purchasers of designated lands. This tax credit would be removed at such a time as approval for afforestation would be permitted. General afforestation incentives would then apply.
- Agree with farmers that on selling their lands that NPWS would pay the difference between the sale price of the designated land and the market value of similar type non-designated land.
- NPWS purchase land from farmers and give them the value of similar type non-designated land.



Thank you for hearing our concerns and hope proper solution can be found to address these problems conclusively.

Buíochas leat as ár n-inní a éisteacht agus tá súil agam gur féidir teacht ar réiteach cuí chun dul i ngleic leis na fadhbanna seo go cinntitheach