

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM THALMHAÍOCHT, BIA AGUS MUIR

## JOINT COMMITTEE ON AGRICULTURE, FOOD AND THE MARINE

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*Dé Máirt, 14 Meán Fómhair 2021*

*Tuesday, 14 September 2021*

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Tháinig an Comhchoiste le chéile ag 9.30 a.m.

The Joint Committee met at 9.30 a.m.

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Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	Seanadóirí/Senators
Martin Browne,	Victor Boyhan,
Matt Carthy,	Tim Lombard.
Michael Collins,	
Michael Fitzmaurice,	
Joe Flaherty,	
Michael Ring.	

Teachta/Deputy Jackie Cahill sa Chathaoir/in the Chair.

## **Business of Joint Committee**

**Chairman:** Apologies have been received from Deputy Fitzmaurice and Senator Paul Daly. I remind members that, in the context of the current Covid-19 restrictions, only the Chair and staff are present in the committee room and all members must join remotely from elsewhere in the parliamentary precincts. The secretariat can issue invitations to join the meeting on Microsoft Teams. Members may not participate in the meeting from outside the parliamentary precincts. I ask members to please mute their microphones when not making a contribution and to use the “raise hand” function to indicate. Please note that messages sent to the meeting chat are visible to all participants. Speaking slots will be prioritised for members of the committee.

### **Nitrates Action Programme: Discussion**

**Chairman:** The agenda for this morning’s meeting is the new nitrates action programme. The public consultation for this programme is ongoing and the deadline for submissions is Monday, 20 September. That is why we felt it was appropriate to give farming organisations an opportunity to put their views before the committee this morning.

I welcome the following witnesses to the committee: Mr. Tim Cullinan, president of the Irish Farmers’ Association, IFA; Mr. Paul O’Brien, environmental chair of the Irish Farmers’ Association; Ms Geraldine O’Sullivan, senior policy executive for the environment and forestry at the Irish Farmers’ Association; Mr. Pat McCormack, president of the Irish Creamery Milk Suppliers Association, ICMSA; Mr. John Enright, general secretary of the Irish Creamery Milk Suppliers Association; Mr. John Keane, national president of Macra na Feirme; Ms Gillian Richardson, agricultural and rural affairs policy officer at Macra na Feirme; Mr. Henry O’Donnell, the Donegal national council representative with the Irish Natura and Hill Farmers Association, INHFA; and Mr. Joe Condon, policy adviser at the Irish Natura and Hill Farmers Association.

All witnesses are joining the meeting remotely via Teams. They are all very welcome. I note that representatives of the Irish Cattle & Sheep Farmers’ Association were invited but were unable to attend this morning’s meeting. They have been invited to send in a written submission instead. We have received the witnesses’ opening statements, which have been circulated to members. All opening statements are published on the Oireachtas website and are publicly available.

Before we begin, I have an important notice on parliamentary privilege. Witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise nor make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. Participants in the committee meeting who are in locations outside the parliamentary precincts are asked to note that the constitutional protections afforded to those participating from within the parliamentary precincts do not extend to them. No clear guidance can be given on whether or the extent to which participation is covered by the absolute privilege of a statutory nature.

I will ask the four organisations to give a five-minute opening statement about where they see the main issues with nitrates and the main points they want to see addressed in the ongoing discussion on the nitrates situation. We will then take questions from members. I call Mr. Cullinan.

**Mr. Tim Cullinan:** I compliment the Chairman on organising this event this morning because we are at a crucial time with another submission going in. It is concerning for us that the Department left this submission very late, coming near the endgame. We have to look at the key sector that is going to be impacted by this. Other sectors such as livestock and tillage will be impacted to a lesser extent but we must look at the dairy sector and the investment that has gone into it since the abolition of quotas. Farmers have put in excess of €2.2 billion of their own funding into developing their businesses over the last number of years. Their co-op infrastructure has put in approximately €1.5 billion as well. That is a massive amount of money. Overall, we have continued during Covid and during the crash in 2008 we were the one sector in the country that kept performing. We have exports of €14 billion a year and for every €10 that is exported out of the country, €9 goes back into the local rural economy. That is what it is about.

We have some key issues on this. First, we must ensure Department officials, when they go back to Brussels, retain the derogation for farmers. It has been around since 2005. It has helped farmers to expand their herds and brought efficiencies to those herds. Many measures have been put in place. Farmers are working to those and we need time to see those measures work.

We have great concern around water quality and the testing of water by the Environmental Protection Agency, EPA. We have been trying to get some of those results. There are testing stations downstream from major towns and cities. We know there are concerns around the water treatment plants in those towns and cities and we cannot be the whipping boys taking the blame for what is going on there. The results downstream from those plants should be made available to us as farmers. We want to be part of the solution here. We want to be able to assess water quality in a proper manner and to see what is going on there.

The second issue I want to raise is the storage and management of soiled water. The practice to date has been that farmers are distributing the soiled water over lands during the winter period. This has to continue. There are 3.3 units of nitrogen per 2,500 gallons where with slurry there are 16 units per 2,500 gallons. There is no comparison whatsoever. It is a practice that was agreed a number of years ago between us and the Department and it needs to continue.

My next concern is around the covering of outdoor storage tanks. This is being done is for abatement on ammonia-----

*(Interruptions).*

**Mr. Tim Cullinan:** We are moving in the wrong direction there. We are very clear there is no need for covering outdoor storage tanks.

Another issue is the compulsory use of low-emission slurry spreading on farms above 100 kg organic nitrogen. We cannot see the benefit in that. The data equipment has been grant-aided through the targeted agricultural modernisation scheme, TAMS. We all know that if it becomes a legal requirement, it will not be grant-aided. If there is going to be change here, there must be proper grant aid for those measures.

The proposal on slurry closing dates makes no sense, good bad or indifferent. Farmers are grazing their paddocks up to mid-October. At the moment, chemical fertiliser application fin-

ishes on 15 September. Farmers have a valuable resource in organic fertiliser. As the Chairman would know himself, if a farmer is to apply organic fertiliser to his paddocks when he is finishing his last round of grazing up to mid-October - we have looked at this - at least 30% more grass will be available for the first round of grazing in the spring without using any chemical nitrogen. It decreases costs coming into the farm and decreases imports into the country. Can anybody explain to me the logic in preventing farmers from using a valuable resource that is readily available on their farms and that they can apply after the last round of grazing? That is essential. This is a red line issue for us.

I understand the Department is looking at the technical tables in the nitrates directive. That is very concerning for us. For any of this process to move forward, we need proper negotiations with the Department, not what we have seen over the past while, namely, putting out consultations without negotiations. This is not the way we work. As farmers, we are partners in the review and we want to be around the table and negotiating how this is going to go forward and the impact it is going to have on the sector. I ask you, as Chairman of the committee, to bring the findings that will come out of today's meeting directly to the Minister. We spoke to the Minister on this last week. We need cool heads on this now and we need to get a practical solution so that farmers can continue to farm in a very efficient and environmentally-friendly manner.

**Mr. Pat McCormack:** I thank committee members for the opportunity to put forward our views on behalf of the ICMSA as we begin to go to print with our final submission for the close of the nitrates review next Monday. I agree with Mr. Cullinan on an awful lot of things. Farmers have invested hugely in the targeted agricultural modernisation scheme, TAMS. It goes back over a decade to the farm waste management scheme where there has been continuous investment, in particular by dairy farmers post quotas. The changes to be implemented leave the sector extremely vulnerable due to the level of debt it carries at this point. I acknowledge that the trend as regards water quality has not been going in a favourable direction for us. Further analysis will show particular areas where the trend is improving. Great credit is due to all the stakeholders involved for their co-operation - farmers, farm organisations, the co-op movement and the advisory authority - in the way the agricultural sustainability support and advice programme, ASSAP, has been conducted. The programme has been conducted in a positive light with a helping hand rather than a stick to beat the farmer. All too often we read about penalising farmers and the ASSAP highlights that a lot can be achieved in a positive light with a helping hand.

As regards the chemical fertiliser register, it needs to be kept as simple as possible for farmers. We deal with Mother Nature and no two years are the same. In the past we have seen years of fodder crisis due to drought and flexibility is needed to accommodate such effects as we move forward.

Compliance is a huge challenge, but rather than promoting additional regulations we need to focus on the existing regulations. There is a need to abide by those regulations in order to see improvements in areas such as water quality and biodiversity in the months and years ahead. Equally, when we talk about those regulations, we need to see the TAMS improve. We all understand the situation. Farmers contact me every day of the week who have applied for TAMS grants and some have even been fortunate enough to get approvals, but their costings are totally out of sync. We need to see the €80,000 ceiling substantially increased to a minimum of €120,000 as we move forward. Huge investment is ongoing on farms and it needs to be supported by TAMS. We fully acknowledge the 60% that is available to young farmers but, given the challenges, 60% must be available to all farmers when it comes to improved compliance

for the years ahead. We also need to see an agri-environmental programme available for potentially 70,000 farmers with a minimum payment of €15,000 per farm so that it is an attractive proposition for all commercial farmers. I mentioned the ASSAP, which has been a huge benefit in particular areas and must be rolled out nationwide.

Regarding the proposals on slurry, we must be very conscious that we predominantly represent the dairy farmers of Ireland who have invested substantial sums of money in tanks to accommodate the soiled water. Much of the work in recent years has been grant-aided. Farmers have invested in tankers and various spray systems whereby a tractor never needs to go into a field to spread soiled water over the entire 12 months of the year. Any change to this would have a substantial implication for the day-to-day running of farms. This cannot be either tolerated or implemented as we move forward because farmers have received grant aid to do the contrary in recent years, to good effect we would have to say. The notion of separating soiled water and slurry on farms, particularly those farms that can accommodate the entirety, is nonsensical. In recent years, there has been more widespread use of the dribble bar and the trailing shoe on dairy farms. From a practical point of view, farmers are adding water. The notion of separating the two and then putting them back together for spreading makes absolutely no sense to practical people on the ground. We encourage the use of low emissions slurry spreading. Equally, we must be cognisant of the 12-month waiting period to purchase tankers or systems. There needs to be a bit of leeway for those farmers who were fortunate enough to get approval but unfortunately will not have the tank within the required period.

Even if the proposal on the banding of cows from a livestock excretion waste point of view were to be acceptable, introducing it within three months is totally out of sync. We need to see the data behind it. There needs to be greater industry discussion on the figures. We have seen organic nitrogen move from 85 kg to 89 kg. This has created substantial pain for farmers. According to our figures and analysis, a farmer with 100 acres and in excess of 6,500 l could potentially lose 18 dairy cows. Ultimately, this could undermine his or her business and would undermine the entire dairy industry if it were to happen. I attended my advisory co-operative board meeting last night. There is huge fear among farmers about what they will be able to do in future. Will they be able to honour their financial commitments as a result of these proposals? The industry is also in fear about whether it will be in a position to get milk in future. We certainly have to see more detail and there has to be far greater industry discussion and input into the figures with regard to banding.

From a nitrogen allowance perspective, no two farms are the same with regard to the ability to grow grass. It needs to be science based. If farmers are in a position to grow significantly more grass or utilise more nitrogen there should be leeway whereby they can be facilitated.

The proposal to reduce fertiliser by between 10% and 15% is of concern regarding our ability to output. What is hugely of concern to farmers, and it is raised at national council time and again, is the soil index, in particular soil index 3 and optimum P levels. We believe soil index 3 should be divided between high and low so farmers can put out more P to keep within the limits. Often, farmers find themselves slipping out of the limits of soil index 3 through no fault of their own. That is just the reality. It is not sufficient from a maintenance perspective. Those at the lower end of the scale should be in a position to spread that bit more P to maintain soil index 3 status.

On the seven-day requirement for tillage ground, we have all seen years with difficult harvests and years with good harvests. We have to be practical. If the nitrates action programme is not practical, it will not be feasible. We believe a seven-day turnaround for the shallow cul-

tivation of ground is too short a timeframe. It is not physically possible. The manpower is not there.

With respect to phosphorus levels, the Morgan P test is a critical one. It is the most appropriate test. It is important that is maintained in the years ahead.

There is a variety of reasons that farmers could be fortunate enough to have grazing land 30 km away from the base. It could be their mother-in-law's, father-in-law's or they could have been a favourite nephew or niece. We believe that if a farmer has stock on a block of ground 30 km from the base, he or she has a genuine case.

As regards rough grazing, as we head towards the end of the year, there will be a renewal of leases, new leases coming on board and a small number of conacre agreements. Clarity is needed on the definition of rough grazing. We need to know exactly what it is.

Finally, on air quality, the proposal that all slurry from farms stocked at above 100 kg of nitrogen per hectare from 2023 needs to be spread using low emission slurry spreading, LESS, equipment is not feasible. What is needed to achieve that is not there on the ground and will not be there. That is impractical. A more staged approach is needed to deliver on that in the years ahead.

In the overall context, like Mr. Cullinan, we would like there to be greater consultation with the stakeholders on the relevant issues. If it is not practical for what is proposed to happen on the ground, it is not feasible. I look forward to questions from the various public representatives.

**Chairman:** I thank Mr. McCormack. I call Mr. Keane.

**Mr. John Keane:** I thank the Chairman and members of the committee for this opportunity to address them and answer any questions they may have. We have consulted directly with our members across the country at different farm walks and events in recent weeks. There is a great deal of concern among our members, particularly young farmers in the dairy industry and livestock sector, about some of the proposed measures and the influence they would have on their businesses based on where their businesses have grown to in recent years. Some of the proposals, essentially, would be a reintroduction of what we previously knew as quotas up to 2015, which we had since the early 1980s. The greatest concern among our members is that their ability to grow their businesses and drive on-farm efficiencies would be impinged on by some of the proposals outlined under the nitrates derogation.

Our members are acutely aware of the importance of protecting water quality and we recognise there has been a challenge in that respect for a number of years. It is important to be cognisant of the role the agricultural sustainability support and advice programme, ASSAP, which was touched on by Mr. McCormack, has in many catchments and its voluntary nature in terms of farmers engaging with it. We are also aware of the local authorities water programme, LAWPRO, which seeks to improve water quality. We seek the roll-out of significant investment across the country to include greater access for farmers to those programmes, more information and more boots on the ground to support those programmes. The more assets and personnel distributed to those programmes, the higher the improvements at farm level, which is important if we are to address the real issues affecting water quality.

Regardless of what measures are introduced, be they measures under the nitrates directive, CAP proposals or eco schemes, our membership stresses that they must be must be comple-

mentary to the farming practices and the realities of farming on the ground. We have a pasture-based system in Ireland quite distinct and different from the systems across the EU. The assumption that the principles of agriculture with respect to farming enterprises across the EU are relatable to what happens on Irish farms and in Irish agriculture is simply not reflected in what happens on Irish farms from day to day.

A major issue brought forward by our members relates to farm slurry storage, specifically the need for farmers to separate soiled water from slurry and the recognition that 40% of farmers do not have adequate storage at this time. The introduction of a closed period of a month for the expansion, which is essentially what has been called for, and the introduction of increased capacity for soiled water storage, which has also been called for, would increase the expected storage capacity on the farm by more than 40% in the next 24 months. There is not the capability on the farm to invest in that right now, and nor is there the manpower out there to build such substantial infrastructure on the farm. Over the past number of months, we have seen the struggles that farmers have encountered when putting up sheds, building tanks and sourcing materials to meet the requirements of the coming winter, not to mention an expansion of upwards of 40% in capacity across all farms in the next 24 months. Also, in respect of introducing these regulations and legislative measures, we have seen that when regulatory requirements are introduced under LESS, grant aid support is no longer allowed. If the 40% of dairy and livestock farmers who do not necessarily have the storage capacity right now are to be given 24 months to become compliant, and up to 40% will be required on top of that again, it will simply not be achievable for farmers out there to do it. Our members are most concerned that the regulations do not make sense and do not reflect the realities of what happens on the farm. This also applies in respect of the proposal around soiled water and the inability of farmers to spread the soiled water after a closed period.

In respect of the efficiency take-up of grass, grass growth rates over the autumn period and the indexes that have been developed - for example, the pasture indexes for the varieties of grass and the extent to which some grass varieties are able to grow over the autumn period - the proposals and the science simply do not talk to one another on the issue. If we are expecting farmers to introduce extended grazing seasons to improve productivity, reduce climate impact and base production off a grass-based system, these proposals simply do not make sense in that context.

On the banding of the livestock, we too would welcome a great deal more consultation, because the impact it is going to have on farmers is significant. It is of great concern to our members. Similar to the point made by Mr. McCormack, some of our members who have been producing over 6,500 l over the past number of years are going to have to reduce their herd size by approximately 20% over the next number of years if the proposal is brought in. Concerns have also been expressed by members that those who are in a certain bandwidth this year - let us say, those who are producing 6,400 l - will be in a higher band bracket next year if they are producing slightly more towards the back end of the year. It is essentially going to be a quota whereby that farmer is not going to want to produce any more because he is reaching the upper limit of that band. There needs to be greater clarification for farmers out there who are making decisions based on how practical it is on the farm.

Our members have also expressed concerns that we are now essentially saying that the dual purpose cow, which historically has had a strong place in Irish agriculture in both beef and milk production, is now being unduly penalised for having a specific genetic make-up. That is a serious concern from our members' point of view.

Overall, from a young farmer's point of view, over €200 million has been awarded to young farmers under TAMS since 2015. It has been used to invest in buildings, slurry storage capacity and other instruments on the farm. These young farmers have taken on this investment with the ambition to improve performance and environmental efficiency and to drive production on the farm. If we are turning around to these farmers and saying, after five or six years of growth, that we will be restricting the ability of their farms to grow and produce in order to meet the repayment capacity and to ensure there is a livelihood for future generations, that is something we need to be hugely cognisant of. Such farmers will come under huge pressure if these measures unduly affect their ability to return a financial reward for themselves.

In the last number of years, we have seen that the dairy industry has become a particularly popular area for young farmers to enter into. If the likes of these measures curtail that and provide a negative outlook for the next number of years if measures of this severity are included, the result will be fewer young people entering the farming sector. Our sector is crying out for young blood across the dairy industry, tillage, beef and all enterprises. These measures, on top of some of the measures which have been suggested under CAP and the lack of ambition we have cited under CAP, are greatly going to reduce the attractiveness of our sector to young people. If our Government and the representatives are serious about ensuring there is a future in our sector for young people, this issue and all the other issues that have been brought to the table in recent months in relation to CAP will have to be addressed.

Finally, I wish to reiterate our commitment to the environment, to improving the environment and to engaging proactively on environmental measures. Our members, as young farmers, are acutely aware of the challenges that are out there in terms of water quality and our environmental impact. We realise that because our generation of young farmers will be dealing with this for the next 20 or 30 years, the measures brought in must be complementary to farming practices. We believe that they can be, that they can result in improved environmental efficiencies and improvements in water quality, while at the same time driving efficiencies and improvements in financial reward for farmers at farm level. I thank the Chair and the committee members for the opportunity to speak and I look forward to answering their questions.

**Chairman:** I thank Mr. Keane. I call on Mr. Condon from Irish Natura and Hill Farmers Association, INHFA.

**Mr. Joe Condon:** I will give the opening remarks and Mr. O'Donnell will come in later on. I thank the committee for inviting us here today. It was short notice. While many of the farmers that we represent operate extensive farming systems, both on hills and low lands, and are currently within the nitrates regulation, the proposed nitrates action programme, NAP, contains elements that are concerning. One issue of concern relates to cattle accessing our watercourses. Currently, only farmers who require a nitrates derogation stocking rate of over 170 kg of nitrogen per hectare or above are required to fence off watercourses at a minimum distance of 1.5 m.

Based on the consultation process relating to the updating of these regulations, the following general points emerged. The requirement to fence watercourses should be extended to all farms. We believe that given the type of land that we are farming that this is not legally or practically possible. All watercourses identified as being at risk from agricultural pressures should be fenced within three years and the measures should be reviewed in future nitrate action plans, NAPs, to effectively determine its impact. While we appreciate the need to protect watercourses where there is an intensive level of agricultural activity, we do not accept that the same measures are required where farmers' activities are low. On this basis, we are recommending that any farmer with a stocking rate at or below 100 kg of nitrate per hectare should not have to

fence off watercourses. For many livestock farmers, especially on our hills and commonages, the requirement to fence off these watercourses would, in most cases, force them out of cattle.

On private hill land, much of which has a Natura 2000 designation, those farmers will face enormous costs not just in terms of fencing materials, but also in getting permission, as this is an activity that requires consent. This would require prior planning permission, something that would not be guaranteed. Farmers in commonage would also face similar costs as many commonages are also subject to the Natura 2000 regulations. However, commonage farmers would have an additional concern through possible objections from other shareholders.

The second issue of concern relates to out-wintering of cattle. For many farmers operating on extensive farming systems, this has been an essential part of their ongoing operation, with many of these farmers currently operating all-year round grazing systems. This option must remain part of any future nitrates plan.

A third point relates to additional storage capacity and the possibility of extending the closed period for the spreading of slurry. In relation to storage capacity, this would be reflective of the stocking rate and with regard to extending the closed period, we are not in favour of this.

The recommendation for the proposed NAPs seems to be based on the premise that significant changes are needed, as the current regulations are not delivering to the desired outcomes. However, for the majority of farmers operating under the current regulation, there is a growing sense of frustration, as they see two standards applied. There is also a belief that if the current regulations had been applied without the opt-outs and the blind eye, we would not now have to review and alter them. Any updated plan cannot facilitate further derogations on the exporting of slurry. The rules have to be fair to everyone.

In summary, as detailed, concerns around the possible fencing of watercourses especially on commonages and hill lands are a major issue and something that must not happen. Likewise, farmers who are currently operate all year round grazing must be accommodated. Proper consideration will have to be given to all farmers' stocking rates when accessing storage capacity.

**Chairman:** As Deputies Martin Browne and Carthy have to attend another meeting, I will call on them first. I call Deputy Martin Browne.

**Deputy Martin Browne:** Go raibh maith agat, Cathaoirleach. I have a quick question for each of the organisations and I will ask the questions in order. If the closed period for the slurry spreading is lifted, as proposed, does Mr. Cullinan have any idea how many farms would be in a position to store slurry, while complying with the new regulations on slurry storage? What would be the impact on the tillage sector if the slurry spreading period was lengthened? I ask the witnesses to comment on what bearing elements of the nitrates action programme are having on the area of emissions.

In the nitrates action programme, I note the Department is basing its new excretion rate bands on preliminary analysis and regional estimates. The demands based on this will start to come into effect on 1 January. I get very concerned when demands are rushed through based on estimates and preliminary analysis. The ICMSA also noted how quickly it will be introduced and suggested a halfway point of 89 kg of nitrogen per hectare. I am interested to hear the association's views on the banding mechanism and its opinions on how other organisations are settling on the halfway point until further research is done.

Macra na Feirme noted, as did other organisations, that the nitrates action programme omits

one key point, namely, the cost to farmers and how farmers will be supported in meeting these demands. Overheads and costs will be considerable, especially for ewe farmers. I am sure this issue came up during the course of the engagements with the Minister. Will Mr. Keane give a summary of the Minister's response and what was Macra na Feirme's reaction to it?

The INHFA expressed considerable concerns about the impact that the requirement to fence all watercourses will have on farmers. Can Mr. Condon expand on that point? Does planning, to which Mr. Condon referred, come into that? What is the situation with hill farmers whose land is different in many ways with regard to watercourses? Mr. Condon raised the issue of excluding commonage land from the draft recommendations and to extend the fencing of watercourses to all farms. Will he also expand on that?

**Mr. Tim Cullinan:** I thank Deputy Brown. We have 7,000 farmers in derogation at present. If there are to be changes, obviously all these farmers will be impacted and, perhaps, other farmers outside of this also. A substantial number of farmers may be affected by this. If farmers are to be asked to increase slurry storage again, we have a problem with the availability of builders. Getting a contractor is a major concern. There is a wider issue of labour on farms. This is a major concern for us. Much investment has already been made. For this reason, it is critical that we continue with the system we have.

I stressed earlier that applying organic fertiliser until mid-October is a very effective way of dealing with organic fertiliser coming from farms. We have to continue doing this.

The Deputy raised an excellent point on the tillage sector, particularly in his region of south Tipperary and north and east Cork. A large amount of winter cereal is sown. If we were to have a closing date of 15 September, many of these crops would not even be harvested by then. We hear from the Department that we want to build up organic matter on tillage farms. This is a valuable resource, in particular, from the pig and poultry sector. Traditionally, much of the organic fertiliser coming from these sectors went to tillage farms. Will somebody explain to me how this will work if we are to bring the date back to mid-September? This year was an exception as we had excellent weather. In the normal course, the impact of weather and crops possibly not being sown until the back end of the previous year mean that harvests can run into the first week of October. We have to ensure this window is kept open. We all speak about closing the loop. We have an excellent example here of where organic fertiliser can be used to grow crops which, in turn, can be used to feed our animals. Somebody has to call a stop to some of these ludicrous proposals that are on the table at the moment.

**Mr. Pat McCormack:** I thank Deputy Martin Browne for his question. As I mentioned earlier, we have huge concerns about the bands and the potential for them to go from 85 kg to 105 kg in a very short period. Mr. Cullinan alluded to 7,500 farmers in derogation. The vast majority of them are dairy farmers. There is huge concern. We believe that there needs to be greater stakeholder engagement and discussions. Farmers are adopting best practices. For example, the reduction in crude protein could have a significant impact. We need to see that implemented for a period and to establish facts rather than relying on estimates. There is a substantial gain to be made in reducing the 16% and 18% proteins to 10% and 12% proteins for the dairy animal. It may not be necessary to drive those figures forward to any great extent as the vast majority of the traditional Friesian, and the Friesian alluded to by Mr. Keane, come very close to the 6,500 l. I refer to the milk processors. As was alluded to at the co-operative meeting in my area last night, they need milk at the shoulders to be economically sustainable. The farmer also needs milk at the shoulders to be economically sustainable. This may drive farmers to be environmentally sustainable and economically vulnerable going forward. We need a lot longer than

three months of a lead-in and a lot more discussion on it. We look forward to engaging in that discussion in the months ahead.

**Chairman:** I thank Mr. McCormack and I invite Mr. Keane to respond.

**Mr. John Keane:** I thank Deputy Browne for his question, the first part of which was in regard to the young farmers' perspective and the perspective on costs. The biggest concern for our members is in regard to the use of the regulations in this context. In 24 months' time grant-aid support will no longer be provided to a cohort of farmers who do not fall within the requirements. Those farmers who fall outside of the requirements will not be eligible for grant-aid support under the regulations because the regulations state that is law. The concern from our young farmers' point of view is the capacity to meet those requirements in the stated short space of 24 months. A huge proportion of our members have invested significant sums of money under TAMS - €200 million overall in the past five years - in terms of on-farm infrastructures, slurry storage and improving their environmental efficiencies on-farm. Some of them have significant repayments to meet. They are very happy that they will be able to meet those repayments under the current set of proposals to which they are working at farm level, but they are concerned that these proposals, if adopted, coupled with the measures that will reduce the number of livestock numbers which they can carry, which will reduce their productive efficiency, will have a major impact on them being able to meet their repayments right now and may mean they will not be able to meet the requirements suggested under these proposals to make themselves compliant.

From the traditionalist point of view and where the frustration for our members is, over the past number of years the best advice for young farmers starting up has been to invest in cows and grass. That is where our most significant returns are going to come from. That is where the viability of a business will come from. It has been proven that the most efficient and viable place for our farmers to invest is in cows and grass. The question that arises now is, if these regulations are brought in, and in order for a farmer to start-out, he or she must inform us of all the infrastructure invested in, will young farmers have the necessary amount of investment to start-up a business on day one, including investment in all of the slurry storage capacity and compliance measures, as opposed to investing in cows and grass which will provide a return on the investment quite quickly, and investing in all of the slurry storage capacity and the other compliance measures? Our young farmers think that will not necessarily be feasible.

From the Minister's point of view and a costing point of view from within the Department, we would have significant concerns about the proposals in front of us in terms of CAP. The level of ring-fenced funding being proposed for young farmers under CAP and the Department's lack of ambition in terms of meeting the minimum level that is being set or setting the level higher do not give us great encouragement that the Department will listen to us on measures to support young farmers in this context as we move forward. We had engagements last week and in previous weeks with the Department on this issue. We welcome further engagement with it. While we acknowledge the role TAMS has played over the period of the current CAP, the current proposals, which are indicative of what is going on in CAP for young farmers, and the omission of some key interventions do not inspire us with huge confidence that the needs and requirements of young farmers will be met in other parts of the regulations. That is a major concern from our point of view.

**Mr. Joe Condon:** I will put forward a proposal, with the committee's support, for a motion to exclude commonage from the draft recommendations and to extend the fencing of water-courses from bovines to all farms. The justification for this is that commonage is governed by

a sustainable stocking rate. It is legally prescribed by the State under commonage framework plans. A sustainable stocking rate is already legally prescribed on these lands, which would justify excluding them. The stocking rate is quite low. I could go into exactly what it is, but in most cases it is one ewe per hectare. If that was transposed to bovines, it would be one bovine per 6 or 7 ha. Stocking rates in these areas are very low, especially in maturer areas. It would be an excessive administrative burden in that situation and there would possibly be regulatory capture in that those farmers would be punished by excessive regulation.

In the case of the Burren, cattle had to be put back onto it again to restore the habitat to a good environmental condition. Losing animals, including cattle, from these areas would be extremely detrimental to those areas. The cost associated with having to fence those areas would be prohibitive. Mr. O'Donnell will comment now as similar types of scenarios will arise in Donegal.

**Mr. Henry O'Donnell:** I will more or less reiterate what Mr. Condon said. We are extremely concerned about the impact of some of these actions on uplands, both privately owned and commonage. There have been issues with conservation grazing of these areas and it is becoming more and more apparent that cattle are a very useful tool on uplands. I am involved in a project to reintroduce cattle in a managed way, to remove fire loads, to improve biodiversity and to encourage sheep back onto some areas that, due to past regulation that reduced their numbers, left those areas ungrazeable for sheep.

We are very anxious to ensure the conservation tool of bovines on uplands is not affected by the new nitrates plan. We must have the facility to manage bovines on uplands in a way that does not impose a huge cost on the farmers doing it. In addition to farming these areas and removing fire loads, farmers are performing a public service by keeping uplands in a good environmental and agricultural condition. It would be very unfortunate if new nitrates regulations stopped this activity.

**Deputy Matt Carthy:** I thank the Chairman for his indulgence and for arranging this meeting. I thank the guests for being here. I have a number of short questions because each of the organisations has set out its case very distinctly and raised the concerns of its members very clearly and comprehensively. I have a small number of clarifications or side questions.

I refer to low emissions and slurry spreading. Mr. Cullinan made an important point in respect of the distinction between something being a requirement under law and being an eligible product in terms of TAMS or other grant aid schemes. Could he tell us if he has an idea of the percentage of derogation farmers who currently use the LESS-type machinery? What is the gap that needs to be filled? Does he think that the TAMS programme or another CAP scheme could be utilised in such a way so as to meet the same objective, namely, that all farmers who have land suitable for this type of machinery would use it within the next number of years?

We often come across cases that involve a Department of Agriculture, Food and the Marine issue but fall somewhat under the remit of the Department of Housing, Local Government and Heritage. Do the witnesses have a sense of the interaction between the two Departments and whether the process is suitable for the task, which is obviously very important? We are dealing with crucially important issues regarding water quality, the future of family farms and wider environmental concerns. It is important that we get this right. It would be useful if we got a sense of how the interaction between the two Departments operates and whether there could be a more streamlined or efficient way to deal with this at an official level.

A point of discussion among Macra members has been the role anaerobic digestion currently plays and the potential for it to resolve some of the issues about which the Department has concerns. Are there other mechanisms? Can anaerobic digestion play a bigger part? What would need to happen in order for that to be the case?

Mr. McCormack outlined very articulately the concerns of his members. He gave an example of a 100-acre dairy farm. As we approach all of the other debates, notwithstanding nitrates, the future of CAP and all of the discussions that are taking place, are there supports in place? What would need to happen to allow the farmer he referenced to diversify somewhat? Rather than intensifying a dairy herd, there could be other mechanisms in place in order for that farmer to make a profit and perhaps balance some of the concerns the Departments have in respect of nitrates and emissions.

I do not know if Mr. O'Donnell or Mr. Condon is best placed to answer my next question. I refer to non-derogation farmers. I have strong sympathy for the case Mr. Condon and Mr. O'Donnell have raised in respect of hill farmers and others, in particular commonage farmers who have to adhere to rules that will, in some cases, breach other rules that have been put in place and create a very difficult legal and practical situation. Does their organisation have any proposals in terms of how non-derogation farmers, in particular those on peripheral land, can be supported in improving water quality? We have all been on the hills. The water is the freshest one will come across anywhere. It is really important that we protect that. Are there mechanisms, through agri-environmental schemes or otherwise, to ensure that that water is protected into the future? I again thank the Chair for his indulgence and apologise for having to slip out shortly.

**Mr. Tim Cullinan:** I thank Deputy Carthy. Any farmer who is in derogation is using low-emission slurry spreading. From that point of view, the availability of contractors is an issue. I am referring, in particular, to having contractors available within a short window. This goes back to the closed period. The more the period in which organic fertiliser can be applied is shortened, the more a bottleneck is being created. There is already a serious bottleneck. The Deputy is absolutely correct about what he is saying. I stressed earlier what the position would be if the requirement for farmers outside derogation became a legal requirement. Those farmers are not able to apply for grant aid under the current system of TAMS. This is something we will have to revisit because we are expecting more farmers to use the very expensive equipment. Some farmers will want to purchase the equipment themselves to be able to apply their fertiliser at different times of the year. In that case, the matter has to be revisited. In the event that farmers are going to add more storage to their farms, and if this is a requirement, they will not come under the grant aid system either. This has to be addressed also. Along with considering grant aid, we must also consider low-interest-rate loans to help farmers to further develop storage on their farms, if that is going to be required.

On anaerobic digestion, our association has been lobbying successive Governments for years. There has been no indication from the Government that there will be support for farmers in this regard. Bearing in mind the regulation concerning how organic fertiliser is treated within this process, we should consider the circumstances even if there were a renewable heat incentive or tariff for farmers to develop the kind of system in question. Organic fertiliser taken from one farm to a neighbouring farm for processing and then applied on the farm of the farmer who supplied it in the first place is not classified as a mineral fertiliser so it does nothing for the loading on the farmer's farm. If anaerobically digested product taken in from a wastewater treatment plant were spread on a farm, it would be treated as a mineral fertiliser and would not

affect the organic loading on the farm. Therefore, there is an injustice right from the very start.

Just up the road from Deputy Carthy, in Northern Ireland, we have seen how the system has developed. We have seen how it developed right across Europe over the years. The Deputy talked about farmers diversifying. This is an area into which farmers should be able to diversify but the proper climate has to be put in place so it will be financially viable and create an extra income for farmers on their farms.

If the Deputy does not mind, my colleague, Mr. Paul O'Brien, chairman of our environmental committee, might want to add to what I am saying.

**Mr. Paul O'Brien:** I thank the Chairman for the opportunity to speak this morning.

Following on from the president's comments on anaerobic digestion, 17 million tonnes of oil equivalent are generated from anaerobic digestion at present. That amount is forecast to increase to over 70 million tonnes by 2050. This would obviously give us a massive opportunity to be part of the solution. I am referring to taking products from farms, putting the gas that could be used into the grid and bringing the digestate back to farms. This is part of a closed-loop cycle. There is a fantastic opportunity for us to examine, as a country, the use of all these materials. A fossil fuel would be displaced at the end of the day.

On one or two other issues, I might be pre-empting a question that was touched on earlier. It was about Ag-Climate now being linked to the nitrates action plan for the first time ever. Some of the measures spoken about or proposed have little to do with water quality. I also highlight that this is another Government policy being brought in through a nitrates action plan. We find it disappointing that the Department is taking a step to try to bring in two policies for the price of one in this regard.

**Mr. Pat McCormack:** Deputy Carthy asked about dairy farmers with 100 cows and their ability to do something else or to make their incomes in some other way. Figures from the Teagasc profit monitors indicate, correctly, that there is nothing to replace cows on dairy farms. That is the reality for many of the more traditional family farm units and it is greatly concerning. We must have an agri-environmental scheme that is attractive to commercial farmers. It could in some way compensate in this regard, but only in some way.

Regarding anaerobic digestion, the co-operative movement is looking at Project Clover and the potential to use the by-products produced by different farms. The major issue with all these alternative approaches is access to the grid at a rate that is financially viable in future. The co-operative movement believes it can potentially use its product to drive its processes and facilities and bring down its energy costs. Mr. Enright might wish to comment more on this point. To answer Deputy Carthy's question in a nutshell, there is nothing to replace the 18 cows in the scenario mentioned. This situation does not have to involve dairy farmers with 100 cows. I do not want that message to be the one taken from this meeting. It could be a case, for example, of a man with 50 cows losing nine of them. That outcome could make him equally or more vulnerable.

**Mr. John Enright:** To respond to Deputy Carthy, farmers have been listening for the past 40 years to talk about diversification. Unfortunately, there is no existing alternative enterprise which compares with dairy production. That is the reality. Our response to the people talking about diversification is that they must produce an enterprise model that will allow farmers to make a reasonable living. Unfortunately, it does not exist.

Turning to anaerobic digestion, the economic aspects of that system are not right yet and policy will have to move forward quickly to make such digesters economically viable for farmers. More broadly, we are looking at the nitrates regulations today, Ag Climatise was mentioned earlier and a new Common Agricultural Policy, CAP, is also being introduced. Many farmers who will be expected to meet these new regulations will be the same people who are going to lose substantially under that new CAP programme.

Farmers are becoming frustrated that there is a major focus on environmental sustainability, which is understandable, but seemingly a complete absence of focus on economic sustainability. The economic sustainability of farmers must move up the agenda if we are going to deal successfully with the environmental aspects.

**Mr. John Keane:** I thank Deputy Carthy for his question on anaerobic digestion. It is a good one and concerns something that our members have been championing for many years. Some of the biggest issues which have arisen during our meetings include, first and foremost, planning and obtaining planning permission for the building of these facilities. It has become an issue in the context of some of the facilities that have been erected and the elongated process in that regard. Another major issue, as mentioned previously, concerns the feed-in tariff to the national grid not being rewarding enough to justify farmers investing in this process and in this source of power.

Regarding diversification, as Mr. Enright said, we have heard this topic mentioned many times before. However, providing viable diversity options is something that has been slow to materialise.

Turning to the anaerobic digestion, and similar to what Mr. Cullinan said, getting the digestate into and out of the plant in the context of where that sits within regulations has become an issue and is remaining an issue for those supplying and running the plant. There are a number of issues, therefore, and legislation and investment must catch up with the ambition that is there to invest in these facilities. Our members feel that once proper investment is put in place, these facilities can offer a variable income for some of our farming sectors.

**Mr. Joe Condon:** In response to Deputy Carthy's question regarding the agri-environment schemes and protection on commonages, there are advances in precision farming technology such as virtual fencing. This has the potential to be a game changer in rethinking an issue such as organic status on commonage lands. There are some research projects up and running at the moment and three upland locations are testing this technology. Basically, extending this research into an organic European innovation partnership, EIP, would be the next step on commonage land. For anyone who would wish to visit any of these farms to see the technology in practice, it is well worth seeing. I believe there is a difficulty at the moment for commonage farmers to achieve organic status but I think this type of technology will be a game changer and from that, one will get the protection onto one's watercourses directly from a move towards organic on those areas. I hope that answers the question.

**Mr. Henry O'Donnell:** I will perhaps add a wee bit to that. Deputy Carthy mentioned the fact that the Department of Housing, Local Government and Heritage has a lot to do with this regulation. From our perspective, what we are scared of happening here, which has happened our farmers before, is that there is a broad brush approach to regulation. That can inadvertently damage our livelihoods by having regulations imposed on us that really do not make sense for our farming systems. To answer Deputy Carthy's question, we would be very concerned that we are possibly dealing with people who do not understand that there are different farming sys-

tems and each system should be subject to different regulation.

As regards what Mr. Condon touched on regarding non-derogation farmers, again, it is the same thing whereby we cannot have regulation imposed that does not apply but that is being applied to people who are not causing any damage whatsoever to watercourses. We have mentioned that farmers with different stocking levels and different nitrates levels need to be treated differently. The people designing these regulations really need to be cognisant of this and that there is a huge difference between a derogation farmer and a farmer maybe at 50 kg of nitrogen per hectare. That really has to be taken into account in the regulations.

**Chairman:** I call Senator Boyhan.

**Senator Victor Boyhan:** I thank the Chairman for organising this meeting on this particular topic. We need to stay and concentrate on what we are talking about, which is the nitrates review. That is our primary function and primary focus today.

First, I want to say that all the farm organisations have really pitched well and made a very good case. It goes back to what Mr. Enright said earlier; it is about the economic and environmental sustainability. I believe both can go hand in hand. That is where the political message has to emerge because somewhere in all of this we have lost sight of the equilibrium between the two. Environmental sustainability and economic sustainability do not seem to be balanced off. That is partly to do with the view of the current Government and its priorities. It is, after all, a tripartite coalition Government. We sometimes forget that and so there is give and take among its members. I am not party to any of it. I am an Independent Senator but it is an important point to make. If farming is not sustainable, it will not exist. That is the reality of it. The representative bodies which have members present must, as representative bodies in agriculture, continue representing small, medium and large farmers. The members present must keep pushing that because somehow that seems to be getting lost or certainly seems to be dropping down the ladder where priorities are concerned.

Of course we must have sustainability and of course we must have good, clean water for everybody. I like the heading the IFA came here with, that “The Nitrates Review must improve water quality, without placing excessive costs on farmers”. Again, as the Macra representatives mentioned, it is the ambition of young farmers to be drivers of environmental good practice. That too is true and good. We must keep saying that and I ask the members present to keep saying that as farming organisations because that narrative is somehow getting lost. The organisations’ pitches here are very good. They are reasonable and fair, and that is important.

I wish to draw two or three points out of the statements submitted to the committee. I will start with the IFA. Its submission mentioned the chemical fertiliser register, as did the one from the ICMSA. The message I am picking out of that is it must be practical and simple. I would like to hear what the organisations’ views are. In the responses today, people generally seem to be supportive of the chemical fertiliser register and that is an important comment. More importantly, we talked about compliance and the importance of that. The IFA again suggested the Department must improve communications with farmers with respect to compliance and non-compliance. The association goes on to suggest a yellow system for minor non-compliance offences. That is a good idea. I would like to hear more from the IFA president about that and his thinking on that because it is a practical approach and one we all understand. The key message in it is we must have compliance and good water quality. The IFA representatives might touch on that. I put the same question to those from the ICMSA.

I was also very impressed with Macra's submission, which also touched on the notion of future farmers because they will have to carry the can way into the future. It is that issue of environmental sustainability versus economic sustainability, and the organisation's representatives got that message over loud and clear. We must look at how we are going to sustain environmental practices. What more supports do farmers need from the Department to help with the balance in order that economically sustainable farms continue to be maintained which are also environmentally sound? I would like to hear the solutions to that and more suggestions on what the organisations would like to see.

On Natura and hill farmers, I have constantly championed the idea of cattle grazing all year round. I have quoted people in counties Kildare, Tipperary, Galway and, indeed, even Kerry who are able to maintain small herds of cattle successfully out on the land all year round. They are, dare I say it, using ring feeders which may not be in compliance with the Department. However, they are successfully running a sustainable agricultural enterprise with other farm income as well because it cannot sustain everything. This is an important aspect and I am particularly interested in hearing more. That may not be covered today but I would certainly like to visit one of the farms with conservation grazing. Its importance was touched on, as was the exclusion of commonage from the scheme. There are really important aspects around conservation grazing and rotation we have not discussed enough. It is something we should continue to talk about. We should be leading with organised farm walks and encouraging people to look at these alternatives.

Those are just some points and questions. I again thank the representatives of the organisations, and well done to them on their presentations.

**Mr. Tim Cullinan:** I thank the Senator. His first comments are where we all need to be on this. We want farming to be viable as well as sustainable from an environmental, social and economic point of view, obviously. If it is not economical, it will not happen. As I think we all know, this session is very important. We are sustaining an indigenous industry that has supported the country for many generations. We have seen that more than ever in the past year and a half through the pandemic. We were right up there with the first responders. We were producing good, wholesome food, and we all need to remember that. I do not want to stray from the matter of nitrates but I just want to make the point that if we do not produce this good, wholesome food here - the world population is increasing - then it will be produced in a less environmentally friendly manner in another country.

Senator Boyhan spoke about the impact on water quality and costs associated with that. That is my point. A number of the proposed measures in the programme, such as shortening the time during which farmers can get out with their valuable resource of organic fertiliser, will only add more cost, and for no gain at all. Low-emission slurry spreading, to which all derogation farmers are adhering as we speak, is already making an impact. It is getting better uptake in the grass of the nitrogen in the organic fertiliser and better utilisation, so we are doing that already. This goes back to our earlier point that if it becomes a legal requirement for other farmers outside of derogation to have this equipment, it will impact cost again. There has to be grant aid for this; there is no point in saying otherwise.

The fertiliser register is a complete game changer because farmers are business people and they will look at the start of the year and may want to buy their fertiliser for the entire year. Again, there is a lot of negotiation around all this. If we are to go down this road, we have to ensure that it will not impact how farmers conduct their businesses going forward.

Compliance is absolutely something we have been after for years. We have had a review of the appeals office to date, and I know the Minister is bringing in legislation around that. The sooner that happens the better in order that we have an independent person in there as well as farmer representation. What we are looking for is a type of yellow card system whereby inspectors will work with farmers - the carrot more than the stick. That is the way we need to go. Senator Boyhan is absolutely right that what we are doing now is ensuring that this will not impact farmers of the future. Mr. Keane is here. There is a duty on all of us as farm leaders to ensure we create an environment that will encourage young people into the sector.

Excretion rates are another thing that will impact the viability of farms. If we are to move in that direction, excretion rates should be brought in over a long period because they would change how a farmer produces milk. You cannot just turn off or on a switch and change that overnight so, again, that needs to be introduced over a protracted period.

Another area that affects the viability of farms is the notion that you cannot out-winter cattle below 140 kg. That is wrong. This has been done for years and years and we have to look at that area. Our expert on environmental matters, Ms O'Sullivan, is our executive for this area. If you do not mind, Chairman, I would like her to be allowed to come in just for a moment to respond to Senator Boyhan. She might like to raise a few other issues as well.

**Ms Geraldine O'Sullivan:** I thank the president. He has covered matters very well. Two of the measures in the programme relating to soiled water storage and the covering of slurry tanks have the highest potential costs, yet the justification on a scientific basis for them is not there, so we have to be very careful. Perhaps these measures are being used for compliance and for the climate and to drive those agendas. I reiterate that we need to focus on water quality and its protection and looking at the cost benefit of the proposals in the programme. That is key to this. The agricultural catchments programme has shown that programmes like the agricultural sustainability support and advisory programme, ASSAP, which work in collaboration with farmers, have the best impact on water quality, so we need to focus and expand on that, rather than on regulations where the impact on water quality is yet to be proven. It is very evident from this morning that further discussion with the Department and with everybody is needed on these proposals and that greater clarity is provided so there is opportunity for everybody here to discuss and go through the points set out.

On compliance, the last nitrates action programme, NAP, contained four legislative amendments over the period. In 2020 there were three legislative changes, three new statutory instruments, so there have been many changes. We need to ensure that the next programme is in place for the four years because these changes are hard to keep up with and cause compliance issues. We need to know that the programme being negotiated at present will be in place for the next four years and that we work on better communication with farmers, and on better education of farmers, and continue to work with farmers to deliver because that will achieve the objectives, rather than introducing measures that are cost-prohibitive and have not been proven to protect or improve water quality.

**Chairman:** I call Mr. McCormack.

**Mr. Pat McCormack:** I thank the Chair. I will go back to sport. If you hear everybody giving out about the referee on a Monday morning, you know that it certainly has not worked, and you know that the referee flashing a yellow card, a red card or a black card is not the way to go. In hurling Fergal Horgan, who refereed the all-Ireland, is regarded as one of the best referees out there, and he does not flash cards. He tries to work with the players and to talk to

them on the field. I am relating that to the ASSAP, which I outlined earlier and which involves co-operation and working together to try to improve things. If you look at the water quality trends, the areas where the ASSAP took place and which were fully functional were the areas where we have seen the greatest improvement.

The Senator is quite right about sustainability. Economic sustainability will drive social sustainability because the people will stay in the area and they will be in a position to invest, and invest prudently from an environmental perspective. That has been proven down through the years, with the level of investment that has occurred on farms, albeit with the aid of various schemes, including the farm waste management and the targeted agriculture modernisation scheme, TAMS.

There is a huge aspiration driving the nitrates programme and that aspiration comes from the consumer, the general public, who expects standards to be raised. We have young children and we want to see a great environment for them in the years ahead. The reality of it is that economically it is not sustainable for us into the future, unless we see a degree of food price inflation. I started farming 20 years ago and it is hard to believe that in 1995, when I was a leaving certificate student, my father got as much for his milk in that year as I receive today, and this is considered a reasonably good year from a milk price perspective.

In the very same way we have seen this from a beef farming perspective. Ultimately, the primary producer has been forced to do more, to have more and to become as efficient as possible for an ever-decreasing margin, to the point where margins are virtually eroded.

Chairman, I am not telling you your business. Some other day I would love to have that discussion because it is a discussion that we certainly need to have if we are to deliver economic sustainability for agriculture going forward. Farmers have delivered on the various requests that were made in the past but, as I mentioned earlier, rather than further bureaucracy or further demands put on farmers that there is an educational drive and an awareness campaign, because we need to be coherent in terms of the various regulations that exist at the moment. I believe we will see a significant improvement in water quality with the aid of a nationwide ASSAP as well. If we saw the trend improve year-on-year we would be in a far better place to have an educated and a good debate. However, without a significant move in the price that the farmer gets for his or her product going forward, all will be challenged over the coming decade.

**Mr. John Keane:** I thank Senator Boyhan for his question. On the environmental and economic sustainability and what young farmers want to see, a common sense approach is probably what we would like to see. I gave the example earlier of the reduction in the extension of the closed period. We have the number of farmers who have invested in low-emission slurry spreading being told the scientific benefits of that in terms of uptake, usage of nutrients and the extra production in grass growing and farmers have responded to the this. With regard to the investment by these farmers in grass species which are growing longer into the grazing season and more into the winter and all that science to back up that; farmers have invested in that. At the same time, the proposals are there to reduce the time in which farmers can avail of that equipment and use it efficiently to improve the production of their grass swards on-farm. When you see an approach that does not make common sense and does not make farming sense, that is a real challenge for us moving forward. It is a challenge we have with these regulations, among others.

What we would like to see, from a young farmers' point of view, and what has come back and it has been touched on by both Tim Cullinan and Pat McCormack, is a nationwide exten-

sion of the asset programme. There is an external review ongoing on that and an expanding of the local authorities water programme, LAWPRO, and the number of people who are assigned to that.

I want to touch on some of the science that stands up behind the asset programme and some of the misnomers that may be communicated out there. If we look at some of the catchment areas that are managed under that asset programme and the organic load per hectare in some of those catchment areas - some of those areas which are in derogation by 80% or 90% which have high organic loads versus some of the areas which have a lower organic load and the water quality trends in those areas - it is not directly correlated to the organic load per hectare in those regions.

The soil science has an enormous role to play in that as well. There is a significant amount of research to be done in terms of the role the organic end load has to play and also in terms of the soil make-up in those areas and how that interacts with water quality. A simple blunt instrument of saying that “X” proportion of dairy farms in derogation in a certain region will result in poorer water quality is simply not the case and is not factually correct. That kind of rhetoric needs to be addressed.

From a young farmers point of view, we have looked at the success of targeted agricultural modernisation schemes, TAMS, in delivering support for young farmers. We have heard calls from farm organisations for increasing the support and we too echo that. We echo that in terms of the Commission’s proposal in the CAP with regard to the upper limit of 80% and we have called on the Department to increase that to 80% for funding under TAMS. If you look at the point of view from the upper ceilings for supports for young farmers set at €70,000 over their lifetime, we believe that will become an issue for them in the years to come, given all of these regulations and expectations which will be placed on businesses and enterprises within the farming sector.

To touch on John Enright’s and the Senator’s points in terms of the ambition for the environment, the feedback from our members is that the ambition is there on the part of young farmers to meet the environmental challenge, both from a climate-change point of view and the nitrates and water quality point of view. Our young farmers are willing to agree to more ambitious targets and goalposts but the supports and the science must back up that and it must back up the farming practices that complement that because one without the other will simply not work.

Our biggest concern from a young farmers’ point of view, and it has been such for a long number of years, is that the impact these proposed regulations will have on farm will result in fewer animals being able to be carried and increased competition within the land market right across the country; that is already a huge issue for our young farmers in terms of access to land. It has been highlighted for many years as one of the most of constraining factors for young farmers starting out and also for a young farmer to grow his or her business. If we are talking about making the land market more competitive out there, we are creating an ever-greater disadvantage for young farmers to be able to access that. A consequence of that will be the access for young farmers to credit. Because they will not have the profile or portfolio of land behind them to support a sustainable business, their ability to access credit will be unduly hampered. Dealing with these nitrate proposals in a bubble in terms of how they will affect water quality is one approach to take. It is not the approach to take if we are looking after the sector and young farmers in the long term. Proposals here will have long-term implications for what we do on water quality and the environment, for the direct nature and practices on farms and for the environment we create in the farming sector. If we are serious about ensuring young farmers enter

the sector in the future, the concerns expressed by our members need to be considered with the utmost seriousness. Otherwise, the trend will continue whereby the number of young people entering the sector will decline and the amount of young farmers entering particular sectors will remain a huge challenge.

Our EU counterparts in Austria, Norway and other regions have put huge supports into encouraging young farmers. Our Government seems to think and the thought within this country seems to be that more of the same will result in more young people entering the sector. Taking this in isolation is fine and we have expressed our concerns about these individual regulations, but the wider context and implications of what is proposed here will have far greater consequences in the next four to five years.

**Deputy Michael Fitzmaurice:** I welcome the different farming organisations. I ask the witnesses to take note of my questions because I have a few lined up and want their thoughts.

With the new proposals on the litreage - the 92, 102 and 82 - is there a fear in the dairy sector and among the farming organisations that the cow producing less milk and not producing a good calf, namely, the Jersey cow, would be used more, thus ensuring that we would have a lesser quality calf going to the beef sector? What is their solution to prevent that? It is not helping the whole situation. That is question one.

In the line of slurry, I agree. I think it was Mr. Cullinan who talked about a lot of towns having sewage going into rivers. Everyone is getting blamed. They are able to differentiate between human sewage and material from the slatted tanks and from cattle abroad in a field. I agree 100% on that but in the line of grants, do the witnesses agree that there is a lot of gear out there that, unfortunately, farmers have not the time or the tractors to drive? Some 80% of it is done by contractors and there is no grant there for them to help in that situation. That is the question two.

Third, will the witnesses explain their thinking on derogations? Some 123,000 farmers - or 125,000 as we are now up a thousand or two - have to abide by the nitrates regulations. Why are we hung up about 5,000, 7,000 or 8,000 farmers? I heard it said earlier that they could have to reduce or do X, Y and Z. Many farmers have to farm within the rules that are there, not look for a derogation and still survive. I am curious to know why there is such a hang-up about those 5,000, 6,000, 7,000 or 8,000 farmers.

On slurry, and this is coming from a farmer, we have to admit that stuff has gone on over the past number of years that is not helpful to the farming sector. Land has been rented in parts of the country, especially mountains, that is basically covering people. Let no one cod themselves that we will haul slurry 100 miles. I certainly never spread slurry for anyone on top of Benbulbin. What is the witnesses' solution to that? A 30 km limit is being put in place. In view of the reports that have come out on water quality, do the witnesses think the process should be regionalised? I looked at the situation in the north and north west and it is pretty good. Do the witnesses think it should be regionalised along the lines of, say, the closed season? If you have average or poorish land like that in Leitrim or where I am from - I am no different from anyone else - if there is a wettish year, you are in trouble. Should there not be something in place for people doing the slurry?

Am I right in saying that the Department of the Environment, Climate and Communications has put in a submission to the Department of Agriculture, Food and the Marine in regard to all watercourses? The witnesses touched on that point and I know a bit of about it. Some 80% of

land west of the River Corrib in Galway is designated. If you have to go fencing watercourses there, it will cost approximately €7,000 or €8,000. With every environmental issue blocking you, you cannot put up a fence. It will stop farmers from farming. I am wondering what the witnesses' thoughts are on that.

I was interested to hear what was said about slurry storage. I understand 40% of farmers around the country are under pressure at the moment with slurry storage. It could be fewer or more of them. My understanding is that people will not get a grant if they are over the threshold at this time. In fairness, is it not a good idea from the Department, as much as we kick them, to bring in a grant? You can still get a grant for soiled water or whatever water or, say, in the case where the water in a yard runs off where the cattle are walking. Does this not give a back door to solve the problem of getting a grant for the soiled water? I noted comments that were made on this issue during the week and I want to know the witnesses' thoughts on it. It was stated that it does not have to be separated if people have enough area to cover it.

My last question is on anaerobic digesters. Everyone is in favour of them but I understand - the witnesses will correct me if I am wrong - that to bring the product to pellet form, it needs some type of incentive or financial help because it is not cost-efficient at the moment.

**Chairman:** The Deputy had a large number of questions. I will go to Mr. Cullinan.

**Mr. Tim Cullinan:** I thank Deputy Fitzmaurice. The Chairman is right that there were a lot of questions. I will go through them as fast as I can. The Deputy's first question was on the excretion rate bands and whether they will force farmers more towards Jersey cows or Jersey-cross cows. That is a decision for farmers themselves. Whatever types of animals a farmer wants to farm, we will leave that decision to him or her. We have a proposal under the CAP reform around the dairy herd. It is a dairy beef scheme. There is a proposal there that if farmers are genotyping their animals, there would be a payment around that. That is an area we are looking at.

The Deputy is right in regard to the water treatment plants. It is a concern, as I said in my opening remarks. There are more monitoring points on rivers and they are being monitored by the EPA. We will ask that those results be put on the table. Anything farmers can do that will help with water quality is welcome. We all want to farm in an environmentally sustainable way. We are up for this challenge and we want to see the results. It is important that we are not held in the dark in this regard. It is fine for one side to be able to see what is going on out there, the impact coming from the large towns and the impact further downstream. It is critical that this information is available to us.

The Deputy makes a valuable point around contractors. Approximately 80% of the work is done by contractors. Again, that comes back to condensing the closed period, putting more pressure on contractors and farmers being able to get a contractor at the proper time. The Deputy referred to grants for contractors. Most contractors are farmers anyway, so they would be covered in that regard. The Deputy is correct that there are 7,300 farmers in derogation. Those are farmers who have taken on a business, driven it and invested substantial amounts of their own money in it. That opportunity is there for any farmer who wishes to go down that road. The other option is to stay within the 170 kg limit. In certain parts of the country, such as areas where a lot of dairy farms were developed, the availability of land is a factor. That goes back again to the excretion rates we are discussing. If there are changes in that regard, it will put pressure on the availability of land, which will be another cost for farmers. All of this change is not going to bring an environmental improvement. However, it will impact on the cost for

farmers as well.

The Deputy referred to the 30 km limit. We need to get practical here. For a sheep farmer in his part of the country, for example, 30 km is nothing. I was in County Donegal recently. I know the Deputy travels up and down such counties. It is about farmers who have small pieces of land in different areas, land which they may have inherited or whatever as a result of family circumstances through the years. The proposal is totally impractical. The Deputy also referred to regionalising the dates. We already have longer closed periods in various areas of the country. That is there already.

Deputy Fitzmaurice spoke about grants for slurry stores. His point relates to the situation if a grant for soiled water were to be brought in. We need to be careful here. There is already a system in place to deal with soiled water. There is are minute amounts of nutrients in that soiled water and if it is dispersed in a proper fashion on farmland, extra storage is not needed. The Deputy is right that it would only put more cost on farmers.

As regards the Deputy's final point on anaerobic digestion, without proper funding or a proper feed-in tariff, it is not going to work. It goes back to the point made by Senator Boyhan. We need to look at this as an alternative source of income for farmers.

**Mr. Pat McCormack:** I thank Deputy Fitzmaurice for his questions. He spoke about the dairy breed and the banding. We have significant concerns in that regard. As I alluded to in my opening remarks, we need to see more industry consultation and discussion on this issue. We certainly acknowledge the role of the Department in listening to our dairy calves beef proposal last year. Although it is a pilot programme, it is something that can certainly be built upon in the CAP negotiations that will happen in this country or that are currently ongoing. We believe we can improve the beef going from the dairy herd and have it fit for purpose within the beef herd but that is not the question the Deputy asked. I share his concerns in respect of the banding and the potential to go in the wrong direction from an animal welfare point of view.

As regards the lack of grant aid for contractors, Mr. Cullinan alluded to the fact that the vast majority of contractors would be eligible because they have a herd number. However, the issue is that they are not eligible to receive the VAT back if they obtain the grant. That is something that I am sure the contractors' associations are well able to battle and highlight. Obviously, we need to get as many of those machines on the ground as we can, particularly so that they are available when the closed period begins. That is critical for farmers. That is why we cannot go straight from 170 kg down to 100 kg in terms of mandatory slurry spreading through the low-emission slurry spreading. Those machines will not be on the ground. We believe it should be done in a staged process. The 7,000 or 8,000 dairy farmers in derogation contribute hugely to the dairy industry. We know what that industry did for the economy during the recession of 2008 and 2009, and what it has done since the abolition of quotas. The dairy industry accounts for a considerable part of our exports. Derogation is important to those 7,000 or 8,000 farmers. It is also important to our dairy processors and rural employment. The spin-off effects of the derogation to rural economies cannot be overestimated.

The Deputy also touched on water quality and slurry storage, and described that 40% of farmers are struggling to have sufficient slurry storage. When I look at the proposals as they come forward, an issue about which I have a considerable concern is that farmers will have to be compliant to qualify for the soiled water, from a slurry perspective. It is necessary that, by whatever means, we put the infrastructure on farms that would mean nobody needs to go out during the closed period.

I agree with what the Deputy said about anaerobic digesters. The issue there is getting it to pellet form. This committee has done work on that issue and listened to various proposals. The reality is that needs to be funded or subsidised, certainly initially, and we hope that, over a period of time, the quantities involved will make it economically sustainable. Mr colleague, Mr. Enright, is anxious to come in on that point and provide some clarity.

**Mr. John Enright:** I am concerned that there is an incorrect interpretation of what it means for a farmer to farm under a derogation. The facts are that farmers farming under a derogation are probably the best users of nutrients in this country from the point of view of fertilizers and lime. They are technically efficient and have very good facilities. They are the most inspected farmers out there. There is an impression that a derogation farmer is always a large farmer. Many members of our organisation are farmers with a derogation who milk 40, 60 or 70 cows on full-time family farms. They need a derogation to be economically viable. If we lost that derogation tomorrow morning, the economic viability of those farms would be seriously threatened. It is important to say that the science shows that I can farm environmentally and sustainably under derogation conditions. That is important and we should not forget that point.

**Mr. John Keane:** I thank the Deputy for his questions. He asked about the fear that exists in the dairy sector over the selection of cow type and size. An individual farmer's selection of cow type is his or her decision but, on the greater side of things, our members are expressing to us that the proposals on the banding are going to result in farmers choosing cows that are producing less. It may not necessarily be compatible with the dual dairy-beef system we see in many herds across the country at the moment. We have seen the use of the dairy beef index, DBI, over recent years to improve the value of the dairy bull calf. We have, in recent weeks, heard the Moorepark announcement about the development of the sexed semen laboratory, which we welcome and have called for over the course of many years. Our fear around the proposals relate to the issues around the dual purpose cow and issues that have been raised in some circles around welfare and the viability of outcomes and incomes from the beef side of the dairy herd. Those matters are of concern under these proposals. A certain type of cow is being unduly penalised.

The Deputy also asked the use of equipment on farms. Mr. Cullinan and Mr. McCormack addressed the equipment piece of the question but there is a larger piece to consider. The proposals are that the enforcement will mean more farmers will have to spread slurry through the low emission slurry spreading, LESS, methods. The equipment required is one side of things. One also needs equipment to power the slurry tankers which are used across the country. The 135 tractor one uses for scraping the yard is not going to be able to drive a 2,500 gallon slurry tank for LESS. There are also considerable costs associated with that. Simply saying that if we get enough grant aid support for low emissions slurry, everything will be fine and rosy is not practical and will not reflect the realities of what will happen on the ground.

Also, I and other young farmers have heard from contractors locally that there is a phenomenal amount of pressure on contractors in the weeks leading up to closed periods are opened and after they are closed. With that in mind, if you lengthen the closed period, that will create an increased amount of pressure on those individuals and on the amount of slurry that will be put out in a short space of time.

On the question in terms of the land rented, within our organisation we have a large proportion of young farmers who are farming at their home blocks, whether that be on dairy enterprises or oral livestock enterprises. Given they are in a highly competitive area for land, they have had to travel significant distances, whether that be more than 30 km or whatever, for out

blocks to rear young stock, grow silage and other means of supporting their businesses. I am not sure the spreading of slurry on Ben Bulben is reflective of what is going on throughout the country. From a young farmer's point of view, in areas which are heavily stocked and which are moving forward, and where these are young farmers who are trying to progress their access to land, as I touched on-----

**Deputy Michael Fitzmaurice:** My question is, does anyone bring slurry 100 miles? We must have a bit of common sense about this.

**Mr. John Keane:** The proposal is around whether the land is greater than 30 km away.

**Deputy Michael Fitzmaurice:** I am asking does anyone bring it 100 miles. It is a straight question. In fairness, that is what I am referring to.

**Mr. John Keane:** From our farmers' point of view, the slurry is one piece but the inclusion in the overall farm stocking rate is a very important piece as well. That cannot be forgotten because you will have to rear all your young stock. If that is not being included in your overall on-farm stocking rate, it increases your milking farm stocking rate which will reduce the amount of stock you can carry. That will have an undue effect on the profitability of your enterprise. There are two elements to that too.

In terms of the grant aid support, I definitely welcome grant aid support for soil water storage and for slurry storage. The issue is, in terms of the regulations when they are imposed, those who fall outside the current limits who are under pressure for storage right now will not be able to avail of grant aid support. There are a significant number of farmers who will not be able to avail of grant aid support at the time given their circumstances. They will have to become compliant to avail of that grant aid support and that will put undue pressure on them. It will alienate them and leave them at a significant disadvantage.

On the anaerobic digestion question, something we touched on a little earlier, we would be very much in favour of the development of that. We mentioned the feeding tariff and the need for improvements there around the planning as well. The issue the Deputy brought up around pelleting also needs considerable support to make it viable.

**Mr. Joe Condon:** In answer to Deputy Fitzmaurice's question on where this consultation process is emanating from, it is from the Department of Housing, Local Government and Heritage and the person involved is Mr. Jim Coll of the water advisory unit.

On the second point where the Deputy spoke about 80% west of a specific river being a mature area, a possible solution would be that in the old review there was a graduation of levels where you had more intense and less intense. They all had a kilogram of nitrates involved in them, down to extensive farming which, I think, was approximately 140 kg. If there was a conservation grazing category under 100 kg, this would cover many of those areas. This would be a category that would exclude those areas from those fencing requirements where you would have to apply for planning permission on those Natura areas. That is one possible solution.

This review is a two-stage process. This is the second stage. The first stage recommended that the fencing of water courses be extended to all farmers. It is at point 4.4 in the document. This is the last stage. If that recommendation goes through and if it is not pushed back by this committee, it will cause serious difficulties for farmers in those areas who want to continue farming, especially with bovines.

**Deputy Joe Flaherty:** I will be very brief as I know there is time pressure. I thank everybody for the excellent information and presentations. There is just another point that is an undue additional pressure on farmers, which is the eight-week period particularly for dairy farmers relating to soil and water. The IFA has done extensive work on this. In December and January, it reckoned on 65 l per cow to wash down the parlour on a daily basis. Currently, it is ten to 15 days for a storage period. As a result, we are looking at something of the order of a sixfold increase in the storage time. Based on the IFA's reckoning, this has the potential to add €20,000 to €30,000 to the operational cost of a farm over the course of a year.

Everybody in the Dáil agrees that we need farmers to be involved in working on environmental challenges. We appreciate that they are probably our foremost environmentalists and we really should not be trying to do anything that puts additional pressure on them. I want to be brief because of the time but the witnesses have clearly looked at what is happening across Europe. What is the norm across Europe in terms of soil and water storage? Have we gone to the extreme with these proposals? What about our contemporaries in France, the UK and other notable dairy producers in Europe? What are their guidelines for soil water storage?

**Deputy Michael Collins:** I will be brief because we are at the end of the allotted time and many questions have already been raised that have been answered. I welcome our guests here today. There are a few Deputies who have been looking at the attack on Irish agriculture over the past number of years. The dairy sector is now under pressure with the nitrates review going on. My worry is that this may lead to a solution that might affect the suckler or sheep farmer being promoted. It looks like the Government and the Department of Agriculture, Food and the Marine are targeting Irish farmers and they could be wiped out of business by them. There was a climate action Bill and a carbon tax; this is one attack on top of another on rural living and Irish farmers.

I have listened to Deputies who told us when the climate action legislation was going through the Houses that we should not worry as it would not lead to a cull of cattle. Look where we stand now, particularly as we have a nitrates review. I can only imagine that if I were in the Brazilian department of agriculture or a Brazilian farmer, I would be rolling around in stitches laughing at the way our Department of Agriculture, Food and the Marine is treating Irish farmers.

I had a few questions but some have been asked already, in fairness. If these nitrates proposals go forward as proposed - they are being railroaded through - are we going to see a reduction in the size of cattle herds on Irish farms?

**Senator Tim Lombard:** I welcome the witnesses. This has been a positive discussion. The contribution from the farming organisations has been really good and it has helped the debate on the proposals. I will touch on the higher banding of cows in particular, those producing over 650 l of milk. Taking that into consideration, I spent yesterday afternoon at Grange going over the new proposal of calf to beef and how that is interacting with the idea of having a sustainable beef product. The lack of joined-up thinking in bringing in banding for bigger cows and calf to beef research done at Grange in Meath does not seem logical.

What are the views of the witnesses on the matters we must consider in that banding? Should we consider more bands or a different way of measuring? The banding is done in litres of milk. Most of us traditionally deal in kilograms of milk. We have moved away from the litre model when measuring volumes of cow's milk. Could we debate the issue of how to get an appropriate banding system that would suit the farming regime? There are 22 or 23 differ-

ent elements within this proposal, which I have read. Most of the farmers who have used low-emission spreading say that it has been a fantastic tool over the past three or four years, since we really got into it. However, the biggest issue for us is trying to get capacity in the sector to deliver that on the ground. I was talking to the company, Lynch and McCarthy, yesterday and it would be 12 months before a tanker would be available if I was to buy one tomorrow morning. That is the lead-in time we are looking at. Could we look at, and talk about, the issue of the time required to get that kind of infrastructure in place?

The targeted agriculture modernisation schemes, TAMS, also play a role. I am open to correction but it is my understanding that this is the last year for derogation farmers. They can no longer apply for support for low-emission spreading. That will have an impact as we try to ensure that there is appropriate equipment on the ground, the knock-on effect of these efforts being that farmers must have capacity to get grants for such equipment. It does not seem to be logical. There are so many issues we need to tie up together in this regard. I will move on to the biggest issue I have come across. It is to be hoped that climate change will be sorted by our scientists but the biggest issue will be the financial infrastructure and the money we need for storage infrastructure for the next decade. How we are going to fund that is a significant issue, which has to be discussed.

For me, soiled water is the biggest issue in town. How the separation of soiled water works, the storage times involved and the four weeks have the potential to affect nearly every farmer in derogation. That is probably the most crucial element of these entire talks. I realise that we are very tight on time so I will leave the witnesses with those thoughts. It is about trying to make sure that these proposals are suitable going forward because, at the moment, that suitability is lacking.

**Mr. Tim Cullinan:** I thank the Senator and Deputies. I will respond to Deputy Flaherty first. He is right. We have done costings on this and it could cost the average farmer €30,000, which is a substantial amount of money for something such as soiled water, which there is already a system in place to deal with. If we are going down the road of increasing storage, we are very clear that there has to be grant aid and, in conjunction with that, loans at low interest rates. The Deputy asked about the situation across Europe. The system of farming, and particularly dairy farming, across Europe is more indoors. The impact would be somewhat different across Europe. We must always keep in the back of our minds that the system we have in Ireland, in which cows are out nine or ten months of the year, is an excellent system. It is the most efficient system in the world. If we are to increase the costs in this system by requiring the storage of soiled water when we know it is not having an impact on the environment, so be it.

Deputy Collins is right. There are elements of this, particularly not being able to outwinter cattle on farms with stocking rates from 140 kg N/ha down and having to use low-emission slurry equipment on farms operating above 100 kg livestock N/ha, will result in massive costs for the suckler and sheep sectors. The Deputy is right. We have had the climate action Bill and Ag Climatise. A number of people on this call, including myself, were involved with the development of the agriculture strategy to 2030. We have had all of these reports. We were very clear, particularly in respect of the strategy to 2030. We agreed to sustainable growth in our sector without impacts or serious costs for farmers. What is the point in all of us wasting time being part of putting these reports together if we are not going to follow through on them? We have moved on again and we now have the Department trying to ram proposals down farmers' necks without proper negotiation. I will make my point again, before this goes any further. For all farmers, and the people who represent them, there must be proper negotiations around all of

this because these measures can have a catastrophic impact on farmers.

Senator Lombard mentioned the banding system. Any farmer in derogation across the European Union and other countries already has banding. What we need here is time, more consultation or negotiation, and we need a long period because there is no point changing the practices of farming overnight. A point was also made about the calf and beef, which is an area throughout where attention needs to be brought to bear as well.

In terms of the availability of low-emissions slurry spreading, the Senator is absolutely right that there is a serious time lag with the manufacture of the equipment. Again, we need proper lead-in times for any of these measures and there is no point saying anything else. Again, it was mentioned, and there is no point saying this, but the lack of consultation about the soiled water issue is very concerning for us all.

**Chairman:** I call Mr. McCormack.

**Mr. Pat McCormack:** Please do not panic, given that the Chairman and I are from the same constituency I would not like him to think that I had ambitions to become a Deputy.

The challenges that face farmers will certainly keep one occupied. Deputy Joe Flaherty said there has been a six-fold increase in soiled water and there is a necessity to keep it retained. That just highlights the fact that we need substantial grant aid of up to 60% to be made available to all.

Are we saying what was done in the recent past is null and void? The ten to 15 days slurry storage requirement with the sprinkler system or, indeed, any other system was valid at the time. That must remain a compliance-positive story and we cannot in any way be non-compliant because it would be a huge cost. It would also put in question the milk at the shoulder. For the processing plants that is a huge issue.

As regards what Deputy Collins said about the nitrates review and a drop in the size of the national herd, certainly we do not want to see that. In a broader context, our generation must acknowledge climate change but, equally, we must acknowledge any efficiencies in production. When it comes to dairy, beef, lamb and, indeed, cereal production, Ireland is one of the most efficient globally. Quite rightly, and I do not know which member said it, farmers in the MERCOSUR countries must smile when they see how Irish and European farmers are being treated in terms of the potential level of bureaucracy that is being further added with this nitrates review.

Earlier Deputy Fitzmaurice and others mentioned banding. There is huge potential for error with banding. All signs indicate that if one decreased the crude protein percentage in the diet then one will greatly reduce the ammonia and the excretory levels that are required or have been mentioned. We believe that farmers endorsed that in 2021. It is a pity that the industry at a wider level did not push it a bit more in 2021 and, indeed, in the previous years.

Obviously the low-emissions slurry spreaders and having a 12-month waiting list is huge. That just shows how out of touch the proposal to move from 170 kg down to 100 kg of a compulsory spread is not a real understanding of the availability of these machines. Again, this is something that needs to be staged and staggered.

Senator Lombard alluded to the cost of storing soiled water. All of these things will increase the cost of production and, ultimately, the primary producer, which is who we are all here to

represent. The economic sustainability of that primary producer will be questioned with those various levels of bureaucracy in the years ahead unless we see a substantial food inflationary increase.

**Mr. John Keane:** I thank members for their questions which I will try to deal with quickly. The Senator and Deputy mentioned the pressure on livestock and sheep numbers and the potential drop in cattle numbers. The reality of these proposals is that we will have higher numbers of farmers who are in derogation and subject to the regulations that go with derogation. The proposals mean that the amount of livestock that can be carried on an area is reduced. The natural result of that is that farmers will not be able to carry the livestock numbers that they have or had planned to grow to over a number of years. We have young farmers across sheep, livestock and dairy enterprises who have taken over businesses in the last few years, who are farming part-time now but who have an ambition to farm full-time in the next number of years. However, that is dependent on their ability to grow their enterprise in order to provide a viable income.

The expression “intensive farming” is one that farmers and farming representatives need to get away from. Irish farming in the context of world agriculture is not intensive farming. Certainly 4,000 cattle locked into 10 ha in Brazil and stuffed with hormones is intensive farming but ten sheep in the west of Ireland, three livestock in Cork or three cows in a field in Tipperary is not. That reality needs to hit home. These proposals, if implemented, will curtail the number of animals that a farmer can stock which will result in decreases in livestock numbers.

Senator Lombard and Deputy Michael Collins also mentioned the banding of cows. As we highlighted earlier, our concern around the banding of cows is that one particular type of system that farmers are using on farm - genetics which they have selected over a long number of years for specific production reasons, whether that be liquid milk supply contracts or their preferred choice of genetics - is going to be unduly affected. People should not be misled on this. Our economic breeding index, EBI, cow is what our system of genetic benefit has been built on over the past 20 years, since the relative breeding index, RBI, was built on from the year 2000. It has been around improving genetic performance based on EBI. A significant number of cows and herds throughout the country are based on this and are supplying over 6,500 l but will now be unduly penalised. The banding issue is going to need more time and considerably more consultation with farmers. What we are being offered right now is a consultation process but input from the affected farmers and farming organisations will be needed.

On the regulations, we would welcome grant-aid support. We have said, on behalf of young farmers, that the Commission’s proposal on CAP of up to 80% is something we would welcome from our Government’s point of view. However, the reality is that with the enforcement and the regulations that are proposed, farmers in derogation are unable to access grant-aid support for low emission slurry spreading because it is now a requirement under law. If the regulations relating to slurry storage capacity are brought in under law, farmers will not be able to access grant-aid support if they are not compliant at the time of the introduction of that law. It is going to place a huge financial burden on those farmers. We are talking about a lead-in time of two years but based on the supply from the low-emission slurry spreading, the waiting list of one year and considering how much storage would need to be built on farms over the course of the next 24 months and the pressure that suppliers are already under in terms of materials and labour, it is going to be a huge challenge. I do not think the challenge can be met, based on these proposals, if farmers are to become compliant.

In the context of the EU as a whole and the cattle numbers that we have here, we must remain efficient and productive. We must continue, as Mr. McCormack said, to be leaders in

terms of our productive efficiencies and consumer image. If one looks at the Brazilians and their proposals for expansion of their enterprises or the Australians and their proposals for expansion, one sees that they fell outside the Paris Agreement in 2015 and are unwilling to attend the COP 26 in Glasgow in November. However, our Government is choosing to enforce these regulations on Irish farmers, who are among the most efficient in the world. We need to take a step back and see who we are promoting and representing. The pressures being placed on farmers to meet these regulations is significant. Consultation with young farmers in particular is needed because it is they who will be dealing with these regulations.

**Mr. Joe Condon:** I will make a couple of comments. It has been identified that the excretion bands will reduce stock. An example was cited of a herd of 50 cows being reduced by nine. No attention has been given to the requirement to fence watercourses being extended to all farms, which will cause a loss of livestock in those areas at the extensive end of the scale. It is difficult for farming organisations to work together when one farmer losing stock is of no interest to other farming organisations and *vice versa*. If there was a unified approach taken by farming organisations across the board to address both extremes, some headway could be made. Of farmers, 94% are compliant with the limit of 170 kg of nitrates. Above that, farmers will lose stock based on the new banding regulation. There are areas where all farmers could work together in agreement, and this is one of them. The same level of intensity and interest must be shown as where extensive farmers are getting penalised in what is almost a collective punishment, with the teacher keeping the whole class in just because one pupil misbehaved.

**Deputy Michael Ring:** I compliment the witnesses, all of whom made good contributions. Will the farming organisations meet the Department of Agriculture, Food and the Marine again? We now know what the problems are, so how do we deal with them? When will the Department meet the farming organisations to see what can be done? This process is being pushed quickly. If the regulations are introduced early next year, I can see there being many problems for farming organisations. Will our committee be inviting departmental officials to a meeting to see what their proposals are?

**Chairman:** I am receiving warnings that we have gone well over time, so we will have the farming organisations respond to the Deputy's questions in writing, if that is okay.

The nitrates action programme is an important issue for all farmers and the agrifood industry as a whole. It could have an economic impact and threaten farmers' viability. Many points have been raised by the organisations, one of which had to do with solids versus volume in terms of milk production and the calves that are produced by dairy cows, which are an essential product for the beef industry. There needs to be clarification on this issue.

Extra storage will be required for dirty water. What nutrients are in that dirty water and what impact could that have on spreading on a 12-month basis? What is the scientific basis for the dates for slurry spreading? Does Teagasc have evidence of growth rates under the current spreading periods? Will there be grants for farmers who are short of storage space or who need to engage in low-emission slurry spreading? There is a need for investment in modern slurry spreading technology to make it viable. This is a matter on which there has not been enough focus in recent years. There is significant technology available. We are considerably behind the rest of Europe in how we deal with slurry on farms. It is not economically viable currently, but that will not be an excuse in future. Modern technology can be used as a tool in tackling climate change and must be embraced. I thank the four organisations present - the Irish Farmers' Association, the Irish Creamery Milk Suppliers Association, the Irish Natura and Hill Farmers Association and Macra na Feirme - for giving their views. We will discuss this issue in a pri-

vate meeting and decide how we will proceed in order to make sure the points that were made here this morning are heard in the appropriate areas, that the views of farmers are heard and that the nitrates action programme is fair and achieves the results that we all want to achieve. We should improve our water quality but maintain a sustainable and viable agrifood industry as well. I propose that we have a private meeting about this at 4 p.m. tomorrow.

The joint committee adjourned at 11.51 a.m. until 3.30 p.m. on Tuesday, 14 September 2021.

The following members attended the meeting commencing at 3.30 p.m.

Deputy Martin Browne	Senator Victor Boyhan
Deputy Matt Carthy	Senator Paul Daly
Deputy Michael Collins	Senator Tim Lombard
Deputy Michael Fitzmaurice	
Deputy Joe Flaherty	
Deputy Paul Kehoe	

Deputy Jackie Cahill in the Chair.

In attendance: Deputy Danny Healy-Rae.

### **Business of Joint Committee**

**Chairman:** No apologies have been received. I remind members that, in the context of the current Covid-19 restrictions, only the Chair and staff are present in the committee room and all members must join remotely from elsewhere in the parliamentary precincts. The secretariat can issue invitations to join the meeting on Microsoft Teams. Members may not participate in the meeting from outside the parliamentary precincts. I ask members to please mute their microphones when not making a contribution and to use the “raise hand” function to indicate. Please note that messages sent to the meeting chat are visible to all participants. Speaking slots will be prioritised for members of the committee.

Before we move to the main agenda, there is one item of housekeeping. I propose that we hold our next private meeting at 4 p.m. tomorrow instead of at 6 p.m. this evening. Is that agreed? Agreed. I thank the members.

### **Forestry Sector: Discussion (Resumed)**

**Chairman:** The agenda for today is the ongoing issues in the forestry sector. I welcome Mr. Brendan Gleeson, Secretary General of the Department of Agriculture, Food and the Marine; Mr. Colm Hayes, assistant secretary general; Mr. Seamus Dunne, head of the forestry inspectorate; and Mr. Eamon O’Doherty of the Forestry Service, all of whom are joining remotely. They are very welcome to this meeting.

We have received their opening statement, which has been circulated to members and will be published on the Oireachtas website. They will be given ten minutes to make their opening statement before we go to questions and answers.

Before we begin, I have an important notice on parliamentary privilege. Witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise nor make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. Participants in the committee meeting who are in locations outside the parliamentary precincts are asked to note that the constitutional protections afforded to those participating from within the parliamentary precincts do not extend to them. No clear guidance can be given on whether or the extent to which participation is covered by the absolute privilege of a statutory nature.

We appreciate Mr. Gleeson taking the time to come before the committee today. This is one in a long series of meetings we have had on forestry. As a committee, we would rather not have all these meetings but we are extremely worried about the forestry sector. I would have to say that we are sceptical of the dashboard in the last two weeks, given the way the figures have increased very substantially. Unfortunately, we have seen in the past that when officials were coming to a committee meeting, the figures for the previous two weeks would be substantially increased. In the eight weeks preceding these two figures, the issuing of licences was at an intolerably low level. A point that I want to make before Mr. Gleeson's opening statement is that even with the improved level of licences issued in the past two weeks, we still only issued 12 afforestation licences this week and five the previous week. In the whole month of August, only 15 afforestation licences were issued. We will struggle to hit 2,000 h of afforestation this year, which has huge implications for the sector going forward. In 25 or 30 years' time, a generation will ask what the hell they were doing in Ireland in 2020 and 2021 and why no trees were planted.

We had a long session this morning on nitrates, the implications of the nitrates directive and what way it is going to affect agri-industry in general. We have a huge opportunity with forestry to tackle climate change and reduce emissions while increasing rural wealth rather than putting it in jeopardy. I know other members will have similar things to say. It is intolerable that our level of afforestation is so low. We have a clear target in the programme for Government which is constantly being missed by 70% to 75%. It is not out of any ill will that we keep bringing the officials back in before us. We have had the Minister of State, Senator Hackett, and the Minister, Deputy McConalogue, before us on forestry in the last couple of months. We are extremely concerned about the sector.

I was talking to a contractor yesterday evening who says he now has licences but he does not have a workforce. Unfortunately, he was left so long without licences that his truck driver, who would normally carry the timber to the mill, has left him and some of his machine operators have also left him. We know from other sectors that it is very hard to source employees at the moment. They have gone through 12 months where the level of licences issued was at an intolerable level and they found it impossible to keep their workforce together.

We have seen more licences in the last two weeks, but we have seen that before and it has not been maintained. As a committee, we are extremely concerned. We issued a report a couple of months ago with recommendations for the sector and, unfortunately, we see the sector still struggling. That is the context in which we have asked the Secretary General to come here today. It is out of concern for the industry and the plight the industry finds itself in that we asked

him to come before us today as a witness. We look forward to his opening statement and there will then be questions from the members. I call Mr. Gleeson.

**Mr. Brendan Gleeson:** I thank the Chairman and members. To clarify one point, Mr. O’Doherty is not present because I had understood from the communication I received from the secretariat that there could only be three of us. I just want to make that clear. I am happy to be accountable to this committee at any time and I want to make that clear too. I will quickly run through the opening statement and we will be as helpful as we can after that.

I am pleased to have the opportunity to update the committee on matters relating to forestry. I know the Minister of State, Senator Hackett, also updated it last month and that it receives our weekly updates on licensing output.

I want to start with licensing. The committee will be aware that two judicial decisions, *People over Wind* and *Peter Sweetman v. Coillte Teoranta*, in 2018, and *The Heather Hill Management Company CLG v. An Bord Pleanála*, in 2019, changed the manner in which licence applications had to be processed in the most profound way. The net result of these judgments was that approximately 80% of licence applications had to be screened in for a comprehensive ecological assessment compared with just 2% before that. At the time, the Department was simply not set up for that volume of assessments.

In addition, the number of appeals against licensing determinations exploded. It went from 21 in 2017, to 150 in 2018, to 321 in 2019 and it peaked at 582 in 2020. For a period, virtually every Coillte licence was being appealed. Dealing with this volume of appeals was hugely time-consuming for staff at a time when the system was struggling to deal with licence applications. Equally, the appeals structures we had established were not designed to deal with these kinds of volumes.

This combination of events, combined with a licensing system that was never designed to cope with such a sudden and significant change in the number of appropriate assessments and appeals, led to a significant backlog in licence applications. Responding to these pressures has not been easy. The frustration of those in the industry, of those in nurseries trying to sell stock, of forestry companies and farmers trying to get licences to plant, thin and fell trees, and of sawmills trying to get timber for processing, is perfectly understandable. In framing its response, the Department has been acutely aware of the pressures on these people. However, it is also aware of its obligations to all citizens to ensure that its systems and processes are compliant with the legal framework established to protect the environment, and to ensure that citizens have the right to the kind of public engagement envisaged under EU law and the Aarhus Convention. In her report on the implementation of the Mackinnon report on forestry, Ms Jo O’Hara said: “Stakeholders from across the spectrum are not fully persuaded that the current interpretations of the European Directives as they apply to forestry are correct - but for a range of different reasons”. Therefore, for every person out there who thinks the Department is excessive in its application of environmental regulation when it comes to forestry, there is someone else who thinks the opposite.

This is how the Department has responded to date. In regard to appeals, we introduced primary legislation to align the forestry appeals system with the planning system. The legislation complied with the Aarhus Convention but introduced fees for appeals and submissions, allowed for oral hearings, and allowed the forestry appeals committee to subdivide so it could hear more appeals. The system is working much more effectively now. The forestry appeals committee has approximately 50 outstanding appeals to hear, which is considerable progress when one

considers it once had almost 1,000 such cases on its books. It is now on track to meet its commitment to a two-month turnaround for any new appeal received.

On licensing, we have significantly increased the resources in our forestry divisions. The number of ecologists has increased from one in 2018 to 27. The number of forestry inspectors has increased from 40 in 2020 to 61 now and we have a system that is capable of issuing more than 100 licences a week. In July the Minister of State, Senator Hackett, wrote to the committee to explain there would be a significant but temporary fall-off in the number of licences issued in July and August. This was because a new statutory instrument introduced by the Department of Housing, Local Government and Heritage in late June required us to introduce an additional 30-day consultation period between the completion of an appropriate assessment report and the issue of a final appropriate assessment determination.

This meant appropriate assessment reports could not proceed to determination, new procedures had to be developed, some applications had to be manually examined to redact information that would, if published, have breached general data protection regulation, GDPR, rules and documents had to be input into the forestry licence viewer for second stage public consultation. All of this was unfortunate but unavoidable. That second period of consultation is built into our system now and we have resumed normal service, with 136 licences issued last week and 110 issued the week before. While we expect a high level of output to continue, of course it will not be the same every week. However, the administrative burden associated with this process was greater than anticipated. We lost eight weeks of high output as a result of this development. It will have some impact on our ambition to issue 4,500 licences this year but we will continue to focus our efforts on issuing licences at a high rate on a consistent basis for the rest of the year.

I am aware there has been some concern expressed recently at the pace at which afforestation licences are issuing; the Chairman has mentioned it himself. The Department has taken immediate steps to rectify this by dedicating additional resources specifically to afforestation. This includes a team of ten ecologists that now works specifically on afforestation. Our aim is to issue more of these licences in the run-up to the planting season this autumn. This will add to the 5,700 ha already available to the sector. As always, we encourage all landowners to proceed with that licence.

The Minister of State, Senator Hackett, has established Project Woodland as a collaborative project, with working groups representative of stakeholders looking at the backlog, reviewing licensing processes, developing a vision for the forestry sector that citizens, communities and farmers can get behind and looking at the Department's organisational and administrative structures. In the context of that exercise, the Department has taken on a full-time external project manager to manage the project. It has taken on a systems analyst to examine and make recommendations about the way we do business and the IT systems underpinning our approach. It is procuring an end-to-end regulatory and process review sought by the working groups. This review will examine the EU and national legal framework, will examine the licensing regime in comparable member states and will make recommendations. The review group will work closely with the systems analyst and engage with the working groups in this regard. As we are now in a position to shortlist a preferred bidder, this is at a very advanced stage. We are developing a proposal for a grant to contribute to the cost of environmental reports for applicants, which we will put to the working groups shortly. It is looking at how it can develop a pre-application consultation, again on foot of a request from the working groups, and is facilitating a public consultation on the development of a vision for the forestry sector that will feed into the new forestry strategy to be developed next year.

In the meantime, the Department is working with companies to improve the quality of information provided with licence applications. Companies have received individual feedback on felling licences and we conducted the same exercise for our forest roads. Good quality responses are being received from the forestry companies. It is important that this continues and we will continue to play our part in ensuring that we make clear the type and quality of information we require. This has been key to increasing output recently and will remain the case. This is even more important for afforestation applications where the regulatory questions can be more complex and rely on detailed assessments from the applicant.

Forestry can provide a really important range of societal benefits; from a climate change and biodiversity perspective, from a public amenity perspective and from a rural and economic development perspective, which is critically important. Building a vision for the sector around which all strands of society and public opinion can coalesce will be an essential element in developing an effective strategy for the next ten years. We need to rebuild confidence in the licensing system and that there are immediate and more strategic imperatives that make that critical. We are working hard to make that happen. I am confident we are making progress. I thank members for their attention.

I wish to address one thing the Chairman said at the outset, which I have seen in various dispatches, about the facility to increase the number of licences issued in the week immediately preceding a committee. I wish that were true because if it were, it would mean we could just turn on the tap and issue increased numbers of licences. If we could do that we would just keep the tap on all the time, to be frank. However, it is just not the case. It would be such an obviously transparent tactic it would be ridiculous. We do not do that. The licences issued in the past two weeks are the fruit of work that has gone on over the past three or four weeks. We cannot just press a button and increase the number of licences. I just wish to be clear about that.

**Chairman:** While we will not get into an argument about that Mr. Gleeson, it has happened on more than one occasion. I call Deputy Fitzmaurice.

**Deputy Michael Fitzmaurice:** I welcome the witnesses. I agree with the Chairman on the number of licences and funnily enough in the last two weeks it has increased again but we must take what is said to us verbatim. I read Mr. Gleeson's opening statement and listened to him. He referred to the Sweetman case in 2018. Mr. Gleeson is probably aware that at the biogeographical conference in 2004, Ireland submitted 832 sites that were adopted as sites of community importance. Mr. Gleeson is probably aware that in 2010 and 2011, on the Department's website, copied from the National Parks and Wildlife Service, the Department stated it was going to comply with all parts of the habitats directive. Why did it take until 2018 for the Department to come back and use all this stuff about the legal stuff that went on in 2018 and the different cases with us today? This was here six years before that. In actual fact, it was here 12 to 14 years before that. I, as a bog cutter, knew about it in 2009. Why did the Department not deal with it before it came to a head in 2018?

**Mr. Brendan Gleeson:** First of all, I accept much of what has been said about the licensing system and we have an awful lot of work to do. However, it is important to put on the record there was a series of external factors here that led to this situation, and Deputy Fitzmaurice has mentioned them. When directives of this nature are brought into force, sometimes there is not legal clarity until there are judicial decisions. The point is there were two judicial decisions in 2018 and 2019 that had a profound effect on the way we did our business. That was the reality.

**Deputy Michael Fitzmaurice:** I have not got much time and will be pretty blunt with

Mr. Gleeson. We were nobody down in the middle of countryside as turf cutters, yet we knew about appropriate assessment. We knew about screening out. Mr. Gleeson and his Department headed up in 2012 and it was not being done and the procedures were not put in place. This has landed us with somebody else bringing it to court. I am not saying I am an admirer of what they did but the gate was open for the sheep to go out the gap and Mr. Gleeson's Department let that happen and he can never deny that.

I have a second question. I want to run through them quickly because there are many people looking to come in.

**Mr. Brendan Gleeson:** Can I just respond to the Deputy?

**Deputy Michael Fitzmaurice:** Yes.

**Mr. Brendan Gleeson:** First, I am not in any way critical of anybody who takes a court case. A person is perfectly entitled to do that. I refer to what changed in those court cases. Our view had been that where there was mitigation, you could take that into account in determining whether an application needed to be screened in. What changed in those court cases was not that we denied the need to do appropriate assessments but that the circumstances in which they were required changed. That is what happened. It was not that we ignored the requirements.

**Deputy Michael Fitzmaurice:** The reality of it is there was a 15 km buffer zone in 2011 and 2012. I dealt with it at the time. Everybody knew about it at the time and unfortunately it was not dealt with. Let us move on to the next question.

The monthly target for the licences that are with the ecology section has not been reached. Mr. Gleeson has talked about the number of staff he has got in. It has not been reached in any month this year. In actual fact, for two months we had 12 and 34 licences. I am aware Mr. Gleeson talked about the delay but some of those were coming from a few months earlier. Why, with 27 ecologists, was there not even one a month done for two months? Can Mr. Gleeson explain that?

**Mr. Brendan Gleeson:** First, we are trying to develop a system here that works smoothly but it is not a production line. This is not the Ford factory where we are able to punch out these licences month by month. It is true that we have not met our targets for ecology - I am not sure that those targets are realistic - but we have increased our licensing substantially. What we know now is that we have a licensing system that is capable of delivering more than 100 licences a month. That is a significant advance.

**Deputy Michael Fitzmaurice:** The question I am asking Mr. Gleeson involves 34 and 12 licences. That is 46 licences. The Department has 27 ecologists. That is fewer than one ecologist to do one of them in a month for two months. What is wrong there?

**Mr. Brendan Gleeson:** That is the impact of the statutory instrument that we notified the committee about in July. I will ask Mr. Hayes to develop on that point.

**Mr. Colm Hayes:** That is exactly it. The figures that the Deputy is referring to are the output of licences in those months on which-----

**Deputy Michael Fitzmaurice:** Will Mr. Hayes clarify one point before he says too much? The Minister of State was before us in June and made us aware that there would be one month of a delay, which every Deputy here agreed to, and that was the month of July. I am looking

at July and August. We were told that four weeks would be the total of the delay but the delay seemed to go on and on. What is the reason for it?

**Mr. Brendan Gleeson:** To address that question, we wrote to the committee on 20 July stating there would be a delay through July and up to the middle of August. That was based on our assessment of the impact of this on our administrative system. When we tackled this it was more complicated than we thought it would be. For example, we had to go through every application manually that was lodged before 11 January and we had to redact personal information from every single application. That is something we were not set up to do. The period extended to eight weeks beyond where we thought it would extend to and it was because the process of establishing a new system to deliver this public consultation was more difficult than we initially thought.

**Deputy Michael Fitzmaurice:** Has Mr. Gleeson received - the Minister of State is supposed to have received it - a scathing letter from one of the committees in Project Woodland about how frustrated the members are getting? Are there, as we hear, people ready to resign from the Project Woodland committee system?

**Mr. Brendan Gleeson:** We have received communication from various committees with views on what the project board said in its interim report and that is exactly the kind of exchange I would expect. This is an important process. It gives stakeholders a say in what we are doing. We are engaging in activity now that is specifically as a result of the recommendations of those working groups. As I say, just today, we have selected a recommended tenderer to conduct this process review. That will really help us to deliver on many of the objectives of Project Woodland. We will continue to engage with the working groups and the project board will meet every one of them in the near future.

**Deputy Michael Fitzmaurice:** In 2017, there were 1,409 applications for planting. This year to date, there are 330. What does that tell Mr. Gleeson?

**Mr. Brendan Gleeson:** Obviously, it is a significant concern. There is a range of reasons we have ambitious forestry planting targets over the next ten years. It tells me that, for whatever reason, farmers do not at present see forestry as a viable option and I think that-----

**Deputy Michael Fitzmaurice:** Given what has gone on, would Mr. Gleeson blame them?

**Chairman:** Allow Mr. Gleeson finish, Deputy.

**Mr. Brendan Gleeson:** I would not. I am not in the business of blaming citizens for their actions because people are entitled to do whatever they want to do.

**Deputy Michael Fitzmaurice:** Would Mr. Gleeson blame them, I am asking, with the way the licences were held up?

**Mr. Brendan Gleeson:** That is a factor, but it is also the truth that forestry is a relatively profitable activity for drystock farmers that can co-exist with their drystock enterprises. There is a very significant degree of negativity around the sector at present, certainly, to a significant extent caused by the licensing issue, but that is not the only reason. We have to work together to build back confidence in the system.

**Deputy Michael Fitzmaurice:** Agreed. For example, I know a guy who has 50 acres. He put an application in. It was in two and a half years. He was sitting there waiting. All that land

is now ploughed. It is now drained. It now will have 30 years of slurry. It will have 30 years of fertiliser and 30 years of cattle, with the help of God, for that person, all because of what went on within in the licensing system. That is the reality of what the Department has ended up with. That is the reality of what is happening on the ground, just so that Mr. Gleeson will know.

The number of licence applications in the system in July was 5,300. A year ago, when Mr. Hayes and Mr. Dunne were in, with the 1,900 and the famous 2,500 that were missing, that were 4,400. Have we improved at all in the whole year?

**Mr. Brendan Gleeson:** We have improved because we are issuing licences now at an exceeding rate. For the seven weeks before the statutory instrument came into place we were issuing licences at a rate of just under 100 per week. We predicted a sharp drop-off, which was more prolonged than we expected, and over the past two weeks we are back up over 100 per week. We have improved.

Deputy Fitzmaurice's anecdote about that individual is unacceptable. Nobody is denying that but these matters are not simple to fix. There are issues about the legal framework we work in. There are issues about resources. There are issues about the numbers of ecologists that are available out there. This work we are doing in Project Woodland to reassess the legal process and to reassess our own processes will be important. I hope-----

**Deputy Michael Fitzmaurice:** I have two quick questions. Did Mr. Gleeson allude that 80% of all applications now have been screened in because of the environmental rules?

**Mr. Brendan Gleeson:** Yes.

**Deputy Michael Fitzmaurice:** When there is an application two or three years in the system, does the Department's ecologist go out to site when he or she is screening?

**Mr. Brendan Gleeson:** No. My understanding is that it is largely a desk exercise. I will ask Mr. Seamus Dunne to respond to that.

**Mr. Seamus Dunne:** The screening is carried out by the district inspector. The district inspector normally goes out onto site. Sometimes the ecologist goes out onto site; sometimes he or she does not. No, mostly.

**Deputy Michael Fitzmaurice:** Have the ecologists gone out to site in the past year?

**Mr. Seamus Dunne:** They have gone out onto site in the past year.

**Deputy Michael Fitzmaurice:** If an application is two or three years in the system, would it mean that the ecologist would definitely have gone out to site?

**Mr. Seamus Dunne:** It does not mean, one way or the other, whether the ecologist was on site or not.

**Deputy Michael Fitzmaurice:** Would Mr. Gleeson feel - we would have talked to Mr. Hayes and Mr. Dunne about this previously - that the senior inspector has no choice now but to screen things? An ecologist has certain degrees or letters after his or her name that can stand up in court. Does Mr. Gleeson feel that there is a fear among his senior inspectors to screen anything out and does he fear that because of the unenviable situation that they are in, many of his inspectors would have lost confidence in senior management because of what has gone on in the forestry sector over the past number of years?

**Mr. Brendan Gleeson:** Deputy Fitzmaurice used the word “fear”. I am not sure “fear” is a relevant term here. The reality is that all of our officers and forestry inspectors operate the system on the basis of their judgment of what is consistent with the law. If we were casual about that, we would expose applicants potentially to worse outcomes in the long term. I accept it is difficult in the short term.

In terms of our senior management, as far as I am concerned, I am dealing here with people who are extraordinarily dedicated who are working 12 and 14 hours a day to try and resolve a very difficult situation. That is my position on this. I am not aware of any loss of confidence in them. I certainly have not lost confidence in them.

**Deputy Michael Fitzmaurice:** When the new CAP consultative committee was set up, I think, in 2019, what officials from the Forestry Service did Mr. Hayes appoint to that committee?

**Mr. Brendan Gleeson:** Sorry, I will take that question because it is not part of Mr. Hayes’s responsibility. First of all, our forestry supports are delivered to a most significant extent outside of the Common Agricultural Policy and for a variety of reasons, which I will be happy to explain to the Deputy, that is best for the future. There are a variety of sectoral groups that wanted to be part of that group. It is always open to the forestry representatives to make submissions to that process but there is a much more significant process going on in relation to forestry - at least I think it is a more significant process - which is the development of a vision for the sector with a view to putting a national forestry plan in place. Through Project Woodland, all our forestry stakeholders are bound cheek by jowl with the Department in the development of that strategy.

**Deputy Michael Fitzmaurice:** The new CAP refers to getting rid of red tape in the forestry sector. It outlines the European Green Deal and all its great benefits. Why is forestry, when a forest is being assessed, always done in the negative and whether it may have an adverse effect? I understand that involves the legal side of things. What about the positive side of it being planted, which I have just outlined, rather than 30 years of something else going on? Does Mr. Gleeson believe the Department will be responsible for Ireland paying fines 20 or 25 years from now because we have not reached the target of planting that will be required for Ireland under its mitigation measures?

**Mr. Brendan Gleeson:** I completely agree with Deputy Fitzmaurice on the positive story around forestry. We all must talk forestry up, particularly as a positive alternative enterprise that can make farmers more money. That is important and is a no-brainer. Even if it takes time to get a licence, the revenues from forestry are significantly better than the net revenues from many other farm enterprises. That is an important point. I do not know what will happen in 25 years. I have accepted that we need to up our game in afforestation. That involves improving licensing and a whole range of other measures as well.

**Deputy Michael Fitzmaurice:** There is a problem in that. I appreciate everything Mr. Gleeson has said. I want to finish on this point in order to let other members in. Will the Department give us a tip-off, one way or the other, on whether Coillte will have enough licences at its October market because it did not have enough last year? Mr. Gleeson spoke about talking up forestry but the reality is that forestry is a dirty word in rural Ireland because of the total fiasco that has happened. Many people are out of jobs and contractors have lost machinery due to this process. This is the fourth or fifth time that relevant people, whether Ministers, Secretaries General and assistant secretaries general, have been before the committee. We have spent

a lot of time on this. The problem is that we do not seem to be making any headway. From speaking with the people involved on the ground, there is more frustration developing day by day. That is not a good way to try to achieve something. Having spent a year on this, does the Department believe that maybe someone in another section should take the reins as he or she might do a better job? Does Mr. Gleeson consider that?

**Mr. Brendan Gleeson:** The answer to the Deputy's first question is "Yes". On the second point, what we are focused on in the Department is trying to improve our processes and assess the legal framework to determine whether there is anything we can do about that. We are open to the idea that an external individual might look at what we are doing. I am not the Pope. I am not infallible *ex cathedra*. I am open to the idea that people from the outside might look at our processes. We are doing that through Project Woodland.

**Deputy Michael Fitzmaurice:** I thank Mr. Gleeson. I will let another member in.

**Deputy Matt Carthy:** I thank the Secretary General and his officials for attending. I refer to a point made by the cathaoirleach. When Department officials came before the committee on 29 January they cited several times the number of licences issued in the preceding two weeks. The figure given was 110 licences. We were given the impression that we could expect a similar number of licences to be issued in the future. The next time the Department issued more than 100 licences was the week beginning 21 May. That happened to coincide with Department officials coming before this committee again. We find today that the licensing figure for the previous two weeks stands at more than 100. Considering that Mr. Gleeson has said that those figures reflect what happened three weeks previously, will he give an assurance today that the licensing figure for the next three weeks will be more than 100? What specific number of licences will be issued? Will Mr. Gleeson give an assurance that for the rest of this year we will consistently hit the mark of issuing 100 licences per week?

**Mr. Brendan Gleeson:** I will address a couple of points in that. I do not know how to rebut Deputy Carthy's assertion. Perhaps the Deputy is not making an assertion but rather is drawing a pattern from what we have issued, which is fair enough. I cannot say definitively how many licences we will issue next week or the week after. I am confident that we will issue in or around the figure of 100 licences over the next three weeks. That is my view. It is our ambition to continue with a consistently high level of licensing after that. Every licence involves an individual application. We do not have a production line. We have ecologists who look at these matters in a serious way. If they did not do so, we would have a bigger problem perhaps, although it would not be in the coming weeks. In the short term it might solve a problem over the coming months but in the long term we would end up with another judicial review or be back in the courts again.

**Deputy Matt Carthy:** Bearing that in mind, I refer to applications on hand that have not yet been approved. They include one from 2017; three from 2018; 26 from 2019; and 98 from 2020. What departmental resources go into those historical long-standing applications to provide either support or guidance so that discussions take place to ensure they are taken off the books?

**Mr. Brendan Gleeson:** I ask Mr. Hayes to respond to that question because there have been some developments recently.

**Mr. Colm Hayes:** Historically, in the interests of fairness and equality, we try to clear out the oldest files because they are longest on the books. We have engagement, particularly on

the afforestation side, with forestry companies and applicants. If an application is that long in the system, we want to know whether it is likely to be viable and whether the landowner is still interested and, in which case, whether we should proceed. It is in everybody's interests that we only work on licences that proceed to planting. In the case of afforestation, about 40% of what we approve does not end in planting. There are a few in the system. It is possible there are cases, as in any land question in Ireland, in which there are legal issues and land disputes. I would have to look at the individual cases referred to by the Deputy.

The policy is to maximise the output of licences and to go back to historical cases. We have what we call a triage team of inspectors. In May, it did a historical exercise looking back over every single felling licence on our books and reviewed the environmental harvest plan that was with them. This was a very thorough exercise. Cases in which it was deemed the harvest plan was suitable proceeded to the next stage - the ecologist. That is borne out in the much higher figures for private licences that have been issued because the ecologists are dealing with something that is in a more suitable state. Those which were deemed to have gaps in their harvest plan went back to the companies. They did not go back lightly. They were returned with a bespoke report from us which outlined where the gaps were, if there were bits missing and were asked to come back to us. As the Secretary General said in his opening remarks, the companies have responded and are coming back to us. We are staying in touch with them and these cases will be moved on. That is borne out in the higher private felling figures in recent times. That triage exercise is now a feature of our review of any licence application that comes in. It is work that we have to do. We are doing the same with afforestation applications now. We have completed a similar exercise on forest roads as well. There is a huge amount of background work which is not visible nor possible to report upon on any dashboard, but it is something which pays significant dividends.

**Deputy Matt Carthy:** Let us look at the approvals that were granted this year. The number of days applications that were in the system ranged from 21 days - which is three weeks and is obviously very effective - to 1,008 days. I have been scratching my head to think of any other legal or regulatory framework that would have such disparity of timescale but I cannot find any. What actions have been taken to ensure there is some form of systemic confidence provided to people so they can have a sense of the length of time an application will take to process?

**Mr. Colm Hayes:** The Deputy has hit on the nub of the question which is that the ultimate confidence in our licensing system comes from an applicant knowing that when he or she submits a licence application, all things being equal, he or she will receive the licence within a fixed period of time. Generally speaking, the stakeholder expectation is that that period is four months or 120 days.

We are very clear that we are not at that stage yet. The average is approximately ten months at present for a licence application. As Deputy Carthy said, there is a huge range from one month to two or three years in some exceptional circumstances. It is approximately nine months at present for a road licence.

The ultimate aim of all of this Project Woodland, when you throw it all into the pot, is driving down that average. That is where the confidence comes back. It touches on Deputy Fitzmaurice's point as well. How do you encourage farmers to apply for more afforestation? It comes from them knowing that when they apply they will receive a decision - good, bad or otherwise - from us within a reliable period of time. We are not there yet but we are making significant progress. Our averages in terms of the number of months for each type of application has to be driven down and we are monitoring that extremely closely. That is the ultimate

measure of performance.

**Mr. Brendan Gleeson:** Deputy Carthy made a good point there. He will accuse us of talking about averages but one has to look at the outliers as well. I accept that. It is unacceptable if there is an application in the system from 2017 or a small number from 2018. We have to rule those out and deal with them. That is part of the reason we did this triage exercise. That is an unacceptable situation. Nobody could defend it.

**Deputy Matt Carthy:** These are approvals. I want to know if lessons are being learned from the approval that was granted after 1,008 days so that a similar type of application will not take that long in future. Are we learning lessons so that we can address whatever issues were with that particular application?

**Mr. Colm Hayes:** Absolutely. It is all about continuously improving the process. It goes back to the Secretary General's point. We are bringing in outsiders to externally review our process and procedures. We want people to come in and tell us if we are doing things wrong if we have over egged the pudding here. There are lessons learned all the time.

Touching on what the Deputy said when we were in front of the committee in May, we average approximately seven weeks, in or around 100 licences per week then. We were maybe only a week or two into that when we appeared in front of the committee last. The statutory instrument hit. Now we are back to north of 100 a week. We have to keep that going and we are confident that those figures are in front of us. This is all a process of continuous improvement. It is about bringing people in. It is about training them. It is about the skills and the qualifications. It all goes into the mix.

Nobody can stand over a licence that is with us for three years. You would really have to go back and review and question that. We do that all the time when such a case appears.

**Mr. Brendan Gleeson:** I will make one point. We have thrown resources at this because we are in a crisis. We are trying to resolve the issue. Ultimately, we have to improve our processes as well. There is not much point in throwing resources at a system that is ineffective. That is why we have engaged these external people to review the legal framework and to look at what they are doing in other member states. We have got the system analyst to look at our IT systems and our processes. Ultimately, we need to know we have the most efficient process possible and then we have to deploy the appropriate resources to deliver what we need. The outcome we want is that the backlog is gone and somebody applying can reasonably assume with confidence that he or she will get a licence within a fixed period. That period may not be 120 days but if somebody applies and knows that he or she will get a licence in eight months or six months, that is better than where we are now. We need to get to that position.

**Deputy Matt Carthy:** On a slightly different point, is the Department still targeting 8,000 ha for afforestation this year?

**Mr. Brendan Gleeson:** It is fairly clear we will not plant 8,000 ha of afforestation this year but it is a national target. We will have to revisit our system and make sure we can deliver on that. Nobody could pretend we will deliver that this year. We will not.

**Deputy Matt Carthy:** What about next year?

**Mr. Brendan Gleeson:** We really have to turn the ship around to deliver that next year. The control is not only in our hands. We have to fix our systems here. Ultimately, it depends on

people who are willing to see afforestation as a viable activity to improve their income. That requires a bit of a cultural shift. It will require us to refine our processes to make sure they are running efficiently. That is the ambition but I would be a foolish man to say everything will be perfect by this time next year. That is the ambition but I think-----

**Deputy Matt Carthy:** Will Mr. Gleeson accept that every year we do not reach that 8,000 ha means there is going to be a big burden placed on somebody in the future?

**Mr. Brendan Gleeson:** I do.

**Deputy Matt Carthy:** All right. I must ask this question because it is put to me by almost everybody who contacts me on this issue. Has the Department carried out any analysis? In other words, has it got its own dashboard in relation to approvals and files processed by individual inspectors and ecologists? Put differently, are there blockages at a HR level in terms of addressing these issues?

**Mr. Seamus Dunne:** We do monitor people's work, obviously. We have a line management structure and that is what it's there for, that is, to manage, liaise and manage individuals' output. We do indeed do that.

**Mr. Brendan Gleeson:** I went down and met the forestry inspectorate just before the summer. I found staff there to be really tuned in, highly engaged and really sensitive to the concerns of industry. What we have there is a really strong resource and we must encourage them and assist them in what they do. There are imperfections in the system and there are differences from licence application to licence application. We manage all that as best we can and we have the same systems as anybody else for managing people and managing output.

**Deputy Matt Carthy:** Okay. As I said, the question needed to be put because it is being put to us on a regular basis. Every system, even the best ones in the world, can have deficiencies and they must be monitored. I will finish with another question and come back at the end if time allows.

Mr. Gleeson has mentioned the external independent review of the forestry licence process a number of times. I agree it is good to have external reviews of operations, particularly where issues arise, but in the words of the Minister, there will be a particular focus on how other EU member states approve these processes. Is that a statement that Mr. Gleeson's Department has never carried out an analysis of what other EU member states are doing, prior to this?

**Mr. Brendan Gleeson:** No. We are aware of what other EU members states are doing. We are acting on the basis of our best judgment as to what the habitats directive and the general legal framework requires. That is all one can really do. It is true to say there a number of differences between Ireland and other member states. We have a very large number of applications for small plantations. I think this is done on a much bigger scale in many member states. We also have a contested sector. We went through a period where nearly every application for a Coillte felling licence was being appealed to the forestry appeals committee. I am certain there are lessons to be learned from other member states but I cannot guarantee members the independent assessor will look at the system in Germany or Finland and say it is all consistent with case law in Ireland and with the judgments from the forestry appeals committee. These things are complicated. If it was simple, if we could, for example, divest ourselves of the licencing system as some people are recommending, then I can assure members that if they think I am ideologically wedded to the idea we are the licencing authority or that we must issue licences,

I am not. One can only act on the basis of one's own best judgments as to what is consistent with the law and if we did not do that we would be landing applicants in bigger trouble in the medium term, let alone the long term. There is no simple answer but we will see what comes out of this review. We will certainly be open to advice we get.

**Deputy Matt Carthy:** Okay. I thank Mr. Gleeson. As I said Chairman, I would appreciate an opportunity to come back in if one becomes available at the end.

**Chairman:** I doubt it but we will see.

**Deputy Michael Collins:** I welcome the officials back. Much of what I am asking has probably been asked already but it is a cry from the public out there. The public are very angry and frustrated and we as public representatives are equally angry and frustrated. I have a company in west County Cork, GP Wood, that employs many hundreds of people and is severely struggling. It is a very serious situation. On licencing output, there was average of just 46 forestry licences issued per week during July and 44 a week during August. On afforestation, the Department's forestry licence section has given permission for just 2,839 ha of new tree planting up to the end of last month, meaning the State is set to again miss its target of 8,000 ha of new woodland planting this year. Senior officials in the Department promised to process more than 100 licences per week to resolve the long-running backlog of permits to cut down and plant trees. However, the completion rate for forestry licences plunged over the summer months, at a time of national timber shortage, putting jobs in the forestry sector at continued risk and damaging the State's climate action targets. This is the sixth time this committee has brought in Government or forestry officials to discuss forestry matters in the past 12 months. I have a few questions.

What is the timescale on the Project Woodland recommendation on the regulatory and planning review of the licence system and what is the current status of this recommendation? We need a timescale around this review. Jobs are being lost right now in the industry. We cannot wait indefinitely for this review and then have it gather dust on a Department shelf while foresters and timber processors remain on their knees.

My second question is on afforestation. I recently read the Department's licensing section has given permission for a paltry 2,839 ha of tree planting up to the end of August. What do the officials expect this number to have reached at the end of this year? I am looking for a specific figure. It has been clear from the outset of the year that we would not reach the 8,000 ha target but I want the officials to tell me now what they expect the figures to be by the year's end.

Do the officials still expect the Department to hit its own targets of 4,500 licences being issued this year? That will be a yes-no answer.

**Mr. Brendan Gleeson:** I think there were four questions there. The first was about the drop-off in the licensing rate in July. We did write to the committee and I have explained already that was a result of this new statutory instrument that required us to do a second period of consultation between the date of an appropriate assessment report and an appropriate assessment determination. That meant we essentially had to halt licensing for anything referred in for appropriate assessment for that period. That is a new 30-day period and it just took longer than we expected to develop new processes and systems around that. Consequently, we effectively lost eight weeks of high-output licensing and in that period, we were only really able to issue licences that were not referred for appropriate assessment.

The Deputy's second question was on the external review. This is on foot of recommendations from the working groups in Project Woodland. We have run a tender and we got four bidders. I think we are in a position today to say we have a preferred bidder. We must now make a recommendation to the Minister about accepting the bid. I cannot say much more about that except we are at the point of selecting somebody today. There is no danger of it sitting on a departmental shelf because this was one of the working groups in Project Woodland. This successful tenderer will be engaging with those working groups to discuss their concerns and ambitions for the activity with them, so that will happen.

On the 4,500 licences, what I said in my opening statement was that it will be very difficult to meet that target because we have essentially lost eight weeks of that high output. A more realistic target now would be around 4,000 licences. I think that addresses all the Deputy's questions.

**Deputy Michael Collins:** I have another question. Mr. Gleeson recently said his Department licensing section was giving permission for 2,839 ha. What does he think the realistic figure is going to be? It is not going to reach 8,000 ha. What will the figure be by the end of this year?

**Mr. Brendan Gleeson:** We have employed ten new ecologists to deal with afforestation licences and our ambition is to get up to 20 licences a week. I am not sure I can give the Deputy a hectare for that but we also have 5,700 ha of licensed afforestation in the system. I am sure it frustrates him when we say that but it is factually correct.

**Chairman:** Senator Boyhan has gone off the call. I call Deputy Martin Browne.

**Deputy Martin Browne:** I welcome the officials back again. It is like groundhog day at this stage. As other speakers have said, it is becoming embarrassing to have to keep coming back to such meetings to hear the same thing over and over again. I do not know what way it is going to finish up. I can assure Mr. Gleeson and Mr. Hayes, who answered Deputy Carthy, that targets will not be met this year and if the same carry-on continues next year, we will back here next year and the targets will not be reached then either.

We all accept that the Minister of State, Deputy Hackett, warned us about July. I agree with the Chairman that the figures suddenly improved two weeks before this meeting. The committee was told that an administrative burden is associated with this process and that it is greater than had been anticipated. How long can the Department keep using these types of excuses? Will the officials explain how a 30-day consultation period resulted in an eight-week interruption in licensing? How many objections have resulted from the initial consultation process?

Most of the points have been covered. I visited an ash forest of 3.3 ha over the summer to look at dead and dying trees as a result of ash dieback. The application for the reconstitution and underplanting scheme, RUS, was submitted to the Forestry Service 14 months ago and it has still not been approved. The local authority has reclassified the replanting of part of the area with conifers as development, which requires the landowner to get planning permission for the small area. Can Mr. Gleeson or someone else do anything about this? Will they contact their counterparts in other Departments to have the legislation changed so that planning is not required for areas of less than 10 ha in such circumstances?

We are facing into a serious problem. I do not know who raised the issue; it may have been Deputy Fitzmaurice. We will have no one in the sector in 20 years' time because of the inad-

equacies of the officials. Farmers are not getting into forestry because they see the runaround people are getting. We all accept that we have problems now but we will have serious problems down the line unless people in the Departments pull up their socks.

It is embarrassing to have to come back in to these meetings. It is like pulling teeth. We are getting the same answers over and over again and the same excuses. We are told we will reach the target. There is not a hope in hell of reaching the target set at the start of the year. Without serious changes, the same discussion will take place again when we do not reach the monthly targets for next year.

**Mr. Brendan Gleeson:** The Deputy's first question was about the statutory instrument and the impact it had. It was never going to be the case that it would just delay things by 30 days. There was a significant process to engage in to put all those files up for consultation. Approximately 1,700 files were put up for consultation. People had to go through the vast majority of those manually and redact personal information to avoid breaching GDPR. That is one example of something that had to be done - 1,700 files had to be gone through manually. The reality is that we would prefer to have done that more quickly than we did, but that is what led to eight weeks of reduced output. That is built into our system now and we are back into a more efficient system.

The Deputy asked about the legal framework. We are stuck with the legal framework we have. The reality is that if someone with a high-cover deciduous plantation switches it to conifers, the local authorities treat that as a planning application. I can certainly talk to the Department of Housing, Local Government and Heritage about that but I cannot guarantee that there will be any change in the regime. For the moment, that is the regime we are stuck with.

The Deputy asked about the target of 4,500 licences. I already mentioned that I do not think we will meet that. I think the figure will be in the region of 4,000 licences because we lost eight weeks of high output as a result of the statutory instrument.

**Deputy Martin Browne:** We hear what Mr. Gleeson is saying, and we heard it before, but as far as I am concerned it just seems to be another reason the Department has found to make excuses for underperformance. That is my personal view. I do not know what other people feel. Nearly every month we have someone in from the Department and there is an excuse every time for not hitting the target relating to the forestry licence dashboard.

**Mr. Brendan Gleeson:** I am happy to come to this committee and explain things as they are. I have to explain them as they are, and the reality is that there was an external factor here that nobody had anticipated. That is not ideal. I wish we were not in this position but we are, so I cannot tell the Deputy something that is not factually correct. It is factually correct to say there was a new piece of legislation that we had not anticipated that was not promulgated by our Department or Minister and it led to a significant delay. We wrote to the committee and told it that there would be a delay in July. I understand the Deputy's frustration. I know he is representing his constituents. I am sure he knows people who are on the wrong end of this. We understand that, but we are committed to fixing this. If it was easy, it would have been fixed long ago. It is not easy.

**Deputy Martin Browne:** We do know people that are affected. Everybody on this committee knows people that are affected. In the interests of the efficiency of the Forestry Service and how public money is being used, do we have any figures on the average costs of processing a licence?

**Mr. Brendan Gleeson:** I do not have that figure but I am happy to have a look at it and to send something to the committee. If it wants to record it in the minutes, we will send it on.

**Deputy Martin Browne:** I thank Mr. Gleeson.

**Senator Paul Daly:** I welcome Mr. Gleeson, Mr. Hayes and Mr. Dunne and thank them for their opening statement. I will go back to the deliberations with the Minister at the previous meeting, which, unfortunately, I could not attend, although I viewed the proceedings afterwards. There was a discussion on the proposed regulatory or systems review. Who will provide the terms of reference or the scope for the regulatory review, if and when the people who carry it out are selected?

**Mr. Brendan Gleeson:** The terms of reference were included in the tender documents. They were prepared on the basis of recommendations from the working groups. When the selected tenderer is chosen - we are just on the point of doing that - it will have engagement with the working groups. The working groups comprise people from the industry, people from the environmental sector and a range of stakeholders.

**Senator Paul Daly:** So the terms of reference have already been provided.

**Mr. Brendan Gleeson:** Yes, we had to do that before we ran the tender. We wanted to get this up and running as quickly as we could.

**Senator Paul Daly:** Were the terms of reference put together by departmental officials?

**Mr. Brendan Gleeson:** Yes, but based on input from the working groups. There are specific issues that people have raised such as the 15 km, the possibility of having a single consent system instead of having to come back for consents at harvesting and thinning time, and the question of whether we need the same kind of licensing for more management-type activities like thinning or road building. All of those issues will be comprehended in the review. That will be done by a combination of looking at the legal framework, the way the Department does its business and what is done in other member states. There will be a team and it will be assisted by the systems analyst we have taken on to look at our processes. We will be trying to look at the regulatory framework and then looking at our process to see if there are any gaps or inefficiencies in the process and we will be marrying those two things together to try and come up with the best possible, most efficient set of processes and IT systems within the relevant legal framework.

**Senator Paul Daly:** Okay. I have a couple of more questions based on the output of licences over the year to date and how it may or may not be helping what is perceived to be the supply of timber. What was the clear-fell year on the 92 licences issued in August? How many of them would have had a 2021 clear-fell year on their issue?

**Mr. Brendan Gleeson:** I will ask Mr. Hayes to respond.

**Mr. Colm Hayes:** I can certainly give the Senator the clear-fell year for the Coillte licences issued in that period. I will write separately to the committee on the felling year for the private licences. Of the 51 Coillte licences, two were for harvesting in 2021, 48 were for harvesting in 2022 and one was for harvesting in 2023.

**Senator Paul Daly:** Looking at the dashboards on licence issuing, two licences have a clear-fell year of 2021. Only those two licences can go towards meeting the shortfall in the

supply of timber at present. Forty-eight licences will not even commence harvesting until 2022. As we are coming into the winter months trying to meet demand for timber, we are looking at the wrong thing when we are looking at the dashboard or we are not getting enough detail on the dashboard if our concern is timber supply.

**Mr. Colm Hayes:** We must remember that if we looked at the dashboard this time last year in all likelihood we would have seen licences that were going to be felled this year. In some respects this is a retrospective exercise. We have to look back at licences issued two or three years ago if we want a true picture of the likelihood of a site being harvested in a calendar year. It is not unusual. In all likelihood, people applying for felling licences are applying earlier and earlier because of the perception that it takes longer and longer to get one. With regard to private licences, it is a matter for any licenceholder as to when he or she brings the timber to market. That is a question for themselves based on the price and other relevant factors personal to them. I will write to the Senator on the private licences.

**Senator Paul Daly:** We are getting a lot of coverage at present and a lot of people are on to us about the price of timber and the shortfall of timber in the market. I am trying to get to the kernel of the issue. Of the 1,200 felling licences that have been granted this year, only 419 had road licences. If we were to make an assumption that give or take 25% of felling licences do not need a road licence it still leaves a shortfall of 900 felling sites that will not have road licences. The point I am trying to make is that even as limited as the number of licences we are issuing is, we can start halving it again and again to get to the number that is being felled.

**Mr. Brendan Gleeson:** What the Senator is getting at is the volume of timber that is licensed at present. Do we have a figure for that available now?

**Mr. Colm Hayes:** To this point of the year it is 4.8 million cu. m. We would expect the figure for the volume of timber licensed this year to be somewhere between 6.5 million cu. m and 7 million cu. m for the year. In all likelihood, this is probably the highest volume of timber ever licensed in any 12-month period.

**Senator Paul Daly:** How much of a shortfall is that on the demand that is there?

**Mr. Colm Hayes:** The best indicator of the expectations from stakeholders comes from the COFORD roundwood forecast report. From memory, for this year it has a figure of approximately 4.5 million cu. m. It is very difficult. People will make decisions. It is not like bringing cattle to the factory. The trees will still be standing in six months' time if we do not fell them. People will judge the markets. They will look at their personal circumstances as to when to fell. They may decide to wait for a year. Our job is to get the maximum volume out there within the permitted environmental regulations. Last year, we got 5 million cu. m. licensed. That will be exceeded this year, perhaps by 30% or more. We go back to the same theme of continuous improvement. It is a case of all the time putting more and more timber out there, helping those who need it and helping stakeholders to meet their demands and supply requests. I am satisfied that we-----

**Senator Paul Daly:** I know what Mr. Hayes is saying but the point I am making is while we look at the dashboard and see the number of licences granted being way below what we would like to see, even those that are being granted do not necessarily mean the companies mentioned in the various areas that are struggling can get boots on the ground felling trees.

**Mr. Colm Hayes:** I have given Coillte figures but I am not sure whether Coillte is a great

indicator because it is fully licensed for 2021. We would have to go back and look at what it got last year. It is now bringing that to the market through a series of auctions and it is building towards 2022. I will have to go through the analysis on the private felling figures to see how that works out. We are in September now and it is difficult to look at the figures and state they are an indicator of what will be available on the market for the rest of the year. In all likelihood, the sites that will be harvested for the rest of this year may have been licensed earlier this year, last year or two years ago. It is really a question of when the landowner wants to bring the site to the market.

**Senator Paul Daly:** I have several more quick questions. Based on what we have agreed on here, there will be a massive shortfall in our target of 8,000 ha this year and possibly in future. Has the Department had communication with the Department of the Environment, Climate and Communications on what possible amendments the Minister, Deputy Eamon Ryan, may have to make to the climate action plan because of the shortfall in the Department of Agriculture, Food and the Marine?

**Mr. Brendan Gleeson:** The Department of the Environment, Climate and Communications is well aware of the rate of afforestation. We have not specifically communicated with it on changing the climate plan. The climate plan has not been finalised. It is a work in progress. There will be many dimensions to it beyond forestry.

**Senator Paul Daly:** I have received representations from a man who has applied for a reconstitution licence. He had previously received a felling licence. He applied for his replanting licence in February. I made representations on his behalf and seven months later, on 18 August, the answer I received was that the current estimate was that it would take at least nine months. I was asked to note that the timeframe was indicative only and that it may take longer than nine months to complete the appropriate assessment, AA, process. I was told that at that stage it was not possible to provide a definitive timeframe. The point I want to make in the question I am asking is that this is a reconstitution licence. This man previously applied for and received a felling licence. He signed a contract 30 odd years ago whereby he is duty-bound to replant the land. Unlike Deputy Fitzmaurice's friend, he cannot go out and plough and sow a crop during what is now looking like a two-year gap. The Department is making him wait to replant what he is obliged to replant by contract with the Department. He is out of pocket. He has no source of income from the land as he cannot plough it or graze it. He has a contract that he will be breaching if he does not replant. He previously had a planting licence. He is replacing forestry with forestry and trees with trees. He will be in limbo for at least two years.

How many similar applications for reconstitution are sitting in the system? Is there a case for an amnesty for reconstitution licences? Only two years ago, the man got a felling licence. What has changed in the geography of the area, the lie of the land or replacing trees with trees that this man could be told he will be waiting a minimum of 16 months and that is not definitive? What he is doing is keeping to a contract he has with the Department that was signed many years ago. He would prefer not to replant but he has no choice. He is being left in limbo for two years. Will the witnesses answer this and tell me why there could not be an amnesty for such applications? How many applications have been made for reconstitution planting?

**Mr. Colm Hayes:** I am slightly unclear about the relationship between the felling licence and the reconstitution and underplanting scheme licence. Will the Senator send details of the particular case to me directly and I will look into it immediately?

**Senator Paul Daly:** The correlation I am making is that as there was an environmental as-

assessment for the felling licence, why redo it all for a replanting licence on the same site when replacing trees with trees? I will forward the details of the individual case but the question I really am asking is how many people are in the same situation. They are in limbo. They are caught. How many such applications have been made? Why can the Department not give an amnesty to these people? They are replacing trees with trees and forestry with forestry.

**Mr. Colm Hayes:** I take it the Senator is referring to the replanting and underplanting scheme for ash dieback.

**Senator Paul Daly:** No, I am referring to afforestation. I am referring to a man who received a felling licence and removed his forestry. Under his original contract, he has to replant trees on the land he has felled. He obtained a felling licence and felled it. Now he is applying for a licence to replant it and he has been told it will be the best part of two years before he receives it.

**Chairman:** I want to support Senator Daly. I know of two constituents who received the exact same answer from the Department as Senator Daly. Both of them were replanting their land as well after clearfelling. They had to sign up to say that they would replant when they planted their land 30 years ago. They cannot understand why there is such a time delay when there is no change of land use or anything else; it is only replanting. If one cuts a crop of barley, one does not have to go back and look for permission to sow a crop of barley the year after.

**Senator Paul Daly:** This man is hugely out of pocket. Deputy Fitzmaurice gave an example of a man who ploughed and will have some income off the land. This man is not deciding to go into forestry. He is not grazing the land now while he is waiting. There is nothing on the land because it is a harvested forest.

**Mr. Colm Hayes:** If it is a harvested forest and it was licensed, the replanting permission comes with the felling licence. It is not a separate process. It is not a two-strand process. When a person gets his or her felling licence, he or she also gets the permission to replant.

**Senator Paul Daly:** I have the correspondence from the Department. I have the licence number from the felling licence and I have the response, which says it will be nine months, at least, before he gets his felling licence.

**Mr. Colm Hayes:** Okay, there are some crossed wires perhaps. The Senator can send the correspondence to me directly and I will look at it immediately. In ordinary circumstances, without reference to that particular case, there is no need for anyone with a felling licence to apply for replanting permission. It comes with the felling licence. There is ordinarily a gap between harvesting and replanting for silviculture reasons and companies and landowners may leave it for up to two years. That is not a legal requirement or a licensing requirement, however. That is the general rule. The Senator might send me the correspondence for the particular circumstances he outlined. I will be very happy to look at it immediately.

**Chairman:** I call Senator Lombard.

**Senator Tim Lombard:** I welcome Mr. Gleeson and his team this afternoon. I will be very brief. I have two or three questions on which I hope to get clarification. The first is with regard to targets. I believe Mr. Gleeson has given clarity that he believes the Department will not hit the targets that were set at the start of the year. Has the Department revised its targets for this year yet? More importantly, has it put targets in place for next year? What are the proposed targets it has put in place for next year?

**Mr. Brendan Gleeson:** I said to the committee that I believe a more realistic target for this year is approximately 4,000 licences. I am happy to advance a target for next year but if we can continue to issue licences at a rate of approximately 100 per week, and if we end up with a refined process, then I would be optimistic that we can certainly exceed that significantly next year. That is one of the things we are looking at now and that we will be looking at in the context of our process review. At the end of that process, I believe we will be in a position to make a much more realistic estimate of the licences to be issued next year. If, however, we can continue to issue licences at the rate of approximately 100 per week over a year, that gives us something close to 5,000 licences.

**Senator Tim Lombard:** Will Mr. Gleeson at some stage provide the committee with that information regarding having 100 licences per week over 52 weeks amounting to 5,000 licences? Will he be putting that in writing to the committee in the next few months? This is September. When does Mr. Gleeson think he will have that information for the committee?

**Mr. Brendan Gleeson:** I will be very happy to do that and will do so sometime in the autumn. What I do not want to do is create a hostage to fortune now and be called back before the committee for failing to meet my targets. I want to be as realistic as I can when I do this. I, therefore, want to give a considered response when we have reflected on it and when we have the output of the process review.

**Senator Tim Lombard:** I mention the licences or the applications that have been in the system for more than one year. I know that at the start of the year a concerted effort was made to take into consideration bigger applications in order that we could have vast amounts of forestry coming through the system faster. Is Mr. Gleeson proposing to look at these licences that have been in the system for more than one year in order that they can be brought through the system at a faster rate than what is coming through at the moment? There seems to be considerable dismay in many quarters that the Department has licences in the system for more than a year, and in some cases, two and three years. What is Mr. Gleeson's long-term strategy to deal with those licences?

**Mr. Brendan Gleeson:** First of all, it is unacceptable that we have licences in the system that long. I absolutely accept that. One of the difficulties in dealing with a crisis is that one must do things to keep timber in the system and to keep the system moving. In a functioning system, we would have dealt with all this long ago. We have started looking back at those licences now. Mr. Hayes may wish to talk through his triage process and what he is doing on those.

**Mr. Colm Hayes:** The Senator is correct. We previously indicated to the committee that in order to stabilise the sector, there was a certain prioritisation, particularly on felling, for the larger files. We have gone back now and done a chronological exercise. I am not sure if the Senator was present earlier when I went through the methodology that we applied here. We have a triage team that went back and looked through every felling licence and roads licence that was on our books. The team had a look at the associated harvest plan that was with it and made a judgment on whether it was suitable to go forward to the next stage. If it was, it went forward to the next stage. It was a more efficient process and we are seeing that coming through now, in particular in the higher private felling licences from May, June, early July and now in the last two or three weeks.

The team has done a similar exercise on roads and it has now moved on to afforestation as well. Where it deems that the harvest plan is not up to scratch, we go back to the forestry company with detailed bespoke feedback to identify the gaps, advise what it can do to plug them

and get back to us. To their credit, the companies have been coming back to us on those. It is a system of continuous improvement. We need them to come back. We want to make sure we have work in front of all of our people. We have communicated very clearly to the sector that if someone wants a felling licence, a good quality harvest plan is the key to unlocking that. We have given them advice on what that harvest plan should look like. To their credit, companies are responding and we need to bring that forward into the afforestation piece now as well.

That review or triage exercise continues now. The inspector does it on receipt of an application in terms of whether a harvest plan is fit to go forward and, if not, it goes back to the company. At any one time, we have between 600 and 700 applications back with companies for them to work on. It is up to them how quickly they come back. We would encourage them to come back as quickly as they possibly can because if it comes back and it is good to go then it should issue. This is about good communication between us and the individual companies. We are very happy to have any number of sessions on that if it means there is a good flow of material in both directions.

**Senator Tim Lombard:** Because we have an issue regarding the amount of timber we can cut, we have had an increase in the importation of timber, particularly coming in from Scotland. Is the Department happy with the virus security we have at the ports? Has it made any efforts or any change in staff to make sure that the biosecurity measures in these ports are up to standard? It should be taken into consideration that we previously had issues with ash dieback coming into the country. We had issues with how that actually came in. In some parts of the UK and the Continent, there is a bug that could have a huge impact on the spruce tree population.

**Mr. Brendan Gleeson:** I will ask Mr. Dunne to answer that question.

**Mr. Seamus Dunne:** To clarify, there is a big difference between what happened with ash dieback and the Scottish import. I cannot emphasise enough that ash dieback came in from another member state. We do not carry out import controls, nor does any other member state, within the community. There are no teams of inspectors that carry out inter-community border controls. It is different with Scotland. We had an import into Cork yesterday. We will have another import into Cork tomorrow. There will be inspectors inspecting those. We carry out inspections on third country regulated timber imports. As I said, a large consignment came in yesterday and there will be a large consignment tomorrow. We do, therefore, carry out import controls on third country imports.

**Chairman:** I call Deputy Kehoe.

**Deputy Paul Kehoe:** I welcome the Department officials this afternoon. I want to pick up on a number of points the officials spoke about. They mentioned how we should be talking up the positive story around forestry. I talk to farmers from my neck of the woods in County Wexford and from other parts of the country who have contacted me because they know I am on the agricultural committee. There is very little positivity when it comes to forestry because they see the delays waiting on plantation licences, felling licences and everything like that. The licences in July and August have been mentioned so I do not want to go back over that. There is huge frustration in the groups and organisations in and around forestry. They believe they are not being listened to. One of the officials has said that there is not an easy fix to the problem. If there were an easy or quick fix, what would it be?

**Mr. Brendan Gleeson:** I accept what the Deputy said about the general narrative out there and the licensing is part of that. My point earlier on was that forestry is still a pretty good op-

tion, from an income point of view, for farmers and it can coexist. It is not an alternative. It can coexist with livestock farming which is good. Of course, we have to fix the licensing problem. The Deputy was asking me what the quick fix would be, if there were one. If there was a quick fix, I would have done it long ago but things have been suggested. It has been suggested we have some kind of an amnesty. I do not know of any legal basis for that. If we wanted to be cavalier about it, we could say we will give everybody an amnesty as we are under fierce pressure from the agriculture committee and the sector and get many of these licences off the books as we can, in as quick a time as possible. We would end up in the High Court in ten minutes and then applicants would be in bigger trouble than they are now. We would have a significant problem.

We have to be careful, judicious and responsible about how we apply the law. This sector is quite highly contested in Ireland, which is not the case in many other member states. It is certainly not the case in Scotland, if you talk to Jo O'Hara with whom I have had many long conversations. It is just a different kind of dynamic in Scotland. I mentioned we had a period in which every Coillte licence was being appealed. People are entitled to appeal but that gives a sense of the difference in the dynamic here. We have to be very careful of staying on the right side of the law.

We have an external body. We are on the point of selecting it to do a regulatory review to look at the systems and members states. We are entirely open to recommendations that might come from that exercise. It will be informed by the working groups established under Project Woodland. These include representatives of various people with an interest in the sector. The power of that vehicle, which we have to be careful to cherish and look after because we take it very seriously, is that it brings people who have different views on forestry together to create a single vision. What you find there is that people on the environmental side are appreciative of the pressure on small commercial interests that are trying to plant forestry. Of course, they have their own equally legitimate perspective on compliance with environmental law. We have to balance those interests but we have to stay on the right side of the law. Sometimes, the courts make determinations that you have not anticipated but it is not a realistic proposition to just throw it out the window and have an amnesty. Some of the-----

**Deputy Paul Kehoe:** If you go back to the legislation that was passed approximately one year ago on the appeals mechanism, which it might have improved, and if we reintroduce that legislation with minor changes and tweaks, it would make a huge difference. I am conscious other members want to get into it but the price of timber is gone through the roof, in terms of house building, pallet companies and such. It is because we are not issuing the felling licences. There is a significant amount of timber to be felled in Ireland but the amount of imported timber has skyrocketed over the past 12, 18 or 24 months. Mr. Gleeson spoke about the terms of reference the Minister of State put out for the tender of the external regulatory review licensing system. Can he give me confirmation that no Department officials will be involved in the drafting of the terms of the external regulatory review of the forestry licensing process?

**Mr. Brendan Gleeson:** "No" is the answer to that. The Department is contracting with somebody to do a big job on its behalf. I could not possibly, as an Accounting Officer for this Department, say the Department will have nothing to do with that. We have had a series of recommendations from the various working groups and the recommendations of those working groups have fed into the preparation of terms of reference which have been published as part of the tender. We then had a group evaluating the tenders which came in. Four tenders are coming in. On the evaluation group, there were people from the project board, of which I am a member,

but I was not a member of the evaluation group; chairpersons of the working groups and people from the Department. It could not be any other way. To be perfectly frank-----

**Deputy Paul Kehoe:** Can the terms of reference be widened once the winning tender is announced? We might be able to do a little more work if that were the case.

**Mr. Brendan Gleeson:** The contract has yet to be signed. I have to be very careful about this. We cannot really broaden the terms of reference but we can have discussions with the preferred bidder about some of the nuances of what it will do. Bear in mind, we are in the middle of a tender exercise so we cannot change the goalposts. The Deputy will understand that.

**Deputy Paul Kehoe:** As a former Minister of State, I fully understand that. An issue often raised with me and one which I am passing on as a messenger, as Members of Parliament are, is that nothing has improved in the past 13 months. Back in June 2020, the project plan for processing forestry was to clear the backlog. Everyone referred to the crisis in mid-2020. One of the first questions I am asked is who is the line manager with responsibility for this in the Department. People say it is a complete failure and it is very hard for me not to agree with them. They ask whether the people involved in the Department when it said there was a crisis in June 2020 are still involved. Are these people entrusted with delivering the same results? There was a crisis more than 12 months ago and that crisis is even deeper now.

**Mr. Brendan Gleeson:** First, things are not satisfactory but they are improving. I have explained that and am happy to explain it again. Who is the line manager? I am. I have already expressed confidence in my officials. I have come before this committee many times. I respect it immensely. I have never found myself in a position in which I have to defend individual officials in this way. I will say it again. I have people here who are working 12 or 14 hours per day to resolve this issue. It is not easily resolved. They will continue to do so. They are dedicated and are working hard to resolve the issue. If people want to have a go, I am the line manager. I am responsible for what goes on in this Department.

**Deputy Paul Kehoe:** Mr. Gleeson can understand people's frustration. If he looks back at the situation in July 2020, when he was before the committee, we still have the same issues. There may have been a marginal improvement but there are huge improvements still to be made because the sector is still in crisis. I do not want to waste any more of Mr. Gleeson's time. Just a-----

**Mr. Brendan Gleeson:** I have to come back in on this. We are happy to have external people review our processes and adherence to legislation and that is what we are doing. I am comfortable with that idea because we do not have a monopoly on wisdom. I would love to hear positive ideas about how we can resolve this.

**Deputy Paul Kehoe:** We have to look at the legislation that was passed more than a year ago. I am not sure if the appetite is there to do so. I have been a Member of the Oireachtas for 20 years. I know it is difficult to do so but we have review and strengthen the most recent legislation in this area. Perhaps the Minister and officials at the time thought we would be able to get through the quagmire we were in back then but that was not the case. The legislation has to be revisited and strengthened. We have more ecologists and so forth employed in the Department, yet there is still a crisis.

**Mr. Brendan Gleeson:** The legislation has made a significant difference but it deals with appeals. There is a balance to be struck between the rights of citizens to appeal and engage

under the Aarhus Convention and the rights of applicants. The Department no longer sees the appeals system as being the problem. The appeals committee had 1,000 cases before it at one point and we are down to 50 cases waiting to be heard. Essentially, that problem has been resolved. If there are recommendations as to how we might adjust the legislation, I would be delighted to hear them. There is a delicate balance to be struck. When we were passing that legislation, there were those who said it erred on the wrong side of public consultation and the Aarhus Convention and those who said the opposite. This is a contested area and a contested sector. As a Department, it is our obligation to be on the right side of all of that. The appeals system is not the problem anymore. It can be improved and perfected, but it is no longer the issue. At one stage in 2020, we had 571 applications under appeal. That is all gone now. We still have a steady stream of appeals because people have the right to appeal, but it is much more manageable now. The system is much better than it was.

**Deputy Paul Kehoe:** I have two further questions. If the witnesses cannot answer them today, they might come back to the committee secretariat on them in writing. The joint committee was told by the departmental officials at a previous meeting that Coillte had been fully licensed for 2021. What metrics were used in determining Coillte requirements for 2021 and when did it receive its full allocation of licences? What metrics are used to determine the requirements of private sector felling and how far off is that sector in terms of being fully licensed? What metrics are used by the Department in allocating afforestation licences? In that regard, what targets are in place, what is the timeline for delivery of those targets and what is the forecasted outcome?

**Mr. Brendan Gleeson:** I ask Mr. Hayes to come in on those questions.

**Mr. Colm Hayes:** On the volume requirement of Coillte in any one year, as I understand it, Coillte brings its timber to the market in two forms, that is, a contract position at the end of the year and in advance of the following year and through a series of auctions. It is up to Coillte how much timber is brought to market, but, generally speaking, it indicates to us the volume of licences needed, which is a steady amount from what I have seen over the last three years. Coillte is operationally independent of the Department.

Coillte received its full allocation of licences for 2021 in March or April. In previous years, it would always have been licensed for a particular year in October or November of the previous year. That is where we want to get back to because that is not just a Coillte issue, it is a question of security of supply for all of the sawmills who will have discussions with all of their suppliers, banks and everybody else once that is in the bag. Coillte submitted 1,800 licence applications in the month of March to cover the period 2022-23. Working the maths on that, it will need roughly 50%, or in the region of 900 to 1,000, for 2022. Work in that regard is ongoing.

On the other question, Coillte is one applicant, the same as all of the other applicants. I refer to the point I made to Deputy Carthy earlier. There is a big variation and far too large a variation in the length of time it takes to license a site which, for private sites, can be anything from one month to, as in the example given by the Deputy, 1,000 days. Ultimately, what we are trying to get to, and what everybody is trying to get to, is a reliable, secure timeframe for the processing of licences such that an applicant can be relatively assured, all going well, that he or she will receive a licence within that timeframe. At the moment, it takes ten months on average to secure a licence from the Department. We would acknowledge that this is far too long, but it is a process of continuous improvement. Every metric is up this year on last year. Every category, including roads, afforestation, felling, across all the volumes and numbers of licences, is up on last year. There is improvement. The question was asked about next year. We expect

that they would be up next year as well. It is about driving down the length of time to process a licence such that an applicant can be assured he or she will receive the licence in a reasonable amount of time. That is the nub of the issue.

**Deputy Paul Kehoe:** I have one final question. If Coillte has received its full allocation of licences for 2021, and taking into account that 1,146 afforestation licences are still awaiting approval, why have the past two weeks' dashboards thrown out 116 Coillte licences as against 12 afforestation licences?

**Mr. Brendan Gleeson:** We have said that we need to improve the rate of issuing of afforestation licences. We have appointed a dedicated team to do that work. Insofar as Coillte is concerned, approximately 75% of the timber that goes into sawmills is from Coillte. Sawmills rely on confidence about the 2022 supply in order that they can go to their banks in the autumn to get the finance to run their businesses the following year. The contracts that Coillte makes available this year for 2022 are the critical part of their business model. They would be in trouble if we did not do that. It is unsatisfactory. In a well-functioning system, we would be dealing with all of these things at exactly the same time and at the same pace, but we are trying to manage things in a way that makes sense. We accept that the rate of issuing afforestation licences is inadequate. As I said, we have appointed a dedicated team to deal with that work.

**Chairman:** I call Deputy Joe Flaherty.

**Deputy Joe Flaherty:** The officials will be delighted to hear I am not one for beating up an official and so they are going to get a small moment of respite. I appreciate that an earnest effort is being made on their part to try to get to the root of this problem. I am sure they do not welcome having to come before the committee to face members but I acknowledge that they have said they respect the work of the committee. I would like to ask a couple of questions and I will endeavour not to go over the ground that already has been trodden.

In regard to Coillte, is there a special line of communication open to it within the Department? I understand Coillte is the biggest player in the market. Is there a dedicated route for it? Are there staff within the licensing processing section who deal exclusively with Coillte or is it a case of fair game in respect of licence applications received, with anybody being able to deal with them? The smaller producers would like clarity on that question. They would like to hear that there is not a dedicated scenario to safeguard Coillte's needs and expectations.

On recruitment, have all of the roles sought been filled or are there vacancies within the team yet to be filled? The Minister's letter to the committee, which I think was dated 20 July, dealt primarily with the issue of what has happened in July and the consultation period. I note it was stated that in all likelihood we will drop back to 4,000 licences by the end of the year. Is there any commonality within the licensing applications? I know some are historical, with some relating to 2017 and others to 2018. Are the officials in a position to say that a typical forestry licence application can take six to eight weeks to process? I am seeking some insight into how the team works. Are there specialists within it such that when issues arise they are handed over to them? Is it the case that the same people work through the licence application from the outset or have the officials at this stage identified that more experienced people should be dealing with the difficult cases? If the witnesses could respond to some of those questions, I would appreciate it.

**Mr. Brendan Gleeson:** Mr. Hayes and Mr. Dunne are more familiar with the intricacies of the licensing regime than I am so I will ask them to deal with that issue.

**Mr. Colm Hayes:** On Coillte licences, in terms of what is expected in the application and the manner in which it is treated in the Department, in the period of public consultation, the environmental assessment and the ultimate appeals window, there is no difference between a Coillte licence and a private licence in that respect. The onus on the company is the same as it is on any applicant. The onus in terms of the public consultation, the 14-day appeal window and the environmental assessment is the same. We do have a dedicated team at the moment looking at Coillte licences. We are at that point in the year when we are issuing a lot of Coillte licences in preparation for the end of year position, when it goes out to the market and sawmills. We have dedicated teams for afforestation and private felling licences. The Secretary General stated at the start of the meeting that we have 27 ecologists now whereas two years ago, there may have been two. We are always trying to make maximum and most efficient use of our resources in order to drive output. It is something that is under continuous review.

There was a question around the processing of a licence and whether it is handled by one person the whole way through. Mr. Dunne is the chief inspector and may have a good insight into that.

**Mr. Seamus Dunne:** Deputy Flaherty mentioned existing vacancies. We have some existing vacancies for ecologists for which we have clearance to fill. Fehily Timoney & Company, our contracting company, has some vacancies it will fill. We are continually bringing in more ecologists into the team to increase productivity.

There is an escalation procedure whereby junior ecologists meet with problems, which go to senior ecologists. We have an escalation procedure when difficult files are being managed by more junior ecologists. They can go to a more senior ecologist.

**Mr. Brendan Gleeson:** Deputy Flaherty asked about resources. We are at a point where we have put a lot of extra resources into this. I am anxious to ensure that we are doing things properly before I throw any more resources at it. We need to see the outcome of the regulatory and process review and then deploy the resources needed to deliver the optimal system. We have put a lot of resources into this within a relatively short space of time because we are dealing with a crisis. We need to get beyond that point, look at this strategically, ask whether our processes are streamlined to maximum effect and identify what resources are needed to deliver the objectives.

I am quite prepared to put additional resources into this, as required, but I want to make sure that we are not throwing more resources at a bad system. I want to put more resources into a functioning system that functions as effectively as possible. That is where we are at.

**Deputy Joe Flaherty:** I will come in very briefly on that. It was very good to get an insight into the process. I am particularly heartened to note that there is an escalation mechanism within the licensing process. As I said, there is disappointment that we are going to end up with 4,000 licences at the end of the year. I know the witnesses are sick to the teeth of comparisons with the private sector but any private sector business model with a full quarter left in the year would consider escalation mechanisms to try to recoup ground for the final quarter.

I am not in a position to task the witnesses with anything but given there is still a quarter left in the year, it is a reasonable takeaway for them that we should not finish the year on 4,000 licences. There would be an element of defeatism in that. I would certainly like the message to go from me, as a personal message, and the committee that we would not be happy to finish the year with 4,000 licences. My view is that from today we should task the Department with

a target of 4,500 licenses by year end in light of the fact that within the Department, there is a mechanism to escalate the process.

When the witnesses come before the committee again I would like them to advise us what procedures were put in place to try to get the figure of 4,500. I do not think it is reasonable for us as representatives of the people and people involved in the forestry sector to accept that we will end the year on 4,000 licences.

**Mr. Brendan Gleeson:** I thank the Deputy. As I said earlier, our ambition would be to issue as many licences as possible. I will not come in here and give a hostage to fortune. The Deputy can rest assured that every effort will be made to maximise our licensing output. That will include resources and systems. We have a fundamental systems review under way at present. I hear what the Deputy has said and I accept that is the message coming from the committee.

**Chairman:** I have a few questions and observations for Mr. Gleeson and the other officials. I want to elaborate on a point made by Deputy Kehoe about an amnesty. I can appreciate that the Secretary General of a Department wants to avoid the High Court if at all possible. It is a very bad place for any Department or individual to go.

I refer to thinning licences. It is an operation that is done to allow a crop to reach its full potential. To me, it does not make sense that people have to apply for a thinning licence. People have planted their plantations and in order to allow them to mature properly thinning is part of that process. If we could take thinning licences out of the equation it would be a great help for us to get to the endgame. One could make a very logical case for not having to apply for licences for thinning because all that is being done is allowing a crop to reach its proper potential.

**Mr. Brendan Gleeson:** That would be a great help. It is one of the things we have asked to be examined in the process review. We have asked whether, in respect of licences for management type activities, the consent procedure we have is appropriate or if there could be a lighter touch. We have considered that as a specific issue, but on the basis of the recommendations from the working groups we have included that in the process review that will be under way very shortly.

**Chairman:** Mr. Gleeson said he is not afraid to put resources into solving this issue, which I welcome. A director of forestry has been talked about. We will get a new director of forestry to oversee the procedures and issues with the sector. Is the plan that the director of forestry would be an outside appointment with a fresh perspective on the issues in the sector?

**Mr. Brendan Gleeson:** The answer is “No”. This is a Government Department and, like other such Departments, people apply for competitions. The objective is to make sure that we have an additional resource at a very senior level who deals with nothing but forestry. At the moment our top official dealing with forestry has to deal with many other complicated issues. I have already said that we have engaged outside contractors. We have an outside project manager and person looking at our systems. We are bringing in outside consultants to examine the systems we apply. It is not my intention to subvert the structure in the Department. I see no reason to do that. To be perfectly frank, it would be an inappropriate thing to do.

**Chairman:** We might agree to differ. As Mr. Gleeson said, the buck stops with him. I appreciate that. I refer to carbon sequestration, the programme for Government targets for afforestation and our battle against climate change. Has the Department done a sum on the loss over the lifetime of the plantations that were targeted in the programme for Government? How

much of a loss is that sequestration in our battle against climate change?

We will probably be, at best, 5,500 ha behind the target of 8,000 ha in the programme for Government. Is that the Department's target or do the witnesses feel a lower target is more realistic? Do they feel we could reach a higher target than 8,000 ha? While it is the target in the programme for Government, is that compatible with the Department's target? Has a sum been done on the significant losses of the potential for carbon sequestration and our missed targets?

**Mr. Brendan Gleeson:** The contribution to climate change mitigation factored into our accounting between now and 2030 is about trees in the ground now. The planting we are doing between now and 2030 will be of assistance to us after 2030. There is a programme for Government target of 8,000 ha. It is not for me to resile from that. We have to be ambitious about this. If the Chairman is asking if we could plant more than that, it would be foolish of me to say that we can in circumstances where we are struggling to meet our existing targets. Our ambition is to develop a system that is attractive enough for farmers and others to want to plant forestry. As I said, we have to fix this licensing issue. Forestry is a potentially tremendous source of income for landowners and farmers, including livestock farmers. A cultural shift is required and we should not view forestry as an alternative to livestock reduction. It can comfortably co-exist with livestock production and provide a better living for farmers. I accept that we are nowhere near reaching those targets yet and that the difficulty with licensing has been a significant factor in that.

**Chairman:** Regarding the blanket ban on afforestation on designated land - hen harrier land and so on - some environmentalists argue that different stages of afforestation can create proper habitats for the species that the designations are designed to protect. I am not saying that we could plant 100% of designated land in the morning, but a percentage of that land could be planted over a period of five, 15 or 20 years. This would make a vast acreage of suitable land available for afforestation. Has any research been done into whether various stages and percentages of afforestation growth could enhance rather than hinder habitats?

**Mr. Brendan Gleeson:** I will ask Mr. Hayes to answer that question. The Chairman touched on an important point, in that climate change is not the only reason to do this. Forests are important for biodiversity, leisure, tourism, rural development, farm income, etc. All of those areas are important. When discussing this matter, we much realise all of those benefits.

**Mr. Colm Hayes:** The Chairman is correct that there is no afforestation in hen harrier special protection areas, SPAs. That is because, as part of the state aid approval for our national forestry programme, afforestation is not permitted in those areas without, I believe, the express approval of the National Parks and Wildlife Service, NPWS.

There is a larger issue, in that a national hen harrier threat response plan is under consideration. We are not the lead Department; the NPWS is. We have to await the outcome of that process. We are heavily engaged in it, but I do not want to prejudge its outcome because we are not the lead organisation. The Chairman has touched on much of what is in that discussion. It is never a black and white issue, as there is a great deal of nuance to the science in this area that will feature in the final version of the response plan. It is a question for the Department of Housing, Local Government and Heritage.

**Chairman:** This is a bugbear on mine. The capital value of that land was decimated with the designation. While some schemes were put in place, they have not restored the capital value. I appreciate that this matter is under review.

My final point will be on ash dieback. It has not been referred to much today, although it was mentioned by Deputy Browne. It is a serious problem in my county and the surrounding counties. I am unhappy for the plantation owners. What has been put on the table for them is not financially satisfactory. We will not get into how the disease entered the country, but one thing is certain - it was not the plantation owners' fault. They bought their plants in good faith and, unfortunately, their plantations have been decimated by the disease. The ash trees withering away on those plantations is a sorry sight. If this was a disease outbreak in cattle, there would be compensation for the farmer. Following weather events, significant compensation has been put in place for tillage farmers and others whose property has suffered damage from wind or rain. In this instance, though, a large number of farmers who planted their land with ash and justifiably expected to have a significant cash crop to harvest after 35 or 40 years now find that, when they pay the cost of labour to clear the site, their crops are worthless. I have made a suggestion at this committee and other forums. If those people decide to replant their sites - everyone should be given that choice - after clearing them, it would only be natural justice if they again had access to the forestry premium. They are starting from scratch and, unlike other plantation owners after clearfelling, have had no cash benefit. To have no premium available to them when they replant would be unjust and unfair. Reasonable compensation is always put in place for affected parties where virtually every other disease at farm level is concerned, and rightly so. The situation of plantation owners whose trees are diseased is no different than a disease in cattle or damage done by a weather event, but they have been left high and dry and proper financial compensation has not been put in place for them. Will Mr. Gleeson use his influence to see if they can access the premium again for a 15-year period? That would be a reasonable and fair economic solution for them. No one would have to admit liability in terms of where the disease came from. If it got through a security breach or whatever, I do not want to get into that argument. These plantation owners deserve to access the premium. It would give them a chance to replant and have confidence in forestry again.

**Mr. Brendan Gleeson:** I note the Chairman's comments. I will not make a commitment at this meeting. I have been knocking around the area of animal disease for a long time. When the Chairman was in a previous life back in 2001, I was dealing with other issues. There must always be a balance between what the taxpayer should pay in cases like this. To be frank, we have never had a scheme that covered all of the costs associated with a disease outbreak in any species, but we try to ensure that the taxpayer makes a reasonable contribution to people who are in difficult circumstances. What we have in this instance is a scheme that covers the full cost of reconstitution and the balance of the premium available. That is how matters stand now. I cannot commit at this meeting to change that, but the Chairman has made a case, one that he has made previously.

**Chairman:** We are ending on the button. I got cross words from the clerk for going a good bit over time this morning.

We have had a good discussion on forestry. I appreciate the participation of Mr. Gleeson and his officials. This is our sixth meeting on the subject. As I stated at the outset, that is because of our concern for the sector. We on this side of the table might be getting cranky, but we have justification for that. All we want is to see the sector exploiting its full potential. That is what we are trying to highlight and is what we have done in our report and its recommendations.

I hope that we will see a steady stream of licences between now and year's end. As Deputy Flaherty stated, we would love to see significant impetus being given to trying to reach the target of 4,500 licences that was set by the Minister of State early this year. I would appreciate

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it if the Department could get us as close to that target as possible. The committee is worried about the afforestation figures. In the past two weeks, only 12 licences for afforestation have issued. This has to be addressed. We are approaching the back end of the year and planting season. I urge that there be a dramatic increase in afforestation licences for the next couple of weeks. It was mentioned that X amount of afforestation licences were in the system. I did not catch the figure, but it was substantial. I would like to see a significant number of them being issued before the end of the year. It would give us all confidence that the trees were going into the ground and that our sector was starting to get back on an even keel. I thank the witnesses for their participation. The next public meeting of the joint committee will be held on Tuesday, 21 September at 3.30 p.m., with the Minister of State, Deputy Noonan, regarding the impact of peat shortage on the horticulture industry. The meeting is now adjourned.

The joint committee adjourned at 5.35 p.m. until 3.30 p.m. on Tuesday, 21 September 2021.