

**Teagasc Submission**  
on the  
**Draft Guidance Document**  
on  
**Environmental Impact Assessment (EIA) (Agriculture) Regulations 2011**

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**1. Introduction**

This is the Teagasc submission on the detailed elements of the draft Guidance document on the Environmental Impact Assessment (EIA) (Agriculture) Regulations 2011. These Regulations were introduced on 7 September following adverse findings of the European Court of Justice (ECJ) in respect of certain categories of farm development and activities and to bring Ireland's implementation of environmental impact assessment (EIA) in line with the requirements of the EU Directive.

Overall there is a high degree of ambiguity in the draft Guidance document on the Environment Impact Assessment (Agriculture) Regulations 2011. There is scope for misinterpretation by individual farmers with serious consequences and potential for an unnecessary volume of applications for screening. This submission highlights areas for further clarification in particular with respect to definitions used throughout the document. Teagasc can offer more technical help at a later stage.

**2. Clarity of Definitions**

Clarification is needed with respect to the following:

**2.1. Uncultivated / Semi-natural areas**

There is ambiguity between the statement '*Semi-natural areas will not normally have had any form of chemical cultivation other than the addition of low levels of lime or organic or chemical fertilisers*' and the description found in Annex 1 '*Species-rich grassland contain a number of different species and less than 25% of ryegrass, timothy, white clover either individually or in combination*'

In REPS, grassland habitats have always been described as swards with less than 25% of ryegrass, timothy, white clover either individually or a combination. However this identification was rarely carried out by REPS planners nor insisted on by the Department of Agriculture, Food and the Marine following audits.

While it is desirable for production that pastures contain greater than 60% ryegrass, many pastures are well below this. An estimate of up to 80% of land could have swards with less than 25% ryegrass, timothy and white clover. While approximately 3% of land is reseeded each year, a significant number of farmers will be expanding over the coming years and will need to increase reseeding levels significantly to increase production.

In the Teagasc Land Cover 95, 13% of grasslands nationally were recorded as wet grassland (rush>25%). Some counties have a much bigger percentage (41% in Leitrim). Fealy and Green, (2009).

The Teagasc Heavy Soils Dairy Programme farms show ryegrass levels below 25%: Doonbeg 15%; Newcastlewest 21%; Kanturk 24%; Macroom 25%; Castleisland 24%; and Listowel 18%. The average farm on heavy soil is likely to have substantially lower levels of ryegrass than these.

The botanical composition of Irish grasslands is described by O'Sullivan (1982) and O'Sullivan and Murphy (1982). A summary taken from Country Pasture / Forage Resource Profile (O'Mara, 2008) is at Appendix 1

**Further clarification is needed with respect to the following:**

- the definition of uncultivated or semi-natural grassland
- the implications of AEOS and REPS habitats, species rich grassland, traditional hay meadow and habitat grassland.
- whether there is a link with local development plans to see which areas are defined as wetlands or semi-natural grasslands.
- whether liming is considered to be a chemical improvement.
- whether these regulations cover clearing scrub mechanically to restore species rich grassland as in the Burren Farming for Conservation Programme

## **2.2. Wetlands**

### **2.2.1 Drainage works**

Do Drainage works (5.1 & 12) exclude such drainage systems as mole drains (such systems only have a limited life and need to be replaced every few years) or sub-soiling? A clear list of drainage system types would be useful with a definition of each – e.g. open drain, non-open drain (pipes) - mole drain (no pipe), gravel filled mole (no pipe but filled with gravel), gravel trench (gravel only) etc.

### **2.2.2 Upgrading vs Maintenance**

Clarity is required on the precise make up of 15 hectares threshold (Section 5.1). Confirmation is required of our understanding that routine cleaning of open drains is considered maintenance. For existing drainage systems (in most cases a complex mix of several generations of drainage systems), what is covered by the maintenance definition? Would dredging of open drains or unblocking of pipe drains be included as maintenance? When does maintenance become an upgrade? Again would maintenance of a mole drainage system be included here? Such systems need to be replaced every few years but do not fall within the drainage works definition. Also would sub-soiling fall under maintenance or upgrade in an existing or new part of a farm?

### **2.2.3 Significant effect**

As drainage is a man made intervention, it will always have an effect on the environment. It will change the hydrology of a system and transport nutrients to a discharge point at a faster rate sometimes without the buffering of a soil. The definition of a significant effect has been outlined in Annex 3. Where a drainage system attempts to lower a groundwater watertable to improve drainage - how would the effect of this be measured in adjacent areas outside farm boundaries using Annex 3. Drainage discharges are typically to a waterbody (as defined in the Water Framework Directive) or to another drainage ditch network outside of farm boundaries, which then makes its way to a discharge point. In this respect a discharge point may be an accumulation of drainage networks from many farms. At which stage must the significant effect be assessed – within or outside the boundaries of a farm?

### **2.2.4 Drainage Ditches**

The inclusion of drainage ditches in Appendix 4 of the Guidance for Planning Authorities on Drainage and Reclamation of Wetlands (although not included in the Agricultural Regulations Guidance document) is too broad as it could be seen to encompass all land being drained, not allowing any land drainage works on land used for agriculture to be screened

### **2.2.5 Floodplains**

The difference between floodplains that are permanently inundated with water and floodplains that are periodically inundated with water should be recognised.

### **2.2.6 Area of Works**

Confirmation is required of our understanding that the definition of land drainage refers to the area of works rather than the area drained.

## **2.3 Re-contouring**

- Clarity is required on what level of soil movement constitutes re-contouring.
- Confirmation is required that our interpretation is correct that it applies to the actual area re-contoured rather than the full field in which the work is taking place. Where large rocks are removed the area to be measured is the footprint of the rock removed. The full field is often reseeded at the same time after which it may be difficult to identify the area re-contoured.

## **2.4 Archaeological Monuments**

- Clarification of our understanding that the vicinity means 25 metres
- Clarity required where sites of some archaeological monuments are not visible above ground and are in tillage fields which have been tilled for the past number of years.

## **2.5 Definition of a Farm**

- Clarity of the definition of a farm – for the purpose of thresholds
- With regard to rented land, do the thresholds remain with the owner?

## **2.6 Threshold**

- Clarification of our understanding that the thresholds will generally be the accepted norm unless an area is of environmental importance which is widely known
- Clarity is required that the period of the threshold is a rolling five year period?

## **2.7 Other Definitions**

- Clarification of the definition of site or candidate site of community importance in SI?
- Scrub is not mentioned as uncultivated nor included in the list of land considered to be semi-natural (Section 4)

## **3. Process**

As a guidance document for farmers it should include:

- Procedure for applying,
- Contact details for queries
- Expected timeline for response
- Notifiable Action procedure to NPWS for NHA's, SAC's and SPA's
- Clarification that there is a Department of Agriculture appeals system
- Qualifications required to undertake an EIA
- Best Practice for cleaning drains, or contact details of relevant authorities?

## **4. Other Comments**

- There will be a need for information and advice for farmers on these regulations including awareness raising of designated areas and archaeological monuments.

## **5. References**

Fealy, R. and S. Green. (2009). Soils and Subsoils mapping project: Final report. R. Fealy and S. Green. Dublin, EPA.

O'Mara, F. 2008. Country Pasture / Forage Resource Profile.  
<http://www.fao.org/ag/AGP/AGPC/doc/Counprof/Ireland/Ireland.htm>

O' Sullivan, A.M. (1982) The lowland grasslands of Ireland in Studies on Irish vegetation pp 133 – 142. White, J. (ed.) Royal Dublin Society.

O'Sullivan, A.M.& Murphy, W.E. (1982) Grass production from old permanent pasture. In Grassland Production Seminar pp 123 -133. Johnstown Castle Research Centre, An Foras Taluntais, Dublin.

## **Appendix 1. Botanical composition of Irish Grasslands from County Pasture / Forage Resource Profile – Dr. Frank O’Mara**

### **Botanical composition**

The botanical composition of Irish grasslands was described by O’Sullivan (1982) and O’Sullivan and Murphy (1982) and is summarized in this section.

**High quality swards – Class: *Molinio-Arrhenatheretea*; association *Lolio-Cynosuretum*.** This is the main association found on highly fertile soils, and O’Sullivan and Murphy (1982) reported that it extends to about one million hectares. It is mainly found in areas of the east, south and southeast (counties Cork, Waterford, Wexford, Wicklow, Meath and Kildare). It is generally dominated by *Lolium perenne*, *Poa trivialis* and *Trifolium repens*, and includes most of the leys or reseeded pastures found in Ireland.

**Moderate quality swards - Class: *Molinio-Arrhenatheretea*; association *Centaureo-Cynosuretum*.** This association is widespread throughout the country. The main grass/legume species are *Lolium perenne*, *Trifolium repens*, *Holcus lanatus* and *Agrostis* spp., and the main other species (often considered as weeds) include *Hypochoeris radicata*, *Lotus corniculatus*, *Luzula campestris*, *Centaurea* spp., *Senecio* spp. and *Carex flacca*. Three sub-associations of this class are recognized, (i) *galietosum* (Type A) which is mainly confined to shallow, well-drained limestone soils and includes species such as *Primula veris*, *Galium verum* and *Trisetum flavescens*, (ii) Typical sub-association (Type B) which is widespread in the better drained lowlands on deep, well-drained Brown Earths and Grey Brown Podzolics and (iii) *juncetosum* (Type C) which is common on drumlins in the north midlands, the Castlecomer plateau and some soils in the mid-west, and which is characterized by the presence of *Juncus effusus*, *Juncus acutiflorus*, *Juncus articulatus*, *Juncus inflexus*, *Carex ovalis* and *Carex hirta*. These latter swards are subject to poaching in wet conditions. Together, these three sub-associations make up approximately two thirds of the grasslands of Ireland.

**Low quality swards – Order: *Molinietalia Caeruleae*.** This order is 11% of the grassland area and is composed of poor quality wet pastures on soils of low natural fertility. The main species include *Juncus acutiflorus*, *Juncus effusus*, *Juncus conglomeratus*, *Lythrum salicaria*, *Lychnis flos-cuculi*, *Angelica sylvestris*, *Filipendula ulmaria*, *Achillea ptarmica*, *Senecio aquaticus*, *Myosotis laxa*, and *Lotus uliginosus*.