



July 10, 2023

Ref: Nature Restoration Law

To Members of Parliament

I am writing to you as President of the Irish Natura & Hill Farmers Association (INHFA) in relation to the upcoming vote in the European Parliament on the Nature Restoration Law.

As a farming organisation we are very concerned that this proposed law will have very negative consequences for farm families and the wider rural communities.

In assessing the law, we need to recognise that this law which targets peat soils will impact most on those farmers operating extensive farming systems that are currently delivering for the environment. Many of these farmers are also dealing with the impact of land designations – Special Areas of Conservation and Special Protected Areas. These designations have increased their costs, reduced their income and they are now dealing with this without any financial support for the burden of these designations.

In the proposed Nature Restoration Law all of these farmers and many more will face additional restrictions that will further undermine income, increase costs and if the experience of the land designations is anything to go by –any financial support will be limited and short-lived.

In assessing the detail in the Nature Restoration Law we are outlining below the elements of critical concern and providing a context to them in bold.

- Under Article 4 (1) there will be a clear obligation on landowners to restore Annex 1 habitat types *“improve to good condition”* **Our wet and dry heaths that covers most of our upland areas are Annex 1 habitats. Other Annex 1 areas include sandy banks, machair grasslands and Molinia meadows. The restoration of these areas is a clear requirement under this article.**

- Article 4(2). This outlines proposals to go beyond Annex 1 Habitats (as detailed under Article 4(1)). This article outlines the need to *“put in place the restoration measures that are necessary to re-establish the habitat types listed in Annex1 in areas not covered by those habitat types”* Under the Council text they add on *“with the aim to reach their favourable reference area”* **In doing this the Council text is clearly identifying additional areas for restoration (reach favourable reference area) that previously were Annex 1 areas but are no longer. Based on our figures there are approximately 670,000ha of Annex 1 habitat. However, there is we estimate an additional 620,000ha of land that was previously Annex 1 habitat such as wet and dry heath, bogs including cut-away bogland. Most of this is now High Nature Value Farmland and quite probable that some of this could also be drained farmland referenced in Article 9. Important that we read this article in conjunction with Article 11(2).**

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- Under Article 4 (6) it details how these areas shall “*show a continuous improvement*” “*until good condition is reached.*” **Many of these areas will have a habitat score under various Agri-environment schemes and EIP’s such as ACRES, Wild Atlantic Life. These scores may well provide the basis to assess improvements and critically any deterioration which under this article is forbidden. Due to the land make-up and ownership in many of these areas this could be problematic.**

- Article 9 details how Member States “*shall put in place restoration measures*” and it also details where this will happen “*for organic soils in agricultural use constituting drained peatlands*” **This article has received most of the attention and there are moves to accommodate the targets here under State owned lands. However, we must now ask if concessions given here by the Council are going to be taken back through Article 4(2) of the Council text that details the need to re-establish areas that is now High Nature Value Farmland (and possibly drained) but previously was an Annex 1 Habitat. As detailed under Article 4(2) there is an estimated 620,000ha. Another factor to consider here is that, while these areas are recognised as an agricultural area that can support agricultural activity as defined under Recital 55. The areas under Article 4 are viewed as existing habitats which if maintained will create an issue in securing CAP payments.**

- Article 11 (2) specifics Member State requirement in mapping out the restoration areas while Article 11 (2)(a)(iii) details what timescales they can consider stating “*the favourable reference area taking into account the documented losses over at least 70 years*” Important to recognise that the Council text is amended to read “*the favourable reference area taking into account records of historical distribution.*” **Remember Article 4 details the requirement for restoration of Annex 1 areas (Hill type lands and under the Council text this will also include previous areas of Annex 1 type lands). However, in this article it details the timescales for consideration, stating that the restoration must seek to deliver the habitat type from under the Commission text at least 70 years ago, but under the Council text In Ireland on our uplands there is at least one known report conducted by AC Stevenson DBA Thompson – The Holocene, 1993 that, details long term changes in the extent of heather moorland in upland Britain and Ireland over the last 200 years. We are also aware of similar reports in Britain pertaining to lowland heath areas which will also give an historical basis for Ireland. Under this Article we are looking to create a habitat that may no longer exist. On this basis we have to ask how practical this is and what will be the consequences for current farming practices on these lands.**



- Article 11(9) of the original Commission proposal details how Member States Shall when preparing the restoration plan *“aim at optimising the ecological, economic and social functions of ecosystems as well as their contributions to the sustainable development of the relevant regions and communities.”* Under the Council text, ‘Shall’ has been amended to ‘May.’ **This very subtle change is the strongest indication possible that there are Member States that want the option to renege on any financial support. In Ireland our experience of using the term ‘May’ has, never been positive and will see landowners, farmers and their communities thrown under the bus, as they have been with the current land designations. This is a major red flag to us and outlines clear intent.**
- Article 12 covers the implementation of the plan with Article 12(2)(m) detailing any funding that may undermine this *“an indication of the subsidies which negatively affect the achievement of the targets and the fulfilment of the obligations set out in this Regulation”* **This clearly threatens CAP supports and opens the possibility that. If supports under the CAP are seen to support farming activity where, this activity is deemed to possibly undermine the restoration objectives, then this Article allows for that support to be withdrawn.**

In conclusion I am asking that you trust our farmers – they have and continue to deliver for nature and if properly supported can through a real partnership deliver improved outcomes here. Unfortunately, this law is not a partnership – it is a dictate and an insult to the very people that can deliver.

On this basis I am asking that you vote against this law which will provide the much needed space to find a just solution that will deliver for nature.

Yours Sincerely

Vincent Roddy (INHFA President)