An Taisce
The National Trust for Ireland

National Economic and Social Council
Parnell Square
Dublin 1

Sent by email to: climate&biodiversity@nesc.ie

18th March 2021

Re. Shared Island Consultation: Climate and Biodiversity Challenges and Opportunities

To Whom It May Concern,

An Taisce welcomes the opportunity to comment on the National Economic and Social Council's consultation on Shared Island Challenges and would like to make the following submission.

An Taisce is an internationally affiliated NGO concerned with all issues of sustainable development, climate action, and health and wellbeing and would welcome active ongoing involvement with NESC on shared island issues.

Yours sincerely,

Ian Lumley
Head of Advocacy
An Taisce – The National Trust for Ireland

An Taisce Submission

Shared Island Consultation
Climate and Biodiversity Challenges and Opportunities

1. Overarching UN, International, EU, Transboundary, UK and Republic of Ireland Legal and Regulatory Considerations

The NESC paper on Shared Island Climate and Biodiversity Challenges and Opportunities by Dr Jeanne Moore identifies as an overarching preliminary consideration, the climate and biodiversity loss emergency.

Climate and biodiversity action is most effectively advanced on an all-island basis. This requires a multi-level policy, action and legal response recognising international commitments under the UN, other international agreements and conventions, EU Directives, and ROI and UK law namely:

- The Paris Agreement 2015, and relevant UK and ROI climate legislation;
- The UN Sustainable Development Goals 2015;
- The ESPOO Convention on transboundary environmental assessment;
- The Aarhus Convention on environmental information, public participation and access to justice;
- The Convention for the Protection of the Marine Environment of the North East Atlantic (the OSPAR Convention) to which both UK and ROI are parties and providing for Marine Protected Areas

The issue of the Northern Ireland Protocol of the Brexit Agreement needs to be addressed as this provides for regulatory alignment between Republic of Ireland and Northern Ireland with the continued application of EU Directives on Strategic Environmental Assessment, Environmental Impact Assessment, birds, habitats, waste, water and the marine.

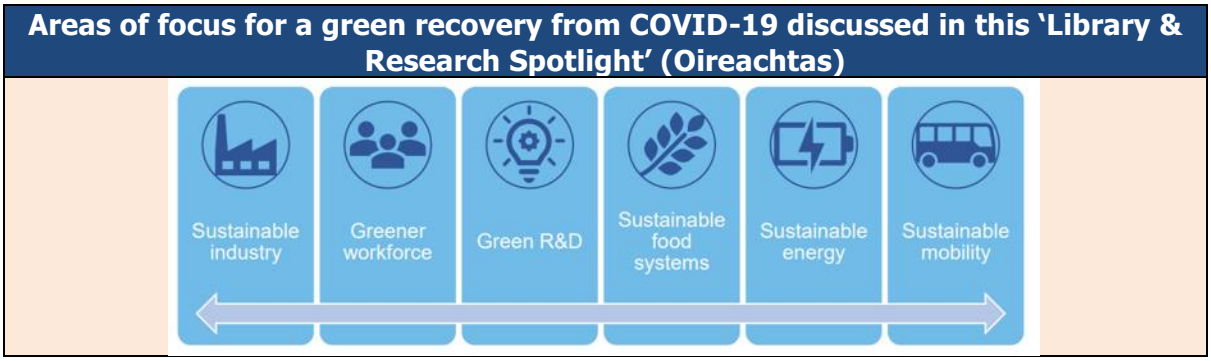
2. Addressing the Impact of Covid-19

The impact of the Covid-19 pandemic is of unprecedented scope and magnitude, affecting the health and socioeconomic situation of many citizens:

- Public sector borrowing is at an all-time high;
- Traditional sectors such as retail, food and hospitality have been profoundly changed;
- Young people have lost significant time in education and early career development;
- Due to aging demographics more are entering retirement, lowering tax revenues;
- In some cases two in five now want to work from home impacting how multiple policy areas are considered.

All future physical infrastructure planning will need to be considered through a different lens and with our next generation in mind.

While the NESC analysis is a robust document, it is submitted that the following should be included to support prioritisation: 1) community health and well-being 2) sustainable citizen mobility, and 3) restoring nature while reducing Ireland's overall carbon emissions. The consultation document makes reference to Covid and many policy publications, but increased reflection would benefit future socio-economic policy for example across:



Source: Recovering from COVID-19 through a Green Lens No. 4 of 2020 Dr. Jessica Doyle, October 2020

In the Irish Government's January 2021 annual report on public indebtedness[1] Minister Paschal Donohue highlighted how the Covid-19 pandemic has resulted in a sharp increase in public indebtedness in Ireland. There is risk of every government in every jurisdiction burdening future generations with further increases in public debt and spending reducing and delayed the ability to meet climate aims.

Within only two months of Ireland's March 12th 2020 lockdown a survey by NUI Galway's Whitaker Institute and the Western Development Commission suggest that many people in Ireland may want to continue working remotely after the Covid-19 pandemic has passed[2].

2.1 The future of public sector funding

In recent years many governments have considered public private partnerships (PPP) across areas of physical infrastructure and road development. As a result Public Sector Borrowing Requirement (PSBR) levels were already high pre-Covid, however as we emerge post-Covid:

- Public sector borrowing is at an unprecedented high and in many countries, levels not seen since 1945;

[1] https://www.gov.ie/en/press-release/a5c79-minister-donohoe-publishes-annual-report-on-public-debt-in-ireland-2020/

[2] NUI Survey in May 2020: The project surveyed 7,241 people from different industries and sectors across Ireland. Of that number, 83% of participants said they want to remain working remotely in the future.

- Interest rates might remain low, but technology-led growth and carbon neutral sectors will support recovery
- Asset managers are attracting investors with climate commitments.

The image below aims to reflect the current positive trend towards carbon-neutral policy prioritisation:

	Methods		Attractions
Pre-Covid (2011-2020)	1. Public Private Partnerships (PPP) 2. Short-term manifesto initiatives to meet long-term goals 3. A modern but aging workforce was funding a large tax burden	=>	Low interest rates were available Ready access to complimentary private funding with limited carbon criteria Economic growth and FDI supported tax revenues
Outlook (2021-2030)	1. PPP continues but with carbon neutral goals 2. More measured policy aims with five-year timeframes 3. Younger generations could have a lower tax burden and PSBR	=>	Meets next generation carbon ambitions A sustainable and appropriate future Lower public sector spending and borrowing

3. Potential for Further Exploration Aligned to Carbon Ambitions

The prioritisation below is qualified by the recommendations captured in section 3 of this submission.

Areas covered	Prioritisation considerations
1. Climate Policy: Shared Focus on Increasing Ambition for 2030	Regional centres require greater investment across health, education, local nature restoration and local community infrastructure. 100 years of road infrastructure investment is drawing to a close as technology and locally enhanced communities emerge globally. Policy makers are encouraged to include both information modelling and relevant data analytics to achieve 'future cities' where residents and commuters are carbon neutral and a less transient community is nurtured. A major dietary shift to lower-carbon plant-based food production is required.

2. Resilience in Cities: Sharing Good Practice	The challenges facing urban centres are shifting – from unpredictable climate change and dramatic demographic shifts to aging infrastructure and shrinking resources. But the unprecedented scope and pace of these societal changes are also unleashing immense potential and inspiring new opportunities. How long can governments, for example, continue struggling with infrastructure obligations, intense public scrutiny and the critical need for innovative new ways to finance costly programs? Public sector funding will not be a longer-term option and funders will have clear climate objectives.
3. Valuing Nature: Biodiversity Accounting, Policy and Engagement	Reversal of biodiversity loss requires a range of actions on reversing ecosystems, habitat and species degradation; reversing pollinator decline; reducing chemical use; and enhancing marine protection. Future generations will question decisions made now and in recent years which impact their health and well-being. Areas to consider when making decisions: • Application of data analysis and decisions-making criteria both quantitative and qualitative • Refresh data and outcomes in policy-making as Covid is transforming how we consider and enjoy biodiversity New funding methods - the age of infrastructure being solely public sector funded is coming to an end globally.
4. Renewable Energy, Dialogue and Practice	The first consideration in energy policy should be to reduce energy use demand for industry, heating and transport.
5. Local Wealth Building, Resilience and a Just Transition in Rural Farming Communities	Local public transport and accessibility. Reduced congestion and greener options for regional bus fleets. Land-use planning to be prioritised for housing, sustainable mobility, and the creation of healthy and vibrant communities where services and employment centres are within easy cycling, walking and public transport distance from residential areas.

4. Overarching Sectoral Actions

The Irish government has an opportunity to pause and reinvigorate its climate ambitions as we emerge from Covid. After 100 years of road building, a host of more pragmatic options exist with a lower cost to the public.

4.1 Cross-border grid linkage and electricity market

Decarbonisation action on electricity generation is best advanced by enhancing electricity grid interconnectivity for flexibility of distribution of renewable generation and by a modal shift in cross-border transport generation from car dependence to public transport.

Action on biodiversity requires coordinated cross-border action in the marine area, shared river basin catchments and habitats. The Article 17 Assessment provided by ROI to the European Commission in 2019 on the status of habitats and species shows a high level of poor status particularly in relation to peatlands.

4.2 Climate and biodiversity – the impact of industrial agriculture

The impact of industrial dairy, pig and poultry expansion in both ROI and NI is having multiple adverse impacts on greenhouse gas emissions, ammonia emissions (which has both an adverse human health as well as biodiversity impacts), water quality deterioration, nitrate impacts and wider biodiversity loss.

In ROI, the ammonia pollution thresholds in the EU National Emissions Ceiling Directive has been breached since 2016, largely driven by the increase dairy herd and subject to EU legal infringement complaint (see Appendix 1).

Industrial agricultural expansion in NI has brought the UK as a whole over the Emission Ceiling Directive limits and is having a significant adverse impact on the ROI border counties.

There are particular issues in relation to the transboundary impact of agriculture between ROI and NI that are multiply non-compliant in Environmental Impact Assessment and Appropriate Assessment. The cumulative and cross-border impacts from ammonia, nitrates, slurry generation and transport are not being assessed on a case-by-case basis in individual consents in both jurisdictions, or in assessment and facilitation of consultations on transboundary impacts. There is also the issue of regulatory variance between ROI and NI, causing transboundary impacts. Curtailment of domestic peat sod extraction in NI has resulted in machine cutting contractors traveling from County Derry to the Sliabh Beagh EU designated Special Protection Area in County Monaghan to continue highly damaging extraction (see Appendix 2).

4.3 Climate and biodiversity – the impact of industrial fishing

While UK has introduced Marine Protected Area (MPA) provisions under the OSPAR convention and in advancing the relevant SDG objective, ROI has significantly lagged behind and no legislation is yet in place.

The impact of overfishing and bottom trawling, which has an additional carbon release impact from the sea floor[3], also is not being properly addressed.

4.4 Integrating all-Ireland air quality, climate and biodiversity action

Cooperative all-island air quality action has been mooted for over a decade. In 2016 the Department of Environment for Northern Ireland and the Department of Environment,

[3] https://www.theguardian.com/environment/2021/mar/17/trawling-for-fish-releases-as-much-carbon-as-air-travel-report-finds-climate-crisis

Community and Local Government for the Republic published the "Residential Solid Fuel and Air Pollution Study" through the North South Ministerial Council.

This report considers the impact of PM_{10}, $PM_{2.5}$ and NO_2 on both mortality and morbidity, with coal making the single largest contribution to emissions of PM_{10} and $PM_{2.5}$. It concluded that "*the mortality impact from both PM 2.5 and NO2 to the island of Ireland is estimated to be at least 1700 deaths per year and possibly in excess of 2000 deaths per year*." It should be noted that this report did not provide any consideration of the impact of pollution from transport or agricultural ammonia.

ROI is currently advancing a consultation on restricting smoky solid fuels, which would include coal, peat and wet wood. It is desirable that coherent all-island action be taken to avoid cross-border smuggling.

4.5 Reducing the multiple adverse impacts of car dependence

Although the rapid decarbonisation of the vehicle fleet is imperative in achieving climate targets and enhancing the overall sustainability of transport, this does not at all negate the need for a modal shift away from any type of car use. Electric vehicles still have a major resource consumption impact and continue to emit particle pollutants through brake fluid, tyre wear, etc. Like fossil fuel burning vehicles, they also exacerbate congestion and sedentary lifestyles.

4.5.1 All-island rail opportunities

In countries across the world, rail infrastructure has proven to be well-regulated, safe and an economic enabler. Additionally, its ease and affordability offer well-being and health advantages to all generations. An enhanced Derry-Belfast-Dublin then to Sligo/Galway/ Limerick/Cork/Wexford network which meets the island's new socio-economic requirements aligned to the criteria is welcomed. In a post-Brexit, post-Covid and largely uncertain socio-economic environment, rail presents governments with a sustainable platform. It encourages public safety, trade transparency and social mobility.

4.5.2 Sustainability justification for the Dublin-Derry N2-A5 motorway/dual carriageway scheme

There is no independent analysis on the environmental impact of the construction and upgrade of the N2 (ROI) and A5 (NI), or indeed how it enhances north-south connectivity. A public enquiry is ongoing on the A5 section since 2012, challenging the viability of the Northern Ireland roadway section. Even if the A5 upgrade section is approved, prior to Covid, it had less than 30% of the funding allocation available (most of this has been funded to date by the Irish government). Post-Covid public sector funding will be under significant scrutiny both north and south. Currently a public consultation is underway for the N2 side of the planned upgrade.

It is submitted that the N2-A5 plan is in breach of ROI transport policy, namely Smarter Travel, which advances the following five overarching objectives:

1. *Future population employment growths will predominantly take place in sustainable compact forms which reduces the need to travel for employment and services;*
2. *500,000 more people will take alternative means to commute to work to the extent that the total share of car commuting will drop from 65% to 45%;*
3. *Alternatives such as walking, cycling and public transport will be supported and provided to the extent that these will rise to 55% of total commuter journeys to work;*
4. *The total kilometres travelled by the car fleet in 2020 will not increase significantly from current levels;*
5. *A reduction will be achieved on the 2005 figure for Greenhouse gas emissions from the transport sector.*

While being promoted by the Northern Ireland executive, Minister Nichola Mallon's speech to the NI Policy Forum 21st October 2020 (Appendix 3) focuses on active travel (walking and cycling), greenways, increased public transport, funding to purchase 21 new train carriages, investment in new zero-emission buses, a multi-modal transport hub in Derry, and the Belfast transport hub project. She also discussed the allocation of funding for the feasibility study for the Phase 3 upgrade of the Derry to Belfast railway line and "*the new high speed rail feasibility study that now includes Belfast, Derry, Dublin, Limerick and Cork to form a spine of connectivity and tackle regional imbalance on the island*". Proceeding with the A5 project would contravene these objectives.

5. Recommendations

With the above context and to support aligning efforts around common prioritised goals, below is a set of priority areas to enable decision-making:

Is there one of the 5 areas identified which should be prioritised for more detailed consideration in a shared island context? If so, which one and why?		
Area	**Why?**	**How to measure pre and monitor post policy decision?**
Local Wealth Building, Resilience and a Just Transition in Rural Farming Communities	Local, national and international governance (EU) are aligned on these goals	Overarching use of UN Sustainable Development Goals to measure and enhance progress on health and wellbeing. Investment in energy efficiency and energy decarbonisation, enhanced safe local walking and cycling provision, and plant-based organic food production.
ii. Is there another area not listed in the 5 identified areas that should be considered for further exploration on a shared island basis? If so, what is it and why?		
Area	**Why?**	**How to measure pre and monitor post policy decision?**
Nature Restoration	ROI and NI data show continuing and accelerating biodiversity loss.	Measurement of habitat and species loss and restoration including reversal in the declines in pollinators, water quality, native woodlands and other measurable indicators.
All-island mobility and community led as opposed to nationally led motorways	Current and future generations welcome decarbonised transport; increased access to local amenities via blue-green infrastructure (BGI)	Less focus on motorways and 'national' road ambitions to reduce carbon footprint and restrain automotive usage and focus policy on local communities' requirements.
iii. Are there any points of clarification required in this paper or new issues which should be considered in relation to climate and biodiversity in a shared island context?		
Area	**Why?**	**How to measure pre and monitor post policy decision?**
Timing and approach	Due to socio-economic uncertainty the public will welcome a more pragmatic and shorter-term approach to biodiversity and climate policy	Greater flexibility and opportunity for reflection through migration of planning to shorter timeframes for example 3 year reviews 2021-24; 2024-27 and then 2027-30.

List of Appendices:

Appendix 1: An Taisce legal infringement complaint to the EU Commission on ROI's ongoing breach of the National Emissions Ceiling Directive in relation to ammonia

Appendix 2: Legal Complaint to Monaghan County Council on Habitats Directive infringement and request for enforcement to ensure that turf cutting in European Natura 2000 site at Sliabh Beagh is subject to planning permission regulation and Appropriate Assessment Screening under the Habitats Directive.

Appendix 3: NI Minister Nichola Mallon's speech for NI Policy Forum, 21 October 2020

EUROPEAN COMMISSION

Complaint – Infringement of EU law

Before filling in this form, please read '*How to submit a complaint to the European Commission*': https://ec.europa.eu/assets/sg/report-a-breach/complaints_en/
All fields with * are mandatory. Please be concise and if necessary continue on a separate page.

1. Identity & contact details

	Complainant*	Your representative (*if applicable*)
Title* Mr/Ms/Mrs	Mr	
First name*	Ian	
Surname*	Lumley	
Organisation:	An Taisce – The National Trust for Ireland	
Address*	Tailors' Hall, Back Lane	
Town/City *	Dublin	
Postcode*	D08 X2A3	
Country*	Ireland	
Telephone	01 707 7072	
E-mail	planning@antaisce.org	
Language*	English	
Should we send correspondence to you or your representative*:	X	☐

2. How has EU law been infringed?*

	Authority or body you are complaining about:
Name*	Department of Communications, Climate Action and Environment
Address	29-31 Adelaide Road
Town/City	Dublin
Postcode	D02 X285
EU Country*	Ireland
Telephone	+353 1 687 2000
Mobile	N/A
E-mail	secretary.general@dccae.gov.ie

	Also:
Name*	Department of Agriculture, Food and the Marine
Address	Agriculture House, Kildare Street
Town/City	Dublin
Postcode	D02 WK12
EU Country*	Ireland
Telephone	+353 1 607 2000
Mobile	N/A
E-mail	Brendan.gleeson@agriculture.gov.ie (Secretary General)

2.1 Which **national measure(s)** do you think are in breach of EU law and why?*

FoodWise 2025: It is submitted that the Department of Communications, Climate and Action and Environment as well as the Department of Agriculture, Food and the Marine (DAFM) are acting in breach of the National Emissions Ceiling Directive (NECD) and the Strategic Environmental Assessment (SEA) Directive in relation to DAFM's *FoodWise 2025* strategy, which was subject to SEA. However, the published strategy did not identify accelerating exceedances of ammonia levels in its support for dairy expansion, which has caused the NECD ammonia emissions ceiling threshold to be exceeded since 2016. DCCAE, which has responsibility for air pollution, has failed to effectively act on this breach. They rely on **the Code of Good of Agricultural Practice for Reducing Ammonia Emissions from Agriculture**, a document mandated under the NECD, which sets out entirely voluntary measures and is not effectively reducing ammonia emissions.

2.2 Which is the **EU law** in question?

1) National Emissions Ceiling Directive (NECD) (2016/2284/EU); and
2) Strategic Environmental Assessment (SEA) Directive (2001/42/EC).

2.3 Describe the problem, providing facts and reasons for your complaint* (max. 7000 characters):

1. NECD ammonia breaches

Irish animal agricultural expansion under the Department of Agriculture, Food and the Marine (DAFM) supported ten-year (2015-2025) *FoodWise 2025* strategy has caused the ammonia ceiling threshold to be exceeded since 2016, as evidenced by data published annually by the Irish Environmental Protection Agency (EPA). This exceedance is continuing and increasing as shown by the most recently published data for 2018, published in May 2020.

An Taisce made complaints on 27th April 2020 to the Irish Government Department for Communications, Climate Action and Environment (DCCAE) with responsibility for air pollution, as well as to the Department of Agriculture Food and the Marine (DAFM). A reply was received from DCCAE on 3rd June 2020. To date, no reply has been received from DAFM.

The DCCAE reply does not set out any effective action to bring ammonia air pollution levels back below EU emissions ceiling thresholds in any stated timeframe. The response refers to individual voluntary farm measures proposed by the Department of Agriculture, Food and the Marine (DAFM) in the draft Code of Good Agricultural Practice for ammonia, a document mandated under the National Emission Ceiling Directive (NECD). The reply also makes reference to further changes that are being considered DAFM's Climate and Air Roadmap. However, this Roadmap relies entirely on the Code of Good Agricultural Practice to provide any ammonia reductions, and does not introduce any new measures. In regard to those measures, it was recognised by Teagasc in 2015 (Ireland's Agriculture and Food Development Authority) that significant policy measures would be necessary to implement uptake of ammonia abatement measures, and many could only be implemented at significant cost. Low Emissions Slurry Spreader technology was just one of the multiple measures that Teagasc has indicated would collectively be necessary to achieve NECD compliance, and relying on it alone cannot address the breaches.

The most recent Environmental Sustainability Committee report submitted to the 2030 Agri-Food Strategy group outlined in a table that fertiliser (in tonnes of nitrogen) were projected in 2015 to reach 345,558 tonnes by 2020. The actual reported figure for 2019 was 367,364 tonnes. This report also states that dairy cow numbers have increased by 41% between 2010 and 2019 and that: "*Dairy cow numbers and nitrogen fertiliser use over the period 2012 to 2018 were the most significant drivers of increased ammonia emissions.*" The 2030 Agri-Food Strategy group is a largely agriculture industry led lobby group appointed

to drive and produce the strategy for Irish food, agriculture and the marine, including oversight of the SEA process.

2. SEA Directive Obligations

It is submitted that the Department of Agriculture, Food and the Marine is acting in breach of the Strategic Environmental Assessment (SEA) Directive. DAFM's *FoodWise 2025* strategy was subject to SEA. However, the published strategy did not identify accelerating exceedances of ammonia levels in its support for dairy expansion, which has caused the NECD ammonia ceiling threshold to be exceeded since 2016.

It is further submitted that DAFM has systematically abrogated its responsibility under Article 10 of the SEA Directive. Article 10(1) and (2) set out the provisions for monitoring of a programme subject to SEA and the obligations for remedial action where unforeseen adverse effects arise. Section 8.12 of the 2001 European Commission guidance on the implementation of the SEA Directive states that, *"Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g regarding the predicted intensity of the environmental effect) or unforeseen effects resulting from change of circumstances."*

We also wish to put on record our concern that the Irish EPA, which advises on the SEA process in Ireland, was represented on the DAFM-appointed Committee which approved *FoodWise 2025*, and is not properly exercising its oversight function.

3. Human health impacts

We request that this complaint be given urgent attention in view of potential human health impacts. Research and monitoring on exposure of workers in agricultural facilities with high ammonia levels is not being carried out, despite the potentially greater risk of various health impacts, including respiratory diseases and viruses (Lelieveld, et. al., 2015). NECD ammonia thresholds have been exceeded since 2016, with 98% of ammonia pollution in Ireland caused by agriculture.

We note that Annex I(f) of the SEA Directive provides for the consideration of likely significant effects human health (as well as other impacts).

4. Transboundary impacts with Northern Ireland

Since 2012 the Northern Ireland Department of Agriculture Environment and Rural Affairs has embarked on the animal agriculture intensification strategy "Going For Growth - A strategic action plan", which largely supports the Northern Ireland agri-food industry. Northern Ireland's ammonia levels have also been responsible for pushing the UK overall level in excess of the EU emissions ceiling limit. This has resulted in significantly higher ammonia air pollution levels than the Irish State, with particular trans-boundary impacts on the border counties of Cavan and Monaghan, both due to drifting air pollution from Northern Ireland, and as a result animal wastes being transported south over the border. We request that the trans-boundary issues be addressed as part of this complaint.

5. Irish accommodation of migration of Dutch agriculture emissions

On 3rd July 2020, the Dutch parliament voted to reduce ammonia emissions. In the same week, the Irish state planning consent body, An Bord Pleanála, granted planning permission to a Dutch cheese company, Royal-A-Ware, to develop a new Dutch cheese manufacturing plant adjacent to an existing Glanbia milk powder processing plant at Belview, Slieverue, Co. Kilkenny, near Waterford City (An Bord Pleanála Ref. 306136).

The An Bord Pleanála consent did not address its obligation under the Environmental Impact Assessment Directive to address the direct, indirect and cumulative impacts of the plant, including the milk supply source from the surrounding sensitive catchment area, which covers the Rivers Suir, Nore, and Barrow Special Areas of Conservation.

The Planning Inspector's Report informing the final grant of permission states that: "*The Government and Teagasc have programmes (Code of Good Agricultural Practise and MACC for ammonia emissions) in place to address these [ammonia] emissions with the projected dairy productivity and dairy herd size increase.*" However, these programmes are voluntary and there are no data to indicate that they are effective in reducing ammonia air pollution, which is increasing.

2.4 Does the Country concerned receive (or could it receive in future) EU funding relating to the subject of your complaint?

X Yes, please specify below ○ No ○ I don't know

The TAMS II programme (Targeted Agricultural Modernisation Scheme) includes funding for Low Emissions Slurry Spreader (LESS) technology for reducing ammonia. The scheme is co-funded in Ireland by the National Exchequer and the EU under Ireland's Rural Development Programme 2014-2020.

2.5 Does your complaint relate to a breach of the EU Charter of Fundamental Rights?

The Commission can only investigate such cases if the breach is due to national implementation of EU law.

○ Yes, please specify below X No ○ I don't know

3. Previous action taken to solve the problem*

Have you already taken any action in the Country in question to solve the problem?*

IF YES, was it: ○ Administrative ○ Legal ?

3.1 Please describe: (a) the body/authority/court that was involved and the type of decision that resulted; (b) any other action you are aware of.

An Taisce made complaints on 27th April 2020 to the Irish Government Department for Communications, Climate Action and Environment (DCCAE) with responsibility for air pollution as well as to the Department of Agriculture Food and the Marine (DAFM). A reply was received from DCCAE on 3rd June 2020. The reply did not outline any effective, targeted, or timelined action to reduce ammonia emissions and instead relies on voluntary measures and programmes for which there are no data on efficacy (see above). To date, no reply has been received from DAFM.

3.2 Was your complaint settled by the body/authority/court or is it still pending? If pending, when can a decision be expected?*

DCCAE appeared to consider it settled, but An Taisce contests this as outlined above. No reply was received from DAFM.

IF NOT please specify below as appropriate

○ Another case on the same issue is pending before a national or EU Court
○ No remedy is available for the problem
○ A remedy exists, but is too costly
○ Time limit for action has expired
○ No legal standing (not legally entitled to bring an action before the Court) please indicate why:

⊗ No legal aid/no lawyer
○ I do not know which remedies are available for the problem
○ Other – specify

4. If you have already contacted any of the EU institutions dealing with problems of this type, please give the reference for your file/correspondence:

○ Petition to the European Parliament – Ref:.....
○ European Commission – Ref:.....
○ European Ombudsman – Ref:.....
○ Other – name the institution or body you contacted and the reference for your complaint (e.g. SOLVIT, FIN-Net, European Consumer Centres)

N/A

5. List any supporting documents/evidence which you could – if requested – send to the Commission.

⚠ Don't enclose any documents at this stage.

- Original An Taisce complaints to the Department of Communications, Climate Action and Environment and to the Department of Agriculture Food and the Marine;
- Response to An Taisce from the Department of Communications, Climate Action and Environment;
- Latest EPA data on ammonia emissions;
- Environmental Sustainability Committee report submitted to the 2030 Agri-Food Strategy group (referenced above)
- Lelieveld, et. al. (2015) "The contribution of outdoor air pollution sources to premature mortality on a global scale," Nature, 525 (referenced above)
- Teagasc report (referenced above) regarding the need for significant policy measures to implement uptake of ammonia abatement measures;
- Northern Ireland Department of Agriculture Environment and Rural Affairs animal agriculture intensification strategy "Going For Growth - A strategic action plan" (referenced above)

6. Personal data*

Do you authorise the Commission to disclose your identity in its contacts with the authorities you are lodging a complaint against?

X Yes ○ No

⚠ *In some cases, disclosing your identity may make it easier for us to deal with your complaint.*

An Taisce
The National Trust for Ireland

Eamonn O'Sullivan,
Chief Executive
Monaghan County Council,
The Glen,
Co. Monaghan

Sent by email to: planning@monaghancoco.ie

20th July 2020

Re: 1. Legal Complaint on Habitats Directive Infringement; 2. Request for enforcement of Monaghan County Council to ensure that turf cutting in European Natura 2000 site at Sliabh Beagh is subject to planning permission regulation and Appropriate Assessment Screening under Habitats Directive.

Dear Mr O'Sullivan,

The sub-threshold planning permission exemption for mechanised peat cutting does not apply in European Natura 2000 sites where Appropriate Assessment screening is required for any activity not related to the conservation of the site.

We attach report and map cross-referenced with photos showing four locations where mechanised peat extraction is occurring with bird habitat impact

In addition, there is the removal of a peatland carbon sink for combustion of turf causing greenhouse gas emissions and air pollution where concentrations of burning arise. There is also a water pollution runoff issue with potential trans boundary impact on Northern Ireland.

We request your action attention and what response is proposed.

Yours sincerely,

Ian Lumley
Head of Advocacy
An Taisce – The National Trust for Ireland

Map and Photographic Report on mechanised domestic turf cutting on EU Natura 2000 site Sliabh Beagh Co Monaghan Special Protection Area and Natural Heritage Area under Wildlife Act 1976 29 June 2020.

There is a tourist information panel (Image 1) at the high road vehicle access point at Sliabh Beagh. This was erected by Monaghan County Council, with the Council logo name summarising the ecological importance of the EU/nationally designated site and highlighting its importance to ground nesting birds.



Image 1

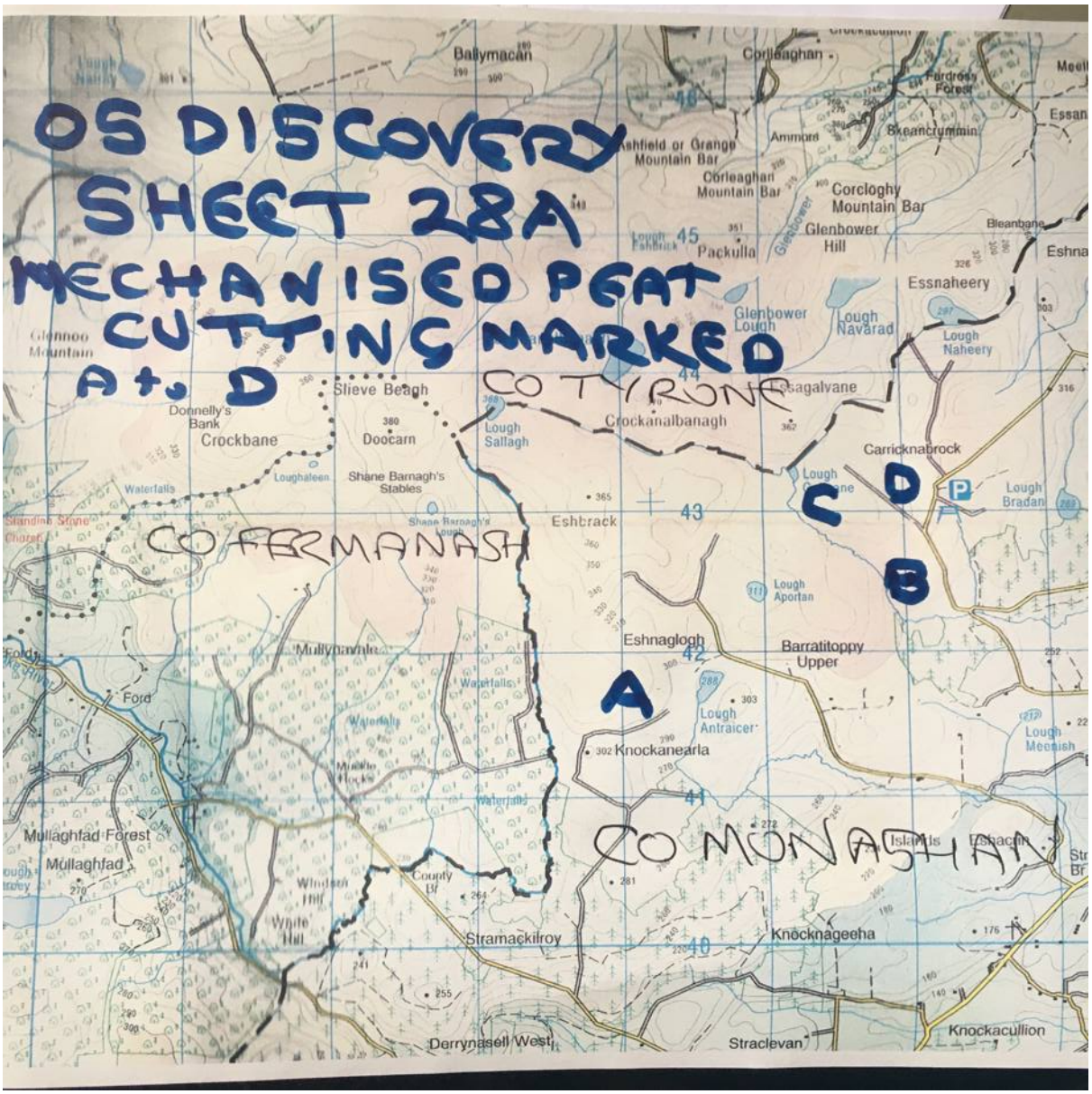


Image 2 Map showing four Mechanised Peat Extraction sites in the SPA

This map indicates the areas where unregulated mechanised domestic turf cutting is occurring without Appropriate Assessment Screening or compliance with Article 6 of the Habitats Directive. A Land registry search does not establish any registered "turbary" rights on land which has been in the ownership of the Rossmore family for over a century before donation to An Taisce in March 2020. The extent of turf cutting which is being sold commercially or used by local families is unclear.



Image 3 Area A with cut turf bagged



Image 4



Image 5



Image 6 Area B with machine



Image 7



Image 8 Area C with machine parked on track leading to cutting site



Image 9 Area D

Appendix 3

Minister Nichola Mallon's speech for NI Policy Forum - 21 October 2020
"I would like to thank Sean for inviting me to participate in the conference and to be – virtually – with you all this morning. "Unfortunately, the last few weeks have shown us all that Covid is a threat still very much with us. As such, our immediate priority must be dealing with the public health emergency. The weeks and months ahead will be challenging for us all. However, my Department and I are committed to doing all we can as part of an Executive wide effort to slow the spread of the virus and protect lives. I believe that the experiences of the past few months have underlined the important role that infrastructure plays in supporting our citizens at this very difficult time. "While I won't in any way, down play the immediate difficulties families, businesses and government will need to overcome, it is important that we do not lose sight of our longer term vision. "In the midst of Covid, in the midst of the climate emergency and in the face of Brexit, we are in unprecedented times, we are in incredibly challenging times but it is exactly at this moment that we should be ambitious, that we need to be creative and be courageous. So I want to share with you all today my vision for infrastructure in Northern Ireland and how I believe it is the foundation to overcoming these challenges and taking us to a better place, economically, socially and environmentally. "Infrastructure is vitally important to our daily lives, our communities, our environment and our economy. We all know that modern and sustainable infrastructure is a key building block of prosperity. Not only will it be an important part of our recovery in the months ahead, but it is also essential if we are to grow our economy, address regional imbalance, improve wellbeing and support a thriving island where people want to live, work, visit and invest. "Infrastructure is also essential in providing the physical connectivity to allow Northern Ireland to compete on the global stage. This critical role and the need for prioritised investment in infrastructure and public services is rightly, at the heart of 'New Decade, New Approach'. All island infrastructure, as we have seen in the recent funding announcement, is also at the heart of the Taoiseach's new Shared Island unit, and turbo- charging infrastructure is, we understand, the focus of Boris' Johnson's recently announced Connectivity Review. "There are new opportunities aligning that can deliver real and positive change for people, especially those who have been left behind and I am excited by that even in the darkness of Covid and the dangers from Brexit. "So what do we need to do to make that change happen? "We need as an Executive to put an end to the long history of short sighted under investment in infrastructure. We need as an Executive, to recognise the simple fact that we cannot deliver the Executive's wider commitments without the underpinning infrastructure in place. "Capital investment in our water and sewerage infrastructure is the foundation for our economy's revival if we want to emerge from what is likely to be the most damaging recession in recent history. The statement – No Drains No Cranes is a

factual one. And this investment is also critical in terms of our public health. In short - Our water and sewerage services are crucial to the continued health and wellbeing of our people, and they are essential for the post pandemic economic recovery. There are over 100 areas here where new development simply cannot connect to the wastewater network due to capacity issues in the system and Belfast is also fast approaching this point.

"Significant investment is absolutely essential to support our recovery because, without it, economic growth here will be virtually impossible.

"And as we look to what we must do to correct wrongs that have gone before, we must also look to what we have learned during this crisis as we move forward. Let's just take a moment to talk about some of the positives that have emerged during this time.

"In the early days of darkness during this pandemic we were given a glimpse of how things could and can be. Quieter roads, safer roads, cleaner air, more families out walking and cycling. I don't want us to lose this. If we simply go back to exactly what we did before, then the huge sacrifices people and families made will have been in vain and we will have wasted a massive opportunity – the opportunity for all of us to enjoy a better quality of life and play our part in tackling the climate crisis.

"Yet to do this, we need to create more opportunities for active travel, as well as safer infrastructure for those who want to walk, wheel and cycle. And as the Infrastructure Minister I need to deliver in this area. I am pleased that we have piloted pop up cycle lanes and pavement widening and have supported innovative solutions such as the Ormeau Road's parklet. I was also keen to establish a new *£20 million capital blue/green infrastructure fund to support the transformation of our communities, promote active travel and shape our places for our new 'normal'. But the truth is – it is only a first step. There is so much more to do.*

"As well as improving health outcomes, I want to ensure that we strengthen our resilience by putting for example, a greater focus on integrated and sustainable drainage systems to protect homes and businesses from the increasing risk of flooding and also ensure we use our green spaces in a way that delivers multiple benefits for residents and the wider community.

"Greenways are to my mind, a wonderful example of this type of positive place shaping. They can help provide a solution to localised flooding problems, while at the same time providing a really popular space where communities can improve their physical and mental health and come together socially distanced, under present circumstances, but still in a way that tackles social isolation which so many of our citizens increasingly suffer from. This is why, as part of my drive to deliver more sustainable infrastructure, I want to develop more green projects that can drive lasting change, enhance our economy and improve lives.

"Public transport provides another means of sustainable transport.

"Before the pandemic, we saw record increases in the use of our public transport network. The introduction of the Glider service saw passenger numbers on the route increase by 30% in its first year of operation. In 2019, NI Railways also recorded its highest ever number of passenger journeys. These results show that investment in infrastructure can change travel behaviour, reduce the reliance on private cars and better connect our communities across this island, helping to advance tourism and economic opportunities.

"To ensure that we continue to grow public transport patronage over the longer

term, my Department has released funding to purchase 21 new train carriages is investing in new zero emission buses, as well as the Multi-modal transport hub in Derry and the Belfast Transport Hub project..

"Rail is, I believe, another area with significant untapped opportunities in helping to deliver greener, cleaner and more sustainable transport and improving connectivity and opportunities for communities. Investing in rail will help address regional imbalance and improve economic and employment opportunities. I have allocated funding for the feasibility study for the Phase 3 upgrade of the Derry to Belfast railway line and am committed to seeing this project delivered as soon as possible. My officials are also working with their counterparts in the South to finalise the terms of reference for the new high speed rail feasibility study that now includes Belfast, Derry, Dublin, Limerick and Cork to form a spine of connectivity and tackle regional imbalance on the island

"And talking of regional and socio-economic imbalance, this is an injustice that needs corrected.

"Too many parts of Northern Ireland are still not realising their potential and there are very significant socio-economic differentials across the North, particularly in urban areas of Belfast, the North West and across a number of our rural areas. I am keen to continue to work to ensure that we start delivering balanced regional growth and no longer leave some of our citizens behind.

"While part of that will be assisted through the development of the Belfast and North West Transport Hubs, and the improvement and expansion of our rail network, my Department is also progressing two Executive Flagship road projects, the A5 and A6.

"The A5 project will greatly enhance the connectivity of the North West, connect communities, address regional imbalance and support our island wide connections, opening up opportunities for citizens and communities.

"There are two schemes on the A6 route currently under construction; the 15 km Randalstown to Castledawson and the 25.5 km Dungiven to Drumahoe schemes which together represent an investment of over £400m.

"My Department also continues to progress other key infrastructure projects including the A1 Junctions safety programme, the iconic Narrow Water Bridge, York Street Interchange and a range of bypass projects. All of these major road improvement schemes will have economic multiplier effects.

"Work also continues with partners to deliver City and Growth Deals across the region to harness additional investment, create new jobs and accelerate inclusive economic growth. These will invest £563m of capital funding from the Executive with equivalent match funding being provided by the UK Government. Much of this investment will be focused on capital infrastructure projects over the next ten to fifteen years. This investment will help to progress many important infrastructure projects like Belfast Rapid Transit Phase 2, the Newry Southern Relief Road and the Lagan Pedestrian and Cycle Bridge. This investment is welcome and can be a real game changer in promoting balanced growth.

"It must be recognised that infrastructure projects have a long lead in time and so we must continue to plan for the long term.

"My officials are continuing to prepare Draft Transport Plans for consultation which are intended to set out the framework for transport policy and investment decisions up until 2035. A key element of these is to ensure new development is planned to

make use of sustainable and inclusive modes of transport.

"I also recently set up a Ministerial Advisory Panel on Infrastructure, made up of a small group of independent experts and key stakeholders with a passion and interest in infrastructure. They were tasked with presenting to me recommendations on how an Infrastructure Commission for Northern Ireland might more effectively support the long term planning and development of our infrastructure. The Panel has undertaken a short, sharp, focused exercise, and I am currently considering their final report and engaging with my Executive colleagues on its findings. I believe this presents an exciting opportunity to do things better and I am keen to see this work develop.

"Whilst the constraints on public finances cannot be ignored and many services are under pressure, not least from the impact of Covid, this should not limit our ambitions. We need to plan now for the long-term, investing to create opportunities for our people and tackle head-on the challenges facing our economy, society and environment.

"In closing, having modern and sustainable water, drainage and transport networks is essential if we are to grow our economy and improve the lives of everyone. As part of the COVID-19 recovery work, and as longer term plans develop in our Programme for Government, our infrastructure has a critical role to play in addressing the key barriers to economic growth across all parts of Northern Ireland is recognised.

"Without investment in infrastructure, particularly water and sewerage services, new developments whether they are private or social housing, hotels, schools or hospitals will simply not be able to happen.

"Continued investment in our transport infrastructure is needed to ensure we play our part in meeting our climate change commitments for the future whilst also ensuring we provide a fast, efficient and safe transport networks to help with our COVID-19 recovery.

"Finally, as we move towards a new future, a new normal, we must be bold and work together to bring about the change needed to build a better future that delivers more for our citizens, socially and economically, delivering cleaner, greener and healthier communities.

"Thank you for the opportunity to speak today, I welcome any questions from the floor."