

ICMSA concerned by anomalies in EIA Regulations covering field drainage

The Deputy President of ICMSA, Mr. John Comer, has expressed his concern at two pieces of environmental legislation due to be signed into law today. Mr. Comer stated that he expected more consultation on regulations which will have a significant permanent impact on farming activity, and he believes that the low thresholds in the regulations represent yet another layer of bureaucracy in terms of screening, consent and the requirement for formal planning applications for work long considered normal. The pieces of legislation are being signed by Minister Hogan and Minister Coveney and deal with the requirement for notification and permission in relation to land drainage, restructuring of land and the use of uncultivated land, semi-natural areas for intensive agricultural purposes and drainage of wetlands and they arise out of a European Court of Justice ruling.

Mr Comer stated that ICMSA is especially alarmed by the fact that no provisions are contained within the regulations for an appeal mechanism to the screening process and ICMSA have formally proposed to the Department that this lack of an appeals mechanism must be rectified. ICMSA believes it to be completely unrealistic to provide only for a judicial review which is prohibitively expensive and the Minister is obliged to consider more low cost alternatives that farmers might use. The Deputy President also singled out for particular criticism the provision for third party involvement in the review process saying that it will undoubtedly result in unnecessary costs and delays to farming activities.

With regard to the EIA, Mr. Comer said that he most certainly doesn't want the process 'turned into an industry'. He stated that ICMSA will be looking for detailed guidelines to ensure that the number of EIAs demanded by the Department will be kept to a minimum.

In relation to drainage, he stated that there are significant tracts of agricultural land in the country that has been drained by systems dating back to the 19th century. These field drainage systems require not alone routine maintenance but often partial or total replacement and this type of normal drainage work must not be included in the thresholds now being put in place. The ICMSA has raised this issue with the Department of Agriculture and it will be one of the key aspects which ICMSA will be seeking direct provision for in the detailed guidelines that will follow the legislation. In the Association's understanding of European law and regulations, existing drainage systems are not covered by the EIA

Mr. Comer concluded by stating that ICMSA will be actively engaging with the Department in relation to the guidance document pertaining to the regulations and will be seeking to iron-out the many deficiencies, shortcomings and anomalies that undoubtedly currently exist.

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