

Cessation of Turf Cutting Compensation Scheme (CTCCS) – Appeals to the Peatlands Council

Terms of Reference

Introduction

1. The remit of the Peatlands Council, as decided by Government, provides that the Council, in consultation with the Minister for Arts, Heritage and the Gaeltacht (“the Minister”), may decide to establish an Appeals Sub-Group to hear appeals in relation to compensation applications made under the **Cessation of Turf Cutting Compensation Scheme (“the Scheme”)** that have been refused by the Department of Arts, Heritage and the Gaeltacht (“the Department”) and to make recommendations to the Minister, who will have the final say in relation to such matters.
2. These Terms of Reference set out the role, structures and operational procedures governing the Appeals Process set against the Qualifying Criteria to be eligible for compensation under the Scheme.
3. These Qualifying Criteria are provided for in Appendix III in respect of Special Area of Conservation sites (“SACs”) and Appendix IV in respect of Natural Heritage Area sites (“NHAs”). Both the Department and the Peatland’s Council make decisions in relation to the eligibility of an applicant for compensation under the Scheme pursuant to the Qualifying Criteria of the Scheme. Appeals to the Peatlands Council are therefore judged on a review of the facts and the application of the Qualifying Criteria to those facts.
4. It is not open to the Peatlands Council to recommend entry to the Scheme for any individual that does not meet the Qualifying Criteria. However, for reasons of equity, the Council may refer any concerns it may have arising from the application of the Qualifying Criteria or the Qualifying Criteria themselves to the Minister with recommendations for altering the terms of the Scheme.
5. The Minister will consider any such recommendations made and revert in writing to the Council with his or her views in relation to them.

Role of the Department, internal review and appeal to the Peatlands Council

6. The Department will operate a two stage decision process; 1) an Initial Assessment and 2) Departmental Review.
7. The Initial Assessment as to whether or not an applicant is eligible for compensation under the Scheme will be undertaken by an officer at Higher Executive Officer level based on the application before him or her and any related information. A decision taken at this level may follow an iterative engagement with the applicant where additional information may be sought (e.g. regarding land ownership etc).

8. Where, following the Initial Assessment, the Department decides that an applicant under the Scheme does not fulfill the Qualifying Criteria, the applicant will be provided with an opportunity to seek a Departmental Review of that decision by an official at Assistant Principal Officer level. A request for a Departmental review must be made within **20 working days** of receipt of the letter setting out the initial decision that the applicant is not eligible for compensation under the Scheme (the making of a late request may be permitted in appropriate circumstances).
9. Where this Departmental Review process upholds the initial decision, in whole or in part, the applicant will then be afforded an opportunity to bring an appeal to the Peatlands Council. An appeal to the Peatlands Council must be made within **30 working days** of receipt of the letter setting out the Departmental review decision that the applicant is not eligible for compensation under the Scheme (the making of a late request may be permitted in appropriate circumstances).

Structures of Appeals Sub-Group of the Peatlands Council

10. The Appeals Sub-Group of the Peatlands Council (ASG) will consider appeals by an applicant under the Scheme in circumstances where it has been decided on the Initial Assessment by the Department that the applicant does not fulfill the Qualifying Criteria of the Scheme and this decision has been upheld following a Departmental Review.
11. The ASG will be comprised of three members of the Peatlands Council representing turf cutters and representing Non-Governmental Organisations. The Secretary to the Peatlands Council will support the work of this ASG.
12. Membership of the ASG will be for a 12 month period, subject to review if the time commitments involved prove to be too onerous for the members in question.
13. Should a member of the ASG need to absent himself/herself from considering an appeal on which he/she may have a conflict of interest, a replacement member will be sought to consider the appeal in question. The balance of the composition of the ASG will be borne in mind when a replacement is being chosen.
14. The nominal role of Chair of the ASG shall be decided at the beginning of each meeting.
15. The consideration of an appeal would normally be completed by the ASG within 40 working days of the receipt of an appeal. The only exception to this is if the appellant has further supporting documentation which he/she wishes to provide to the ASG. In such a case consideration of the appeal would normally be completed by the ASG within 40 working days of receipt of this further documentation.

Format of Appeals to the ASG

16. The ASG will consider appeals in paper format only, that is, there will be no site visits or interviews of applicants, except where the ASG decides that it cannot consider an appeal in paper format alone.
17. Any issue dealing with accessibility (e.g. difficulty in completing paperwork etc. due to a disability) should be dealt with by the Department during the Initial Assessment and/ or at the Departmental Review stages.
18. When an appeal is received by the Peatlands Council, the Secretary to the Peatlands Council will acknowledge receipt of the appeal. The acknowledgement letter will normally issue to an appellant within 14 working days of the receipt of a request for an appeal.
19. The Secretary will contact the Department to inform the Department that an appeal has been received normally within 14 working days of the receipt of a request for an appeal. The Department will then forward all relevant documentation to the Secretary for consideration by the ASG within 20 working days of the receipt of the letter from the Secretary.
20. The Secretary will provide the appellant with the opportunity to provide any further documentation which he/she had not previously provided to the Department and which he/she thinks would support his/her case. Should the appellant have any such documentation, the appellant should indicate same by contacting the Secretary by phone or by email within ten working days of receipt of an acknowledgement letter from the Secretary. This material must be submitted within 20 working days of receipt of this letter (the submission of material after this deadline may be permitted in appropriate circumstances). Should the appellant submit further documentation in support of his/her application to the Secretary, this material will be submitted to the Department so that it can provide a response to the material to the ASG. The response of the Department must be submitted within 20 working days of the receipt of the material by the Department.
21. Any additional material which an appellant submits to support his/her appeal must be in a format that can be readily understood and considered by the ASG.
22. In deciding on an appeal the ASG will consider the documentation provided by the Department, any additional documentation provided by the appellant and any response provided by the Department to same.
23. In deciding upon the appeal the ASG:
 - i. Will consider whether the Department's decision was in accordance with the Qualifying Criteria of the Scheme; and

- ii. Will consider whether the Department has taken into consideration all relevant documentation provided by the appellant.

Timeline

24. It is proposed that, similar to the notices which issue from the Department informing an applicant that he/she is deemed not to fulfill the Qualifying Criteria of the Scheme, the acknowledgement letter from the Secretary will state to the appellant that:
 - a. the appeal will be considered by the ASG and that the recommendation of the ASG will normally be forwarded to the Peatlands Council within 40 working days of the receipt of the appeal for its consideration;
 - b. the Peatlands Council, having considered the recommendation of the ASG, will then inform the Minister in writing of its recommendation. The Peatlands Council will normally make its recommendation to the Minister or will decide not to make a recommendation to the Minister within 40 working days of the receipt of the recommendation of the ASG; and
 - c. once the Peatlands Council has forwarded its recommendation to the Minister or has decided not to make a recommendation to the Minister, the appellant will be informed in writing that this has happened, and that he/she should expect the final decision of the Minister normally within 40 working days from the date that the recommendation was forwarded to the Minister.

A template acknowledgement letter from the Secretary of the Peatlands Council is attached in Appendix I.

Peatlands Council recommendations to the Minister

25. The consideration of the ASG's recommendations by the Peatlands Council may take place at a plenary meeting of the Council or by written procedure following the circulation of recommendations to the Council by the Secretary or by both means.
26. In considering the ASG's recommendations, the Peatlands Council will examine whether the ASG has acted in accordance with paragraphs 22 and 23 above.
27. The Peatlands Council may decide to accept a recommendation of the ASG, to amend a recommendation of the ASG, to reject the recommendation or to send the recommendation back to the ASG for further consideration. Decisions of the Council on a recommendation of the ASG will be made by unanimity.
28. If the Peatlands Council decides to accept a recommendation of the ASG or to amend a recommendation of the ASG, the Council will forward its recommendation or amended recommendation to the Minister, unless the Council decides not to make

a recommendation to the Minister. The Secretary to the Peatlands Council will normally inform the appellant of the Peatlands Council's recommendation within 14 working days of the Council making its recommendation to the Minister.

29. If the Peatlands Council decides not to make a recommendation to the Minister, the Council will normally inform the appellant of its decision and the reasons for its decision via the Secretary within 14 working days of the Council making its decision.

Reasons for Decisions

30. The Department shall give reasons for its decisions in writing on any application at both the Initial Assessment and Departmental Review stage.

The ASG and the Peatlands Council shall give reasons in writing for its recommendations on any appeal.

The Minister shall give reasons for his or her decision on any recommendation made by the Peatlands Council.

Reasons for decisions or recommendations shall refer to the Qualifying Criteria of the Scheme to which the decision or recommendation relates.

Entry into Force

31. These Terms of Reference come into effect from X date and may be amended from time to time by the Peatlands Council, in consultation with the Minister.
32. A table summarising the various timelines is set out in Appendix II

Appendix I

The Peatlands Council



XX XX
XX XX
Co. XX

XX XX 2014

XX Special Area of Conservation (SAC)
Co. XX
Site Code: XX

Cessation of Turf Cutting Compensation Scheme
Appeal to the Peatlands Council
NPWS Ref: CS/XX/XX

Dear XX,

I refer to your appeal to the Peatlands Council in relation to the decision made by the Department of Arts, Heritage and the Gaeltacht on your application under the Cessation of Turf Cutting Compensation Scheme (CTCCS).

An Appeals Sub Group (ASG) has been established by the Peatlands Council which will meet to consider your appeal. The ASG will consider your appeal on the basis of the documentation supplied by the Department pertaining to your case.

I will now be writing to the Department to request all such documentation. Should you have any further documentation which you have not previously provided to the Department and which you think would support your case, please indicate this by contacting me by phone (01-8883207) or by email (peatlandscouncil@ahg.gov.ie) within ten working days of receipt of this letter. This material must be submitted by email to the address above or by post to *The Secretary, Peatlands Council, PO Box 12070, Dublin 2* within 20 working days of receipt of this letter (the submission of material after this deadline may be permitted in appropriate circumstances). The Department will be given an opportunity to comment on this further material, which will then be considered by the ASG at its appeal meeting.

The consideration of your appeal would normally be completed by the ASG within 40 working days of the receipt of your application (XX XX 20XX). This would mean that this stage of the process will be completed by XX XX 20XX. The only exception to this is if you have further supporting documentation which you wish to provide, in which case consideration of your appeal

would normally be completed by the ASG within 40 working days of receipt of this further documentation.

Once your appeal has been considered by the ASG, it will forward its recommendation to the Peatlands Council, which will decide whether to accept, amend or reject the ASG's recommendation. The Peatlands Council will then write to the Minister for Arts, Heritage and the Gaeltacht to inform her of the Council's recommendation, unless the Peatlands Council decides not to make a recommendation to the Minister. The Peatlands Council will normally make its recommendation to the Minister or will decide not to make a recommendation within 40 working days of the receipt of the recommendation of the ASG.

The final decision on a recommendation of the Peatlands Council is made by the Minister. The final decision of the Minister will normally be made and forwarded to you in writing within 40 working days from the date that the recommendation was forwarded to the Minister.

I will inform you of the Peatlands Council's recommendation normally within 14 working days of the Council making its recommendation to the Minister.

If the Peatlands Council decides not to make a recommendation to the Minister I will inform you of the Council's decision normally within 14 working days of the Council making its decision.

Yours sincerely,

Dave Farrell
Secretary

Peatlands Council, PO Box 12070, Dublin 2
Tel: (01) 888 3207 **Email:** peatlandscouncil@ahg.gov.ie

Appendix II - Cessation of Turf Cutting Compensation Scheme (CTCCS) – Appeals to the Peatlands Council – Timelines

Stage of Appeals Process	Timeline
Request for Departmental Review	Within 20 working days of receipt of the letter setting out the initial decision of the Department
Appeal to the Peatlands Council	Within 30 working days of receipt of the letter setting out the Departmental review decision
Acknowledgement letter from the Secretary to the Peatlands Council to the appellant	Within 14 working days of the receipt of a request for an appeal
Letter from the Secretary to the Peatlands Council to the Department informing the Department that an appeal has been received.	Within 14 working days of the receipt of a request for an appeal
Submission of documentation by Department for consideration by ASG	Within 20 working days of receipt of the request from the Secretary to the Peatlands Council
Appellant informs the Secretary to the Peatlands Council that he/she has further documentation for consideration by ASG	Within 10 working days of receipt of the acknowledgement letter from the Secretary
Submission of further documentation to the Secretary to the Peatlands Council for consideration by the ASG	Within 20 working days of receipt of the acknowledgement letter from the Secretary
Response by the Department to further documentation submitted by the appellant to the Secretary to the Peatlands Council	Within 20 working days of receipt of the documentation by the Department
Consideration of appeal by ASG and forwarding of recommendation to the Peatlands Council	Within 40 working days of receipt of the appeal
Consideration of recommendation of ASG by the Peatlands Council and making of recommendation to the Minister	Within 40 working days of receipt of the recommendation of the ASG
Consideration of recommendation of ASG and deciding not to make a recommendation to the Minister	Within 40 working days of receipt of the recommendation of the

	ASG
Final decision of the Minister on a recommendation of the Peatlands Council	Within 40 working days of receipt of the recommendation of the Peatlands Council
Appellant informed of recommendation of the Peatlands Council to the Minister	Within 14 working days of the Council making its recommendation to the Minister
Appellant informed that the Peatlands Council has decided not to make a recommendation to the Minister	Within 14 working days of the Council making its decision

APPENDIX III



An Roinn
Ealaíon, Oidhreachta agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht

Details of the Cessation of Turf Cutting Compensation Scheme – Special Areas of Conservation

The Minister for Arts, Heritage and the Gaeltacht (“the Minister”) established the Cessation of Turf Cutting Compensation Scheme (“the Scheme”) to compensate land owners and turbary right holders affected by the restrictions on turf cutting on the 53 raised bog Special Areas of Conservation (“SACs”). This Scheme is administered by the Department of Arts, Heritage and the Gaeltacht on behalf of the Minister.

A. Compensation Arrangements

The following two Compensatory Arrangements are available under the Scheme:

1. Annual Payment Scheme

A payment of €1,500¹ per annum (index linked) for 15 years together with a once-off incentive payment of €500 further to the signing of a legal agreement with the Minister. Payments will only be made by Electronic Fund Transfer to a Bank Account or to certain Credit Union Accounts.

OR

2. Bog Relocation Scheme

As an alternative to financial payments and, where feasible, qualifying applicants will be facilitated in relocating to non-designated sites to continue turf cutting. While applicants are waiting for relocation sites to be investigated, prepared and developed, they may, on an interim basis, opt for the annual payment under the Annual Payment Scheme or opt to receive an annual supply of 15 tonnes of cut turf delivered to their homes. Under these interim arrangements an applicant who opts to receive an annual supply of 15 tonnes of cut turf, while awaiting relocation, may request the provision of turf to other family members who had been sourcing turf

¹ Base year 2011 current payment (2014) is €1,521 per annum.

from the bog plot. A form, which will be provided by the Department, must be completed for this purpose. The maximum amount of turf that can be supplied to another family member per year is 15 tonnes.

The terms and conditions relating to relocation will take account of any interim payments or deliveries of turf made.

Bog Relocation Scheme - Shared Facebank Model

In the relocation site on a non-designated bog, the facebank is shared and an area of spread ground is assigned to each relocating turf cutter for his/her sole use. The spread ground will be of a sufficient size to accommodate approximately 12 (10 sod) hoppers of turf.

Each relocating turf cutter may extract turf from the relocation site until his/her hopper allocation has been exhausted up to a maximum of 650 hoppers of turf or for 65 years (whichever comes first).

Each relocating turf cutter's allocation (number of hoppers of turf) in a relocation site will be calculated on the basis of the amount of uncut high bog which that applicant had remaining within the raised bog in the SAC. An additional 10% will be added. If the applicant had more than 500 hoppers remaining within the SAC, he/she will receive an additional 20% per 100 hoppers over the 500 hopper limit. The overall allocation is subject to an upper threshold (650 hoppers). The minimum allocation is fifty hoppers.

The hopper allocation calculations are carried out by Bord na Móna on behalf of the Department.

The Department is open to the consideration of other relocation models.

Legal Agreements

Under the Scheme, in order to finalise compensation arrangements, applicants must sign a legal agreement with the Minister.

By entering into this agreement, the Minister is agreeing to provide the applicant with the compensation as outlined in the legal agreement.

By entering into this agreement, the applicant is undertaking to no longer cut turf on any SAC.

The signing and returning of the legal agreement in duplicate will allow the Department to provide the applicant with a €500 once-off incentive payment.

Under the Scheme, there are three types of legal agreements being issued by the Department:

- The first is a legal agreement for qualifying turf cutters who are signing up to the annual payment of €1,500, index-linked, for 15 years.
- The second is a relocation interim legal agreement for qualifying turf cutters who have expressed an interest in relocation but no relocation site is currently available for them to relocate to. This relocation interim legal agreement provides for the payment of €1,500, index-linked, or a supply of 15 tonnes of cut turf per annum, while these turf cutters are awaiting relocation to non-designated bogs.
- The third is a relocation final legal agreement. This agreement is for qualifying turf cutters where a site has been assessed as suitable for relocation and is ready, or can be made ready, for use for domestic turf cutting.

Under the Scheme there will be no transfer of ownership of lands to the Minister. Nor will the ownership of any turbary rights transfer to the Minister.

However, these rights may no longer be exercised for as long as the site remains protected under EU and Irish law.

When application forms have been returned to and assessed by the Department, the applicable legal agreement will be sent to the qualifying applicant by the Department for completion, in due course.

B. Eligibility for inclusion within the Cessation of Turf Cutting Compensation Scheme

Cessation of Turf Cutting Compensation Scheme – Qualifying Criteria

The Qualifying Criteria in order for an applicant to be eligible for compensation under the Scheme are as follows:

- The applicant has a legal interest in one of the 53 Raised Bog SACs – either ownership or a turbary right (right to cut turf) (“the required Legal Interest”);
- The applicant must have had the sole and exclusive right to cut and remove turf from the property on 25th May 2010;
- The applicant must have been cutting turf on the land in question during the five year period up to the 25 May 2010 in respect of the 29 raised bog SACs nominated for designation between 1997 and 1999 (please see Appendix I) and up to 31 December 2011 in respect of the 24 raised bog SACs nominated for designation in 2002 (please see Appendix II).
- The turbary right/turf resource has not been exhausted; and
- No turf cutting or associated activity is ongoing on the property or has occurred from 1 January 2011 for the 29 raised bog SACs or from 1 January 2012 for the 24 raised bog SACs.

Lack of documentation to prove required Legal Interest (ownership or a turbary right)

- I. An applicant, who does not have or cannot provide the documentation required to prove that he or she has the required Legal Interest (ownership or a turbary right), should complete the application form in as much detail as possible and return it to the Department together with specific details in writing of his/her claim for compensation.
- II. The application form and specific details will be considered by the Department and a decision taken as to whether or not the applicant is considered eligible for compensation under the Scheme.
- III. The Department will require such applicants to provide a sworn affidavit setting out the circumstances under which the applicant claims to have acquired the title to the bog plot or acquired the necessary turbary right over the bog plot and may require the applicant to provide additional documentation.
- IV. The Department will provide a template of the affidavit to be sworn and will advise each applicant of any additional documentation required.

Loss of turf as a source of domestic fuel for more than one household

- (a) Where the owner of a bog plot or the holder of the turbary right to the bog plot is at the loss of turf as a source of domestic fuel for more than one household because of the restrictions on turf cutting on the 53 raised bog SACs, each separate household may apply for compensation under the Scheme by completing the application form and returning it to the Department.
- (b) Where an applicant does not have the required Legal Title (is not the owner of the bog plot or does not have the turbary right) :
 - a. He/she must provide in writing specific details of his/her claim for compensation to the Department, for example, relationship to legal title holder, number of years turf was cut for him/her on the bog plot, and the estimated quantity of turf cut for him/her on the bog plot per year.
 - b. The application form and specific details will be considered by the Department and a decision taken as to whether or not the applicant is considered eligible for compensation under the scheme.
 - c. The Department will require the applicant to provide:
 - A sworn affidavit indicating that turf had been cut on the bog plot for his/her own separate household with the consent of the legal title holder; and

- A sworn affidavit from the legal title holder indicating that turf had been cut on the bog plot for the Cessation of Turf Cutting Compensation Scheme applicant with the consent of the legal title holder.
- d. The Department may require the applicant to provide additional documentation.

Turf cut on a bog plot in 2011, 2012 or both

It is a requirement of the Scheme that turf is not cut on the 53 raised bog SACs from the cut off dates set out above.

Where turf has been cut on a bog plot in 2011, 2012 or both, an individual may apply for compensation under the Scheme. An applicant in these circumstances should complete the application form and return it to the Department together with specific details of his/her claim in writing. Such applicants will not receive compensation for the years that turf was cut on their bog plots but may be eligible for compensation for other years. The 15 year payment period will be reduced accordingly.

How to apply for compensation under the Cessation of Turf Cutting Compensation Scheme

The closing date for applications generally has passed. However, the Department will continue to accept late applications for compensation under the scheme for the time being. Applications must be made on the applicable Cessation of Turf Cutting Compensation Scheme application form.

Please note that there is a different application form applicable to those who had been cutting on the 29 raised bog Special Areas of Conservation (which closed for cutting on 25 May 2010) and the 24 raised bog Special Areas of Conservation (which closed for cutting on 31 December 2011).

The completed application form must be returned to the **Site Protection Unit, National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Newtown Road, Wexford** together with a map showing clearly the location of the bog plot and any documentation demonstrating the required legal interest in the plot.

Applicants interested in relocation to a non-designated bog must tick the appropriate box on the application form.

Requests for application forms and further information

To request an application form and/or if you have any questions in relation to the Scheme please contact the Site Protection Unit, **by post at Site Protection Unit, National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Newtown**

Road, Wexford or by telephone at **Lo-Call 1890 253147 or (053) 9117310**, or by email designated.bogs@ahg.gov.ie.

Applications forms are also available for download. Please ensure that you download the correct application form and print the form in colour.

Appeal against a decision of the Department that an applicant is not eligible for compensation under the Cessation of Turf Cutting Compensation Scheme

In the event that an applicant receives a letter from the Department indicating that an official of the Department has decided that he/she is not eligible for compensation under the Cessation of Turf Cutting Compensation Scheme, the applicant may request a Departmental review of this decision.

A Departmental review involves a reconsideration of the matter by a more senior member of the staff of the Department. To request a Departmental review, the applicant must write to the **Site Protection Unit, National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Newtown Road, Wexford**, referring to the decision.

Supporting documentation may be provided with the request, if the applicant so wishes. A request for a Departmental review must be made within **20 working days** of receipt of the letter setting out the initial decision that the applicant is not eligible for compensation under the Scheme (the making of a late request may be permitted in appropriate circumstances).

In the event that the decision that the applicant is not eligible for compensation under the Cessation of Turf Cutting Compensation Scheme is upheld at the Departmental review stage, the applicant may appeal against the decision to the Peatlands Council. Details of how to appeal will be provided to the applicant if the decision is upheld at the Departmental review stage.

APPENDIX I

SAC 1997 - 1999 – Raised Bog

No#	Year	Site Code	Site Name	County
1	1997	000006	Killyconny Bog (Cloghbally)	Cavan/Meath
2	1997	000231	Barroughter Bog	Galway
3	1997	000248	Cloonmoylan Bog	Galway
4	1997	000285	Kilsallagh Bog	Galway
5	1997	000296	Lisnageeragh Bog and Ballinstack Turlough	Galway
6	1997	000301	Lough Lurgeen Bog/ Glenamaddy Turlough	Galway
7	1997	000326	Shankill West Bog	Galway
8	1997	000382	Sheheree (Ardagh) Bog	Kerry
9	1997	000391	Ballynafagh Bog	Kildare
10	1997	000497	Flughany Bog	Mayo/Sligo
11	1997	000566	All Saints Bog and Esker	Offaly
12	1997	000572	Clara Bog	Offaly
13	1997	000575	Ferbane Bog	Offaly
14	1997	000580	Mongan Bog	Offaly
15	1997	000581	Moyclare Bog	Offaly
16	1997	000582	Raheenmore Bog	Offaly
17	1997	000585	Sharavogue Bog	Offaly
18	1997	000592	Bellanagare Bog	Roscommon
19	1997	000597	Carrowbeh/Caheer Bog	Roscommon
20	1997	000600	Cloonchambers Bog	Roscommon
21	1997	000604	Derrinea Bog	Roscommon
22	1997	000614	Cloonshanville Bog	Roscommon
23	1997	000641	Ballyduff/Clonfinane Bog	Tipperary
24	1997	000647	Kilcarren-Firville Bog	Tipperary
25	1997	000679	Garriskil Bog	Westmeath
26	1997	001242	Carrownagappul Bog	Galway
27	1997	001818	Lough Forbes Complex	Longford/Ros
28	1997	002110	Corliskea/Trien/Cloonfelliv Bog	Galway/Ros
29	1999	000297	Lough Corrib	Galway/Mayo
	1997	000457 now	Derrynabrock Bog	Mayo/Roscommon

		002298		
	1997	000547 now 002298	Tawnaghbeg Bog	Mayo

APPENDIX II

SAC 2002 – Raised Bog

No#	Year	Site Code	Site Name	County
30	1997 2002	000440	Lough Ree	Ros/LD/WM
31	2002	000595	Callow Bog	Roscommon
32	2002	002298	River Moy	Mayo/Ros/Sligo
33	2002	002331	Mouds Bog	Kildare
34	2002	002332	Coolrain Bog	Laois
35	2002	002333	Knockacoller Bog	Laois
36	2002	002336	Carn Park Bog	Westmeath
37	2002	002337	Crosswood Bog	Westmeath
38	2002	002338	Drumalough Bog	Roscommon
39	2002	002339	Ballynamona Bog and Corkip Lough	Roscommon
40	2002	002340	Moneybeg and Clareisland Bogs	Meath/Westmeath
41	2002	002341	Ardagullion Bog	Longford
42	2002	002342	Mount Hevey Bog	Meath/Westmeath
43	2002	002343	Tullaher Lough and Bog	Clare
44	2002	002346	Brown Bog	Longford
45	2002	002347	Camderry Bog	Galway
46	2002	002348	Clooneen Bog	Longford
47	2002	002349	Corbo Bog	Roscommon
48	2002	002350	Curraghlehanagh Bog	Galway
49	2002	002351	Moanveanlagh Bog	Kerry
50	2002	002352	Monivea Bog	Galway
51	2002	002353	Redwood Bog	Tipperary
52	2002	002354	Tullaghanrock Bog	Roscommon
53	2002	002356	Ardgraique Bog	Galway

APPENDIX IV



An Roinn
Ealaíon, Oidhreachta agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht

Details of Cessation of Turf Cutting Compensation Scheme – Natural Heritage Areas

The Minister for Arts, Heritage and the Gaeltacht (“the Minister”) has extended the Cessation of Turf Cutting Compensation Scheme (“the Scheme”) to compensate land owners and turbary right holders affected by the restrictions on turf cutting on 36 raised bog Natural Heritage Areas (NHAs) (list of 36 NHAs contained in Appendix A). This Scheme is administered by the Department of Arts, Heritage and the Gaeltacht on behalf of the Minister.

The compensation scheme is available to turf cutters from 2014. However, turf cutters on these sites may, if they wish, continue to cut turf until 2017 provided there is no intensification of cutting and then apply for this compensation scheme. The effective cessation date of turf cutting on the 36 NHAs is 1 January 2017 – turf cutting on these sites may continue, subject to an individual consent provided by the Minister for Arts, Heritage and the Gaeltacht, until this date. Turf cutters who wish to continue turf cutting must obtain individual consents from the Minister for Arts, Heritage and the Gaeltacht. Consent application forms may be obtained on request from the **Department of Arts, Heritage and the Gaeltacht, Site Protection Unit, National Parks and Wildlife Service, Newtown Road, Wexford, Lo-Call 1890 253 147 or (053) 9117310, or designated.bogs@ahg.gov.ie**

I. Compensation Arrangements

The following Compensatory Arrangements are available under the Scheme:

1. Annual Payment Scheme

A payment of €1,521 (for 2014) per annum (index linked) for 15 years together with a once-off incentive payment of €500 further to the signing of a legal agreement with the Minister. Payments may only be made by Electronic Fund Transfer to a Bank Account or to certain Credit Union Accounts.

2. Bog Relocation Scheme

As an alternative to financial payments and, where feasible, qualifying applicants will be facilitated in relocating to non-designated sites to continue turf cutting.

While applicants are waiting for relocation sites to be investigated, prepared and developed, they may, on an interim basis, opt for the annual payment under the Annual Payment Scheme or opt to receive an annual supply of 15 tonnes of cut turf delivered to their homes. Under these interim arrangements an applicant who opts to receive an annual supply of 15 tonnes of cut turf, while awaiting relocation, may request the provision of turf to other family members who had been sourcing turf from the bog plot. A form, which will be provided by the Department, must be completed for this purpose. The maximum amount of turf that can be supplied to another family member per year is 15 tonnes.

The terms and conditions relating to relocation will take account of any interim payments or deliveries of turf made.

Bog Relocation Scheme - Shared Facebank Model

In the relocation site on a non-designated bog, the facebank is shared and an area of spread ground is assigned to each relocating turf cutter for his/her sole use. The spread ground will be of a sufficient size to accommodate approximately 12 (10 sod) hoppers of turf.

Each relocating turf cutter may extract turf from the relocation site until his/her hopper allocation has been exhausted up to a maximum of 650 hoppers of turf or for 65 years (whichever comes first).

Each relocating turf cutter's allocation (number of hoppers of turf) in a relocation site will be calculated on the basis of the amount of uncut high bog which that applicant had remaining within the raised bog in the Natural Heritage Area. An additional 10% will be added. If the applicant had more than 500 hoppers remaining within the NHA, he/she will receive an additional 20% per 100 hoppers over the 500 hopper limit. The overall allocation is subject to an upper threshold (650 hoppers). The minimum allocation is fifty hoppers.

The hopper allocation calculations are carried out by Bord na Móna on behalf of the Department.

The Department is open to the consideration of other relocation models.

Legal Agreements

Under the Scheme, in order to finalise compensation arrangements, applicants must sign a legal agreement with the Minister.

By entering into this agreement, the Minister is agreeing to provide the applicant with the compensation as outlined in the legal agreement.

By entering into this agreement, the applicant is undertaking to no longer cut turf on any NHA.

The signing and returning of the legal agreement in duplicate will allow the Department to provide the applicant with a €500 once-off incentive payment.

Under the Scheme, there are three types of legal agreements being issued by the Department:

- The first is a legal agreement for qualifying turf cutters who are signing up to the annual payment of €1,521, index-linked, for 15 years.
- The second is a relocation interim legal agreement for qualifying turf cutters who have expressed an interest in relocation but no relocation site is currently available for them to relocate to. This relocation interim legal agreement provides for the payment of €1,521, index-linked, or a supply of 15 tonnes of cut turf per annum, while these turf cutters are awaiting relocation to non-designated bogs.
- The third is a relocation final legal agreement. This agreement is for qualifying turf cutters where a site has been assessed as suitable for relocation and is ready, or can be made ready, for use for domestic turf cutting.

Under the Scheme there will be no transfer of ownership of lands to the Minister. Nor will the ownership of any turbary rights transfer to the Minister.

However, these rights may no longer be exercised for as long as the site remains protected under Irish law.

When application forms have been returned to and assessed by the Department, the applicable legal agreement will be sent to the qualifying applicant by the Department for completion, in due course.

II. Eligibility for inclusion within the Cessation of Turf Cutting Compensation Scheme

Cessation of Turf Cutting Compensation Scheme – Qualifying Criteria

The Qualifying Criteria in order for an applicant to be eligible for compensation under the Scheme are as follows:

- The applicant has a legal interest in one of the 36 Raised Bog NHAs – either ownership or a turbary right (right to cut turf) (“the required Legal Interest”);
- The applicant must have had the sole and exclusive right to cut and remove turf from the property on 25 May 2010;
- The applicant must have been cutting turf on the land in question during the five year period up to 14 January 2014;
- The turbary right/turf resource has not been exhausted; and

- No turf cutting or associated activity is ongoing on the property or occurs in the year of application for compensation.

Lack of documentation to prove required Legal Interest (ownership or a turbary right)

- (a) An applicant, who does not have or cannot provide the documentation required to prove that he or she has the required Legal Interest (ownership or a turbary right), should complete the application form in as much detail as possible and return it to the Department together with specific details in writing of his/her claim for compensation.
- (b) The application form and specific details will be considered by the Department and a decision taken as to whether or not the applicant is considered eligible for compensation under the Scheme.
- (c) The Department will require such applicants to provide a sworn affidavit setting out the circumstances under which the applicant claims to have acquired the title to the bog plot or acquired the necessary turbary right over the bog plot and may require the applicant to provide additional documentation.
- (d) The Department will provide a template of the affidavit to be sworn and will advise each applicant of any additional documentation required.

Loss of turf as a source of domestic fuel for more than one household

- I. Where the owner of a bog plot or the holder of the turbary right to the bog plot is at the loss of turf as a source of domestic fuel for more than one household because of the restrictions on turf cutting on the 36 raised bog Natural Heritage Areas, each separate household may apply for compensation under the Scheme by completing the application form and returning it to the Department.
- II. Where an applicant does not have the required Legal Title (is not the owner of the bog plot or does not have the turbary right):
 - He/she must provide in writing specific details of his/her claim for compensation to the Department, for example, relationship to legal title holder, number of years turf was cut for him/her on the bog plot, and the estimated quantity of turf cut for him/her on the bog plot per year.
 - The application form and specific details will be considered by the Department and a decision taken as to whether or not the applicant is considered eligible for compensation under the scheme.
 - The Department will require the applicant to provide:

- A sworn affidavit indicating that turf had been cut on the bog plot for his/her own separate household with the consent of the legal title holder; and
- A sworn affidavit from the legal title holder indicating that turf had been cut on the bog plot for the Cessation of Turf Cutting Compensation Scheme applicant with the consent of the legal title holder.
- The Department may require the applicant to provide additional documentation.

How to apply for compensation under the Cessation of Turf Cutting Compensation Scheme

Applications must be made on the applicable Cessation of Turf Cutting Compensation Scheme application form for Natural Heritage Areas.

The completed application form must be returned to the **Site Protection Unit, National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Newtown Road, Wexford** together with a map showing clearly the location of the bog plot and any documentation demonstrating the required legal interest in the plot.

Applicants interested in relocation to a non-designated bog must tick the appropriate box on the application form.

Requests for application forms and further information

To request an application form and/or if you have any questions in relation to the Scheme please contact the Site Protection Unit, by post at **Site Protection Unit, National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Newtown Road, Wexford** or by telephone at **Lo-Call 1890 253147** or **(053) 9117310**, or by email designated.bogs@ahg.gov.ie.

Applications forms are also available for download. Please ensure that you download the correct application form and print the form in colour.

Appeal against a decision of the Department that an applicant is not eligible for compensation under the Cessation of Turf Cutting Compensation Scheme

In the event that an applicant receives a letter from the Department indicating that an official of the Department has decided that he/she is not eligible for compensation under the Cessation of Turf Cutting Compensation Scheme, the applicant may request an Departmental review of this decision. A Departmental review involves a reconsideration of the matter by a more senior member of the staff of the Department. To request a Departmental review, the applicant must write to the **Site Protection Unit, National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Newtown Road, Wexford**, referring to the decision. Supporting documentation may be provided with the request, if the applicant so wishes. A request for a Departmental review must be made within 20 working days of receipt of the letter setting out the initial

decision that the applicant is not eligible for compensation under the Scheme (the making of a late request may be permitted in appropriate circumstances).

In the event that the decision that the applicant is not eligible for compensation under the Cessation of Turf Cutting Compensation Scheme is upheld at the Departmental review stage, the applicant may appeal against the decision to the Peatlands Council. Details of how to appeal will be provided to the applicant if the decision is upheld at the Departmental review stage.

APPENDIX A

Natural Heritage Areas (designated 2004) Category 1 Turf Cutting to end from 1st of January 2017			
Site Name	Site Code	County	Category
Aghnamona Bog NHA	000422	Leitrim, Longford	1
Anna More Bog NHA	000333	Kerry	1
Arragh More Bog NHA	000640	Tipperary	1
Aughrim Bog NHA	001227	Galway	1
Ayle Lower Bog NHA	000993	Clare	1
Ballygar Bog NHA	000229	Galway	1
Ballymacegan Bog NHA	000642	Tipperary	1
Ballynagrenia and Ballinderry Bog NHA *	000674	Westmeath	1
Bracklagh Bog NHA	000235	Galway	1
Cangort Bog NHA	000890	Offaly & Tipperary	1
Carbury Bog NHA	001388	Kildare	1
Carrickynaghtan Bog NHA*	001623	Roscommon	1
Cashel Bog (Leitrim) NHA	001405	Leitrim	1
Castle Ffrench East Bog NHA	001244	Galway	1
Castle Ffrench West Bog NHA *	000280	Galway	1
Cloncrow Bog (New Forest) NHA	000677	Westmeath	1
Clonydonnin Bog NHA	000565	Westmeath	1
Daingean Bog NHA	002033	Offaly	1
Derrinlough Bog NHA	001254	Galway	1
Girley Bog NHA	001580	Meath	1
Hawkswood Bog NHA	002355	Offaly	1
Keeloges Bog NHA*	000281	Galway	1
Lough Derravaragh NHA	000684	Westmeath	1
Lough Garr NHA	001812	Westmeath	1
Lough Kinale and Derragh Lough NHA	000985	Longford, Cavan & Westmeath	1
Lough Tee Bog NHA*	000307	Galway	1
Loughanilloon Bog NHA	001020	Clare	1
Milltownpass Bog NHA	002323	Westmeath	1
Monaincha Bog/Ballaghmore Bog NHA	000652	Tipperary, Laois	1
Moorfield Bog/Farm Cottage NHA	000221	Galway	1

Mount Jessop Bog NHA	001450	Longford	1
Raford River Bog NHA	000321	Galway	1
Rinn River NHA*	000691	Leitrim, Longford	1
River Little Brosna Callows NHA*	000564	Offaly	1
Scohaboy Bog NHA	000937	Tipperary	1
Wooddown Bog NHA	000694	Westmeath	1

*** 7 sites which have been divided with part of them to be de-designated and part conserved**