

# **Peatlands Council**

## **Establishment and Terms of Reference**

### **Basis for the establishment of the body:**

The Government, in a decision on the 5<sup>th</sup> of April 2011, agreed to the setting up of an independently chaired Peatlands Council to assist the Government and stakeholders regarding certain issues related to the management of Ireland's peatlands, in particular bogs designated as Special Areas of Conservation and Natural Heritage Areas

### **Name of the body:**

The body is to be called the Peatlands Council.

### **Composition of the council:**

The Council will have an independent chairperson appointed by the Minister for the Environment, Heritage & Local Government. The membership of the Council will comprise representatives of stakeholders including:

- The Irish Farmers Association,
- Irish Rural Link
- The Turf Cutters and Contractors Association
- The Irish Peatland Conservation Council
- A representative of the Irish Environmental Network (An Taisce)
- Bord na Móna
- The Department of Arts, Heritage and the Gaeltacht

The Council may also invite the participation of relevant bodies or State organisations to contribute to its considerations and these may include, but are not limited to, the following:

- The Department of Agriculture, Food and the Marine
- The Forest Service/Coillte
- The Office of the Chief State Solicitor / Office of the Attorney General
- The Environmental Protection Agency
- The Department of Finance

The Minister may appoint additional members to the Council on the advice of the Council.

## **Background and Context to the Council**

As a member of the European Union and in accordance with the Habitats Directive, Ireland has agreed to protect certain habitats that are endangered. Ireland has some 1500 raised bogs and of these 139 have been designated for protection. 55 raised bog Special Areas of Conservation (SACs) have been designated under the EU Habitat Directive. 31 of these sites were designated between 1997 and 1999 and a further 24 were designated in 2002. A further 75 raised bogs were designated as Natural Habitats Areas for protection under national legislation in 2004.

It should be noted that Ireland also has legal obligations under the Environmental Impact Assessment Directive and the Wildlife Acts in regard to turf-extraction within and outside designated sites.

The Government took steps at that time to end commercial cutting on protected raised bogs. In 1999, the then Minister granted a derogation to allow domestic turf cutting to continue for 10 years from the date of designation. A bog purchase scheme was put in place which only had limited success. Reports commissioned by the National Parks and Wildlife Service have shown that the general health of the habitat in protected areas continued to decline, notwithstanding the ending of commercial cutting.

In May 2010 the Government announced that all turf cutting on the 31 raised bog SACs designated up to 1999 was to cease from that date, and that turf cutting on the other 24 SACs would cease from the end of 2011.

In January 2011 the European Commission issued a Letter of Formal Notice to Ireland. The Commission has alleged that Ireland has failed to comply with its obligations under the Habitats Directive and the Environmental Impact Assessment Directive.

The Programme for Government contained a number of commitments in relation to peat conservation issues in regard to the provision of an exemption for domestic cutting in NHAs subject to an agreed code of environmental practices and the establishment of an independent mechanism to facilitate resolution on the 55 raised bogs.

### **Remit:**

The Peatlands Council is established to assist the Minister in implementing the Government decision of 5 April 2011. The Council is to act as the key mediation structure, as envisaged in the Programme for Government, and will oversee and advise the Minister on:

- A scientific review of National Heritage Area (NHA) designations and the impact of turf cutting on raised bog habitats.
- An exploration by the Council of the scope for amending or adjusting the boundaries, extent, number and location of designated peatlands sites.
- Issues of compensation which may arise under the agreed turf cutting compensation scheme and the potential of providing supplies of turf as an alternative to financial compensation
- Approaches to relocation in lieu of compensation, where feasible, to non-designated bogs on which turf cutting could continue
- The Peatlands Strategy, which is to be developed by the Department of Arts, Heritage and the Gaeltacht

The Government has decided to put in place a compensation scheme for active turf cutters who have been required to cease turf cutting for reasons of habitat protection. This scheme will be administered by the Department of the Arts, Heritage and the Gaeltacht. The Peatlands Council will be expected to advise the Minister in relation to this scheme and particularly in relation to issues of compensation and relocation of turf cutters to non-designated bog where they could continue to cut turf for domestic use.

While the Government will have set the terms of the compensation scheme, the Council will be tasked with reviewing the issue further, in line with the Programme for Government commitment to an independent mediation. The Council may make recommendations to the Minister as to appropriate changes which should be considered. The Council can take expert advice on the issues. The Council will be required to bear in mind the limited resources which are available to the State. The Council, in consultation with the Minister, may decide to establish an Appeals Sub-Group to hear appeals in relation to compensation applications that have been refused and to make recommendation to the Minister, who will have the final say in relation to such matters.

It is expected that the Peatlands Council will advise the Minister in relation to suitable terms of reference for two matters;-

1. a review of the ownership and use of peatlands by private landowners and the scope for future economic activity by such landowners to include licensed peat extraction, rehabilitation, water management and such other uses as may be identified by the proposed national Peatlands Strategy
2. a review of available scientific evidence in relation to the effect of turf extraction on raised bogs. This review will include independent

scientific advice from established Irish and international experts in the field of peatlands ecology. Such a review should also include an assessment of the 75 Natural Heritage Areas designated for protection under national legislation and on the appropriate protections for both NHA and SAC bogs having regard to the requirements of the Habitats Directive. The review should also consider practical approaches to restoration.

The Council will also be tasked with advising the Minister in relation to the development of the proposed national Peatlands Strategy. The Strategy is required to give direction to Ireland's approach to bog conservation and restoration over the coming decades, having regards to the outputs from the scientific review and to any other relevant studies, including the forthcoming EPA Study on the impact of turf cutting on raised bogs. The Council will be tasked with advising in relation to the content of the strategy and facilitating debate and dialogue in relation to the issues which arise during the preparation of the Strategy.

This Strategy will consider the issues set out below, as well as any issues which the Council deem appropriate:

- Land management, including the role of land purchase or other management agreements or approaches,
- Peatlands conservation & restoration, including differentiated approaches to SACs and NHAs, where appropriate,
- The regulatory regimes which govern extraction, including the planning and IPPC systems and the regulation of the use of modern extractive machinery,
- The tourism potential of Ireland's peatlands as part of Ireland's overall green tourism product,
- Carbon accounting and the potential of offsetting national emissions through re-wetting peatlands,
- The potential for community, voluntary and local authority participation in managing this conservation resource for the local community,
- An agreed national code of practice to govern turf extraction in designated sites, including SACs & NHAs.
- Financing and funding issues

The European Commission is likely to require that Ireland undertake restoration of raised bog habitat that have been damaged due to turf cutting and drainage since their designation. The Council should consider this issue as part of its consideration of the requirements for on-going management of designated sites and recommend to the Minister what steps it believes should be taken in this regard, including the identification of potential compensatory habitat. This issue would be considered in the context of the scientific review referred to above.

The Council will be invited to consider the financing of compensation and restoration costs with particular focus on funding available from the EU and the appropriateness of using the Rural Development Fund to meet implementation costs from 2014.

### **Communication**

The Council will be expected to engage, as it deems appropriate, with turf cutters, community groups, environmental groups and other interested parties to understand their views and also to communicate the situation regarding:

- The role of the Council,
- The scientific and policy reviews of peatland issues which the Council will advise on,
- Ireland's obligations to protect key habitats and the value of peatlands in terms of bio-diversity,
- The available assistance from the State in relation to compensation and other alternatives.

### **Report and findings:**

The Council will submit its findings and report to the Minister in a manner that it and the Minister decides appropriate. The advices of the Council will generally be made available on the Council's website. Timelines for delivery of its findings will be agreed between the Minister and the Council, and the Minister and the Council may review progress from time to time.

### **Support for the Council:**

Administrative support and the secretary of the Council will be provided by the Department of Arts, Heritage and the Gaeltacht and costs of the Council will be borne by that Department.

Travel and subsistence at Civil Service rates will be paid for attending meetings.

### **Other Issues**

Further information in regard to Freedom of Information, Ethics in Public Office, Conflict of Interest and other relevant issues will be addressed before the first meeting of the Council.