

The Quirke Report



Peatlands Forum 2012

28th February – 2nd March 2012

Preface

In mid February 2012 I was instructed by An Taoiseach, Deputy Enda Kenny, to convene the Peatlands Forum to examine proposals from turf-cutting communities on implementing the requirements of the EU Habitats Directive with regard to 54 raised bog Special Areas of Conservation.

The Forum took place in the Hodson Bay Hotel, Athlone, from the 28th February to 2nd March 2012. It successfully provided a platform for turf-cutting communities to be heard.

Representatives of all bogs who requested made presentations to the Chairman of the Forum, Mr Justice Quirke, who will submit his final report to the Government later today, Friday 2nd March.

In addition to the main Forum, professionally facilitated parallel sessions were held where turf-cutting communities and officials fully explored the details of possible solutions on an individual bog-by-bog basis, as well as discussing more general issues.

A series of follow-up steps has been agreed by the parties who attended the Forum and these will be taken in the days and weeks ahead.

Conor Skehan

2nd March 2012

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Introduction by Justice John Quirke

The Peatlands Forum was convened on Tuesday 28th February 2012. It was in session for four days and concluded on the 2nd March 2012.

Its primary objective was to address the concerns of communities, associations, organisations, State Bodies and individuals who have been or will be affected by the restrictions on turf cutting imposed by the Habitats Directive¹ on Ireland's 53 raised bog Special Areas of Conservation.

Written submissions from farming and other organisations, from commercial and corporate bodies, from turf cutting communities, from private individuals, from the Irish Peatland Conservation Council, from Friends of the Irish Environment and from other interested parties were received and considered by the Forum before its commencement.

Approximately 140 representatives from more than 50 turf cutting communities addressed the Forum in open plenary sessions. Speakers representing other interested parties also made oral submissions.

Immediately after each oral presentation at the plenary sessions, the representatives of the turf cutting communities were referred by the Forum and escorted into separate seminar rooms for consultation and technical discussion of their concerns with officials from Bord na Móna and the Department of Arts, Heritage and the Gaeltacht ("the Department").

¹ Council Directive No. 92/43/EEC of 21 May, 1992^(a) on the conservation of natural habitats and of wild fauna and flora; (the "the Habitats Directive") brought into effect in Irish Law by the EUROPEAN COMMUNITIES (NATURAL HABITATS) REGULATIONS, 1997. S.I. No 94/1997

The consultations and discussions which lasted approximately 60 minutes took place under the direction of skilled, professional facilitators. They were intended to focus upon specific concerns in respect of each of the relevant bogs.

After each discussion the relevant facilitator prepared a short report on the outcome of the discussion and submitted it to the Forum. Each report addressed the detail of the particular problems and difficulties resulting from the designation of the various bogs as Special Areas of Conservation (“SAC”) pursuant to the provisions of the Habitats Directive. They also focused upon the potential resolution of those problems and difficulties. The accumulation of those reports comprises Part II hereof and is the nucleus of this Report.

Plenary Sessions

Senior officials from the Department addressed the Forum explaining the background to the designation of the relevant bogs as Special Areas of Conservation pursuant to the provisions of the Habitats Directive. It was further explained that a ten year grace period had been granted to domestic turf cutters without the express agreement of the European Commission. That grace period commenced in 1997 and was intended to allow domestic turf cutters to find an alternative source of fuel.

The establishment of the Peatlands Council under the Chairmanship of Mr Conor Skehan was described and the introduction of a National Strategy on Peatlands Conservation.

It was explained that a warning was issued in June 2011 by the European Commission that interim injunction measures against Ireland were under consideration following reports to the Commission of turf cutting on six of the affected sites.

A Reasoned Opinion was issued in June 2011 by the European Commission directed to Ireland which outlined the Commission's concerns. It provided the country with a one month period in which to reply.

On 12 July 2011, the Government responded to the Reasoned Opinion making a number of key commitments to the Commission promising future actions in relation to the restriction of turf cutting in the designated raised bogs.

Severe financial and other sanctions can, and probably will, be imposed upon Ireland by the Commission and the European Court of Justice if the State fails to comply fully with the Habitats Directive.

Mr Michael Fitzmaurice, Chairman of the Turf Cutters and Contractors Association ("TCCA"), presented a useful, constructive and helpful plan to the Forum. He recommended this plan as a potential means of resolving the outstanding difficulties. He described a breakdown in communications between his association and the National Parks and Wildlife Service ("NPWS") and other State agencies.

He also expressed a willingness to resolve the difficulties and accommodate the interests of the State and the concerns of the persons affected by the Directive. It was clear that he enjoyed the trust and confidence of most, and perhaps all, of the parties with an interest in the matters under consideration.

Mr Patrick Divilly, of the Irish Farmers Association, addressed the Forum on behalf of his Association. He spoke of a failure of communication and trust between the State and the turf cutting community and he committed his Association to assist in efforts to achieve a fair and equitable resolution to the difficulties which have arisen.

Concerns by turf cutting communities were very strongly expressed and were remarkably consistent. Most registered dismay and deep offence at what they perceived as a failure by the State and its agencies to communicate with them and provide them with adequate notice, advice, information or assistance in respect of what they perceive to be a measure which will deprive them of a vital, natural resource situated on or near their homes or properties and which forms a fundamental part of their livelihood, their sustenance and their heritage.

Many were offended at the perceived suggestion that they had, in the past, failed to provide their lands with sufficient environmental protection. They considered that the opposite has been the case and they questioned the scientific and other technical material and findings which had led to the designations.

Repeatedly speakers expressed serious concern about the risk of flooding which they believe will follow the cessation of turf cutting on the affected bogs. They warned that the blockage of drains will inevitably follow with ongoing and serious consequences for adjoining lands and landowners.

Concern was also voiced about the real risk of fires in affected bogs after cessation. Doubts were expressed as to the capacity of State agencies to monitor the affected bogs and to respond expeditiously and effectively to emergency fire hazards.

Communities and individual landowners insisted that they be provided by the State with indemnity against loss damage and public and private health and safety liability arising from the designations and their consequences.

The designation of the relevant bogs has resulted in a very significant reduction in the value of many affected properties. Landowners argued that they should be compensated by the State for the losses imposed upon them by a measure which they contended had been taken without any consultation with them and without providing them with the opportunity to be heard.

Other landowners complained that some of the designated land is, in fact, arable farmland which was being farmed productively and successfully until the onset of designation and its consequences. They questioned the validity of the designation on that and other grounds

Many communities were critical of the quality and accuracy of maps and mapping procedures. They questioned the boundaries which purported to identify various SACs on official and other maps and required an input into the identification of boundaries.

Most speakers said that the communities considered the relevant designations and their consequences comprised gross intrusions upon their rights and their properties. They expressed grievance and resentment that the European Union and, in particular, the European Commission had, without notice or consultation with them, enacted and sought to enforce laws which “criminalised” the formerly lawful use of a natural resource situated on privately owned properties which, for centuries, provided fuel and a small means of livelihood for families often of limited means.

Repeatedly it was claimed that notice of the designation of the relevant sites had not been provided to property and rights owners until December 2011, notwithstanding the designation as S.A.C’s in 2004.

Repeatedly speakers expressed resentment at what they perceived to be inappropriate heavy handed and unhelpful treatment at the hands of the State agencies resulting in a complete breakdown in confidence and trust between the communities and the State and its agencies.

Notwithstanding a deep sense of grievance, a large majority of the communities indicated a preparedness to cease cutting turf on their bogs in the interests of environmental protection and of the wider community.

Dr Catherine O'Connell, Chief Executive Officer of the Irish Peatland Conservation Council, expressed disappointment that the Cessation of Turf Cutting Scheme had not implemented in an appropriate and expeditious manner. She stressed the importance of compensation for the owners of land and turbary rights and emphasised the vulnerability of the State to sanctions from the European Commission and ultimately from the European Court of Justice.

She also pointed to the need for peatland cultural education programmes and for communities to participate in schemes directed towards small and large scale restoration measures for the affected bogs. She was of the view that the relocation, compensation and funding packages for cessation of turf cutting could and should limit the impact of the designations on the turf cutting community.

Schedule: Tuesday 28th February

Time	Room	Activity	Participant
0800	Lobby	Assembly	All
0845	Plenary	Welcome & Introductions	Conor Skehan
0900		Procedures & Protocols	Chair
0920		Statement for Affected Parties 1	Turf Communities
0940		Statement for Affected Parties 2	Turf Communities
1000		Statement for Affected Parties 3	Turf Communities
1020	Break		
1040	Plenary	Mount Bellew and Clara Example	Turf Communities
1100		Statement for Official Parties 1	Official Parties
1120		Statement for Official Parties 2	Official Parties
1140	Break		
1200	Plenary	Energy Renovation Proposals	Expert
		Statement for Other Stakeholders	Other Stakeholders
1220			
1300	Lunch		
1400	Plenary	Mouds Bog , Co Kildare	Local Committee
1420		Bellanagare Bog RN	Local Committee
1440		Lough Corrib [Addergole] Galway	Local Committee
1500		Moanveanlagh Bog , Co Kerry	Local Committee
1520		Moneybeg and Clareisland Bogs Meath/Weatmeath	Local Committee
1540	Break		
1600	Plenary	Barroughter Bog, Co Galway	Local Committee
1620		Cloonmoylan Bog, Co Galway	Local Committee
1640		Ardgraique Bog, Co Galway	Local Committee
1700		Callow Bog, Co.Roscommon	Local Committee
1720		Coolrain Bog Co Laois	Local Committee
1740		Redwood Bog Tipperary	Local Committee

Schedule: Wednesday 29th February

Time	Room	Activity	Participant
0800	Lobby	Assembly	All
0900	Plenary	Reports of Parallels	Facilitators
0920		Lough Lurteen /Glenamaddy Galway	Local Committee
0940		L. Ree [Clooncraft/Cloonlarge] RN	Local Committee
1000		River Moy Complex <u>Derrynabrok, Tawnaghbeg, Gowlaun, Kilgarriff, Cloongoonagh</u>	Local Committee
1100	Break		
1130	Plenary	Monivea Bog , Galway	Local Committee
1150		Carrownagappul Bog, Co Galway	Local Committee
1220		Kilsallagh Bog , Co Galway	Local Committee
1240		Shankill West & Curraghlahanagh Bog, Galway	Local Committee
1300	Lunch		
1400	Plenary	Drumalough Bog RN	Local Committee
1420		Corbo Bog RN	Local Committee
1440		Corliskea/Trien/Cloonfelliv G/RN	Local Committee
1500		Cloonshanville Bog, RN	Local Committee
1520		Cloonchambers Bog RN	Local Committee
1540	Break		
1600	Plenary	Moyclare, Co. Offaly	Local Committee
1620		All Saints Bog and Esker, Offaly	Local Committee
1640		Killcarren-Firville, Tipperary	Local Committee
1700		Ballyduff/Clonfinane Bog, Tipp	Local Committee
1720		Ardagullion Bog, Longford	Local Committee

Schedule: Thursday 1st March

Time	Room	Activity	Participant
0800	Lobby		
0900		FORUM ADJOURNED for P Concannon Funeral	
0920		ADJOURNED	
1110			
1140		ADJOURNED	
1200		ADJOURNED	
1220		ADJOURNED	
1240		ADJOURNED	
1400		FORUM COMMENCES	
1400		Reports of Parallels	Facilitators
1410		Tullaheer Lough Bog, Clare.	Local Committee
1430		Clooneen Bog, Longford.	Local Committee
1450	Plenary	Mount Hevey Bog, Meath/Westmeath	Local Committee
1510		Clara Bog, Offaly	Local Committee
1530		Ballynamona Bog and Corkip RN	Local Committee
1550		Ballynafagh Bog, Kildare	Local Committee
1610		Break	
1630		Carn Park Bog	Local Committee
1650		Crosswood Bog Westmeath	Local Committee
1710	Plenary	Ferbane, Co.Offaly	Local Committee
1730		Lisnageeragh Bog and Ballinastack Turlough, Galway	Local Committee
1750		Knockacoller Bog, Laois	Local Committee

Schedule: Friday 2nd March

0800	Lobby		
0900	Plenary	Reports of Parallels	Facilitators
0920		Record of uncontested bogs Killyconny Bog (Cloghbally), Sheheree (Ardagh), Brown Bog, Mongan, Carrowbehly/Caher, Derrinea, Tullaghanrock, Garriskil, Raheenmore, Sharavogue, Flughany Bog, Lough Forbes (Ballykenny, & Fisherstown)	Local Committee
1050	Plenary	Camderry Bog, Galway	Local Committee
1110	Break		
1130		Final Report of Parallels	Facilitators
1150		Concluding Statement Turf Community	TCCA/others
1210	Plenary	Concluding Statement Government Parties	Various
1230		Summary of Report	Chair
1300		Concluding remarks and thanks	Conor Skehan

Forum Ends

Parallel Sessions

Planning for Change

Two Parallel Sessions on Identification of General Issues of Concern on all Bogs

Everything about turf cutting is undergoing change – for the communities who cut turf and for those that they deal with. If we are to deal with these changes successfully, then we need to plan for change. Two sessions were convened to set the agenda for discussions about issues that will emerge during the implementation stages ahead. Both were facilitated by independent, professional facilitators.

Parallel Session 1

Management for Conservation, Restoration and Afteruse

11.20- 12.40, Tuesday 28th February, 2012

The purpose of this session was to explore and prioritise issues to be faced in the implementation phase. Turf cutters and officials from government agencies attended. Turf cutters voiced concerns and raised a number of issues. The list below is an accurate record of the issues raised by both agency officials and turf cutters. As there was no time to discuss and prioritise the issues, it cannot be assumed that all present agreed with the issues named below.

1. Management Plans - Restoration

- Objectives for the site and how to achieve them
- Impact on adjoining land, houses, buildings and sewage systems
- Consultation process around above issues
- Local involvement in terms of employment and general community involvement if there are works to be done
- Liability – who is responsible for damages caused by works done or not done
- Impact of the 15 kilometre Buffer Zone on the local community, agriculture, planning and everything
- Maintenance of drainage for land and adjoining bogs
- Control of dumping
- Lack of conservation action plans especially for those who have signed already
- Careful, detailed planning of restoration in close consultation with the local community
- Planning for fires, landslides, flooding. Safety a priority
- Nothing will be done unless the necessary infrastructure is in place to avoid problems
- Cost factor has to be considered in all of this
- Flooding needs to be looked at as opposed to the Flooding Directive Environmental impact study required
- We don't live in a wilderness and we don't want to live in a wilderness
- Field sport communities should be consulted re birds etc.
- Insurance issues with houses in the future

2. Management Plans - Afteruse

- No after use of a flooded bog
- Tourism & Local recreation
- Reduction in flooding
- Carbon storage
- Owners input into what happens to the bog afterwards in tourism and owners should benefit from it
- Agencies involved need to work with the community (Management Advisory Committee is a possible model)
- Specialist report required on how the bogs will be in 10, 20 and 30 years time. Peatlands Strategy goes some way towards this by setting out a long-term vision
- Use of bogs for education at all levels and for the general public
- How will a family living in the middle of the bog survive? (one known case of this cited)

3. Respectful Relationships

- Need to rebuild trust with government agencies, new personnel should be put in place with a new approach
- DPWS is willing to engage with every bog to find solutions

4. Other Affected Parties

- Most affected party is the contractor whose income will be wiped out in the next few years
- Turf cutters & Employees of turf cutters

Parallel Session 2

Value, Rights and the Law

12.45 - 13.50, Tuesday 28th February, 2012

On the topic of Title, Value, Rights and the Law which I, Grainne O'Flaherty, Independent Facilitator, attended, many issues were raised. See list of attendees attached.

An issue was raised that TCCA resented the fact that there was legal representation present on the side of the Officials. I confirmed that I had spoken with both Brian Kelly of the Land Registry and Seamus O Halloran of the Chief States Solicitors Office in advance of the meeting confirming that any comments by them was to be in a 'helpful capacity only'. This appeased the TCCA who wanted it recorded that they were not going to be bound legally by any discussions at this meeting.

TCCA made it very clear that there is a complete mistrust by the TCCA of the Officials. They spoke of the 'unlawfulness' of the EU Habitats Directive. They spoke of the lack of uniformity between the Flooding Directive and flooding in general.

In order to advance matters, much concern was expressed surrounding title (both registered and unregistered) and a very helpful commentary was given by Jim Winston of the DFM. I asked that he address all attendees on the many variations/methods of establishing title. I requested that he outline in writing a brief content of these methods, which he readily agreed to do. I suggested that this information be circulated to all interested parties.

Another matter of great dispute between the parties attending was the TCCA opinion that there was absolutely no scientific proof on the part of the Officials regarding selection for designation. A lot of time was expended in this matter. I suggested the NPWS release the content of any scientific reports on file for review by the TCCA. This was agreed to and Mr James Ryan of NPWS is the party who undertook to do this. TCCA explained that it had been impossible for them to date to either raise the necessary funds to secure their own independent scientific report, or indeed find any expert in Ireland to do so (from investigation, no expert in Ireland had been willing to do so).

Although a fractious meeting, advancement was made on two matters of great concern – both on the intricate area of establishing title and on the science supporting reclamation etc. As Independent Facilitator, I confirm that these commitments must be adhered to in order to renew an element of trust between the parties.

Grainne O Flaherty,

Independent Facilitator.

Technical Reports

Mouds Bog

Page One – The Turf Community’s Preferences

- Name of Bog: **Mouds Bog**
- Name of Contact[s]: John Dore and Fiona Conlan
- Numbers affected: 200 banks, 100 active. 270 responses
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] - De-designation ONLY Option
 - Second Preference
 - Other Preferences
- Issues/Concerns of Bog Users
 - Property rights/Constitutional rights
 - Bogs in private ownership/in state ownership
 - SAC boundaries moved in other situations
 - Differences between the first and current maps.
 - Scientific issues – high population – raising of water table
 - Bore hole study
 - Security of free turf – anyone could take it
 - Use of track machines benefited the bog – even better than cutting by hand in wet conditions.
 - Designation has not been challenged scientifically.
 - Procedural issues: 200 owners didn’t know about it so couldn’t have objected.
 - Cut away bog is very significant as wild life thrives on it. There are owls and birds of prey. Where will they feed if forests grow? Flooding will mean wildlife won’t have food.
 - Houses/homes are very near – fire is a concern. Now the pathways are being kept clear – they won’t if the turf isn’t being cut.
 - There is real fear amongst the community.
 - The 1,000 euro is not sufficient and they fear they will be taxed on any compensation.
 - The land will be devalued.

Page Two – The Official's Observations

Bog community say that while they can own the land but can't do anything with it. Officials say there are restrictions on all owned land. Would see problems with de-designation – would have to be because of natural causes. Bord na Mona raised how many houses in close location. 47 on the Rosberry side of the bog. Would need to be considered in de-designation.

Don't think it possible to change or re-draw boundaries – EU decision of 2004.

There may be room for manoeuvre/flexibility on the delivery of turf to families that are now cutting turf however remember it is tax payer's money.

Re issue on compensation being taxed – it is in the Finance bill that it won't be taxed.

Cut over points are valid eg fire, vandalism, etc so the package needs to be looked at.

Page Three – The Next Steps

- Future point[s] of contact:

See contact details on page 2

- Main Issues to be addressed

If relocation doesn't happen after 4 years and there isn't another location then switch to a new scheme e.g. monetary compensation.

A conservation management plan, in consultation with the community by the NPWS and Local Authority offered by the officials.

Turf can be delivered to an agreed site to allay concerns about security. Free delivery of Turf is not acceptable. 45 tons would be delivered – cutters think this is not practical. Bog cutters questioned how the person delivering the turf was put in place and was it advertised in Europe, is he a Bord na Mona man? Officials responded that it was a tender process and not in Europe as it was under the limit. And it is a private operator. Concern was expressed by the bog community about the quality and quantity of the turf.

Bord na Mona would be prepared to look at Allen Bog (Lattins) for relocation. There would be issues that impact on the turf cutters. Turf Community say this is poor quality and is 4 miles away. They want like for like bog.

If infrastructure needs to be put in place, the Department prepared to fund that.

Questions about how the designated process came about – who drew up the maps?

No one was consulted.

AGREED THAT DIALOGUE WILL CONTINUE. Sit down and look into areas to relocate – bits of bog were identified by the Bog community. NO CEASATION OF CUTTING UNTIL THIS IS SORTED OUT.

Bellanagare Bog

Page One – The Turf Community’s Preferences

- Name of Bog **Bellanagare Bog**
- Name of Contact[s] Pat Bruen
- Numbers affected 430 householders approximately (best estimate)

Approximately 14 townlands involved - 160 banks cut within this area of which above 430 receive turf from the area. 99 seeking relocation as a last resort (as no relocation prospect available in the area)

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] The Turf Community Representatives of Bellanagare Bog

Confirmed that there is ‘no alternative bog’ and therefore their proposal is to remain at the bog. At the outset, they also confirmed that they were not aware of any landowners / turbary rights of all people in the 14 townlands and this was of concern to them. Following discussion, they undertook to use their best endeavours to ascertain the identity of the landowners/turbary right holders, whilst confirming this would be extremely difficult. The Officials could not offer any assistance in clarifying this.

- Second Preference None available.

In response to the suggestion of a provision of a fuel allocation in the interim (until investigations into alternative sites are undertaken by the Officials) the Representatives of the Turf Community of Bellanagare Bog rejected this on the basis that all would not be adequately accommodated as they yet had to ascertain the identity of the potential turbary right holders.

- Other Preferences None expressed.

- Issues/Concerns of Bog Users

The Representatives expressed the problem of sourcing fuel as being of concern. Turf from this bog is their only source of fuel. Opinions were expressed confirming that by virtue of their being denied access to their own property, their fuel source has been cut off.

Potential flooding was another matter expressed as of great concern to the residents of Bellanagare bog. Their representatives confirmed that they feared resultant health and safety fallout from this. They requested attention be given to indemnity being provided from any legal proceedings which may arise if flooding occurs.

- Uncertainties to be resolved

Identity of other landowners/turbary right holders to be investigated by the Representatives of Bellanagare Bog.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

No discussion on this by the Officials, The Representatives of Bellanagare bog confirmed that there were multiple cutters on the bog in question, which was not accurately reflected on the title. They expressed concern for those not expressly on the title, as they were part of their community. Further, they were finding it extremely difficult to ascertain their identity – i.e. gave an example of an 85 year lady who had approached them after mass (the priest mentioned the matter) confirming her family had been in the bog for generations and this was the first she had heard of it. She was visibly upset at being told she could no longer cut for fuel.

- Technical Issues to be addressed

Despite explanations being provided by Jim Ryan NPWS on the reasons why flooding would not occur (blocking drains on the high bog will not cause flooding), this was not accepted by the Representatives of Bellanagare Bog, who invited Officials to view existing flooding on their agricultural lands. Further Jim Ryan of NPWS in response to queries on the 'buffer zone' he confirm that this was a myth, there in fact was no buffer zone. Representatives of Bellanagare Bog were unconvinced.

- Legal Issues to be addressed

It was clear that Representatives of Bellanagare Bog needed more time to ascertain as best they could details of the landowners/turbary right holders within the area (which incorporates 14 townlands). Official Representatives could not offer any clarifications on the landowners/turbary right holders identity issue.

- Organisational Issues to be addressed: None offered.
- Issues/Concerns of Bog Users

Lack of being consulted with in any respect in the original process of selection of the SAC's, in which they believe they have firsthand knowledge and also the complete insensitivity in which the matter has been dealt with to date by the Officials. The damaging approach of the Officials as outlined in correspondence to the landowners/turbary right holders – which most view as threatening behaviour.

- Uncertainties to be resolved: None, other than those outlined above.

Page Three – The Next Steps

- Future point[s] of contact:

Pat Bruen on behalf of Turf Community Representatives

Jim Ryan, NPWS and Conor O Raghallaigh (NPWS)

- Main Issues to be addressed

Representatives of the Turf Community asked that they be allowed time to ascertain ownership/turbary rights within the 14 townlands occupants of the Bellangare Bog and to revert when their investigations are concluded on this issue.

- Main Stages to address issues

See above.

- Target Dates

None discussed.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

A copy of the maps used in discussions is appended.

A copy of the Report compiled by the Bellanagare Bog is appended.

GENERAL:

There was a general expectation expressed on the part of the Turf Community Representatives for Bellanagare Bog that the Officials would be willing to move from offer to date on ways to progress matters that would be acceptable to them. A lack of trust was expressed by these Representatives on breach of certain assurances given to date (i.e. payments, which remain outstanding despite agreement being in place). Official Representatives defended their position by stating that they were operating within the confines of the EU Habitats Directive content.

No advancement was made towards possible solution/advancement.

Both sides were given access to full expression, within the confines of the time provided.

Lough Corrib

Page One – The Turf Community's Preferences

- Name of Bog **Lough Corrib**
- Name of Contact[s] John Healy and Leo Murphy, TCCA
- Numbers affected 45-50

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] Co-existence
 - Second Preference Relocation if possible
 - Other Preferences Some people might accept compensation

- Issues/Concerns of Bog Users

Risk of flooding to adjoining land and houses

Concern about the 15 kilometer buffer zone – clarification required

Would require indemnity against all damages caused by flooding of bog

Concerned about losing out on grants they already get if they do not cease turf cutting

Fear of not being paid as promised

- Uncertainties to be resolved

15 kilometer buffer zone needs clarification

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed
- Technical Issues to be addressed

Co-existence – it is very difficult to prove that turf cutting will not do damage to the habitat

- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users

Flooding – Careful planning and preparation of flooding of bog through management plan prepared in consultation with owners. This would take 4-5 years to prepare after cutting has ceased.

Uncertainties to be resolved

15 kilometre Buffer Zone

Page Three – The Next Steps

- Future point[s] of contact: John Healy and Leo Murphy
- Main Issues to be addressed

Possibility of 15 private acres to be explored with a view to purchase. Cutters have approached the three owners of the land and are awaiting feedback next week. If the owners are prepared to sell, they will contact Dr. Philip Buckley who is in charge of relocation

In the NPWS.

Liam O' Reilly undertook to send a blank compensation contract to the representatives so that they could see what they would be asked to sign up for in the event of their opting for compensation.

Representatives undertook to send a list of the names and addresses of cutters who were not notified of developments to the NPWS.

- Main Stages to address issues

Follow up on possible purchase of 15 acres of private land in the next two weeks

- Target Dates

Moanvenlagh Bog

Page One – The Turf Community's Preferences

- Name of Bog: **Moanvenlagh Bog**
- Name of Contact[s]: Denis Scannell scannelldenis@hotmail.com
- Numbers affected: 40 families
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Stay cutting where we are – co exist
 - Second Preference: Designate another bog
 - Other Preferences
- Issues/Concerns of Bog Users
 - 15 Km radius part of it is a farm which fertilizer can't be used on
 - Land drainage
 - No contact or communication has taken place with the farmers in the past
 - There are farmers and those who got an acre on the bog in the 1950's (no conflict exists between these two)
 - Relocation option is 10KM away
 - This is the bog they own
 - Not a lot left to cut – 10 years
 - 80% of it is owned by the State
 - Need a cheap source of fuel
 - Risk of fire if cutting stops – family homes will be burned
 - Livelihood of contactors
 - Concern about the movement in the bog (shakes in the middle of it)
 - Cutting it keeps it in good condition "we looked after it and now we are being punished for that" (comment that good quality raised bogs have been designated).
 - Security – will people steal the free turf if it is all put in one spot in a public area
 - Travel time and costs if relocated
 - Currently families on this bog co-operate together, one man with a tractor will help those who don't have one. If moved to different smaller bogs this can't happen.
 - April is the deadline to start cutting turf.

Page Two – The Official's Observations (with some responses from the Bog Community)

This is a difficult situation. Because this bog was the least damaged it went on the list. Cutting has to stop and no choice now as it is on the list.

For potential to relocate alternative bogs have been looked at by the Dept and assessed by Bord na Mona. Six have potential, two are across from the boundary – one hasn't huge capacity (Leahey's bog – capacity for 10 households for 10 years – marked E on map circulated), the other has more potential (Stack's bog – capacity for 10 households for 30 years – marked F on map circulated). All private land holders. Bog Community said they did not want to go.

Designation can't change. Bog community said they wrote to Europe and was told it is an Irish problem. He said it is man made so can be changed. Official said to get consent to change you have to promise you don't damage the land and 99 out of 100 would. Bog Community said a Northern Ireland bog was de-designated.

Bog Community said they would not be looking for or taking compensation. They were not communicated with.

Co-existence is difficult – almost impossible.

Bog Community say that their legal advice says this will fail if challenged.

Sustainable energy grants are being looked at.

Don't want anyone to go to jail.

Page Three – The Next Steps

Further point of contact: see page 2

Department agree to continue dialogue and talk to other bog users.

Bog “E” appears to be the only suitable bog to relocate to – (capacity for 10 households)

The option was put to the meeting that if cutting was stopped for this coming year and free turf was provided, negotiations could continue. The Bog community said they didn’t trust that they would be allowed back to cutting.

RE Flooding, no plan drawn up in the immediate future, consultation with the local people will take place.

They will continue with dialogue but will continue to cut. They feel justice is on their side.

While the appeals process is closed, these might be looked at where there are cases that missed the deadline.

Officials said they were not threatening but there is a possible liability if cutting when ahead without consent or planning permission and the cutters could be liable for restoration of sites.

Moneybeg and Clareisland Bogs

Page One – The Turf Community's Preferences

- Name of Bog **Moneybeg and Clareisland Bogs**
- Name of Contact[s] Sean Riley
- Numbers affected
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] Keep things as they are. Get a moratorium on the turf cutting ban until a case is taken against the EU to contest the ban on turf cutting
 - Second Preference
 - Other Preferences
- Issues/Concerns of Bog Users

Relocation not suitable because there is no suitable bog within 20 miles

Why are we being stopped?

Only heard about ban on turf cutting last November

Risk of flooding to adjoining land and houses

Don't want to betray our memories for 30 pieces of silver

Compensation insufficient

Don't trust the government

- Uncertainties to be resolved

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed
- Technical Issues to be addressed
 - De-designation not possible
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users

Flooding – Careful planning and preparation of flooding of bog in consultation with owners. If problems were to arise compensation would be paid to those affected.

Compensation – ten ton of cut turf to be given to each family member cutting on the one bog if relocation is pursued

- Uncertainties to be resolved

Page Three – The Next Steps

- Future point[s] of contact: Pat Campbell
- Main Issues to be addressed

De-designation will be pursued

Representatives will report back to their Committee and will be open to discussion after consulting with their Committee

Channels of communication to be kept open

- Main Stages to address issues

Both cutters and officials undertook to keep the channels of communication open

- Target Dates

Barroughter Bog and Cloonmoylan Bog

Page One – The Turf Community's Preferences

- | | |
|---|--|
| <ul style="list-style-type: none"> Name of Bog | <p>The following two bogs presented together:-</p> <p>Barroughter Bog and Cloonmoylan Bog</p> |
| <ul style="list-style-type: none"> Name of Contact[s] | <p>Martin Donoghue (Barroughter Bog)</p> <p>Dermot Moran (Cloonmoylan Bog)</p> |
| <ul style="list-style-type: none"> Numbers affected | <p>622 families (holding freehold title)</p> |
| <ul style="list-style-type: none"> Preferences [if new/different location/arrangement is proposed mark on accompanying map] <ul style="list-style-type: none"> First Preference [s] <p>Nobody wants to move as unable to find an alternative.</p> <p>There is no comparable alternative area available.</p> Second Preference <p>None available.</p> Other Preferences <p>None expressed.</p> | |
| <ul style="list-style-type: none"> Issues/Concerns of Bog Users | |

The representatives of both bogs confirmed that saving turf was an essential part of the annual work of the communities involved, which they categorised as an ‘annual community event’

They went on to express grave concern regarding flooding as a fallout from the regeneration process which would have a direct effect on the water table levels, thereby causing the whole draining system to effectively block up, overflow and leave homes uninhabitable.

Following investigation, the Representatives of both bogs confirmed the problem of sourcing fuel was of great concern to them. They stated that turf from this bog is their only source of fuel. Opinions were expressed confirming that by virtue of their being denied access to their own property, their fuel source has been cut off.

- Representatives stated that they had been lied to by NPWS officials and that nothing new was on offer today.
- In response, Conor O Rathallaigh (NPWS) explained there were significant barriers contained in the EU Habitats Directive regarding de-designation and said leeway was only available where natural deterioration occurred and this was not the case in turf-cutting.
- Uncertainties to be resolved
- Representative of both bogs asked the Officials to confirm that 16 of the SAC's were owned by either Coilte or Bord na Mona. This is to be investigated.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Officials acknowledged freehold title

- Technical Issues to be addressed

No access to the Shragh bog was a point raised by the Representative of both bogs. They suggest it is landlocked and of poor quality. Also, they confirmed that confirmation should be given as to its precise acreage as conflicting reports had been given by NPWS previously. Jim Ryan (NPWS) confirmed it comprised 60 acres.

In response, representatives of both bogs confirmed that the acreage in question for re-location involved approx 1833 acres and Shragh was not a plausible solution. They confirmed this had previously been discussed and discounted.

- Legal Issues to be addressed

Representatives of both bogs confirmed that compensation was firmly rejected by their communities but asked how the sum of EU1000 for 15 years was arrived at. No official could answer this question to their satisfaction and stated it was an 'unlawful calculation'

Further, mention was made of the REPS plans of 2008 allowing continued turf cutting in both bogs until Dec 31st 2013. It was accepted as a legal contract between them and the Dept of Agriculture.

- Organisational Issues to be addressed

None offered.

- Issues/Concerns of Bog Users

Complete lack of consultation or respect towards the communities in question.

Complete lack of proof of regeneration – request was made by the Representative of both bogs to provide information on this matter since first surveying the properties.

The meeting was abruptly discontinued by the Representatives of both bogs mid-meeting when a Ranger joined the meeting. Mention was made that he had allegedly behaved in an intimidating manner towards members of their community and they were unwilling to continue the meeting. After discussion with the Independent Facilitator agreement was reached to continue (on the condition the Ranger did not attend).

Threats of prosecution (by way of correspondence) despite REPS legal contract in place permitting domestic turf cutting until Dec 31st 2013.

- Uncertainties to be resolved

Many uncertainties, but mainly surrounding suitable re-location sites. None were suitable to the Representatives of both bogs. Many maps were investigated and discussions surrounding their unsuitability.

Jim Ryan NPWS undertook for forward reports which he compiled on these two bogs which he is to furnish to the Independent Facilitator (by way of email – address provided).

Page Three – The Next Steps

- Future point[s] of contact:

Martin Donoghue and Dermot Moran - Turf Community Representatives of both bogs

Jim Ryan, NPWS and Conor O Rathallaigh (NPWS)

- Main Issues to be addressed

See above

- Main Stages to address issues

See above.

- Target Dates

None discussed.

ATTACHMENTS:

A list of attendees on behalf of the representative of both Turf Communities and the Officials is appended, all depicting the individual signatures of each.

A copy of the maps used in discussions is appended.

A copy of the Reports produced by Jim Ryan NPWS to be provided.

GENERAL:

Any advancement was very difficult in this case. There was a palpable uneasiness between both sides. Without question, the representative of both bogs made it clear that Conor O Rathallaigh and Jim Ryan have lied previously to them and they repeatedly requested that they offer suitable alternatives to their existing lands.

Ardgraique

Page One – The Turf Community's Preferences

- Name of Bog **Ardgraique**
- Name of Contact[s] Pat Campbell
- Numbers affected 180

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] De-designation. There is no scientific evidence that this bog could be restored. The conditions were never right for de-designation.
 - Second Preference
 - Other Preferences

- Issues/Concerns of Bog Users
 - Risk of flooding and damage to adjacent lands and households

 - Possible effects of climate change on flooding

 - Only received notice of bog being closed last December

 - Doubts in relation to the reliability of payments

 - No consultation as required by the legislation of 1997

 - People who own two banks of turf only get compensated for one

 - Some people cut turf on banks which they do not own and they need to be compensated

- Uncertainties to be resolved

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed
- Technical Issues to be addressed
 - De-designation not possible
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users

Flooding – Careful planning and preparation of flooding of bog in consultation with owners. If problems were to arise compensation would be paid to those affected.

People who do not own a bank but cut turf there may be compensated. Exceptions are possible.
- Uncertainties to be resolved

Page Three – The Next Steps

- Future point[s] of contact: Pat Campbell
- Main Issues to be addressed

De-designation will be pursued

Turf will be cut this year

Channels of communication to be kept open

- Main Stages to address issues

Both cutters and officials undertook to keep the channels of communication open

Callow Bog

Page One – The Turf Community's Preferences

- Name of Bog: **Callow Bog**
- Name of Contact[s]: Ciaran Gaynor
Pat Lavin
- Numbers affected: 130 banks, 220 households
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Stay where we are, designate one part and co-exist where we are. (80 householders are seeking relocation to a different part of the same bog. Some banks have not been cut some of which have 20/30 acres
 - Second Preference
 - Other Preferences
- Issues/Concerns of Bog Users

The cutters have spent money on drainage
One person present said he was 6th generation on this bog
Compensation on offer was for 15 years – what about the next generation?
Cost of fuel/oil would not be covered by the compensation
Flooding and health and safety – the road currently floods – who is responsible if a car goes off the road and someone is drowned?
People are afraid.
Concern that compensation won't happen.
Land that is farmed in the SAC
Land in the 15KM Buffer Zone. Value of property down. Will sons/daughters get planning permission in the area.

Page Two – The Official's Observations

Co-existence – legal issue: damage to bog.

IROPI could be used if no alternative. It is felt there is an alternative in this case so IROPI wouldn't work.

Cutting has to stop now. There might be a review down the road.

There will be a management plan in consultation with local people but will take time.

Constitutional rights v EU directive – Europe has the say.

RE Drainage and flooding: officials said they can bring cutters to see this taking place in other bogs where dams are put in place on high bogs. Will show how stops are put in place to stop nearby agricultural land being flooded.

Relocation option is 65 years – cutters said their grandchildren would not have it then.

Buffer Zone doesn't exist.

Relocation option with Bord na Mona is 30miles away. Nearer options have been looked at by the cutters, walked on and the old people asked about the quality of them – not good bogs.

Cutters said the 1000 euro is not enough compensation – Bord na Mona can generate thousands from an acre.

Officials acknowledged that things were handled badly in the past (the cutters were not at the earlier plenary sessions to hear this)

Page Three – The Next Steps

- Future point[s] of contact: see page 2

A commitment by the officials to deal with the bog cutters in a reasonable way re restoration. And if it is felt that they are not treated in a reasonable way he would like to hear about it. (Padraig O'Donnell)

Liam O'Reilly to send the cutters a blank contract re issues of liability, Health & Safety, indemnity.

Cutters will be shown where drainage has been done on restoration.

There was concern from the cutters that free turf would be dry enough considering the wet weather in the past season.

The option of taking free turf for a year while not cutting was explored – the cutters will need to discuss with the TCCA. Also to discuss with them the outcome of their meeting in Brussels last Friday.

The cutters stressed that the bog has been in their family for generations and want it to be part of their children's lives also.

Note: after the meeting both sides separately expressed concerns for the safety of individuals if these issues are not resolved.

Coolrain Bog

Page One – The Turf Community’s Preferences

- Name of Bog **Coolrain Bog, County Laois**
- Name of Contact[s] Joe Thompson 087 2790070
- Numbers affected 80 individuals of varying size, with approximately two families operating from each bank, therefore 160 individuals affected.
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] Transfer the SAC to Abbeyleix, which would involve de-designation.
 - Second Preference Mention was made of Clonenagh (9 miles away) and Monaincha (6 miles away) but not agreeing to either as suitable alternatives.
 - Other Preferences None expressed.
- Issues/Concerns of Bog Users

Complete lack of information given to the Representatives of the Coolrain Bog for several years in advance of designation, therefore given no opportunity to object. They queried why arrangements were not put in place to inform them in advance. Their view is that due to its small size, Coolrain Bog should never have formed part of the designation. A further view was that 60% of Coolrain SAC is owned by Coillte. They confirmed that Kilnamuck Bog, Abbeyleix of 93 hectares had been identified as a suitable alternative to their bog.

The Representatives of Coolrain bog expressed fear of flooding adjoining/nearby farmland – Sloan Cooper spoke confidently of his knowledge of the land and this being a real probability. NWPS representatives confirmed that all restorative works would be done in consultation with landowners.

- Uncertainties to be resolved

The Representatives of Coolrain Bog said the EU Directive made provision for exemptions – for example, the economic and cultural needs of the landowners/turbary right holders. They referred to the fact that most of the raised bog in Ireland was owned Bord na Mona and Coillte and resented the fact that these were mainly exempted from the SAC's. They expressed that they felt targeted.

The Representatives of Coolrain Bog also said that through re-location it would accommodate 48 of the 54 SAC's if assistance would be given by the Bord na Mona and Coillte, but it would still leave Coolrain Bog to be resolved.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

There was no opinion on offer on this issue.

- Technical Issues to be addressed

Major discussion on potential alternatives by both sides. Much time was expended on examining the potential of re-location, by examining various maps. Joe Thompson (a Representative for Coolrain Bog) and Padraig Comerford (NPWS), together with Conor O Raghallaigh (NPWS) viewed potentials. Joe Thompson had incredible knowledge of the adjoining lands and their current status (whether privately owned, explained why not a suitable alternative etc). This was generally agreed to by Padraig Comerford (NPWS)

- Legal Issues to be addressed

Conor O Raghallaigh (NPWS) cited restraints under law – namely Article 9 re de-designation. He explained this was an insurmountable hurdle in his opinion. In response, the Representatives of Coolrain asked that he 'make a good case to Europe'

- Organisational Issues to be addressed

None offered.

- Issues/Concerns of Bog Users

See above regarding potential of flooding.

The Representatives of Coolrain Bog stated that the turf cut on their bog was not a traded commodity and that they were proud of the fact that they were self sufficient. They resented the fact that it seemed they were now to be deprived of this.

Further, they stated that there was a complete lack of consultation and disregard for their opinion and this was the forum to put it 'right'. They also stated that implementation of the EU Habitats Directive was contrary to the principles of natural justice and in violation of citizens rights.

- Uncertainties to be resolved

None expressed, other than outlined above.

Page Three – The Next Steps

- Future point[s] of contact:

Joe Thompson on behalf of Turf Community Representatives

Padraid Comperford, NPWS and Conor O Raghallaigh NWPS

- Main Issues to be addressed

Representatives of the Turf Community for Coolrain asked that the Officials give proper and due consideration, under all areas of law, to transferring the SAC to Abbeyliex. No concrete possible alternative was offered by Officials.

- Main Stages to address issues

See above.

- Target Dates

None discussed.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

A copy of the maps used in discussions is appended.

A copy of the Report compiled by the Coolrain Bog is appended.

GENERAL:

Again, there was a general expectation expressed on the part of the Turf Community for Coolrain bog that the Officials would be willing to reconsider their stance to date, which they believed was unreasonable and outside the law. They also mentioned that should be matter be tested under law, they were confident it would hold in their favour.

No advancement was made towards possible solution/advancement.

Both sides were given access to full expression, within the confines of the time provided.

Page One – The Turf Community's Preferences

- Name of Bog **Redwood**
- Name of Contact[s] P.J. Nevin
- Numbers affected

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] De-designation of western side of the bog and relocation of bog owners on the eastern side to the western side where they can cut their own turf
 - Second Preference
Relocation and compensation may be acceptable to **some**
 - Other Preferences

- Issues/Concerns of Bog Users

Breakdown in trust with the DPWS - fear of money promised not being paid as has already happened, fear of being cold because turf is not delivered as promised or bad quality turf is delivered. Monetary compensation totally inadequate – sum insufficient, should be paid in a lump sum upfront and 15 years is inadequate ('what happens after 15 years') and what if the government can't afford the payment in the future?

Risk of flooding to adjoining land

Agricultural land which is part of SAC - fear of not being able to pursue normal farming Activities (Margaret Mounsey)

- Uncertainties to be resolved
Details of proposals for possible relocations

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Completion of proposals for relocation

- Technical Issues to be addressed

De-designation or co-location not an option

- Legal Issues to be addressed

- Organisational Issues to be addressed

Issues of outstanding payments in the process of being resolved

- Issues/Concerns of Bog Users

Flooding – careful planning and preparation of flooding of bog in consultation with owners. If problems were to arise compensation would be paid to those affected.

- Uncertainties to be resolved

Constraints on agricultural land in SAC need to be clarified with Margaret Mounsey

Relocation proposal to be finalised

Trust around the payments system needs to be built

Page Three – The Next Steps

- Future point[s] of contact: PJ Nevin
- Main Issues to be addressed

De-designation still the first preference

Two relocation options identified but investigations not complete. Sharragh bog (right of way not yet cleared) and Kilnaglinny. Relocation proposal to be finalised. Constraints on agricultural land in SAC need to be clarified with Margaret Mounsey. Trust around the payments system needs to be built

- Main Stages to address issues

NPWS Officials have already started to ask people if they are interested in relocation. They will complete investigations on relocation options two weeks after the completion of the Forum and will be in a position to ask people if they are interested in a specific option then.

- Target Dates

Specific relocation proposals to be made to those who are interested by March 20th, 2012. Situation with regard to Margaret Mounsey's agricultural land to be clarified next week in consultation with an official from NPWS.

Loughlurdeen Bog

Page One – The Turf Community's Preferences

- Name of Bog: **Loughlurdeen Bog**
- Name of Contact[s]: Tom Gibney
- Numbers affected: 100 active and inactive (4 families with no titles)

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Limited use and co-existence
 - Second Preference: Some have an interest in compensation
 - Other Preferences

- Issues/Concerns of Bog Users:

Communication - No consultation

Fire

Boundaries – changes on two maps.

Coillte forest not designated yet, the line goes through small farmer's fields

Pollution

Restoration of property

Page Two – The Official's Observations

Jim Ryan responded on the maps – the designated area is bigger than the first map. JR stressed the importance of this bog. He described the transition from raised bog to blanket bog in the west. While he said this is not a classical raised bog, the range of variation in it including the lake, the turlough and the type of bog makes is very important.

Re designated area going around Coillte land and through the farms. IF filed is part of the farm, permission can be sought from NPWS. The bog community said that small farmers don't have the resources for this. J Ryan said that if there is no threat to the bog then the land can be farmed. If a drain was affecting the bog, it would have to be closed.

The issue of pollution has been raised by NPWS with the County Council.

Fire barriers: If a fire barrier is needed, ask NPWS if it can be put in.

Cutting on the raised bog: If it causes damage, permission will not be given. The cutters must apply for permission.

Relocation sites were discussed in Cloonkee (trial holes) – 10 KM + away. Cloonshinna and New Forest.

Page Three – The Next Steps

Jim Ryan will provide more detailed maps with boundaries before the end of the day to Tom Gibney

J Ryan said that once clear conservation objectives are in place then consultation will take place.

A commitment give to carry out an intensive survey for the future management of the sites and the local people will be involved in this process. (Jim Ryan)

A drain identified by the bog community saying it could not be blocked. Officials said if it is causing a problem to the bog, a plan can be put in place to communicate with the land owners.

Bog community need to apply to NPWS re fire barrier

Map of possible site for relocation to be sent to Tom Gibney by Gerry Higgings – it was stressed that this option would be explored only if it suited the cutters.

NOT STOPPING CUTTING UNTIL THIS IS ALL SORTED OUT.

Lough Ree Complex

Page One – The Turf Community's Preferences

- Name of Bog **Lough Ree Complex**
- Name of Contact[s] Peter Gillooly and Paul Kelly
- Numbers affected Approximately want 200 relocation and possibly 30 more want compensation
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]

Co-existence and Relocation will both be necessary to solve this problem due to the large number of cutters who have to be accommodated. In relation to Co-existence (75-80 cutters) the Committee proposes de-designation of two small strips of the bog at Clooncraff and Clooncah which are too narrow to regenerate. In place of these two strips which are 4 hectares and 0.07% of the designated bog, other bog could be included in the designation. For Relocation people are willing to travel up to 35 kilometers to another bog. Lisnarriagh and Portnahinch Bogs are possibilities for this. Talks are ongoing about these sites. The Committee prefers to approach local owners about possible sales of bog.
 - Second Preference/Other Preferences: NONE
- Issues/Concerns of Bog Users

Cutters need the turf to burn it because they cannot afford oil. Many vulnerable people need the turf.

It is very difficult to get information from NPWS regarding the timeline for designation, scientific justification, clarification of status of part of Clooneigh Bog and other matters

Sean Mooney awaiting a payment since 2006 from NPWS for 10 acres which he sold under the Voluntary Bog Purchase Scheme.
- Uncertainties to be resolved

Page Two – The Official's Observations

Padraig O'Donnell said on behalf of NPWS that they recognised and appreciated the huge efforts made by TCCA to solve problems.

- Land/Ownership Issues to be addressed
- Technical Issues to be addressed
- Legal Issues to be addressed

NPWS- Co-existence is a very difficult argument to make and it is not possible to re-designate. Will look at the proposals in detail to see if there is any possibility.

Bord Na Mona- agree with cutters that a ten metre wide strip of bog cannot be regenerated

- Organisational Issues to be addressed
- Issues/Concerns of Bog Users
It is very difficult to get information from NPWS regarding the timeline for designation, scientific justification, clarification of status of part of Clooneigh Bog and other matters

NPWS Official Padraig O'Donnell undertook to get back to Peter Gillooly within a month about a list of questions that will be given to him by Peter. He also said that the option of FOI was available to all if they found that answers to requests for information from NPWS were not forthcoming.

Sean Mooney awaiting a payment since 2006 from NPWS for 10 acres which he sold under the Voluntary Bog Purchase Scheme

Brian Lucas of NPWS undertook to get back to Sean Mooney within a week with a view to sorting this problem out

- Uncertainties to be resolved

Will Lisnarriagh Bog retain NHA status in the Peatlands Council review which will be published by the end of 2013?

Page Three – The Next Steps

- Future point[s] of contact: Peter Gillooly and Paul Kelly
- Main Issues to be addressed

Co-existence request must go forward. It is a vital part of the solution.

Will Lisnarriagh Bog, a potential relocation site, retain NHA status in the Peatlands Council review which will be published by the end of 2013?

Information requested of NPWS must be delivered

Communication about relocation sites will continue between NPWS and Committee. Pdraig O'Donnell invited TCCA representatives to visit a restored bog with him to see what it looked like and how it is managed.

Need to find out who what everyone owns

Closing date for applications for compensation and relocation need to be extended

Monivea Bog

Page One – The Turf Community’s Preferences

- Name of Bog **Monivea Bog**
- Name of Contact[s]
Virginia Moyles
Joe Colley

Gerry Higgins (NPWS)
- Numbers affected
97 banks (supplying turf for 2/4 homes per bank a mix of freehold and turbary rights)
- Preferences
[if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
To remain on the land and continue cutting turf until re-location option in place
 - Second Preference: Killaclogher bog (NHA)
 - Other Preferences
- Issues/Concerns of Bog Users

Turf Community Representatives for this area confirmed they were willing to discuss the possibilities for an agreed resolution. They wanted to be assured of sufficient acreage to replace what they had, on suitable alternative land (like for like) with the necessary services in place in advance of moving. Killaclogher bog was their choice, subject to provision of the necessary infrastructure to facilitate this move. NPWS confirmed it was a NHA site and explained the restrictions attaching to this designation. Further, when pressed, they confirmed at a guess it could take up to 2 years to complete the necessary infrastructure.

Turf Community Representatives explained their concerns were regarding flooding, fire, the 15km buffer zone, health and safety issues, devaluation. Also, they mentioned preservation of the wildlife on the bogs.

They expressed concern also on the suggestions being made in correspondence that REPS and Single Farm Payment would be removed should cutting continue.

They also confirmed their bog was a community based fuel provider for private use only and this was the reason they would continue to cut turf until an alternative was provided to them. NPWS explained that the Commission would be imposing fines on Ireland if this was the case.

- Uncertainties to be resolved

Turf Communities Representatives explained that they were anxious that their rights would not continue to be threatened or interfered.

Following discussions, they were upset that no investigation of alternative sides was undertaken by NPWS. NPWS acknowledged this, and stated that due to their busy workload, they did not get time to investigate this matter. It was agreed they would do so now as early as next week, in order to advance matters.

NPWS confirmed the uptodate compensation figures on the fuel allowance was to be known next week. Turf Community Representatives said the current figure was insulting and insufficient. NPWS confirmed an update on turf allocation should be made known to them next week, and in turn this information would be furnished to the landowners.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

No queries raised on this

- Technical Issues to be addressed

As the bog elected by Turf Community Representatives is currently NHA, NPWS confirmed they would update them when a review of the current NHA's was known.

- Legal Issues to be addressed

NPWS explained it could take up to 2 years for the re-location site to be prepared, with all costs associated with draining/access/spread ground etc to be their responsibility.

- Organisational Issues to be addressed

- Issues/Concerns of Bog Users

See above. Up-to-date information to be provided following review of the potential re-location sites. Awaiting results on NHS to see if first preference selection can be accommodated.

- Uncertainties to be resolved

.

NPWS confirming that cutting cannot take place this year. In response, Turf Community Representatives said they intended to cut, as no other option available to them due to the years of delay on the part of NPWS in dealing with the matter. NPWS explained the implications of doing this for Ireland.

Page Three – The Next Steps

- Future point[s] of contact:
Joe Cooley (Turf Community Representative)
Gerry Higgins NPWS
- Main Issues to be addressed
Re-location sites to be investigated and visited, in consultation with landowners.
- Main Stages to address issues
See above.
- Target Dates
Visit to lands within the next two weeks agreed.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

This was a good discussion during the meeting.

However, no advancement/solution potential here.

Carrownagappul Bog

Carrownagappul Bog gave a submission to Judge Quirke in the plenary hearing and lodged a copy of that submission to the Forum. They declined to attend a facilitated meeting and therefore there is no Technical Report for this bog.

Kilsallagh Bog

Page One – The Turf Community’s Preferences

- Name of Bog **Kilsallagh Bog**
- Name of Contact[s] Michael Fitzmaurice and Pat Duignan
- Numbers affected 50 approximately (43 cutters)

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
Relocation if turbary rights and access were transferred to the new location. Numerous sites available including Kilcolm Bog, Ballyglens Bog, Ussey Bog, Cloonmider Bog and Brackagh Bog. Some elderly people would have a preference for compensation. A few who own 10-15 acres want to be bought out.
 - Second Preference NONE
 - Other Preferences NONE

- Issues/Concerns of Bog Users
 - Transfer of turbary rights essential – 65 year license not enough
 - Want a guarantee that the new location will be permanent
 - Unfair amount of designation in Galway – 20 bogs in an 8 kilometre radius
 - Concerns of farmers with arable lands in designated areas must be addressed
 - Any works carried out must be done in consultation with local people and any rivers and drains would have to be maintained in the area without the burden of red tape
 - Want to ensure that all others are happy before they agree to relocate

- Uncertainties to be resolved

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Research about relocation sites has already been undertaken by Cathryn Hanna in the NPWS and the local Committee. Kilcolm and Ussey Bogs are both being considered. NPWS owns site and access could be bought to the high bog owned by the NPWS as 4 owners are willing to sell.

- Technical Issues to be addressed
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users

Purchasing is closed to new applicants so owners of 10-15 acres who want their land purchased by the state cannot be accommodated at this time. There are two or three owners involved in Kilsallagh who own between 30 and 35 acres between them.

Uncertainties to be resolved

Page Three – The Next Steps

- Future point[s] of contact: Michael Fitzmaurice and Pat Duignan
- Main Issues to be addressed

Relocation acceptable if:

Full transfer of turbary rights

Purchasing of 30-35 acres of land on Kilsallagh owned by 2/3 people

Permanent solution (review of NHA sites awaited to be sure that new locations are secure for cutting)

- Main Stages to address issues
Cathryn Hanna of NPWS will continue to work on relocation possibilities
Relocation will happen when broader issues have been addressed
- Target Dates

Curraghlehagh and Shankill Bog

Page One – The Turf Community’s Preferences

- Name of Bog: **Curraghlehagh and Shankill Bog**
- Name of Contact[s]: David Naughton
- Numbers affected: 45/50 cutters

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Stay where we are

 - Second Preference: Relocation (small number looking at compensation – 5) – want an additional year to cut.

 - Other Preferences NONE

- Issues/Concerns of Bog Users:
 - Relocation: accessibility and location
 - Compensation – disturbance money
 - Area of ground – same as now
 - Same amount of turf and quality to be assessed by a 3rd party
 - Quality of replacement turf
 - Legality of the arrangement
 - What happens if Coillte and Bord na Mona are sold
 - Ownership of the new bog
 - Rights on current bog
 - Infrastructure on new bog
 - Relaxation of current rules for interim period
 - Flooding and drainage
 - Blocked drains to be reopened – movement taking place
 - 15 KM buffer zone
 - Farm fields have SAC boundary running through
 - Fear of fire on bog when not in use

Page Two – The Official's Observations

Officials have never heard of the 15 KM buffer zone. Could it be an EIA directive or Dept of Ag?

Relocation bog option – Hunts Bog – NPWS talking to the current owner. 40 acres. Test holes. Bog Community happy to explore this.

Concerns expressed about the interim period. Officials advised that there are indications that the compensation package may increase.

Free turf would come from a bog in Offaly.

Multiple cutters issue is being reviewed.

Cutters not happy with 65 year lease and would like to own it.

Page Three – The Next Steps

Bog community willing to explore location option proposed by the officials provided the quality of the turf is the same quality as they have had.

Samples of replacement turf to be provided for the interim period.

Bog Community to raise Buffer Zone issue with TCCA

Re boundary of SAC running through farm fields – Dept to look at giving permission for a number of years to fertilize the land rather than the farmers having to apply each year.

Multiple cutter issue if being address by the NPWS including deliveries to each user and how it is delivered, etc

Communication and consultation will take place before any restoration plans are undertaken.

Bog community want local contractor to be given 1st option on any potential work.

Willingness to keep communication lines open.

Drumalough Bog

Page One – The Turf Community's Preferences

- Name of Bog **Drumalough Bog**
- Name of Contact[s] Martin G Flanagan and Gerry Cox
- Numbers affected 18 cutters

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] Stay where they are

 - Second Preference Relocation for most cutters within a 4/5 mile distance. The bog is within cycling distance at the moment. Some older people might want compensation if they got 2,000 euro per year.

 - Other Preferences NONE

- Issues/Concerns of Bog Users

Think compensation should be 2,000 euro per year per household

If you own two banks of turf what will you get?

If you have a large holding, for example 8 acres, on the bog, would that be taken into account when relocating?

Quality of turf they will receive

How will compensation be paid?

It is not fair that people who haven't cut in the past 5 years don't get compensation

- Uncertainties to be resolved

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

NPWS land available in Cloonaff/ Annaghmaghera for relocation but would have to be developed and would take some years to dry out. In the meantime cutters could avail of an interim payment of 1,500 euro per year or 15 tons of turf per year. If there are multiple cutters then cutters would be entitled to 15 tons of turf each per year. Financial compensation only payable to one person even if there are multiple cutters.

- Technical Issues to be addressed
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users

If you own two banks of turf what will you get?

If you give up two banks you will only get one allocation but will get more than the person with one bank. A certain number of hoppers will be given and this is open for negotiation.

Quality of turf to be given is very good and can be shown to anyone who wants to check this

Compensation will be paid promptly the first year and will be paid at the same time every year from then on

It is not fair that people who haven't cut in the past 5 years don't get compensation

People may in exceptional circumstances get compensation if they make a case for it

- Uncertainties to be resolved

Page Three – The Next Steps

- Future point[s] of contact: Martin G Flanagan and Gerry Cox
- Main Issues to be addressed

2,000 euro per household per year would be fairer compensation

Good quality turf, access and infrastructure necessary in relocation site

Unfair that two families cutting the same bank do not have the right to financial compensation

- Main Stages to address issues

Padraig O'Donnell of NPWS will visit potential sites for relocation Martin G Flanagan and Gerry Cox in the next two weeks.

Corbo Bog

Page One – The Turf Community's Preferences

- Name of Bog: **Corbo Bog**
- Name of Contact[s]: Peter Gillooly & Paul Kelly
- Numbers affected: 40 banks plus 1 contractor who cuts for 40 people

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Relocate people from Corbo bog to NHA bog Lisnanarraigh
 - Second Preference NONE
 - Other Preferences NONE

- Issues/Concerns of Bog Users:
 - The contractor who has 40 customers
 - The Gun Club (clay pigeon)
 - Ownership of current bog including status of 9 people who were allowed cut by Bord na Mona
 - Local contractors to do work on any relocation
 - Ownership of relocation bogs
 - What happens this year
 - Flooding

Page Two – The Official's Observations

Bord na Mona bought 40% of Corbo bog but only 20% got title. Some cutters sent in applications to take turbary. They were getting it to be able to get Compensation.

Bord na Mona still own part of Corbo bog and own part of the relocation. If the NHA is accepted as relocation site they will make it available.

Bog Community doing best they can to come to a resolution. Have accurate figure of people willing to relocate.

Gun club only use the bog a few times each year for clay pigeon shooting so unlikely any damage to the habitat. Louise McAlavey willing to talk to them.

Contractor has phoned NPWS and been told he is cutting illegally as he is commercial. Bog community feel very strongly about this.

To improve relations Bog community very strong about local contractors getting work on relocation.

Lack of trust on quality of turf. An assurance was give by Bord na Mona that the quality of turf was very good.

Page Three – The Next Steps

Bord na Mona willing to make bog available in Lisnannaarraigh.

Bord na Mona will look at Cloonaddra as an option.

Bord na Mona will communicate with Bog Community regarding info on bogs previously purchased from former owners.

Bord na Mona will review the ownership situation for the 9 people.

NPWS will check their records re bogs they purchased from previous owners.
(acknowledged that their records are not a up to date as Bord na Mona).

NPWS will look at lands for sale in Kilnacarrow. Will communicate with Bord na Mona on other owners in the area.

NPWS (Brian Lucas) will check case with contractor. Peter Gillooly will get reference numbers of the letters the contractors as received for Brian who will get back to Peter on the matter.

The Gun Club Chairman will be asked to contact Louise McAlavey of NPWS.

Ensure all works are done by local contractors.

After hearing of the quality of turf from Bord na Mona, and getting a positive decision back on Kiltreevan and Corbo (Loughrea Complex), BY 16th MARCH, we may not touch the bogs AND the turf will be delivered by mid-August.

Further designation of Derrycanny as an SAC, due to shortage of alternative turf banks in the are should not take place.

Willingness to keep communication lines open.

Corliskea/Trien/Cloonfellin

Page One – The Turf Community's Preferences

- Name of Bog **CORLISKEA/TRIEN/CLOONFELLIN G/RN**
- Name of Contact[s]
 - Liam Devaney (Turf Community)
 - Jimmy Ward (Turf Community)
 - Gerry Higgins and Padraig of Donnell (NPWS)
- Numbers affected Approximately 90 people – 180 acres- mostly turbary rights holders.
- Preferences

[if new/different location/arrangement is proposed mark on accompanying map]

 - First Preference [s] To remain on the land and continue cutting turf,
 - Second Preference Brachlagh Bog (NHA)
 - Other Preferences Cloonroghan Bog and Annagh Bog
- Issues/Concerns of Bog Users

Turf Community Representatives for this area confirmed they believed very strongly in preservation and therefore most of them wanted to accommodate the re-location. They questioned where the EU 700 million was? NPWS explained most of it had been expended in the Rural Development Fund and the REPS system/Single Farm payments.

They expressed concern on re-location stating they wanted to ensure any relocation site would be on the same level as what they currently have on their land. They explained they would need 180 acres. NPWS gave assurances that any relocation would be in full consultation with the landowners and all cost associated with spread ground drainage, roads etc on the site would be their responsibility.

Flooding of existing bogs concerns were expressed, also fire potential in the event the bogs are not properly managed. NPWS acknowledge this. Further the 15km buffer zone was mentioned. In response, NPWS confirmed there was no such thing as a buffer zone.

- Uncertainties to be resolved

Fire/Flooding issues, as above

Code of Practice on Ranger behaviour suggested necessary by Turf Community Representatives, as explanations were given that many farmers felt intimidated by NPWS visits to their land in the past. It was agreed such behaviour would be notified in writing to NPWS for attention.

Up-to-date information to be furnished to Turf Community Representatives on NHA results when available.

Scientific Report on lands agreed to be furnished to Liam Devaney (address details given)

Exchange of contact information made to enable future contact, agreed to occur within the next two weeks.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

No queries raised on this

- Technical Issues to be addressed

Scientific report to be furnished on lands for review by Turf Community Representatives.

- Legal Issues to be addressed

NPWS explained it could take up to 2 years for the re-location site to be prepared, with all costs associated with draining/access/spread ground etc to be their responsibility.

- Organisational Issues to be addressed

- Issues/Concerns of Bog Users

See above. Uptodate information to be provided following review of the potential re-location sites. Awaiting results on NHS to see if first preference selection can be accommodated.

- Uncertainties to be resolved

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NPWS confirming that cutting cannot take place this year. In response, Turf Community Representatives said they intended to cut, as no other option available to them due to the years of delay on the part of NPWS in dealing with the matter.

Page Three – The Next Steps

- Future point[s] of contact:

Liam Devaney (Turf Community Representative)

Niall Redmond NPWS

- Main Issues to be addressed

Re-location sites to be investigated and visited, in consultation with landowners.

- Main Stages to address issues: See above.

-

- Target Dates

Scientific report on area to be furnished to Liam Devaney asap.

Visit to lands within the next two weeks agreed.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

This was a beneficial meeting, with good discussion. Turf Community Representatives had a very clear map with them, indicating possible alternatives for relocation purposes. It was agreed that ongoing contact would increase potential of a resolution. Advancement was made in this matter, with positive dialogue.

Clookshanville Bog

Page One – The Turf Community's Preferences

- Name of Bog **Cloonshanville Bog**
- Name of Contact[s] Brian Casserly
- Numbers affected 8-9 cutters, but Brian Casserly does not represent them
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
Amnesty for the cutting of turf for 12 months and try to sort this problem out. 'I see awful things happening'. Both sides of the dispute responsible for not doing enough to solve the problem. Urges co-operation on both sides. Will cut turf if this does not happen
 - Second Preference
If the first preference happens, he might consider a relocation
 - Other Preferences
- Issues/Concerns of Bog Users
Major concern about the drainage of water from around Cloonshanville bog. If the drain on either side of the road as far as the Loughbally River is not cleared every three to four years the only link road from Frenchpark to Elphin is flooded. There is fear that the NPWS might prevent the drain being cleared (and perhaps already did so on one occasion) and also if the bog is flooded that this will cause problems to the adjoining land and roads. Lack of consultation with local communities. Department should work in peace with the locals.
- Uncertainties to be resolved

15 kilometer buffer zone will devalue my property
Concerns about insurance for house and farm if bog is flooded

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed
- Technical Issues to be addressed
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users

Flooding – Careful planning and preparation of flooding/re-wetting of bog through management plan prepared in consultation with owners. This would take 4-5 years to prepare after cutting has ceased.

Officials have no knowledge of any NPWS attempt to prevent drains being cleared in the area in the recent past and consider it most unlikely that it happened.

- Uncertainties to be resolved

15 kilometre Buffer Zone

Page Three – The Next Steps

- Future point[s] of contact: Brian Casserly
- Main Issues to be addressed

12 month amnesty must be given to bog cutters and the problem must be sorted out then. If this is done, Mr Casserly will consider relocation. Mr Casserly is happy to be contacted by officials and wants to keep the channels of communication open

- Main Stages to address issues
- Target Dates

Cloonchambers Bog

Page One – The Turf Community's Preferences

- Name of Bog **Cloonchambers Bog**
- Name of Contact[s] Luke Flanagan
- Numbers affected 30 cutters servicing 88 different homes

- Preferences
 - [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
 - Relocation possibly to Cloonaff Bog or another site which is being looked at at the moment
 - Second Preference NONE
 - Other Preferences NONE

- Issues/Concerns of Bog Users
 - Afraid that agreements won't be upheld or delivered
 - Won't move unless everyone in surrounding bogs is satisfied
 - Ownership of bog needs to be nailed down – one person owns 5 acres, others have been cutting for 100 years
 - Relocation site must be prepared and developed including access
 - Any lands near the bog must be protected from flooding and drains taking water from land through the bog to rivers must be maintained
 - The person who owns five acres wants clarification on what he will get. He would not be happy with just one acre.

- Uncertainties to be resolved

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed
- Technical Issues to be addressed
- Legal Issues to be addresses
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users

NPWS policy is to offer 1 acre in relocation sites not to offer like for like

Flooding not an unrealistic fear. Each bog will be surveyed and a specific management plan will be drawn up for each bog in consultation with the cutters. NPWS will be liable for any damages caused to land or property. State will accept liability. Pádraig O'Donnell of NPWS invited Mr Flanagan and others from the TCCA to visit a restored bog with him to show how issues were dealt with

- Uncertainties to be resolved

15 kilometre Buffer Zone

Page Three – The Next Steps

- Future point[s] of contact: Luke Flanagan
- Main Issues to be addressed

Padraig O'Donnell of NPWS invited Mr Flanagan and others from the TCCA to visit a restored bog with him to show how potential flooding issues were dealt with

Officials pointed out that they need applications from cutters for the Compensation Scheme

Deputy Flanagan said he will wait to see how the process goes before doing anything further

Moyclare Bog

Page One – The Turf Community's Preferences

- Name: **Moyclare Bog**
- Name of Contact[s]: Aidan Flaherty
- Numbers affected: 22 cutters approx

NOTE: MOYCLARE BOG HAS BEEN CLOSED FOR 2 YEARS

- Preferences
[if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Re-location with Compensation
 - Second Preference: NONE
 - Other Preferences: NONE
- Issues/Concerns of Bog Users:
Bog closed for two years and compensation was paid the first year but hasn't been paid last year. No communication about it from NPWS
Drain on east side of bog – who will maintain it
Relocation bog
Multi cutters

Page Two – The Official's Observations

The first year payment was for one year. The 15 year agreement started in 2011. Title has proved difficult. Names were different. It is hoped to fast track payment for 2011 and four have been paid already at Christmas time. There are other difficulties with some turbary cutters who cut into NPWS land – impact on these and they will not have rights. Liam O'Reilly NPWS has been in contact with Aidan. Discussion on under cut and lack of clarity.

Relocation sites being looked at with Bord na Mona. Glebe bog difficult for Bord na Mona – owner they approached won't sell. Some other areas could work and Bord na Mona will explore these.

Page Three – The Next Steps

A number of the 2011 payments will be going out in next few weeks – end March.

For 2012 payments, an option of turf will be offered.

Relocation options will continue to be explored with Aidan Flaherty, NPWS and Bord na Mona.

NPWS will continue to liaise with Aidan in relation to quantity of resources left in the bog concerning cutters who may have cut into the NPWS land.

Restoration plan will be done in consultation with local bog community (Brian Lucas will set up meeting with Jim Ryan NPWS and Jim Ryan, Edward Egan and John Keena)

NPWS to address the issue of who will maintain the drain on vacated bog.

Will keep communication lines open.

All Saints Bog (Group A)

Page One – The Turf Community's Preferences

- Name of Bog **ALL SAINTS BOG (GROUP A)**

- Name of Contact[s] Sean Canny & John Quinlan
- Numbers affected Approximately 12 directly affected.
Total area affected 250 hectares

- Preferences
[if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
Implementation of the settlement arrangement of the 24th May 2007, which involves purchase of the freehold intersets of 14 landowners, together with 51 acres of alternative bog.

 - Second Preference
All Saints Bog said they had not considered any other options. NPWS Officials had not investigated any other alternatives.

 - Other Preferences: None expressed.

- Issues/Concerns of Bog Users

All Saints mentioned that the Judge had indicated they would be pleased if they attended the Technical Working meetings to discuss their concerns, They explained this was their reason for attending. They wanted the NPWS to honour the May 2007 agreement.

The NPWS Officials confirmed that Minister Deenihan had reviewed the arrangement only 4 weeks ago and his decision was final, the May 2007 agreement was not to be reinstated on the agreed terms. Mention was made of the Minister being agreeable to the 2004 rates.

All Saints stated they felt they were now being further prejudiced by now being stopped from cutting turf on their own land following designation of their lands as an SAC under the EU Habitats Directive. They explained they did not receive any notice of the proposed designation

- Uncertainties to be resolved

All Saints said that all goodwill and trust had been severely affected by NPWS behaviour. They confirmed that today had again confirmed that there was no movement towards reinstating this on the part of NPWS

Page Two – The Official's Observations

Land/Ownership Issues to be addressed

None

Technical Issues to be addressed

None

Legal Issues to be addressed

It was clear that All Saints believe they had a legal arrangement with NPWS which has been breached. Their belief was that this must be reconsidered.

Organisational Issues to be addressed

None offered.

Issues/Concerns of Bog Users

All Saints mentioned lack of goodwill and trust, which had been severely affected. They also mentioned that they felt NPWS had a total disregard for the landholders. They felt betrayed by breach of the terms which had been agreed in May 2007.

Uncertainties to be resolved

None, other than those outlined above.

Page Three – The Next Steps

- Future point[s] of contact:

Sean Canny All Saints & Niall Redmond NPWS

- Main Issues to be addressed

John Quinlan of All Saints pleaded with NPWS Officials to honour their deal of May 2007, he said ‘ there are ways around it, if the goodwill was there’ He also mentioned that it would foster goodwill.

Although Niall Redmond of NPWS acknowledged verbally that a grave mistake was made by NPWS, he reiterated that the Minister had made his decision not to do so.

- Main Stages to address issues: See above.
- Target Dates: None discussed.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

There was a genuine expectation expressed on the part of the Turf Community Representatives for All Saints that the Officials would be willing to reconsider acting on the May 2007 agreement, or indeed, even renegotiating its terms on a realistic level. There was huge disappointment when NPWS was not willing to discuss this potential. They repeated the Minister had already given his decision in the matter.

Absolutely no alternatives were on offer by NPWS, which caused the meeting to be very much onesided, with ALL SAINTS pleading for reasonableness and NPWS confirming that the Minister had made his decision.

No advancement was made towards possible solution/advancement.

All Saints Bog (Group B)

Page One – The Turf Community’s Preferences

- Name of Bog **ALL SAINTS BOG (GROUP B)**
- Name of Contact[s] Francis Killeen
- Numbers affected 3 people affected, involving 47.5 acres, all freehold

- Preferences

[if new/different location/arrangement is proposed mark on accompanying map]

- First Preference [s]
To remain on the land and continue cutting turf,
- Second Preference
Sale of the land at EU150,000 per acre (based on Bord na Mona value of nearby land)
- Other Preferences
Re-locate to KIlhnaglinny (across the road) subject to ‘like for like’ circumstances. (4 miles away)

- Issues/Concerns of Bog Users

Francis Killeen explained that they were not inflicting any damage to the land as it was only used for domestic purposes and they were only extracting the minimum amount for mere domestic use. He confirmed they felt the proposed deals were an insult to for valuable lane.

He also confirmed that no person (other than Conor Skehan) had approached them to date and asked that they be fully informed going forward.

Ann Silke feared flooding on her lands; she explained that the town springs were on her land (Land of the springs). To date, she and her husband (very ill at the moment) always had a fear for her adjoining farmland in the event they re-located and drains were left untended to. NPWS officials confirmed in the event re-location occurred, she would be fully consulted on necessary draining etc, in advance of any such works being carried out.

- Uncertainties to be resolved

Agreement was reached that consultations would occur regarding re-location. Contact Numbers were exchanged and it was arranged that a meeting would take place within the next two weeks or so.

NPWS to revert on compensations details once received from Government (due next week). It was explained that the existing compensation of EU1000 per year for 15 years was to increase. NPWS also explained the qualifying criteria – i.e. legal title and cutting within the past 5 years.

Page Two – The Official's Observations

Land/Ownership Issues to be addressed

None, all freehold land so no investigations necessary

Technical Issues to be addressed

None at present, in event of re-location, Ann Silkes lands to be carefully viewed as on town Springs.

Legal Issues to be addressed

After discussion, NPWS explained it could take up to 2 years for the re-location site to be prepared.

Organisational Issues to be addressed

NPWS to review Kilnaglinny and revert. NPWS to forward necessary forms to the parties to Inform them on their options

Issues/Concerns of Bog Users

None other than outlined above

Uncertainties to be resolved

None, other than those outlined above.

Page Three – The Next Steps

- Future point[s] of contact: Francis Killeen All Saints & Niall Redmond NPWS
- Main Issues to be addressed

See above. The Turf Community Representatives stated they were very disappointed to have to be today where it seemed absolutely nothing was being offered by NWPS. They were going to continue to cut turf until the above issues were resolved.

Eventually, it was agreed to exchange contact numbers, and Francis Killeen specifically stated that it was for NWPS to follow up this matter. Ann Silke agreed, and was very anxious they address the potential flooding issue, particularly as her lands contained the town springs.

- Main Stages to address issues

See above.

- Target Dates

NWPS contact within the next two weeks.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

This meeting started out quite unsettled. However, once All Saints Reps were heard, the conversation settled down to be quite a beneficial meeting. All Saints (B) were happy to have received the information on potentials open to them. However, they insisted that ongoing contact be maintained from today (as no contact had been made in the past). Advancement will be made in this matter if contact is initiated and maintained by NWPS.

Kilcarren – Firville Bog

Delegates from **Kilcarren – Firville Bog** were unable to attend the proceedings. A written submission was lodged with the Forum.

As they were unable to attend a facilitated meeting there is no Technical Report for this bog.

Ballyduff/Clonfinane Bog

Page One – The Turf Community's Preferences

- Name of Bog **Ballyduff/Clonfinane Bog**
- Name of Contact[s] Felim Kennedy
- Numbers affected Mr Kennedy has safeguarded almost 100 acres of raised bog which has been identified by scientists as a prime example in Europe. His bog is part of the national heritage and is safeguarded in his will.
- Preferences
[if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
He would like a R.E.P.S. scheme tailor-made to the bog to be implemented per acre owned which should be index linked but not falling below a minimum amount which he considers to be the value of two good lots of turf per annum per acre. The duration of the scheme should be for as long as the bog is designated.
 - Second Preference
A buy-out which reflects the real losses foregone including land underneath peat and peat that could have been extracted (if bog was not designated) and flooding that may occur in the area
 - Other Preferences NONE
- Issues/Concerns of Bog Users

Afraid that if he sold his bog to the NPWS that the rest of his land would be flooded
- Uncertainties to be resolved

Page Two – The Official's Observations

NPWS officials said that at the moment no Purchase scheme is on offer.

They hope that an agri-environmental scheme will be included in the next CAP or that the existing Burren Scheme might be expanded.

- Land/Ownership Issues to be addressed
- Technical Issues to be addressed
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users
- Uncertainties to be resolved

Page Three – The Next Steps

- Future point[s] of contact: Felim Kennedy
- Main Issues to be addressed

Stefan Jones of NPWS took Mr Kennedy's phone number and undertook to contact him about developments which would meet his needs. They hope that an agri-environmental scheme will be included in the next CAP or that the existing Burren Scheme might be expanded.

- Main Stages to address issues
- Target Dates

Ardnagullion Bog

Page One – The Turf Community's Preferences

- Name: **Ardnagullion Bog**
- Name of Contact[s]: Richard Monahan
- Numbers affected: 50 cutters

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Stay put

 - Second Preference: didn;t get chance to talk to everyone

 - Other Preferences NONE

- Issues/Concerns of Bog Users:
 - Flooding
 - Title issue and consent of turbary rights
 - Is freehold owner entitled to compensation
 - Can SAC be changed to NHA (de-designated)
 - People didn't get letters re compensation

Page Two – The Official's Observations

John Donoghue has 4 tenants and they will have to agree. He has REPS payments and as concerns.

De-designation – only allowed for natural causes so turf cutting not likely to be agreed to

Most people have not been notified or have received forms – NPWS agreed they will get forms out and bog community can send them in over next couple of weeks.

Bord na Mona not familiar with the relocation option but will now look at it. In the absence of knowledge of the bog, it will probably be a commercial bog with spread ground. They will work with Bog Community.

Ownership and turbary rights – SAC designation = ownership retained and given turbary rights on new bog which is owned by Bord na Mona.

In 1999 and 2004 schemes the rates were lower in '99 and there was a top up. Will this apply this time – thought unlikely by the officials.

RE Voluntary bog purchase scheme – NPWS will write to those people asking them if they want to switch to the new scheme.

Page Three – The Next Steps

NPWS agree to talk to Dept of Agriculture re REPS payments if that issue arises. Padraig O'Donnell will get something in writing from Agriculture expert in NPWS.

Deadline for submitting forms – NPWS said to tell bog community to send in form within next two to three week period and they will be dealt with.

Bog Committee will contact the cutters to give the forms out – Brian Lucas to send forms to Richard's address.

Bord na Mona will look at the situation. There will be a legally binding agreement. Bord na Mona will engage with the Bog Community.

Anyone on the voluntary Bog Purchase Scheme has the option to switch to the new compensation Scheme.

Tullaheer Lough Bog

Page One – The Turf Community’s Preferences

- Name of Bog: **Tullaheer Lough Bog**
- Name of Contact[s]: Carmel Haugh
- Numbers affected: 200 cutters 350 houses

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Continue cutting on the area that was added to the original designation along with the detailed proposals outlined in the document presented to the Judge.

Issues identified at the meeting:

Why did the boundary change?

No communication

Information not recorded

Forestry

Flooding

Importance of cultural diversity including turf cutting

Want free turf to be cut locally

Lack of trust

The contractor

The people present very eloquently described their rich history of conservation and appreciation of the habitats in their locality.

Page Two – The Official's Observations

NPWS will check the reason for the extension to the SAC area – Jim Ryan made an undertaking to contact Carmel Haugh within two weeks (15 March 2012). There appeared to be confusion about different areas within the SAC and whether all was raised bog. It was agreed that maps would be examined together after the meeting. There also appeared to be confusion about different types of maps – ordinance survey, aerial photograph maps, etc.

Conservation objectives will be set and communication will take place with local people then.

People who applied to previous purchase scheme and didn't get paid: the Minister will either pay with monetary compensation or offer relocation. Buy out option is not an option.

People who can't prove title: arrangements can be put in place to assist these people.

An alternative site was discussed that the Contractor has identified. Further exploration and details need to take place and an agreement reached.

Sourcing local turf – the supply of turf option is an interim measure or people can take the money and buy their own turf locally from the contractor – the option is with the recipient. The current turf has been sourced nationally under a national procurement process.

A number of people on the raised areas need to be talked to as quickly as possible and it was agreed that both the NPWS and the local committee would go meet them.

It was recommended that all people complete the form. Some disagreed. It was decided that for this year there would be a clause stating that this agreement is for this year only. It was noted at the meeting that the form says it is not a legally document. The NPWS to honour the options.

Page Three – The Next Steps

- Reason for change in the boundary to be checked and communicated back.
- Conservation objectives to be set.
- Jim Ryan to clarify raised and blanket bogs within the SAC.
- Forms to be amended with clause that there is an arrangement for this year.
- Agreement to be reached with contractor.
- The Bog Community emphasised that they want to work with and communicate with the NPWS and the officials confirmed that they wished to do likewise.
- Both officials and the representatives of the Bog met on their own for a further period to review maps.

Clooneen Bog

Page One – The Turf Community's Preferences

- Name of Bog **Clooneen Bog**
- Name of Contact[s] Gerry Gearty (Chairman) & Padraig O Donnell (NPWS)
- Numbers affected 40 landholders, 215 hectares – mostly freehold 39% raised bog and 61% grassland
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] Stay where they are and continue to cut turf or alternatively co-exist
 - Second Preference Relocate to Aughnamona (due to close next year) and it is privately owned and is NHA designated.
 - Other Preferences: None
- Issues/Concerns of Bog Users

Turf Committee Representative confirmed that Aughnamona was due to be closed next year and would only solve the turf cutting issue.

Turf Committee Representatives confirmed the complete lack of consultation and disgraceful treatment they have received to date. They explained the complete lack of notice by NPWS to landowners, with first notice being received on 16/12/2011. They believed they were being treated as 3rd class citizens.

J O Beirne explained that 48% of his farmland was being taken over by designation and he was not happy. He also stated that the language used in correspondence by NPWS was not fair and insulting. In response, NPWS explained that the legal designation could not be changed under SAC's but stated that NHA's were being reviewed at the moment, with possible update being available late 2012. In response, NPWS stated that the traditional farming aids biodiversity so continued farming helps the SAC's.

- Uncertainties to be resolved

Turf Committee Representatives confirmed that many other areas were investigated by them – namely Rhyne River (NHA), Annacodeen (NHA), Acres – not currently designated and NPWS said they were currently investigating this. Turf Committee Representatives said they had to be able to continue to farm their land.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Identify number of people willing to consider relocation.

- Technical Issues to be addressed

None

- Legal Issues to be addressed

Mention was made the Turf Community Reps would be in breach of law in the event they continued to cut turf, which they expressed to be their intention in the event guarantees were not provided. In response, they said the alternatives were not satisfactory and therefore turf cutting might have to continue until these were reconsidered .

- Organisational Issues to be addressed

None discussed.

- Issues/Concerns of Bog Users

Lack of trust, delayed communication etc expressed by the Turf Community Representatives.

Flooding – by way of blocking the drains – NPWS confirmed that no changes would be made to any site, without the prior consultation of the landholders. Fear of dumping and fire was also expressed as a concern. Devaluation was also mentioned.

- Uncertainties to be resolved

None, other than those outlined above i.e flooding, imposing on grassland which formed part of their farm income etc. .

Illegal behaviour of NPWS officials – it was agreed the proper recourse was available to them to pursue by way of formal complain (one official complaint having been officially lodged)

The 15km buffer zone – undertaking given to write to the communities involved explaining NPWS view on this in order to provide clarity on this matter.

Page Three – The Next Steps

- Future point[s] of contact:
Gerry Gearty (Chairman of Ballinamona & Corkip Bog) and Cathryn Hannon NPWS
- Main Issues to be addressed
See above.
- Main Stages to address issues
See above.
- Target Dates

A further meeting was agreed by all, to see if they could advance matters.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

There was general discussion on both sides, expressing endeavours should continue to advance matters towards a possible solution for all. However, no concrete advancement was made towards a possible solution at this time. The main stumbling block was the grassland limitation, which NPWS acknowledged was a very difficult one for all concerned.

Mount Hevey

Page One – The Turf Community's Preferences

- Name of Bog **Mount Hevey**
- Name of Contact[s] John Treacy and Etchen Dixon
- Numbers affected Turf from the bog serves 60 households
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
Stay where we are
 - Second Preference
Everybody would accept Relocation as far as we know
 - Other Preferences NONE
- Issues/Concerns of Bog Users
 - Quality of alternative site and sustainability of it in the long term
 - Distance to travel to new site
 - Security of new site
 - Potential for flooding in new site
- Uncertainties to be resolved

Would we be the registered owners of the new site and would there be limitations on the amount of turf we could cut?

Would the compensation be index linked?

Would there be consultation with owners on the future of the Mount Hevey Bog?

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Gerry McNally of Bord na Mona said that Ballivor Bog would be the most suitable for Relocation because there is a chunk of high bog with reasonable spread ground. He was not in a position to confirm that it would be suitable for 60 people without further investigation. He also said that experience has shown that not all will opt for Relocation in the end, the numbers may reduce. Bord na Mona will make this bog available. Firstly there would be a binding legal agreement between Bord na Mona and NPWS, then another legal agreement between NPWS and the turf cutters from Mount Hevey. Allocation of hoppers is based on how much turf people have left but it is capped at 650 hoppers.

The bog could be prepared by Bord na Mona for cutting in 2013. Each person would be allocated their own spread bank. There is a long, narrow entrance to the bog with a barrier gate.

- Technical Issues to be addressed
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users
- Uncertainties to be resolved

Would we be the registered owners of the new site and would there be limitations on the amount of turf we could cut?

No, Bord na Mona would retain ownership of the site. However there is a succession entitlement to the turf.

Would the compensation be index linked?

Yes and would not go below the original figure in any circumstances

Would there be consultation with owners on the future of the Mount Hevey Bog?

Yes, consultation with owners will be built into the Management Plan

Page Three – The Next Steps

- Future point[s] of contact: John Treacy and Etchen Dixon
- Main Issues to be addressed

Representatives were very satisfied with the proposal of Ballivor Bog and will visit it with Gerry McNally in the next two weeks to ensure that it is suitable for them.

If they decide to proceed with Ballivor Bog Relocation, it is likely that they will apply for turf delivery to each household affected this year. Maurice Eakin of NPWS will assist the Wexford office in processing the forms promptly. Maurice also invited representatives to visit with him Girley Bog which has been restored and Clara Bog.

- Main Stages to address issues
- Target Dates

Clara Bog

Page One – The Turf Community's Preferences

- Name of Bog: **Clara Bog**
- Name of Contact[s]: Seamus Boland
- Numbers affected: 120
- Preferences [if new/different location/arrangement is proposed mark on accompanying map] (45 ready to relocate, 45 will take yearly compensation, 20 are freehold)

Issues:

Last year's compensation is causing problems(2011) – some people have not received it.

The 5 year rule – feel it should be scrapped

Costs for changing their homes to suit alternative fuel

The people who have Freehold – want to be relocated to the same acreage

Restoration/Flooding/Restrictions

General loss of income

Compensation for two people cutting the same bank

Page Two – The Official's Observations

The Bog Community started by acknowledging that officials and Bord na Mona have been sympathetic of recent times. They said in early days this was not so.

In the past some people were stopped by Rangers from cutting land – the officials said these people should reapply and fill out the form. The Bog Community said that some people felt intimidated by this happening to others and stopped cutting (so were not formally stopped by Rangers) – the officials said these people would be refused. It was agreed that these people should apply (approximately 10 people) and appeal the refusal to the Peatlands Commission.

Freehold people, no matter how much land they own, will be only given half an acre on relocation. The asset they have held for generations is devalued and they want the same amount of acreage when relocated. Some would have the equivalent of 7000 hoppers and are only going to be given 750 hoppers and have to travel to the relocated area. The Freehold people want a defined area. They want their cutting rights transferred to the new area. NPWS said there isn't compensation for "potential". One Freehold man said he is 5th generation and wants to be able to pass this on to his children. NPWS said he had the option of going to arbitration. The officials said they were worried about the precedent this could cause.

It was argued by the Bog Community that all payments should continue to be made to people choosing compensation until the relocation takes place and then the 15 year period will kick in. The relocation bog is not ready so they should not be disadvantaged for this.

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People who were stopped cutting more than five years ago should apply for relocation or compensation.

The people who stopped cutting voluntarily in compliance should also apply but the officials commented that they will probably be refused. These people should appeal to the Peatlands Council.

Cases that don't fit the criteria should be examined either by the NPWS or the Peatlands Council.

The 2011 payments of 1000 euro will be made in the coming weeks.

A process to be found, to allow people who have Freehold in access of the acreage on the average turf bank, to be treated fairly. (see document submitted to the Judge paragraph heading "Further Explanations")

Consultation with landowners surrounding the bog to take place prior to any restoration works take place.

NPWS to devise a plan, that would last for say 5 years, with the Bog Community so that local land owners do not have to apply for permission on a yearly basis to do certain works on their land. Ciara Flynn to work with the Bog Community on this.

Ballinamona & Corkip Bog

Page One – The Turf Community’s Preferences

- Name of Bog **Ballinamona & Corkip Bog**
Name of Contact[s] Liam Fallon (Chairman of Turf Community Rep)
Liam O Reilly NWPS
- Numbers affected 55 landholders – 250 hectares – mixture of both
Freehold and turbary right holders
- Preferences
[if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
Togher (Bord na Mona property) which would accommodate approximately
15-20 people
 - Second Preference
Re-locate on a ‘like for like’ basis to Castlesampson which is privately owned
and which would have to be mapped.
 - Other Preferences None
- Issues/Concerns of Bog Users

Turf Committee Representative confirmed they had viewed Togher and people were happy to relocate there if NPWS would give guarantee of development of spread ground, hoppers to be agreed and ensure to get ‘like for like’. Gerry McNally of Bord na Mona confirmed they did not have the required size/area and confirmed that Together would only accommodate 15-20 (Maximum) people. All agreed it had potential for a temporary solution.

Turf Committee Representatives confirmed there was a huge issue of trust and goodwill which had been abused continuously by NPWS – they gave the example of the non-payment of compensation payments to date.

They also mentioned the 15km Buffer Zone. NPWS confirmed this was a myth and was not contained in any legislation of NPWS – undertook to issue a letter to all relevant committees in the SAC zone to explain this as they believed it referred to waterways only.

Turf Committee Representatives explained they would need full guarantees in writing that their bog would be properly managed to avoid any negative impact on the community and heritage.

- Uncertainties to be resolved

The supply of turf to the 54 affected bogs was raised. Bord na Mona confirmed that he expected they could accommodate up to 2000 on this.

Turf Committee Representatives confirmed that de-designation has occurred nearby in respect of a landholder named Luke Kelly, who appealed the SAC and succeeded in having the designation reversed.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Identify number of people willing to consider relocation.

- Technical Issues to be addressed

None

- Legal Issues to be addressed

Mention was made the Turf Community Reps would be in breach of law in the event they continued to cut turf, which they expressed to be their intention in the event guarantees were not provided.

- Organisational Issues to be addressed

None discussed.

- Issues/Concerns of Bog Users

Lack of trust expressed by the Turf Community Representatives.

Flooding – by way of blocking the drains – NPWS confirmed that no changes would be made to any site, without the prior consultation of the landholders. Fear of dumping and fire was also expressed as a concern. Devaluation was also mentioned.

- Uncertainties to be resolved

None, other than those outlined above i.e flooding, dumping, having turbary rights transferred to new site etc.

Page Three – The Next Steps

- Future point[s] of contact:
Liam Fallon (Chairman of Ballinamona & Corkip Bog) and Cathryn Hannon NPWS
- Main Issues to be addressed
See above.
- Main Stages to address issues
See above.
- Target Dates

A further meeting was agreed by all, to see if they could advance matters.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

There was general discussion on both sides, expressing endeavours should continue to advance matters towards a possible solution for all. However, no concrete advancement was made towards a possible solution at this time.

Ballynafagh

Page One – The Turf Community’s Preferences

- Name of Bog **Ballynafagh**
- Name of Contact[s] Joe Millea, Eddie Thomas, Pat&Tom Healy, Paul Bagnall
- Numbers affected 15 cutters, 25 families

- Preferences
 - [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
15-20 for Relocation – the rest will take compensation Trench 21 in Timahoe North Bog shown to them by Padraig Comerford of NPWS is a suitable site which all agree on. This bog could be cut this year.
 - Second Preference
 - Other Preferences

- Issues/Concerns of Bog Users

Want to cut in new site what they cut in their own bog – 16 hoppers/10 sod hopper/100 yards long/1 cut per year

Goalposts keep changing on conditions set by NPWS

People who have a legal interest in the bog who haven’t cut in the last 5 years should be compensated

Joe Millea has an issue with a payment that hasn’t been paid to him.

- Uncertainties to be resolved

Will Bord na Mona maintain the new site?

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed
- Technical Issues to be addressed
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users
 - People who have a legal interest in the bog who haven't cut in the last 5 years should be compensated*
NPWS is dealing with the active cutters first and then will consider those who are not active cutters
Joe Millea has an issue with a payment that hasn't been paid to him.
Brian Lucey will investigate this asap.
- Uncertainties to be resolved
 - Will Bord na Mona maintain the new site?*
Bord na Mona will set up the site and ensure proper infrastructure. After that it is up to the local group to maintain the site.

Page Three – The Next Steps

- **Future point[s] of contact:** Joe Millea, Eddie Thomas, Pat Healy, Paul Bagnall, Tom Healy
- Main Issues to be addressed

While the group are very likely to be satisfied with the Relocation proposal to Trench 21, Timahoe North Bog, they feel that it is very unfair to ask them to accept a maximum of 650 hoppers which is less and in some cases much less than they have in the designated bog. Holdings range from 1 to over 3 acres, ranging from over 1,000 to over 3,000 hoppers. They consider that 650 hoppers is not a fair exchange.

Gerry Mc Nally explained that there has to be a commonality of approach across all the bogs and that Bord na Mona does not have the area of bog to give equal rights for equal rights.

Padraig Comerford, NPWS will progress the Relocation proposal by asking for a Bord na Mona assessment of the new site. He will stay in contact with the Committee.

- Main Stages to address issues
- Target Dates

Carn Park Bog

Page One – The Turf Community's Preferences

- Name of Bog **Carn Park Bog**
 - **(heard in conjunction with Creggan Crosswood)**
- Name of Contact[s] Pat Conlon
Niall Redmond NWPS
- Numbers affected 30-40 active turf cutters – 60 turf banks in total
Mainly consisting of turbary right holders
- Preferences
[if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]
Majority want to stay where they are and continue to cut
 - Second Preference
Re-locate on a 'like for like' basis – Bunahinley mentioned but not a runner as 5/6 miles away.
 - Other Preferences
Mooney Bog, located in the middle of Carn Park Bog and Creggan Crosswood.
- Issues/Concerns of Bog Users

Turf Committee Representative confirmed they wanted guarantees in writing if they were to choose to re-locate. Further, they stated they some turf cutters had turbary rights on more than one bank and this must be taken into account. They also mentioned they agreed in principle to the concept of relocation but reserved their right to continue cutting on their existing bog until proper relocation was available.

In response, Gerry McNally of Bord na Mona confirmed that no one was getting turbary rights transferred on re-location. He also stated there were no dormant bogs in this area

A fear of flooding was expressed on existing bogs which may affect local drainage and sewage system. They also feared fire in the event the bog was not properly maintained by NPWS. They referred to the 15km Buffer Zone and wanted clarification on this.

NPWS stated there was no such thing and undertook to provide a letter in writing from NPWS confirming their position on this. It was agreed to be circulated to all committees of the SAC's.

Catherine Hannon of NPWS also confirmed they were investigating the potential of re-location in privately owned bogs, but needed to get a figure on how many were interested in location in order to do so. Due to the mistrust, the Turf Committee were not willing to sign any documents, even if they were non-binding, but were willing to discuss the numbers interested in this

- Uncertainties to be resolved

Co-existence requested by the Turf Community Representatives. NPWS said this was not an option.

The last of spread ground on Bonahinley was to be investigated. Bord na Mona confirmed they were under a legal binding agreement with NPWS regarding commercial cutting in this area. Mention was made of why there was a 650 maximum on hoppers irrelevant of individual holding size.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Identify number of people willing to consider relocation.

- Technical Issues to be addressed

None

- Legal Issues to be addressed

Co-existence explained could not be considered due to the legal restraints.

- Organisational Issues to be addressed

Both sides admitted four meetings had taken place to date and the majority were amenable to further ongoing meetings to try to resolve the matter.

- Issues/Concerns of Bog Users

Lack of trust expressed by the Turf Community Representatives.

Flooding – by way of blocking the drains – NPWS confirmed that no changes would be made to any site, without the prior consultation of the landholders. Also, they mentioned that a hydrological survey would be a necessity in advance, together with a model of rewetting design. NPWS offered to show a restored site to the Turf Community Representatives if they liked.

Fear of dumping and fire was also expressed as a concern. Devaluation was also mentioned.

- Uncertainties to be resolved

None, other than those outlined above i.e flooding, dumping, having turbary rights transferred to new site etc.

Page Three – The Next Steps

- Future point[s] of contact:

Pat Conlon for the Turf Community Representatives and Niall Redmond and Padraig O Donnell for NPWS (see contact details above)

- Main Issues to be addressed

Both sides agreed to meet again and discuss numbers electing re-location, which would enable NPWS to ascertain possible re-location sites to accommodate these numbers.

Mention was made that some landowners might be willing to sell land to accommodate re-location. They were asked by NPWS to request these parties to get in contact.

- Main Stages to address issues

See above.

- Target Dates

A further meeting was agreed by all, to see if they could advance matters.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

There was general discussion on both sides, expressing endeavours should continue to advance matters towards a possible solution for all. However, no concrete advancement was made towards a possible solution at this time.

Creggan Crosswood Bog

Page One – The Turf Community's Preferences

- Name of Bog: **Creggan Crosswood Bog (heard in conjunction with Carn Park Bog)**

- Name of Contact[s] Frankie Keena Turf Community Chairman

Niall Redmond NPWS

- Numbers affected 150 plots – 70 members (8 of which own substantial holdings) – mixture of freehold and turbary rights and all domestic use.

- Preferences

[if new/different location/arrangement is proposed mark on accompanying map]

- First Preference [s]
Majority want to stay where they are and continue to cut
- Second Preference
Re-locate on a 'like for like' basis – Bunahinley mentioned.
- Other Preferences
co-existence for the landowners on the SAC area

- Issues/Concerns of Bog Users

Turbary rights transferred to any re-location site is essential and is the view of many expressed. The Turf Community Representatives confirmed this has been going on for years and they have a complete lack of trust in NPWS. They stated that transfer of the turbary right to any re-located site was the view now of the majority.

In response, Gerry McNally of Bord na Mona confirmed that no one was getting turbary rights transferred on re-location. He also stated there were no dormant bogs in this area

A fear of dumping was expressed by the Turf Committee Representatives. Pdraig O Donnell of NPWS confirmed they would liaise with the relevant Co Council on this matter. He offered by way of a goodwill gesture a one off two day clean up on the bog. He was thanked for this gesture.

Catherine Hannon of NPWS also confirmed they were investigating the potential of re-location in privately owned bogs, but needed to get a figure on how many were interested in location in order to do so. Due to the mistrust, the Turf Committee were not willing to sign any documents, even if they were non-binding, but were willing to discuss the numbers interested in this. It appeared 120 landholders (subject to conditions) were willing to relocate. They also confirmed that approximately 40 people wanted their turbary rights transferred in any re-location.

- Uncertainties to be resolved

Co-existence requested by the Turf Community Representatives. NPWS said this was not an option. Turf Community confirmed the area could be highly populated very soon, and also confirmed they were the nearest bog to a town.

Turf Community Representatives asked what would be the value of an acre of bog in this area. Gerry McNally of Bord na Mona confirmed it could be anywhere between EU3000 to EU20,000 per acre... a massive range.

The last of spread ground on Bonahinley was to be investigated. Bord na Mona confirmed they were under a legal binding agreement with NPWS regarding commercial cutting in this area. Mention was made of why there was a 650 maximum on hoppers irrelevant of individual holding size.

Queries were raised on annuity scheme – presently confirmed under review but now at EU1000 for 15 years, with a possibility of this being raised to EU1500 within the next week. Turf Community Representative considered this derisory.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Identify number of people willing to consider relocation.

- Technical Issues to be addressed: None

- Legal Issues to be addressed

Co-existence explained could not be considered due to the legal restraints.

- Organisational Issues to be addressed

Both sides admitted four meetings had taken place to date and the majority were amenable to further ongoing meetings to try to resolve the matter.

- Issues/Concerns of Bog Users

Lack of trust expressed by the Turf Community Representatives.

Flooding – by way of blocking the drains – NPWS confirmed that no changes would be made to any site, without the prior consultation of the landholders. Also, they mentioned that a hydrological survey would be a necessity in advance, together with a model of rewetting design. NPWS offered to show a restored site to the Turf Community Representatives if they liked.

It was explained that many turf cutters were wary of notifying NPWS of their preferences of compensation and re-location because of trust issues. They asked the potential with this bog be 'sweetened' by NPWS.

- Uncertainties to be resolved

None, other than those outlined above i.e flooding, dumping, having turbary rights transferred to new site etc.

Seamus Mooney bog was also mentioned. Bord na Mona staff representative considered this to have good quality peat with adequate spread grounds and good access. Both sides acknowledged potential here but noted it was a small title

Page Three – The Next Steps

- Future point[s] of contact:

Frankie Kenna for the Turf Community Representatives and Niall Redmond and Padraig O Donnell for NPWS (see contact details above)

- Main Issues to be addressed

Both sides agreed to meet again and discuss numbers electing re-location, which would enable NPWS to ascertain possible re-location sites to accommodate these numbers.

Mention was made that some landowners might be willing to sell land to accommodate re-location. They were asked by NPWS to request these parties to get in contact.

- Main Stages to address issues

See above.

- Target Dates

A further meeting was agreed by all, to see if they could advance matters.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

There was general discussion on both sides, expressing endeavours should continue to advance matters towards a possible solution for all. However, no concrete advancement was made towards a possible solution at this time.

Ferbane Bog

Page One – The Turf Community's Preferences

- Name of Bog: **Ferbane Bog**
- Name of Contact[s]: Dan Egan and Jimmy Spollen (representing Padraig Farrell also)
- Numbers affected:

Mr Dan Egan:

Owns land adjoining Ferbane Bog. Mr Egan was not aware that the boundary of the SAC was cutting in on his land. The Department of Agriculture has said that 3.3 acres are in the SAC area which will reduce his payment. He would like the boundary line returned to the land boundary.

Has concerns about the drain that is in the natural boundary of the bog. It has been cleaned by the county council and he would like this to continue.

Mr Jimmy Spollen:

Mr Spollen said that he was representing himself and his neighbour Mr Padraig Farrell. Mr Spollen was very upset that his boundary had been changed without him being consulted and is requesting that it be restored to its former location. The change in boundary had lost him 5 to 6 acres. He stressed that nobody had spoken to him about it and he had been told it was a no go area in recent years. He was upset that the officials he was meeting were not familiar with his circumstances and map and were unable to give him a reason for the change in boundary. He was angry that the boundary line passed around another forest area and yet it went through his land.

Page Two – The Official's Observations

Discussion regarding Mr Egan's concerns:

The boundary identified on the aerial photograph map will need to be checked with ordinance survey map and with the notes on the file. These notes would give an indication of the reason for the boundary line being located where it is. Typically the boundary will match a natural boundary. It appeared that there was uncertainty as to whether the line was in its correct place. Jim Ryan undertook to check this and revert back to Mr Egan. He also indicated that a conservation plan will be drafted and discussed with landowners. This plan will take approximately two years. This will identify any problems. The objective is to wet the bog so some drains will be blocked. The drains on the high bog would start first.

Discussion regarding Mr Spollen's concerns:

Clarifications around the map and boundaries took place. Padraig Commerford joined the meeting from another meeting and said that Mr Spollen was an honourable man and that he had a genuine grievance. He suggested that the scientific information with regard to the boundary be sought as quickly as possible and that John Cross, the NPWS woodland scientist be asked to visit to investigate the boundary surrounding the woodland.

Page Three – The Next Steps

Next steps - Mr Egan's concerns

Jim Ryan, NPWS, will clarify boundary along with Ciara Flynn who will revert back to Mr Egan within two weeks.

Conservation objectives need to be established and consultation will take place with the land owners. OPW and the County Councils go to the NPWS prior to clearing drains.

Next steps – Mr Spollen's concerns

Scientific information regarding the boundary on the map to be clarified as quickly as possible and communicated to Mr Spollen.

The woodland scientist, John Cross to visit to look at the woodland.

Agreed to keep communicating with Mr Spollen from now on.

Lisnageeragh Bog and Ballinastack Turlough

Page One – The Turf Community's Preferences

- Name of Bog **Lisnageeragh Bog and Ballinastack Turlough Co Galway**
- Name of Contact[s] Aidan Reilly and Michael Egan
- Numbers affected 10 cutters, 24 families

- Preferences

[if new/different location/arrangement is proposed mark on accompanying map]

- First Preference [s]
To be left alone to cut their own turf on their own bog.
- Second Preference
Relocation if there is no limit to the turf they cut in the new location. Two possibilities have been mentioned so far – Fartown Bog and Sonnagh Bog
- Other Preferences NONE

- Issues/Concerns of Bog Users

Compensation limit of 15 years is ridiculous. They now have a resource and guaranteed heat which will last forever. This is particularly important with the peak oil situation: turf may be like gold in the future.

Limit of 650 hoppers per year is much too small – at the moment some cut 30 hoppers a year so this means that their allocation would only last 22 years

Permanent solution required

Designation has wiped out the value of the land

What happens this year? They expect to be cutting in a few weeks because no solution is in place.

- Uncertainties to be resolved

How will the 10/15 ton load be delivered? Problems with access and storage for households who are used to small loads of turf.

Will 3 or 4 families who cut the same bank all get turf until the new location is ready for cutting?

15 kilometer Buffer Zone – clarification needed on this

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Gerry Higgins of NPWS will check if the two relocation possibilities are NHAs and report back to the parties. He thinks that some of the land belongs to Coillte. He will visit Sonnagh and Fartown with Aidan Reilly and Michael Egan within the next fortnight.

- Technical Issues to be addressed
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users

What happens this year?

Turf will be delivered to all households who cut/get turf from the bog. Financial compensation is also on offer.

- Uncertainties to be resolved

15 kilometer Buffer Zone

Page Three – The Next Steps

- Future point[s] of contact: Aidan Reilly and Michael Egan
- Main Issues to be addressed

Relocation will not be considered unless fair allocations of bog are made, like for like.

Gerry Higgins of NPWS will check if the two relocation possibilities are NHAs. He will visit Sonnagh and Fartown with Aidan Reilly and Michael Egan within the next fortnight.

Aidan Reilly and Michael Egan will report back to their Committee and the TCCA. They will tell the Committee about the possible Relocation options and the option of deliveries of turf/compensation instead of cutting this year. They already know that Relocation will not be considered by the Committee if people are not allowed to cut the amount of turf which they want to cut or usually cut.

Gerry Reilly of NPWS will stay in touch with Aidan Reilly and Michael Egan regarding Relocation options.

- Main Stages to address issues
- Target Dates

Knockacoller Bog

Page One – The Turf Community’s Preferences

- Name of Bog: **Knockacoller Bog**
- Name of Contact[s]: Tim Dooley
- Numbers affected: 16 people

- Preferences [if new/different location/arrangement is proposed mark on accompanying map]

This meeting concerned the issue regarding title as articulated in the very comprehensive report prepared for the forum. The three people representing the Knockacoller Bog summarised the issues identified in their report. . They requested:

- Recognition of Turbary rights by the NPWS
- Choice of compensation packages
- Compensation for loss of Turbary since 2005
- Relocation to another bog where requested
- Reimbursement of all legal costs and expenses to date

Page Two – The Official's Observations

Brian Lucas acknowledged that he was not familiar with the case but gave a personal undertaking to read the file and check with the Chief State Solicitor to find out the problem with regard to the problem with the title. He guaranteed that he would deal with this and revert back by the end of March. He suggested that if necessary the parties could opt for the new compensation scheme even if issues with title still exist.

With regard to the legal bill – Brian asked that this could be parked for the moment until he read the file. He said he would then consider making a case for the legal bills. He said that under the old scheme there was an option for legal fees to be paid.

The bog community said that they were forced to stop cutting in 2005 and feel they should get some compensation towards changing heating systems in houses.

Eleven to twelve people opted for the old scheme for the past seven years. It was agreed that they could still remain in the voluntary purchase scheme but officials were not sure about the compensation. Legal advice will be required on this.

The bog community said that there is a very human side to this case. Neighbours look after one another with turf. This is difficult to do now. Relocation to another bog is not an option as both bogs have an SAC.

There was concern that drains coming from the bog could be blocked. It was confirmed by the officials that this would not be done without consultation. And that permission is required from the NPWS in advance to clean drains.

The issue of the 15 KM buffer zone was raised and if planning permission could be granted in this zone. The officials said the NPWS do not set buffer zones and were not aware of them. Pdraig Comerford said he will check this out and come back to the group.

Page Three – The Next Steps

Brian Lucas committed to completing the review of the file and communication with the Chief State Solicitor by the end of March. He will then go and meet the bog community and in the meantime will keep communication via telephone.

Both officials and the Bog Community group exchanged telephone numbers at the end of the meeting so they could maintain communications on an ongoing basis. The Bog Community gave credit in particular to Padraig Comerford for his commitment and clear communication in the past and they thanked him for his co-operation.

They asked that there could be clear communication in the future and no bluffing.

Brown Bog

Page One – The Turf Community's Preferences

- Name of Bog **Brown Bog**
- Name of Contact[s] Andrew McHugh
Padraig O Donnell NPWS
- Numbers affected No turf cutters on these bogs
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]

First Preference [s]

Second Preference

Other Preferences

- Issues/Concerns of Bog Users

In relation to Brown Bog, there was a fear of flooding as most farmers fields run down into the bog. NPWS explained the bog may need restoration down the road through hydrology (rewetting the bog which decreases the flow off the top)

- Uncertainties to be resolved

None discussed.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

No issues here

- Technical Issues to be addressed

None at present, in event of renovation however, undertaking was given by NPWS (Padraig O'Donnell) to suggest inhouse to put into a national plan ongoing monitoring of restoration sites as a necessity.

- Legal Issues to be addressed

The Turf Community were very unhappy that some of their grassland was included in this SAC and felt this was ludicrous. They requested de-designation. NPWS explained the legal position under the EU Habitats Directive.

- Organisational Issues to be addressed

NPWS to review the site.

- Issues/Concerns of Bog Users

None other than outlined above

- Uncertainties to be resolved

None, other than those outlined above.

Page Three – The Next Steps

- Future point[s] of contact: NOTED
- Main Issues to be addressed
None other than outlined above
- Main Stages to address issues
See above.
- Target Dates
None discussed.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

This was an amicable and beneficial meeting. It was most helpful to the parties to discuss responsibility of NPWS in bog maintenance by way of preventing against flooding and responsibility for any remedial works on drains etc.

Contact details were exchanged.

Lough Forbes Bog

Page One – The Turf Community's Preferences

- Name of Bog **Lough Forbes Bog**
- Name of Contact[s] Andrew McHugh & Padraig O Donnell NPWS
- Numbers affected No turf cutters on these bogs – approx 6 landowners
- Preferences
 - [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] No relocation necessary as no turf cutting
 - Second Preference
 - Other Preferences
- Issues/Concerns of Bog Users

Flooding concerns expressed – NPWS confirming that transparent measures will be used and no restoration will be undertaken without prior consultation with landowners.

Map issue in that satellite varying greatly from line map. NPWS explained that this caused the distortion between the maps. NPWS said they would be practical dealing with this and allow 5 metres either side of a particular line. On the map in question (SAC line running along the river but somewhat inland at parts) it was agreed by all that it would be referred to as 'the river bank'.

A further concern for the Turf Community Representatives was that all of their members had a general understanding that there was no right of appeal on the SAC's. The correspondence was only received by some and others could not understand the language expressed in the letter and its meaning. It was recognised by NPWS that there was a communication problem coming from their Office and they realised they needed to rectify this and also get out on the ground with the landholders.

- Uncertainties to be resolved

De-designation was explained as a non-runner at present, as NPWS restricted under legislation of the EU Habitats Directive. Turf Community Reps wanted it noted that certain grasslands holdings should not have been included in the SAC's.

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

No issues here

- Technical Issues to be addressed

None discussed.

- Legal Issues to be addressed

The Turf Community were very unhappy that some of their grassland was included in this SAC and felt this was ludicrous. They requested de-designation. NPWS explained the legal position under the EU Habitats Directive.

- Organisational Issues to be addressed

None discussed

- Issues/Concerns of Bog Users

See above, issues such as potential flooding, drainage, map irregularities between satellite and the ground.

- Uncertainties to be resolved

None, other than those outlined above.

Page Three – The Next Steps

- Future point[s] of contact: NOTED
- Main Issues to be addressed
None other than outlined above
- Main Stages to address issues
See above.
- Target Dates
None discussed.

ATTACHMENTS:

A list of attendees on behalf of the representative of the Turf Communities and the Officials is appended, all depicting the individual signatures of each.

GENERAL:

This was an amicable and beneficial meeting. It was most helpful to the parties to discuss responsibility of NPWS in bog maintenance by way of preventing against flooding and responsibility for any remedial works on drains etc. Also, the mapping irregularities concerns of the Turf Community Representatives was discussed in great detail and the explanations given by NPWS were received well.

Contact details were exchanged and a good working relationship is very likely here.

Camderry Bog

Page One – The Turf Community's Preferences

- Name of Bog **Camderry**
- Name of Contact[s] Paddy Kelly, T.J. Pettit, Sean Moran
- Numbers affected 22 families cutting turf
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s] Most want Relocation to a bog at a reasonable distance with good quality turf. Some may take compensation.

Second Preference/Other Preferences: NONE

- Issues/Concerns of Bog Users

Lack of consultation – this should have taken place before the SAC was drawn up 10-15 years ago

Lack of communication from the DPWS

Risk of flooding to land and buildings around the SAC and possible problems with septic tanks and water tables

Will multiples cutters all be compensated?

‘No compensation will make up for not being allowed to cut turf 500 metres from the house’

- Uncertainties to be resolved: NONE

Page Two – The Official's Observations

- Land/Ownership Issues to be addressed

Cathryn Hanna of NPWS has been investigating possible options for relocation sites. Two bogs at Cloonshivna and New Forest were mentioned. Gerry Higgins of NPWS mentioned Fartown as a possibility. NPWS officials undertook to investigate ownership of possible sites and to visit the most promising sites with the local representatives as soon as possible.

- Technical Issues to be addressed
- Legal Issues to be addressed
- Organisational Issues to be addressed
- Issues/Concerns of Bog Users

Multiple cutter compensation being addressed at the moment and an announcement is likely to happen soon

Flooding and risk to septic tanks/water table - Jim Ryan of NPWS explained that a detailed plan for conservation would be put in place for the bog. This will be done in consultation with turf cutters and will take a number of years to develop. This plan will take into account the risks to septic tanks and general flooding issues.

- Uncertainties to be resolved

Page Three – The Next Steps

- Future point[s] of contact: Paddy Kelly, T.J. Pettit, Sean Moran
- Main Issues to be addressed

NPWS officials undertook to investigate ownership of possible sites and to visit the most promising sites with the local representatives. It will take 2-3 years to select, purchase and set up the infrastructure of a suitable site. Telephone numbers were exchanged.

Local turf cutters will apply for compensation either financial or turf while waiting for the new site to be ready. As there are multiple cutters on many of the sites, it is vital that all involved receive turf, not just the one owner.

- Main Stages to address issues

Research on the most promising sites done by Cathryn Hanna who will report back to local turf cutters and visit sites with them as soon as possible.

- Target Date

River Moy Complex; Derrynabrock Bog

Page One – The Turf Community's Preferences

- Name of Bog: Derrynabrock Bog
- Name of Contact[s]: James O'Connor
- Numbers affected: 35 cutters
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Stay where we are – no opportunity to discuss with all cutters due to short notice of the forum meeting
 - Second Preference: co-exist and compact cutters into an area
 - Other Preferences
- Issues/Concerns of Bog Users:

Consultation at local level – 3 mile radius

Time too short, No clarity on information & Zero trust

Some designation overflows into grazing land

Designation line moved (Dec 2011)

Inconsistencies on map boundaries

What is proposed for the bog

Flooding

Compensation for bog owners (30 acres)

Value of the land

No provision made for other turf cutters who don't have folio number ie families, Some cutter have bog adjoining their land and others have bog further in – depending weather some bogs might not have been cut in 5 years.

Due to unemployment, people are returning to cut turf/on welfare – need to allow them.

People in reps may want to return to cut

Alternative site would need to be suitable for cutting and the distance is important

Developing the bog is a long process

Security for equipment on relocation site

Security for turf

Compensation of 1000 euro for 30 acres not enough

Will compensation be taxed.

If the cutter dies, is the new deal passed on to next of kin?

Page Two – The Official's Observations

Tax on compensation is exempt as per the Finance bill.

Inheritance – can be passed on

Compensation is for domestic heat – the 1000 euro is being currently looked at.

Multiple cutters – money needs to be spent responsibly, best solution is to relocate if site suitable. NPWS said the situation is being looked at and possibility of increasing compensation. Bog community say there is an issue with plots in the same name.

Grazing hasn't been identified as an issue for the bog so it can continue.

RE communications: NPWS went to the land registry and 3000 letters sent. Ads put in local papers, NPWS acknowledged there were confusing.

There is zero trust – nervous, angry and upset people at home.

Co-existence has to prove it won't damage the raised bog habitat.

Page Three – The Next Steps

NPWS(LO'Reilly) reviewing arrangements for multi cutters

Current Land stays in ownership of current owner

NPWS (LO'Reilly) will provide a draft of a legal agreement for people to see

If farmer in REPS the grazing can continue in SAC area, traditional practice can continue as agreed in the prescription agreed with the Dept of Agriculture. No level of damage was identified when the survey was done.

Jim Ryan agreed that contact will be made with the Bog Community prior to surveyors going on the land in future.

When conservation objectives and plans are taking place it is agreed that consultation will take place with local communities.

Local, on the ground meetings with individuals or small groups are found to work better than bigger meeting.

Denis Strong and Jim Ryan NPWS will follow up on map boundaries.

River Moy Complex; Cloongoonagh Bog

Page One – The Turf Community's Preferences

- Name of Bog: Cloongoonagh Bog
- Name of Contact[s]: Peter Brennan
- Numbers affected: 40 cutters approx
- Preferences [if new/different location/arrangement is proposed mark on accompanying map]
 - First Preference [s]: Stay where we are – and co-exist – have never cut raised area of the bog
 - Second Preference/Other Preferences: NONE

- Issues/Concerns of Bog Users:

Consultation at local level

Time too short / No clarity on information/ Zero trust

Some designation overflows into grazing land

Inconsistencies on map boundaries

What is proposed for the bog

Flooding

Compensation for bog owners (30 acres)

Value of the land

No provision made for other turf cutters who don't have folio number ie families

Some cutter have bog adjoining their land and others have bog further in – depending weather some bogs might not have been cut in 5 years.

Due to unemployment, people are returning to cut turf/on welfare – need to allow them.

People in reps may want to return to cut

Alternative site would need to be suitable for cutting and the distance is important

Developing the bog is a long process

Security for equipment on relocation site

Security for turf

Compensation of 1000 euro for 30 acres not enough

Will compensation be taxed.

If the cutter dies, is the new deal passed on to next of kin?

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Tax on compensation is exempt as per the Finance bill.

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Compensation is for domestic heat – the 1000 euro is being currently looked at.

Multiple cutters – money needs to be spent responsibly, best solution is to relocate if site suitable. NPWS said the situation is being looked at and possibility of increasing compensation. Bog community say there is an issue with plots in the same name.

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Un-Contested Bogs

Names of Sites that did not attend The Peatlands Forum 2012

1. River Moy Complex - Tawnaghbeg Bog
2. River Moy Complex - Kilgarriff Bog
3. River Moy Complex - Gowlan Bog
4. Tullaghanrock Bog
5. Garriskil Bog
6. Carrowbehy/Cahar Bog
7. Sharavogue Bog
8. Raheenmore Bog
9. Mongan Bog
10. Flughany Bog
11. Killyconny Bog
12. Sheheree (Ardagh) Bog
13. Derrinea Bog

Conclusions and Recommendations - Justice John Quirke

I have listened carefully to what has been said on behalf of the many parties who have been affected by the restrictions imposed upon the relevant 53 raised bogs. I have reached the following conclusions.

1. Those most affected by the restrictions are the turf cutting communities who for generations, and in some cases for centuries, have enjoyed ownership, property and turbary rights on the relevant bogs. It was made absolutely clear by the speakers who represented them that those communities comprise hardworking, decent, respectable and law abiding citizens of this State who have no intention or wish to break any Irish or European law. I accept that that is the case.
2. I accept also that, as a result of circumstances over which they have had no control and as a result of legal and other procedures into which they appear to have had little, if any, input, they are now at risk of acting unlawfully or failing to act lawfully.
3. I accept further that these communities have a genuine and sincere commitment to the preservation of the environmental integrity of the relevant bogs many and many are prepared to cease cutting turf in order to accommodate that overriding objective.
4. I accept also that the overwhelming majority of the members of the turf cutting communities are prepared to sacrifice longstanding property rights in the greater interests of the wider community. The members of these communities are prepared to seek and reach agreement with other interested parties provided that other properties and property rights which they enjoy are protected and respected and provided that their livelihoods and way of life is not damaged and provided that the environmental integrity of the bogs (which in many cases they are prepared to leave) is maintained.

5. The Department and the NPWS have sought to apply and enforce, in the manner prescribed by law, the provisions of the Directive and of the 1997 Regulations which gave effect to the Directive. However, the rights enjoyed by the turf cutting communities are complex in nature, varied and often difficult to define. They comprise registered rights, unregistered rights, prescriptive rights and sometimes, a combination of one or more of such rights.

The task of identifying the owners of property and other rights enjoyed over the relevant bogs has been daunting for the State agencies. Perhaps unsurprisingly it does not appear to have been achieved. One reason for that is that approximately 20% of Ireland's land mass comprises peatland and the affected bogs are located in different and widely separated parts of the nation.

6. Some of the speakers said that most of owners of properties and of property rights in the affected bogs received notice of the designation of their land and of the consequences of that designation as late as December 2011 and that this fact raises questions concerning the legal validity of the designation of the relevant bogs having regard to the provisions of Article 4(2),(1),(a) of the 1997 Regulations.
7. Other speakers questioned the legal validity of the designation on the ground that the designation had not been completed by Statutory Instrument as required by law. Others questioned the validity of the designations having regard to the constitutional right of citizens to ownership of property. Others invoked personal and property rights conferred on citizens by our Constitution and by the provisions of the European Convention on Human Rights.
8. It is not the function of this Forum to adjudicate upon such questions or to express any view on the matters raised. For that reason the State and its agencies have not been asked to respond to allegations that the legislative framework underpinning the designation of the relevant bogs is now fragile in nature.

At the commencement of the first Plenary Session it was emphasised that the process undertaken by the Forum has been and is non-adversarial in nature and that the interested parties were present in order to listen to one another and, hopefully, to hear one another. Mutual recrimination between the State and its citizens cannot be in the national interest and the State must not become embroiled in a quagmire of disputes and legal challenges by its citizens at a time when it is facing severe sanctions for alleged non-compliance with a European Directive arising from the same set of facts and circumstances.

9. Much of the resentment and displeasure expressed by speakers on behalf of the turf cutting communities was directed towards the European Union and the European Commission. They said that the communities found it difficult to understand that an activity which for centuries has been lawful and a natural and important source and means of livelihood and of fuel, has now been rendered unlawful and criminal by a bureaucratic body which is based in another European state which did not consult with the persons affected by their actions or seek to hear them in relation to matters which vitally affect them.
10. I am of the opinion that these difficulties must be resolved by engagement, discussion and mutual accommodation between the interested parties and, hopefully with the active participation of the European Commission. Involvement at senior administrative and political levels by the European Union and Commission is likely to facilitate resolution. Active support and information from the Commission will also be helpful.

What is undeniable is that there has been a breakdown of communication and a breakdown of trust between the relevant parties which may be difficult to restore. Again it is not for this Forum to determine how those breaches of trust and communication occurred and I do not intend to do so.

Trust must, however, be restored and I am of the opinion that the Peatlands Council can and should play a significant role in the restoration. Its Chairman Mr Conor Skehan

enjoys the confidence and respect of the interested parties and he has a full and detailed understanding of the complexities and sensitivities which must be addressed.

The task for the Peatlands Council and for all of the parties with an interest in resolving these difficulties is substantial.

Articles 6, (3), and (4) of the Habitats Directive provide as follows:

“Regulations 6(3) and 6(4) of the Habitats Directive (the Directive) require a HRA in the following circumstances:

6(3) Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

6(4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the member state shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”

I am of the opinion that a national plan for imperative reasons of overriding public interest which are of a social and economic nature should be prepared under the direction of the Peatlands Council without delay.

Participation by the TCCA in the operation of that national plan is desirable. It has an important role to play in the restoration of trust, confidence and communication between affected parties.

Its members, and in particular its Chairman, enjoy the confidence of turf cutting communities throughout the country and, in particular, those affected by the designations and their consequences. It can play an important, responsible and helpful role representing the interests of its members and of the turf cutting communities and it has expressed a willingness to do so.

Bord na Móna also has an important part to play in a national plan if it is to succeed. It has played an indispensable role in this Forum and can, through the medium of its director Mr Gerry Mc Nally and his staff, help to restore the confidence and trust of the turf cutting communities and provide much needed and necessary technical assistance.

Resolution of the very many complex and sensitive problems and difficulties resulting from the designation of the relevant bogs can only be achieved with the application of substantial human and other resources.

A lengthy and probably tortuous process of discussion, negotiation and accommodation with every person and party affected by the relevant designations will be required over what may well be a protracted period of time. Ownership and identification of rights and interests in the affected properties presents a serious and time consuming challenge.

Innovation is required because resolution of these difficulties cannot be achieved within the time presently available to the parties. Some means must be found to overcome this problem.

Most of all what is required is determination on the part of the State and its agencies to explore every avenue in order to seek to accommodate communities whose lives and lifestyles have been gravely disrupted by measures and circumstances over which they have had no control and to provide them with monetary or other compensation for the sacrifices they have been prepared to make in a patient, understanding and sensitive manner.

Justice John Quirke

2nd March 2012