



Kilcatherine, Eyeries, County Cork

<http://www.friendsoftheirishenvironment.org>

SUBMISSION TO THE PUBLIC CONSULTATION ON PEATLANDS STRATEGY

INTRODUCTION

FIE welcomes the public consultation on the Peatlands Strategy and the opportunity to play a role in giving direction to Ireland's approach to peatland management, including bog conservation and restoration, over the coming decades.

We note that this consultation forms part of your remit "to engage, as it deems appropriate, with turf cutters, community groups, environmental groups and other interested parties to understand their views and also to communicate the situation regarding:

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

Has the Council advised on the recent scientific and policy review BOGLANDS by the EPA? Has the Council clarified Ireland's 'obligations to protect key habitats'? Has it determined the available assistance from the State?

Terms of Reference of the Council are as follows:

1. A scientific review of National Heritage Area (NHA) designations and the impact of turf cutting on raised bog habitats.
2. Issues of compensation which may arise under the agreed turf cutting compensation scheme and the potential of providing supplies of turf as an alternative to financial compensation
3. Approaches to relocation in lieu of compensation, where feasible, to non-designated bogs [sic] on which turf cutting could continue
4. The Peatlands Strategy, which is to be developed by the Department of Arts, Heritage and the Gaeltacht

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Is the Council failing to address the first three of its TOR and now placing them all under a Policy Review?

Surely the Scientific Review of NHAs was and is an independent task which, given the Council was formed on 11 April 2011, should at stage be completed and informing this process?

The Council has further failed to advise on the BOGLANDs report, which is one of the scientific and policy reports on which it must do so. Does the Council accept the 7 Action Plans proposed and if not why not?

That the resolution of issues of compensation and relocation were to be addressed outside the Peatland's Strategy is clear from this examination of the Council's TOR which list them as separate tasks outside and ranked above the proposed Strategy. The subsuming of these issues into a consultation process for a National Strategy undermines the remit of the Peatland's Council and does no service to the state.

Our comments are made in conjunction with and support of the two Reports referred to in the Consultations Terms of Reference – the Irish EPA's BOGLANDs report of 2011 and the Wise Use of Peatlands from international bodies published in 2002.

RECOMMENDATIONS AND COMMENTS

Terms of Reference

The presentation of a "Terms of Reference" with an accompanying document entitled "Public Consultation Guidance on Terms of Reference" is confusing. There should be a single integrated document. The references to a scientific review in footnote 1 are also confusing.

Scientific and Policy Reviews

The BOGLANDS project 'focused on assimilating and synthesizing the scientific information needed to inform Irish policy about peat'. Technical information necessary to inform politicians and influential decision makers is 'now readily available with a clear outline of the consequences of alternative decisions and policies.'

We suggest that it be relied on rather than re-implemented. Its Action Plans are extensive and must be evaluated. The science has been fully reviewed in the BOGLANDS study and what is needed now is policymaking to implement the actions which logically flow from that scientific review.

Insofar as it is intended to review NHA designations, we are very concerned at any impression that this might be intended to be a downwards-only review. The terms of references for any such review need to be set out.

Furthermore, any such review needs to respect the commitments to the EU, which led to many or most of these designations. Consideration of conservation and restoration should, in line with international obligations and the National Biodiversity Plan, encompass the entirety of bogs, not only SACs and NHAs. The point being not that every bog must be conserved and restored, but that the biodiversity value of bogs is not limited to designated sites and under the Directives species and habitats that are listed in those Directives must be protected regardless if they are within the boundaries of a Natura 2000 site, as

well as falling within the remit of obligations under international treaties on biodiversity and wetlands conservation.

Recommendation:

Publish the terms of reference for a study of NHA peatlands and accept the EPA BOGLANDS Action Plans unless valid reasons are provided for not doing so.

Legal and Administrative Issues

All parties agree that the regulation of peat extraction in Ireland has developed through an increasingly complex systems of land use regulations exceptions and revisions of the planning and licensing legislation that urgently needs consolidation and clarification.

The roles of the Local Authorities, the National Parks and Wildlife Service, and the Environmental Protection Agency are currently exercised without a coordinated response to developments or applications for development. In particular, the EPA's view that it may not require an EIA relying instead on the Local Authority is unsatisfactory, given the various exemptions under planning for extraction, such as that which has been continuing for more than 7 years or where the draining of the site took place before 2000, etc etc etc., none of which should negate Ireland's responsibilities under the EU Directives but all of which contribute to the failure of enforcement..

The ex-situ impacts of peat extraction on designated sites is not being subject to an appropriate assessment because of these weaknesses.

The TOR refers to this fragmentation by listing the relevant factors as follows: 'the Planning Process, Integrated Pollution Prevention and Control licensing, Environmental Impact Assessment, Appropriate Assessment, Forestry Acts, Forestry Schemes, Farm Plan Schemes, the Single Farm Payment, Habitat Regulations and the Wildlife Acts'. It suggests that 'it would appear that these regulatory frameworks have not been fully coordinated or successful in ensuring the satisfactory management of peatlands in Ireland.'

Recommendation:

Commission a review of the functionality of the legislative provision for the control of the use of peatlands to ensure integrated and effective administration of the legal responsibilities, including the Convention on Biodiversity, the Ramsar Convention, and the UNFCCC.

Alternatives

The Peatlands Council to date has not pursued the opportunities to support energy efficiency and renewable energy as alternatives to turf combustion for space and water heating.

Recommendation:

Alternative energy packages should be offered on the basis of the ENGO recommendations [attached, as previously presented to the Peatlands Council].

Relocation and Compensation

Wise Use requires that 'Landowners and others with an interest in land should be fully compensated if public policy interferes with their rights.'

Relocation does not address the wider issues of the environmental damage caused by any peat extraction outside the issues of habitat and biodiversity.

Recommendation

Any relocation must be accompanied by a planning application for the change of land use which must be screened for an appropriate assessment. Compensation should be calculated by a qualified body and should reflect full compensation for the true cost of replacement through loss of land use.

Land use issues

Wise use requires the preparation and updating of a development plan for each area and this should be developed within a policy framework to direct and support sustainable futures for cutaway/cutover/drained/damaged bogs, including habitat restoration/creation, protection and restoration of water catchment and ecological functions, tourism, paludiculture, etc.

As part of the BOGLAND project, wind-farm developments on peatlands were reviewed. It was strongly proposed that degraded peatlands, such as the industrial peat extraction areas in the Irish Midlands, are to be selected as alternative locations for wind farm development.

Any national policy for Ireland which seeks to capture the country's maximum capacity for wind energy can be achieved without impacting on areas with sensitive landscapes, ecology and hydrology which is the current situation.

Recommendation

Development/Management Plans should be completed for all peatland sites. According to Wise Use, this should set out the 'overall strategy for the planning of the area and provide for the zoning of land for particular uses; the provision for infrastructure; conservation and protection; integration with the social, community and cultural requirements of the area and its population; the preservation of the character of a landscape; and the control of building and other development.'

National Peatlands Park

Recommendation

The Peatlands Council should support the proposal for a National Peatlands Park as proposed in the EPA BOGLAND Report.

Tony Lowes on behalf of Friends of the Irish Environment
19 January 2012