



National Raised Bog SAC Management Plan *Proposed Approach*

September 2012

Following discussion with Peatlands Council and European Commission

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1. Context

Endangered Raised Bogs

- 1.1. Most people, including the majority of the representatives of turf-cutters and land-owners, understand and support the need for Ireland to implement the Habitats Directive and protect Ireland's remaining raised bog habitat.
- 1.2. Between 1997 and 2002, Ireland nominated a total of 53 raised bog sites for designation as Special Areas of Conservation (SACs). These areas were selected primarily for the presence of the priority European habitat, known as active raised bog.
- 1.3. The SAC bogs are extremely rare in global terms and are the last functioning remnants of the great bogs that once covered much of the midlands. What makes them so rare is that they still have substantial areas of active raised bog where the conditions are right for peat to continue to form and where the typical species of plants and animals can thrive. Land reclamation, drainage and peat extraction over time has left Ireland with less than 1% of the area of active raised bog we once had. These sites also represent some of the last remnants of this habitat still in existence in the Atlantic region of the EU. They are sites of European and international importance. In addition, these sites contain large tracts of degraded raised bogs, which is the area of high, uncut bog, damaged by drainage. This is also an important habitat, as it can be transformed into active raised bog again through restoration measures.
- 1.4. Ireland, through successive Governments, has decided that, for the benefit of all its citizens and in the light of global concerns about loss of bio-diversity, a proportion of our remaining raised bogs should be protected. We signed up to do this through the EU Habitats Directive which commits Ireland to the achievement of a favourable conservation status for this and other important habitats. The key measure to achieve this is through the designation, protection, management and restoration of the SACs.
- 1.5. Ireland's raised bog SACs are faced with a number of pressures which need to be addressed rapidly if the bogs are to be effectively protected and restored, in line with the requirements of the Habitats Directive. Drainage, turf-cutting, forestry activities and agricultural reclamation are the principal causes of the general deterioration of these sites that has been observed over recent years. This has included a significant decrease in the area of active bog in most of these sites and the loss of smaller areas of degraded bog capable of restoration, principally through turf-cutting. A key part of Ireland's natural heritage, and a unique ecological asset, lie within these 53 sites and is in danger of disappearance. The provision of the necessary protective measures is now urgent.
- 1.6. Functioning bogs provide long-term benefits to Ireland and to local communities. Bogs act as an effective protection against floods and

drought through their capacity to absorb, retain and slowly release rain water. Through peat formation they absorb carbon from the atmosphere and mitigate against climate change. There is potential for off-setting emissions at a national level through re-wetting and restoration of peatlands. This could lead to surplus carbon credits being converted into sustainable revenue streams. As outdoor pursuits, healthier living and green tourism become more popular, there is a potential for some bogs and their surrounding localities to become local recreation amenities or marketed as tourist attractions. Local communities can benefit from this development with revenues generated staying in the locality. The restoration and management of Ireland's raised bog SACs could also generate local employment.

Property Rights

- 1.7. The protection of Ireland's raised bog SACs and the fulfilment of Ireland's obligations under the Habitats Directive has proved to be challenging. People who have exercised legally held property rights, through land ownership or turbary right, have sourced their domestic fuel from these sites for many years, and in some cases for several generations. Implementation of the Habitats Directive must also take full cognisance of such rights and where these are affected, fair systems of compensation must be put in place. Turf cutting is also an activity with profound cultural and heritage importance and a core part of the way of life for many rural Irish communities.
- 1.8. While the requirement to cease turf-cutting in these sites affects a minority of turf-cutters nationally, the implications of the Habitats Directive for these individuals is significant. It is clear that a successful accommodation of the needs and requirements of turf-cutters on Ireland's 53 raised bog SACs, and the future management of these sites will require comprehensive consultation and engagement with local communities at a level that has not happened to date.

Finding Solutions

- 1.9. Thanks in large part to the efforts of turf-cutter representatives, considerable progress has been made over the past 12 months to seek solutions that would meet Ireland's obligations under the Directive to protect the SACs and would allow turf-cutters to continue to cut turf on alternative non-designated bogs or would provide them with monetary compensation if that is their choice. Although there has been some unauthorised cutting in 2012, the vast majority of turf cutters on these sites have complied with the law and refrained from cutting turf. Some 2,200 have engaged with the compensation and relocation schemes and these applications are being processed by the Department
- 1.10. In February of this year, at the instigation of Conor Skehan, Chair of the Peatlands Council, a Peatlands Forum was convened. This was chaired by a High Court Judge, Mr. Justice John Quirke. The Forum heard proposals from turf-cutting communities on each of the SACs to find solutions for their particular circumstances. Most proposed relocation to

alternative bogs. Some proposed co-existence, where limited cutting would continue within the sites and a small number proposed complete habitat replacement, where cutting would continue and compensatory habitat would be provided. The level of detail and information regarding the proposals for each SAC differ and further work will be required to assess the feasibility of the proposals and their compatibility with the Habitats Directive. It is acknowledged that proposals relating to a continuation of turf-cutting within these sites could only occur in adherence to the process set down by the Habitats Directive

- 1.11. To this end, and cognisant of the legal framework in which turf-cutting may or may not be consented to and for the need for a holistic approach to the management of Ireland's SAC raised bog resource, Justice Quirke recommended that a national plan for SAC Habitats be drawn up as provided for in the Habitat Directive.
- 1.12. The Government accepted this recommendation at its meeting on 6 March, 2012. It is proposed that a National Raised Bog SAC Management Plan be prepared and that such a plan would be comprehensive and outline how the 53 raised bog SACs are to be managed and restored. This document sets out the proposed approach to prepare that plan.

The Plan

- 1.13. The Raised Bog SAC Management Plan will provide an opportunity to set out Ireland's strategic approach to the conservation and restoration of its raised bog SACs and give clarity and confidence to all parties in regard to how Ireland will protect these sites and meet its obligations relating to the protection of these sites. It will form a "plan" within the meaning of Article 6(3) of the Habitats Directive while also aiming to establish the necessary conservations measures which the Directive requires to be achieved.
- 1.14. The plan therefore is both a policy document and a legal document which must follow the stepped approach set out in the Directive. In summary, Articles 6(1) and (2) of the Directive requires Ireland to put in place measures to protect raised bogs. Article 6(3) requires projects or activities which may impact on those habitats to be assessed fully, and Article 6(4) sets out the processes to be followed where such an assessment shows a negative impact.
- 1.15. The Plan will, by definition, seek to avoid damage through turf cutting and associated activities which would amount to an adverse impact on the integrity of any of the 53 SACs. It will be the subject of an Appropriate Assessment which would include a complete assessment of the impact of any proposed activity on any of the 53 sites where these may be envisaged by the plan. If, in these circumstances, a negative conclusion is arrived at, where an adverse impact on the integrity of any of the 53 SACs cannot be ruled out, then consideration can be given to whether the tests of Article 6(4) can be met in order to allow that activity to proceed.
- 1.16. It is only through the drafting of such a plan that the applicability of Article 6(4) of the Habitats Directive could be considered. It is clear from the

provisions of Article 6 of the Habitats Directive that it is not until the necessary work required in preparing the plan is completed, that a conclusion can be arrived at regarding the necessity to invoke the provisions of the Article 6(4) process, and their applicability in this context.

- 1.17. The drafting of a plan will provide a mechanism for proposals limited further damaging activity to be considered. This includes consideration of the tests concerning an absence of alternatives, imperative reasons of overriding public interest to allow an activity to proceed, and compensatory measures. As active raised bog is a priority habitat under the Directive, the consent of the European Commission would be required for any damaging activity.

2. Guiding Principles of Plan Preparation

The guiding principles of the process of devising the plan derive from the discussions that took place at the Peatlands Forum and the concerns expressed by the turf-cutting communities.

Solutions for all of the affected bogs must move forward together. The perceived difficult cases will be given priority consideration.

- 2.1. All parties commit to identifying relocation solutions for all bogs over the coming year. Relocation sites identified will be developed into fully functional solutions as soon as possible but in some cases this may take two to three years, with turf cutters receiving interim arrangements (turf or money) in the interim. Identification of the small number of sites, if any, that genuinely do not have viable relocation options will also be finalised within 12 months. Alternative options, such as exploring the possibilities for future cutting on these sites will be developed with the communities and the European Commission. It is likely that the Commission will require several months to consider the plan before it can provide an opinion under Article 6(4).
- 2.2. The process can only be undertaken in a context where turf-cutters refrain from cutting pending the finalisation of the plan. Cutting outside the parameters of EU law will detract from the relationship of trust and confidence building that is required and will make constructive engagement on progressing the plan more difficult. In instances where unauthorised cutting has taken place, the Department is undertaking the necessary enforcement and legal action.
- 2.3. Interim measures are in place to ensure that cutters are provided with a financial payment or the delivery of a supply of turf as the plan is being finalised.
- 2.4. Parties will work within the framework of the Habitats Directive and in close consultation with each other and with the European Commission as the Plan develops.

3. Proposed Contents of Plan

3.1. Overview

In brief, it is envisaged that the plan will address in detail each of the 53 raised bog SACs and will contain the following elements:

- Conservation Objectives for the raised bog habitat resource within SACs;
- Site Specific Information -
 - Detailed descriptions of each site,
 - Pressures (including details of number of cutters who have been active etc),
 - Changes in condition of habitat since notification of the Minister's intention to designate the site,
 - Report on relocation progress made on site by site basis,
 - Identification of bogs where solutions have been difficult to find,
 - Approach to dealing with difficult bogs described, including criteria applied to ensure all potential mitigation and alternatives have been fully explored;
- Site Restoration and Management. Ireland will build upon previous work undertaken under the EU LIFE programme and will move towards developing individual restoration and management plans for each of these sites. The approach to developing such site specific plans will be an element of the National Plan.

The Plan will be Appropriately Assessed.

- A Natura Impact Statement and Outcome of Appropriate Assessment will be prepared. In addition the findings of the investigation of alternative solutions will be fully documented. This will include details of potential relocation site, if any, interest in monetary compensation and alternative energy solutions, if applicable.
- If required, a Statement of Case will be prepared on why Imperative Reasons of Overriding Public Interest exist that would justify continued damage to any of the 53 sites
- If required, identification of compensatory habitat and the approach set out to ensure coherence of Natura 2000 is maintained.

Consideration will also be given to appropriate legal provisions required to facilitate this novel plan led approach.

3.2. Conservation Objectives

The Plan will elaborate the Conservation Objectives for the National Raised Bog habitat resource within SACs. This will include the objectives for restoring the area of active raised bog and degraded raised bog capable of restoration within the network of SACs. This undertaking was given as part of the State's response to the Reasoned Opinion which the European Commission sent to Ireland in June 2011. The Plan will also provide for the elaboration of site specific conservation objectives for each of the 53 SACs. Such objectives will include specific targets for the conversion of degraded bog into active bog and achieving the eco-hydrological objective for each site. This will facilitate the development of site specific restoration plans and conservation objectives, which will also serve for the purposes of undertaking appropriate assessment of the impact of any part of the plan on a specific site.

3.3. SACs - Description & Pressures

The Plan will include a description of each site. Current and historic pressures on these sites will be described, and plans to reduce or eliminate those pressures will be outlined. Particular emphasis will be placed on how to reduce and remove the pressures caused by turf-cutting and associated drainage. Details of progress on relocation / compensation can be included on a site-by-site basis but it is likely that some remaining work will be required for many sites when the Plan is finalised.

3.4. Categories of sites

On consideration of each of the 53 SACs, sites are likely to fall into two broad categories:

1. Those where management of the site will be undertaken in such a way that the possibility of adverse impacts on the integrity of the particular site will be avoided. This will largely entail the complete relocation of turf-cutting from the sites but may also include a very limited number of instances where continued cutting can be consented to under Article 6(3) of the Directive, e.g., where it will not compromise the integrity of the site, in light of its conservation objectives. It is acknowledged that the circumstances in which such cutting could be consented to is unlikely in all but the most exceptional of circumstances. This consideration will only be achievable through detailed investigations on a site-by-site basis and subject to strictly defined criteria and conditions.
2. Sites where, following appropriate assessment and the application of the tests of Articles 6(3) and 6(4) of the Directive, a continuation of turf-cutting may be proposed for imperative reasons of overriding public interest. For such a proposal to succeed alternative solutions must be ruled out and compensatory habitat must be provided.

At the outset, it is clear that most sites will fall into the first category and it is anticipated that during drafting of the Plan and, following a close

examination of alternative solutions relating to each SAC, all but possibly a very small number of sites will fall under category 1.

3.5. Assessment of Alternative Solutions

It will be a central objective of the Plan to seek solutions that avoid damage to the sites. This is the central requirement of Article 6 of the Directive. The Plan will only require to be considered under Article 6(4) if, after exhausting all reasonable possibilities, sites cannot be placed within the first category. It will be necessary, as part of the process of finalising the Plan, to agree on rational, comparable assessment criteria that can be applied to objectively determine where no alternatives are available, recognising also that each site will have its own particular circumstances. This can be informed by similar situations elsewhere where the relocation of turf-cutting has proven practical.

4. Site Restoration & Management

The restoration approach for sites will also be set out in the Plan along with details of structures and procedures through which land-owners and those with a legal interest in the sites, and in land adjoining the sites, will be fully consulted and engaged in the planning and execution of restoration and management measures. The impacts of potential changes to existing drainage are of specific concern. Restoration measures will only be undertaken following full consultation with affected parties.

While specific management measures will need to be agreed at site level for each of the 53 SACs, the Plan will outline the overall approach. These will include details of management of the sites for the conservation of protected habitats but will also consider existing and future uses of the sites for recreation and amenity purposes, for educational purposes, as a tourism resource etc. The maintenance of paths and walkways, measures to prevent illegal dumping at the sites and actions to be taken in the event of fires will be considered. In a broader context, through the National Peatlands Strategy, other long-term benefits of conservation management will be explored including benefits in terms of carbon accounting and the potential availability of future revenue streams through surplus carbon credits. There will also be further exploration in terms of flood attenuation and the benefits of these bogs as water stores, potentially reducing the impact of flooding and droughts.

5. Appropriate Assessment & Possible IROPI Case

The Plan will be subjected to the requirements of Article 6(3) of the Habitats Directive. A Natura Impact Statement will be prepared and an appropriate assessment undertaken. If the Plan is found to include elements which adversely affect the integrity of any of the 53 raised bog SACs or any other Natura 2000 site, consideration will be given to whether the provisions of Article 6(4) can be invoked. The step-wise approach of Article 6(4) will be followed including that all alternatives have been considered and discounted and that imperative reasons of overriding public interest exist that can justify the damaging elements of the plan. This process will be set out in a Statement of Case.

6. Compensatory Measures

If the plan proposes activities that will adversely affect the integrity of any of the 53 raised bog SACs, and the requirements of 5 above can be met, compensatory measures will be outlined that will ensure that the coherence of Natura 2000 is maintained. This will require the designation of additional raised bog SAC to make up for any losses in habitat. This will be in addition to the compensatory measures already committed to in Ireland's reply to the Reasoned Opinion. The plan will be required to identify potential compensatory sites.

7. Addressing Unauthorised Damage

The Plan will also need to contain a description of measures that will be taken to ensure that unauthorised damage to sites is prevented, detected and appropriately addressed. This will include an outline of the tools available to ensure that the sites are protected and an understanding that such tools will be employed in the event of such damage occurring.

8. Drafting of National Plan

8.1. Local Liaison Committees

- 8.1.1. Much of the plan, insofar as it deals with issues around the feasibility of relocation etc, will emerge from consultation and discussions with turf-cutting and land-owner representatives on each of the 53 raised bog SACs. Liaison Committees representing turf-cutters and land-owners have formed for most sites and are now engaging with relevant State bodies. These committees will be central to agreeing and implementing local solutions for relocation, for elaborating the numbers of turf-cutters seeking to continue turf-cutting and for exploring the various potential solutions. Such issues will ultimately be considered at a national level for reflection in the national plan.
- 8.1.2. The State will also cooperate fully with local committees to ensure that future damage to the sites is avoided and will work together to build awareness among land-owners and users of the sensitivities of sites. Local groups could also provide a vital service in terms of dispute avoidance and resolution between the state authorities and individuals.
- 8.1.3. The local liaison committee should also be centrally involved in the planning and execution of restoration plans for each of the 53 SACs and in the on-going management of the sites. The undertaking of necessary works will, to the maximum extent possible, use local expertise and capacities. In terms of the longer-term management of the SACs, the Committees could also be expanded to include other local interests and local authorities.

8.2. Peatlands Council

The Plan will be framed from a national perspective through consultation at a national level with representatives of turf-cutting and land-owner interests, environmental groups and relevant state agencies. The Peatlands Council will have a central role in finalising and presenting the plan. The preparation of any Statement of Case for the purposes of Article 6(4) will be undertaken with the Peatlands Council, for submission to the Minister and for forwarding to the European Commission for its opinion. Scientific oversight will be provided by the scientific review group established to advise on the national Peatlands Strategy and NHA review.

8.3. State parties

The Appropriate Assessment of the Plan will be undertaken by the Minister for Arts, Heritage and the Gaeltacht in consultation with other Ministers and relevant parties.

9. Timelines

Undertaking the drafting of a plan which will address 53 sites and steering it through the requirements of Article 6 of the Habitats Directive is a substantial undertaking that will require close cooperation and collaboration between turf-cutters on each of the bogs, land-owners and turf-cutter representatives, State parties, the Peatlands Council and the European Commission. It is envisaged that with the focused input of each of these parties that much of the work in relation to the identification of suitable relocation sites as well as identifying the small number of SAC sites, if any, that may require the exploration of flexibility under the Habitats Directive for future cutting could be completed within 12 months. However, continued illegal cutting will both slowdown and undermine the credibility of the Plan. The Commission will also require three months to examine the plan before it can provide its definitive opinion and before the provisions of the plan relating to any proposed damage to sites could be undertaken. It is hoped that in that time, and in advance of the 2014 cutting season, considerable clarity will be brought to turf-cutters on each of the 53 sites in regard to accommodation that will be provided for their particular circumstances. It is proposed that the process will be transparent with a central focus on resolving individual issues as the plan progresses.

10. Finance

Restoring Ireland's raised bog habitat to a favourable conservation status will involve one of the biggest conservation projects undertaken by the State. Such restoration will be prioritised for Natura funding and will be identified as such under the proposed Priority Action Frameworks. There is also significant potential to seek support under the LIFE Programme. This programme offers significant benefits in that community involvement will be central to any bids for funding under LIFE and will be crucial to the success of any projects supported by the Programme. This is in line with the overall philosophy of building support for restoration and conservation with local communities.

11. Other Considerations

The Plan, and its site-specific components, will be considered in the context of the requirements of the following legal frameworks and any implications will be fully explored and provided for during the drafting of the plan:

- The Strategic Environmental Assessment Directive
- The Water Framework Directive
- The Environmental Impact Assessment Directive
- The Floods Directive
- Other aspects raised by the European Commission in its Reasoned Opinion.
- Appropriate consent process to give effect to ultimate decision regarding Plan.

The National Raised Bog SAC Management Plan will form a core component of the overall National Peatlands Strategy.

12. List of Raised Bog SAC Sites

#	Cessation from Year	Code	Site Name	County
1	2010	000006	Killyconny Bog (Cloghbally)	Cavan/Meath
2	2010	000231	Barroughter Bog	Galway
3	2010	000248	Cloonmoylan Bog	Galway
4	2010	000285	Kilsallagh Bog	Galway
5	2010	000296	Lisnageeragh Bog and Ballinstack Turlough	Galway
6	2010	000301	Lough Lurgeen Bog/ Glenamaddy Turlough	Galway
7	2010	000326	Shankill West Bog	Galway
8	2010	000382	Sheheree (Ardagh) Bog	Kerry
9	2010	000391	Ballynafagh Bog	Kildare
10	2010	000497	Flughany Bog	Mayo/Sligo
11	2010	000566	All Saints Bog and Esker	Offaly
12	2010	000572	Clara Bog	Offaly
13	2010	000575	Ferbane Bog	Offaly
14	2010	000580	Mongan Bog	Offaly
15	2010	000581	Moyclare Bog	Offaly
16	2010	000582	Raheenmore Bog	Offaly
17	2010	000585	Sharavogue Bog	Offaly
18	2010	000592	Bellanagare Bog	Roscommon
19	2010	000597	Carrowbehy/Caher Bog	Roscommon
20	2010	000600	Cloonchambers Bog	Roscommon
21	2010	000604	Derrinea Bog	Roscommon
22	2010	000614	Cloonshanville Bog	Roscommon
23	2010	000641	Ballyduff/Clonfinane Bog	Tipperary
24	2010	000647	Kilcarren-Firville Bog	Tipperary
25	2010	000679	Garriskil Bog	Westmeath
26	2010	001242	Carrownagappul Bog	Galway
27	2010	001818	Lough Forbes Complex	Longford/Ros
28	2010	002110	Corliskea/Trien/Cloonfelliv Bog	Galway/Ros
29	2010	000297	Lough Corrib	Galway/Mayo
30	2012	000440	Lough Ree	Ros/LD/WM
31	2012	000595	Callow Bog	Roscommon

32	2012	002298	River Moy	Mayo/Ros/Sligo
33	2012	002331	Mouds Bog	Kildare
34	2012	002332	Coolrain Bog	Laois
35	2012	002333	Knockacoller Bog	Laois
36	2012	002336	Carn Park Bog	Westmeath
37	2012	002337	Crosswood Bog	Westmeath
38	2012	002338	Drumalough Bog	Roscommon
39	2012	002339	Ballynamona Bog and Corkip Lough	Roscommon
40	2012	002340	Moneybeg and Clareisland Bogs	Meath/Westmeath
41	2012	002341	Ardagullion Bog	Longford
42	2012	002342	Mount Hevey Bog	Meath/Westmeath
43	2012	002343	Tullaheer Lough and Bog	Clare
44	2012	002346	Brown Bog	Longford
45	2012	002347	Camderry Bog	Galway
46	2012	002348	Clooneen Bog	Longford
47	2012	002349	Corbo Bog	Roscommon
48	2012	002350	Curraghlehane Bog	Galway
49	2012	002351	Moanveanlagh Bog	Kerry
50	2012	002352	Monivea Bog	Galway
51	2012	002353	Redwood Bog	Tipperary
52	2012	002354	Tullaghanrock Bog	Roscommon
53	2012	002356	Ardgraique Bog	Galway

13. Map Showing Raised Bog SAC Sites

