

TURBARY RIGHTS TRANSFER PROGRAMME FOR IRISH RAISED BOG SPECIAL AREAS OF CONSERVATION

An Implementation Strategy for an orderly transfer of turbary rights from Irish Raised Bogs SACs - using innovative community-based approaches - to achieve the full implementation of the Habitats Directive and related ECJ rulings

Contents

Turbary Rights Transfer programme for Irish raised bog Special Areas of Conservation.....	1
Introduction	1
Background	4
Proposal Outline	6
Innovative Compliance Mechanism.....	7
Community Based Implementation	9
Adherence to the Implementation Mechanisms of the Quirke Report.....	10
Sequenced Implementation.....	11
Two Stages Implementation	12
Turbary Rights Transfer Implementation Programme.....	15

Turbary Rights Transfer programme for Irish raised bog Special Areas of Conservation

Hardworking, decent, respectable and law abiding citizens of this State who have no intention or wish to break any Irish or European law but who, as a result of circumstances over which they have had no control and [who] 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.

Justice John Quirke, Peatlands Forum 2012

Introduction

The TCCA's Proposals to date already contain massive concessions. It would be wholly unreasonable to reject what has been offered.

Our proposals have been based on implementing the Habitats Directive – while recognising the need to accommodate our established entitlements and the of our right to continue, in the interim, to exercise these legal rights as and where we always have, until transition arrangements have been put in place.

People who relocate to a different bog or those who relocate to a different turf bank within the same bog must do so on the basis of having their existing turbary rights transferred.

We have consistently made it clear that, to build confidence within the turf cutting communities, nothing can be agreed until everything is agreed, and that nothing is solved until everything is solved.

As a contribution to the proposed National Raised Bog Restoration Plan, we have prepared this detailed implementation programme through which we could deliver a final resolution of the needs of turf communities on raised bogs SACs.

This document builds on the proposals to the European Commission made by the Turf Cutters and Contractors Association (TCCA) for dealing with the needs of the turf cutters on Irelands 57 Raised Bog SACs and to the recent developments at government level where it agreed to a Dail (parliamentary) motion on 7th March 2012 proposed by Deputy Luke 'Ming' Flanagan and others which recognises the innate value of Ireland's unique natural habitat and the necessity to protect it and to seek resolution to issues of accommodating turf cutters within the terms of the Habitats Directive. The text of this agreed motion is at Appendix One.

This proposal is based on the observations of Justice Quirke in his report of the Peatlands Forum that:

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.

It is also based on the fundamental fact that turf cutting is a legally guaranteed property right and that any successful implementation of the Habitats Directive will also need to fully comply with such other relevant laws that protect such rights.

These proposals are voluntarily made to contribute to the successful implementation of the Habitats Directive –but are made in a context of an established breakdown of trust between officials and the turf cutting communities. For this reason any acceptable resolution needs to demonstrate that there will be accommodation for all cutters – especially those on the most difficult bogs (See Appendix Two, P19 for definition) – and that this needs to be guaranteed to ensure the support for a national plan by all groups.

Ultimately, this is a detailed and practical proposal *for* the protection and restoration of Ireland's designated raised bogs – that should enjoy the support of everyone who cares about the future of these habitats. This proposal will work because it takes account of *all* of the relevant laws and rights. This proposal will work because it is based on the care of habitats through consensus and community contracts – not enforcement and compliance. This is how the Habitats Directive will succeed.

We propose to implement an immediate voluntary turbary rights transfer programme through which this ‘protracted period of time’ can be avoided and Ireland’s raised bog SACs will be in full compliance with the requirements of the Habitats Directive – and the ECJ Ruling. This can be achieved – within 36 months – through the active and energetic engagement of the turf cutting communities using the contacts and relationships developed at the Peatlands Forum as follows:

VOLUNTARY TURBARY RIGHTS TRANSFER PROGRAMME 2012 – 1015

	2012	2013	2014	2015
No Turf Cut	22	34 – 37	44+	tbc
Turf Cut under special interim arrangements	32	17 – 20	10±	tbc

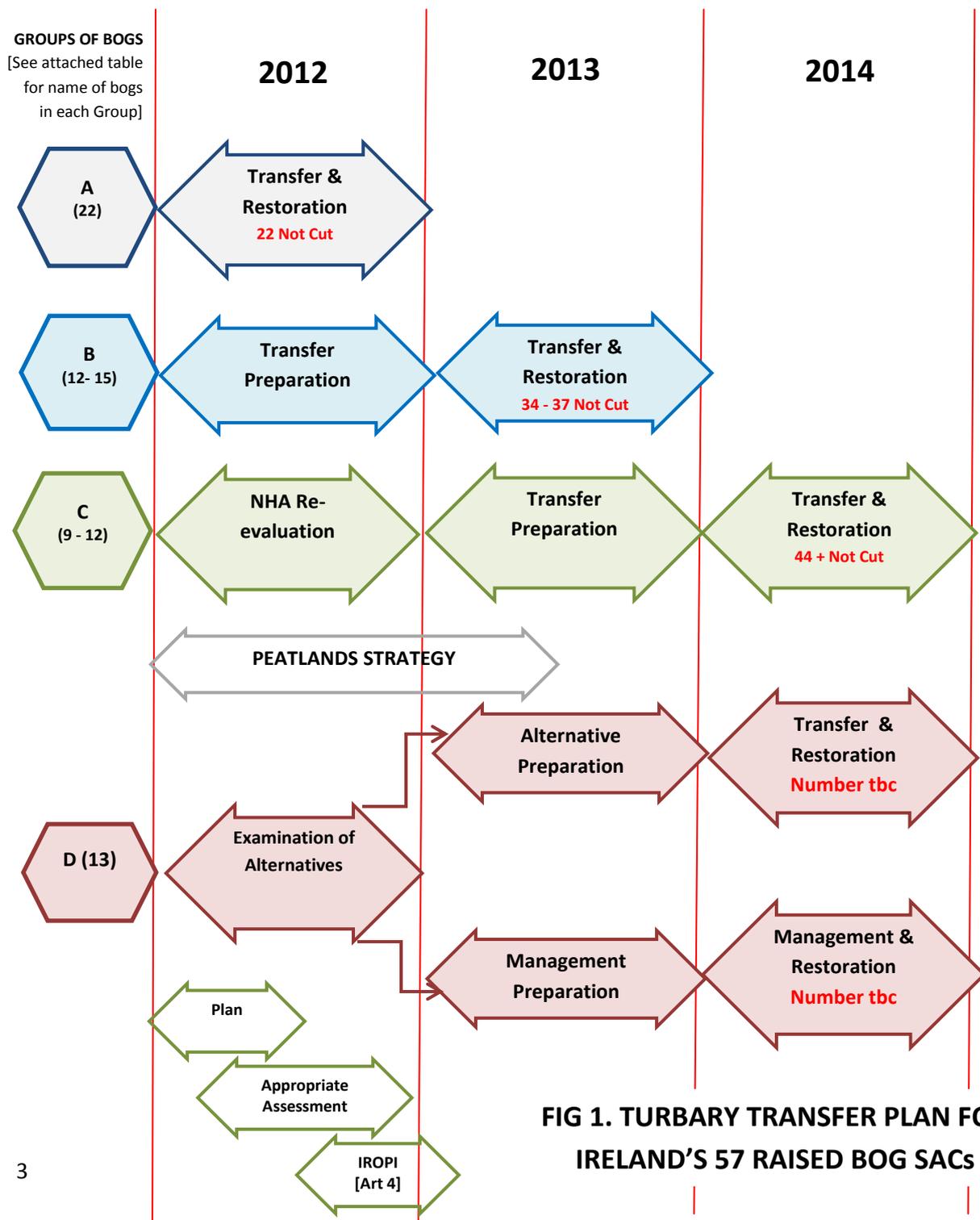


FIG 1. TURBARY TRANSFER PLAN FOR IRELAND’S 57 RAISED BOG SACs

Background

The current situation arises on account of a failure to distinguish between bogs and all other forms of habitats covered by the Habitats Directive. The requirement to conserve bogs involves interference with a long standing property-based economic asset of closely held heritage and cultural importance. Such property enjoys considerable international and domestic constitutional and legal protection and, to date, acceptable accommodation or compensation has not been provided to those affected. A successful outcome will only be possible if it involves the transfer of these rights or acceptable compensation that will comply with the protection of these rights.

The full implementation of the Habitats Directive in Ireland involves very significant issues that have not been addressed either fully or at all to date, these include:

- Owners and users of affected properties have not all been identified and notified;
- Arrangements have not been put in place for those who wish to continue turf cutting.
- Systematic rehabilitation and conservation of designated bogs will require the consent and co-operation of the owners of the lands affected – which has not been sought – prior to the implementation of conservation;
- Management plans for the designated raised bogs have not been prepared, published or agreed with the owners and users of the lands likely to be affected;
- Plans for the cessation of cutting and restoration have the potential to significantly affect designated habitats and species, protected waters and properties and settlements with the potential to flood.
- There appears to be no systematic prior assessment of the potential impacts of the planned cessation – as required under a number of EU Directives;
- Management of these privately owned habitats will require the consent and co-operation of the local turf communities and this will be difficult on account of the breakdown of trust and communication identified by the Quirke Report.
- Key legislation necessary for the implementation of the Directive has not been introduced and possibly cannot be introduced because the time required has now elapsed;

The conclusion of the Quirke Report made clear that these designations affect communities that:

Comprise hardworking, decent, respectable and law abiding citizens of this State who have no intention or wish to break any Irish or European law but who, as a result of circumstances over which they have had no control and [who] 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.

Judge Quirke also noted:

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.

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.

The Report conclusions also noted that:

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.

The Quirke Report concluded with the observations that:

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.

The proposals in this document describe innovations that will facilitate the resolution of the issues that have been identified within the time available – while at all times respecting the objectives of the Habitats Directive and the instructions of the ECJ ruling.

Proposal Outline

Despite these difficulties, the turf cutting communities of the areas affected have made it clear that they are committed to the urgent implementation of the Habitats Directive – as required both by law and by the ECJ ruling – as outlined above.

It must be noted from the outset that these proposals are voluntarily made to contribute to the successful implementation of the Habitats Directive –but are made in a context of an established breakdown of trust between officials and the turf cutting communities. For this reason any acceptable resolution needs to demonstrate that there will be accommodation for all cutters – especially those on the most difficult bogs – and that this needs to be guaranteed to ensure the support for a national plan by all groups.

The following proposal indicates how this can be achieved in an orderly and equitable manner. In outline the proposal contains four principal elements:

1. **An innovative compliance mechanism consisting of:**
 - Trust-building measures between parties who have been in previous conflict
 - Agreed interim transition arrangements
 - Community compliance reporting and independent verification

2. **An innovative community based implementation mechanism consisting of:**
 - Identification and notification of affected parties
 - Co-ordination of accommodation – including agreed time and site specific transition agreements
 - Implementation and independent verification of protection, restoration, after-use and aftercare plans

3. **Adherence to the Implementation Mechanisms of the Quirke Report that suggested roles for;-**
 - The Commission
 - State and its agencies
 - Peatlands Council Chairman
 - TCCA
 - Bord na Mona

4. **Sequenced implementation, of Turbary Rights Transfer to facilitate:**
 - Orderly transitions
 - Legal implementation
 - Habitat management

Each of these elements is described in more detail on the following pages.

Innovative Compliance Mechanism

Trust-building measures

The conclusions of the Quirke Report noted:

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.

However, reality will demand that contacts between turf-cutting communities and various agencies of the State and European Commission will need to continue and that communication and trust will need to be restored as quickly as possible.

We propose three main means of rebuilding trust:

1. Community based implementation (this is described in detail in the following section)
2. Community compliance reporting (described below)
3. Adhering to the Implementation Roles specified in the conclusions of the Quirke Report

Community compliance reporting

In addition to the ecological, technical and legal difficulties associated with the implementation of the Habitats Directive it is also necessary to address the issue of the breakdown of trust and communication that has occurred. We are aware of the need to ensure legal compliance with the Directive and are of the opinion that this can be achieved by the adoption of innovative community based approaches.

To address this we propose that compliance would be ensured through a communications protocol involving the committee for each bog. We propose that where concern arises about activity on a designated bog there should be immediate contact between authorities and the committee – via trusted intermediaries – who would arrange an immediate investigation and report on the matter – to ensure that compliance occurs.

Where necessary, independent verification could be provided by accepted intermediate parties, possibly former or current Bord na Mona personnel.

Agreed interim transition arrangements

The requirements of the ECJ ruling cannot be achieved until alternative accommodation measures are in place to accommodate the legal rights of those affected.

The Quirke report recognised this difficulty by finding that:

Resolution of these difficulties cannot be achieved within the time presently available to the parties. Some means must be found to overcome this problem.

To resolve this difficulty we propose the introduction of a transitional interim arrangement – that accepts the need to implement the ECJ ruling by ensuring that any activity that takes place does so legally - on foot of an interim arrangement agreed by all parties. The agreement will determine how cutting can continue with least effect to the habitat – while an orderly turbarry rights transfers takes place and while the transition to habitat conservation and management occurs.

Adhering to the Implementation Roles specified in the conclusions of the Quirke Report

The preparation and implementation of the National Plan needs to take account of the breakdown in trust and communication identified by the Quirke report. For this reason – on an interim basis we propose that all solutions should be developed through the office of the Peatlands Council Chairman. We propose that preparation of the national plan should begin under the direction of the Peatlands Council Chairman with the active involvement the of the TCCA and Bord na Mona.

A Note on the importance of language and respect

Taking account of the observation of Justice Quirke that the turf communities involved

...comprise hardworking, decent, respectable and law abiding citizens of this State who have no intention or wish to break any Irish or European law but who, as a result of circumstances over which they have had no control and [who] 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.

it would be a good confidence building measure on the part of European Commission and Irish Government if they were both to publicly and unequivocally recognise the fact that Irish Turf Cutters have rights and desist from the language of criminalisation. It would be most helpful if everyone could move the language and behaviour away from a continuous legalistic emphasis on ‘*enforcement and compliance*’ toward a more positive dialogue based on how to work with local communities to achieve by ‘*contract and consensus*’ the conservation and restoration of designated raised bogs that in many cases are located on privately owned land. Such a development would herald a new era of co-operative conservation in Ireland while utilising the guidance detailed in the European Commission’s document LIFE-NATURE: Communicating with Stakeholders and the General Public, in relation to Natura 2000 sites, which states:

“The principle of collaboration is enshrined in the Habitats Directive, requiring that conservation measures take account of the economic, social and cultural requirements as well as the regional and local characteristics of the area. The manner in which Natura 2000 will be implemented is very important - the involvement of the owner of private land is crucial. LIFE shows that contracts are preferable to constraints”

Community Based Implementation

The majority of the issues arising affect private users and owners of bogs. These groups have indicated a willingness and ability to participate in this process. As such they are most likely to provide the most enduring and reliable role as custodians of these bogs – as they have already done for generations.

It is proposed to use a committee for each bog to overcome some of the biggest obstacles to implementation. These committees will also play a crucial role in organising and implementing restoration and aftercare.

Identification and notification of affected parties

It is proposed that each bog would be given the task of preparing its own description of the location and entitlements to cut on each affected bog. Experience elsewhere strongly suggests that local knowledge can quickly and reliably establish these facts. Once identified, it can be used as a basis for preparing formal agreements for the accommodation of turbary rights transfer. This would form the basis of confirming the amount and type of accommodation that will be required.

Co-ordination of accommodation – including interim transition modalities

It is proposed that the committee on each bog would be the ‘point-of-contact’ to organise all activities associated with the new accommodation required for each bog. This would include being the party to an agreement with statutory authorities regarding the interim transition modalities for cutting during the transitional period – as well as the co-ordinator of any scientific and technical feasibility assessments.

Implementation of restoration, after-use and aftercare plans

In addition to the co-ordination of the accommodation or turbary rights transfer for turf cutters on each bog, we propose that the local owners, users and their associated contractors are best placed to carry out the restoration and after-care of the designated bogs. If this project is to succeed it must be done in full partnership, with the authorities playing their full part with regard to the provision of resources and the necessary indemnities and expertise. We propose that all adjustments of ditches and drains – both on high bogs and on associated cut

over areas should be done in close co-ordination with the committee on each bogs – using local knowledge and labour wherever possible. This will be an important measure in helping to maintain confidence in this issue. It should also help to ensure that rapid progress is made, once the effects on adjoining and surrounding lands have been identified and agreed.

Adherence to the Implementation Mechanisms of the Quirke Report

The Commission could facilitate resolution by supplying ;-

- Active support and information
- involvement at senior administrative and political levels
- Confidence Building measures by recognising Turf Cutters' traditional, heritage cultural and property rights.

State and its agencies should;-

- 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.
- Provide them with monetary or other compensation for the sacrifices they have been prepared to make in a patient, understanding and sensitive manner.
- Provide Confidence Building measures by recognising Turf Cutters' traditional, heritage cultural and property rights, and;
- by preparing a plan for the phased completion of all previous agreements.

The Peatlands Council Chairman should;-

- Play a significant role in restoring the breakdown of communication between the relevant parties which.
- Direct the preparation of a national plan without delay

The TCCA should;-

- Participate in the operation of that national plan by restoring trust, confidence and communication between affected parties.
- Representing the interests of its members and of the turf cutting communities

Bord na Móna should;-

- Play an important role in a national plan by helping to restore the confidence and trust of the turf cutting communities.
- Provide much needed and necessary technical assistance.
- Continue to provide relocation bog and compensatory habitat where possible.

Sequenced Implementation

Orderly transitions

The following sections describe in detail how we propose that a phased implementation of the Habitats Directive would be achieved on a bog-by-bog basis. This proposal is based upon reality because it is based on a detailed understanding of the current state of readiness of each of the bogs affected. It shows how in the 36 months between April 2012 and April 2015 there will be a systematic implementation that will ensure full and final implementation of the objectives of the Habitats Directive as it relates to Irish raised bogs – which will also provide full accommodation of the rights of all those who wish to continue to cut turf.

Legal implementation

These implementation proposals are designed to ensure that all legal requirements are met. In addition to the accommodation of legal rights to private property, this arrangement will also allow an evaluation of the effects of the plan to implement the Habitats Directive on Irish raised bogs as they affect:

- *The Habitats Directive* - in terms of an evaluation of effects of implementation on other habitats and species¹;
- *The Floods Directive* – in terms of an evaluation of effects of implementation on properties and lands that are likely to be affected by the alteration of drainage patterns in the vicinity of restored raised bogs;
- *The Water Framework Directive* –in terms of the effects on water quality as well as the effects mentioned above – on the River Basin Management Plans that have been adopted for the regions in which these bogs are situated.

Habitat management

These implementation proposals are also designed to allow time for management plans to be prepared in an orderly manner – involving full consultation between scientists and the community who own and use these lands. We are not aware of any published management plans that would guide the restoration and after-use of any of these habitats. We believe that these plans will only succeed if they are based on entrusting the care of these bogs to the local communities – and the preparation for this new arrangement will require time.

¹ For instance, the effects of restoration of cutaway areas on Moanveanagh Bog in County Kerry on a long-established population of Marsh Fritillary butterfly.

Two Stages Implementation

We propose implementing these proposals over two stages

1. A Transition Phase – to allow time sustainable plans to be prepared, studied and implemented
2. A Permanent Phase – to implement the community-based rehabilitation, conservation, after-use and after-care of the designated raised bogs.

Transition Phase

This phase envisages an orderly transfer of turbary rights over a 36 month period – in accordance with the sequence and number identified in Figure 1.

We believe that the SACs are composed of a mixture of habitat types – not all of which are priority habitats and that [with expert advice and the use of current detailed surveys] the following can be rapidly identified;-

- Areas of active raised bog habitat.
- Actions that are likely to affect areas of active raised bog habitat

Based on this work we propose that compliant interim agreements can be put in place on a bog-by-bog basis to

- Mitigate actions with a potential to directly affect areas of active raised bogs
- *Commence* management measures to improve the status of habitats with immediate effect.

Permanent Phase

This phase envisages implementing an overall national management plan for the network of raised bog SACs the community-based rehabilitation, conservation, after-use and after-care of the designated raised bogs. We envisage that all actions within this phase will be fully compliant with all legal requirements that relate to private property, flooding, water quality – as well as habitat protection.

'Difficult Bogs'

We have consistently made it clear that, to build confidence within the turf cutting communities, nothing can be agreed until everything is agreed, and that nothing is solved until everything is solved. This refers in particular to the so called 'difficult bogs' in Group D - Redwood, Ardgraique, Moanveanagh , Money Beg/Clair Island, Coolrain, Moulds, Callow, Lough Corrib, Lough Ree, Bellanagare, Clonmoylan, Borroughter and Lough Lurgen. The Peatlands Forum heard confirmation of assessment in the TCCA proposal that there appears to be no acceptable alternative accommodation of these bogs. A number of these have been designated because they are 'outliers' – at the edge of the range – which is why these turf communities have no available nearby alternative that is practical or feasible.

We propose that the property rights of these communities can be accommodated by the following steps

Establishing that no other reasonable Turf Cutting alternative exists – using agreed and comparable assessment criteria that are comparable to similar situations elsewhere where turbary transfer has proven practical.

Identifying suitable areas within SACs where existing active Turf Cutters are to be accommodated and deploying all possible mitigation measures.

Agreeing action plans for

- Co-existence of turf cutting.
- Active and urgent community-based conservation and restoration programmes for these SACs

These actions will be considered as part of the overall national management plan for Ireland's network of raised bog SACs.

Turbary Rights Transfer Implementation Plan

	2012	2013	2014	2015
Restoration	Restoration Plan for those bogs not cut	Restoration work for 12 extra bogs closed.	Restoration work for closed bogs.	Restoration of last few remaining bogs
Compensatory Habitat	Identifying compensatory habitat	Taking forward compensatory habitat.	Having compensatory habitat in place.	Full compensatory habitats in place including H. E. A.
Flood Management	Working with Communities on 22 so no flooding occurs on lands	Working with communities for restoration so no floods occur.	Working with communities to ensure no flooding occurs to land.	Community involvement of closed sites
Relocation	Getting ready 12 relocation sites for start of 2013. List supplied	Getting ready for relocation if some difficult bogs get relocation sites identified.	All relocation sites to be finished at year end.	All difficult bogs now consolidated and mitigation measures in place
	Getting ready for relocation sites 2013-2014 that need more work	Continuation of Turbary Rights and legal issues.	Consolidation on Difficult bogs complete for year end	All Rights transferred
Difficult Bogs	Identifying difficult bogs making sure, no relocation and know exact number.	Putting systems and mitigation measures in place for difficult bogs.	All mitigation measures to be in place by year end to comply with Habitats Directive	Ireland, EU and the people happy and plan sorted
Title and transfers	Getting transfer of Turbary Rights and Legal issues for all bogs.	Getting transfer of Turbary Rights and Legal issues for all bogs.	All Turbary Rights transferred	
Result	22 bogs not cut - See List Interim transition cutting on balance	34 bogs not cut - See List Interim transition cutting on balance	44 bogs not cut plus additional alternatives found for Difficult bogs Interim transition cutting on balance	Habitats Directive compliance on all Raised Bogs SACs

Turbary Rights Transfer Implementation Programme

2012 No turf cut Group A	2013 No turf cut Group B	2014 No turf cut Group C	2015 Relocation or co-existence Group D
Kilconny	Kilsallagh	Carn Park	Redwood
Shehree	Lisnageeragh	Crosswood	Ardgraique
Ballinafagh	Shankill West	Corliskea Trien	Moanveanagh
Flughany	All Saints	Clonfirvill (NHA)	Money Beg Clair
Ferbane Bog	Clara	Camderry (NHA)	Island
Mongan Bog	Cloonchambers	Clooneen (NHA)	Coolrain
Moyclare Bog	Kilgarriff	Monivea Bog (NHA)	Moulds
Raheenmore Bog	Derrynabrock	Cloongoonagh	Callow
Shararvogue Bog	Gowlan	50% of Lough Ree	Lough Corrib
Carrowbehy/Caher Bog	Ballinamona and Corkip	(NHA)	Lough Ree
Derrinea Bog	Ardgullin	[9]	Bellanagare
Cloonshanville Bog	Tullaher Lough and Bog		Clonmoylan
Ballyduff Clonfinane Bog	Curralennagh		Borroughter
Kilcarren/Firville Bog	Mount Heavey Bog		Lough Lurgeen
Garriskil Bog	Corbo		[13]
Carrowmagoppol Bog	[15]		
Lough Forbes complex			
Tawna Beg			
Brown Bog			
Drumalough			
Knockacoller			
Tullnarock			
[22]			

Appendix One

The motion below was moved in Dail Eireann on Tuesday 6th March 2012 by Luke Ming Flanagan TD.

A Government amendment to the motion was moved but prior to a vote on Wednesday 7th March the Minister for Arts, Heritage & The Gaeltacht, Jimmy Deenihan TD, said that the motion and the Government's amendment were similar and had the same intention. He said that "In a spirit of partnership, co-operation and trust" he withdrew the amendment.

The amendment was, by leave, then withdrawn. The initial motion was then put and agreed to.

That Dáil Éireann:

recognises the innate value of Ireland's unique natural habitat and the necessity to protect it from harm;

understands the need for a balance to be struck between habitat conservation and the freedom of the people of Ireland to benefit from their local natural resources;

acknowledges the proposals from the Turf Cutters and Contractors Association (TCCA) entitled The TCCA Proposal's on 57 Raised Bog Complexes to EU Commission and Irish Government, dealing with the various issues surrounding Special Areas of Conservation and Natural Habitats Areas, and which, inter alia, propose that:

— in a small minority of bogs, domestic turf cutting and conservation should co-exist with the consolidation of turf cutting into smaller areas, in conjunction with all possible mitigation measures;

— in the vast majority of bogs, turbary rights should be relocated to a nearby bog of similar quality and infrastructural access;

— Compensatory Habitat Exchange should be completed in one instance; and

— additional raised bogs should be designated areas of high conservation value by way of 'Compensatory Habitat' to compensate for areas of co-existence and habitat exchange;

recognises the potential of the proposals, particularly in light of the fact of this being the first ever consultation process to engage with affected communities and land owners in line with the approach set out in the European Commission document LIFE-NATURE: Communicating with Stakeholders and the General Public, in relation to Natura 2000 sites, which states:

—"The principle of collaboration is enshrined in the Habitats Directive, requiring that conservation measures take account of the economic, social and cultural requirements as well as the regional and local characteristics of the area. The manner in which Natura 2000 will be implemented is very important - the involvement of the owner of private land is crucial. LIFE shows that contracts are preferable to constraints"; and

calls on the Government to:

— acknowledge:

- *the full impact of the Habitats Directive, not just on the holders of turbary rights, but also on the communities which surround the areas designated;*
- *in particular, small farms which could be threatened by bogland overgrowth and resultant flooding if unplanned drainage restrictions are placed upon them by the National Parks and Wildlife Service without full consultation with local communities; and*
- *that those persons directly impacted by the legislation were not consulted and that the State has failed over the years to communicate adequately with ordinary land owners and turf cutters to gain their trust and goodwill;*
- *treat fairly the citizens of Ireland who have been affected by the Habitats Directive by recognising that without proper planning and consultation the legislation will impact their incomes, the value of their properties, the security of their fuel supply and their cultural heritage;*
- *make resources available for the further development and implementation of these proposals;*
- *engage actively with the European Commission to seek a resolution within the terms of the Habitats Directive, and to prepare and submit a National Raised Bog Restoration Plan to the Commission as a matter of urgency; and*
 - *recognise the significant concerns among the turf cutting community and those living adjacent to bogs of the risk of flooding.*

Appendix Two

A “Difficult Bog” is defined as a bog for which in spite of exhaustive exploration and investigation there is genuinely no suitable relocation bog available within a reasonable distance for people who want to continue cutting turf.

Typically such situations arise because;

- There is a heavy concentration of designated bogs in a particular locality.
- There is no alternative bog nearby.
- The quality of turf in any nearby bog is poor.