TCCA Proposals on 57 Raised Bog Complexes

To

EU Commission and Irish Government

DATE
4th March, 2012
Revision 6
Total % area required for circa 250 years turf cutting.

- Preserved 98%
- Compensatory Habitat 5%
- Turf Cutting 2%
CHAIRMAN’S STATEMENT

The Turf Cutters and Contractors Association (TCCA) is a voluntary organisation, formed with the objective of defending our people’s right to cut their own turf, for their own use, on their own bogs. Our members have a great affinity with our bogs and fully support their conservation. It is no accident that the best preserved bogs in Ireland are those that have traditionally been worked by small scale domestic turf cutters. In many instances the presence of Small Scale Domestic Turf Cutters has inhibited & discouraged the wholesale industrial exploitation and afforestation of those bogs in which we have rights.

The late Paddy Concannon (1918 to 2012) founded the Turf Cutters Association, which later became the TCCA. We represent some of the poorest people in Ireland, many living in areas recognised as “Disadvantaged”. Domestic Turf Cutting is part of our culture heritage and tradition, it is part of who and what we are.

Our people have taken the responsibility of guardianship of Ireland’s natural heritage seriously, but there can be no effective guardianship where those who have traditionally shouldered that responsibility are ignored and vilified. We have been excluded from the process and it is not to the credit of previous governments and the national agencies that we are no further forward today than in 1998.

Recent research indicates that attempts to draw boundaries between nature and humans are likely to fail. The American National Park Service “Wilderness” model of conservation is not applicable to Ireland. Attempts to remove us from the boglands on which our forefathers subsisted for centuries has resurrected a spectre of evictions more reminiscent of famine times than the benign rule of a democratic union.

Better policy design leads to more positive outcomes. We believe that conservation policy should also take account of the Life Sciences and respect the rights and value system of the people who inhabit these areas. Research carried out for the Bogland report found that the Irish People have positive attitudes towards the domestic cutting of turf and also valued bogs as heritage, regarding both as compatible as does the TCCA.

We are especially aware of how turf is deeply symbolic to Irish people wherever they are in the world. It represents our history, economic self-sufficiency and identity. We hope that these proposals, developed by those who watch over and work the land, will ensure the living and working landscapes we see today are safeguarded for future generations.

We do not kill our bogs. Small Scale Domestic Turf Cutting is a centuries old established land use. It is the sustainable use of a local natural resource by the people indigenous to these areas. Our people seek neither conflict nor confrontation. Instead we seek to rely upon adherence to the stated EU principles of Democracy, Transparency, Due Process and Subsidiarity.

Michael Fitzmaurice
Chairman of the Turf Cutters and Contractors Association
Feb 2012
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1 EXECUTIVE SUMMARY

For the first time in 20 years there has been a thorough canvassing of the views of domestic turf cutters on possible solutions to the difficulties they face due to the designation of their bogs as Special Areas of Conservation. Based on the results of this extensive consultation process, the Turf Cutters and Contractors Association have prepared proposals with the potential to resolve the issue to the satisfaction of all reasonable people.

The TCCA are ready and willing to progress these proposals in a spirit of co-operation and partnership towards a successful conclusion.

Over an eighteen month period, our representatives have visited every one of the 53 SAC bog complexes. In a series of 25 meetings we met with local turf cutters and distributed 17,000 questionnaires. The results show that people are deeply committed to both their traditional Turf cutting practice and to bog conservation.

The main pillars of our proposals are:-
(1) In a small minority of bogs, Co-existence\(^1\) of domestic turf cutting and conservation with the consolidation\(^2\) of turf cutting into smaller areas in conjunction with all possible mitigation measures;

(2) In the vast majority of bogs, Relocation to a nearby bog of similar quality and infrastructure;

(3) Complete Compensatory Habitat Exchange\(^3\) in 1 bog;

(4) The Designation of additional Raised Bogs of high conservation value by way of “Compensatory Habitat” to compensate for areas of co-existence and Habitat Exchange.

Chapter 3 is an analysis of each bog, with proposals for a solution for each bog.

For a variety of reasons domestic turf cutting has been in decline for years. The decline in the numbers of people depending turf for their domestic fuel is documented in Fernandez 2005. (Please note that turbary rights expire when a defined area is cut of its’ turf, typically one acre. Turf cutters do not have rights that extend indefinitely right through a bog.)

It is not an issue of monetary compensation. Even in today’s economic climate, only a small minority of the 20,000 turbary owners on the 139 raised bog SACs and NHAs have accepted the compensation package on offer.

If previously agreed compensation deals are honoured by the Government, a further minority may be willing to give up their turbary rights or to sell their bogland entirely or in part. A flexible approach should be taken on individual preferences for annual or lump sum payments and the different ownership arrangements, formal and informal, (eg. acquired rights) must be recognised.
and dealt with in a flexible and creative manner by the Irish Government. There is no ‘one size fits all’ solution.

Our people have taken the responsibility of guardianship of Ireland’s natural heritage seriously, but there can be no effective guardianship where those who have traditionally shouldered that responsibility are ignored. It is not to the credit of previous governments and the national agencies that we are no further forward today than in 1998.

We represent some of the poorest people in Ireland, many living in areas already recognised as “Disadvantaged” and having “Objective 1” status. Our people’s grievances are too numerous to detail here. They are best summarised by saying that over the six years of the negotiation of the Habitats Directive (1986-1992), and the fourteen year botched implementation attempt since its transposition into Irish Law since 1997, the population indigenous to the designated areas have been excluded from all decision making, denied consultation, denied access to information both general & scientific, denied representation, denied legal assistance, denied reasonable compensation or alternatives, had agreements dishonoured, been treated unfairly and have been subjected to a state backed campaign of intimidation, victimisation and threats.

The conduct of the relevant Government agencies, is bringing both the law and the EU into disrepute in the eyes of the people. Please see Appendix A which documents the process, begun in 2004, between the turbary rights holders and the landowners of All Saints Bog, Co. Offaly and Duchas, (predecessor to the NPWS) and the Dept. of the Environment. As you will see, it is a story of incompetence at best and at worst of neglect and disregard for citizens. To date the government departments have failed to complete a contract that they initiated. Off 1200 such agreements entered into by government departments, 540 are still not honoured (source;- Dept. of the Environment, July 2011).

The Turf Cutters and Contractors Association submission to the “Working Group on Cessation of Turf Cutting on Certain Raised Bog Special Areas of Conservation and Natural Heritage Areas” is attached in Appendix F. This detailed submission along with the work documented in this report are testament to the determination of the TCCA to work with the authorities in resolving the issue. It is also testament to the numerous failed initiatives to date. Appendix B contains the minutes of the Oireachtas Joint Committee on European affairs dated 17thNov2009 and 8thJuly 2010. Here you will find that all members of this committee supported our case and argued that the settlement agreed in May 2007 should be honoured and completed. Our members seek neither conflict nor confrontation. Instead we seek to rely upon adherence to the stated EU principles of Democracy, Transparency, Due Process and Subsidiarity.

We bring an unrivalled and in-depth practical knowledge of our bogs and people to the table combined with the know-how and equipment to deliver practical conservation solutions on the ground. Under our proposals approximately 98% of the SAC Raised Bog area can be conserved. The addition of Raised Bog “Compensatory Habitats” will easily offset or perhaps even completely negate any shortfall. The Compensatory Habitat is now more than twice the 2% the turf cutters need form the EU.
In many instances the farmland surrounding a raised bog would be vulnerable to flooding if the drainage were allowed to close over. Thus very many farmers would suffer if the drainage is not maintained or if no compensatory drainage put in place to keep their lands flood-free. It is not clear from what the National Parks and Wildlife Service (NPWS) have put forward if any such works will be put in place. This is an issue that must be addressed and applies to nearly all bogs reviewed in this report.

Bog owners, domestic turf cutters and farmers have great responsibility in the guardianship of Ireland’s natural heritage. It is not a responsibility we take lightly. We are committed to conservation and our role as stewards of our future environment. Yet there can be no effective guardianship where those charged with that responsibility are ignored.

A review of the Site Synopsis reports of some of the designated areas raises questions as to why certain areas were included and why other areas were not. The synopsis of Derrynabrock bog and a map of same have been included in Appendix C. There is no reason given in the synopsis as to why the SAC designation has included a very large part of the bog but leaves out a large part of it that is contiguous to the entire bog. It appears to have all the same characteristics of the area enclosed by the SAC. The same designated area includes fields which were reclaimed in the 1970’s. These fields now produce silage, yet they are part of the SAC.

An examination of the sequence of maps issued by the NPWS for Derrynabrock bog is worth considering. The boundary shown in a 1993 map moves eastward when a map is issued in 1996. The boundary moves east one turf bank in a map issued in 2010, and the same boundary moves east by a further three banks in 2012. See enclosed maps in Appendix C.

Likewise there are many instances of bogs with SAC designations which finish abruptly at a state or semi-state bodies’ property boundary. In one instance at Barroughter bog the SAC designation excludes a piece of property that is owned by the ESB even though the bog, and the land surrounding it on all sides, are designated. Please see the later map and synopsis for Barroughter bog in Appendix C. There is no reason in the synopsis to explain this inconsistency.

The TCCA feel that any reasonable examination of the bogs of Ireland and any efforts to conserve bog land has to include the activities of the large commercial operators. In Appendix D are two aerial photographs of the bogs in the Clara/Ferbane area and in the Longford/Lanesbourough area. The photographs show very clearly what has happened in these areas yet there is no plan to deal with this industrial scale destruction.

It is no accident that the best preserved bogs in Ireland are those that have traditionally been used by small scale domestic turf cutters. In many instances the presence of small scale domestic turf cutter’s has inhibited and discouraged the wholesale industrialisation and afforestation of the bogs in which we have traditionally operated. Yet now that efforts at conservation are a necessity the small scale domestic cutter is the first to have to make sacrifices.

Research carried out for the **Bogland Report (Environmental Protection Agency, 2011)** found that the Irish People have positive attitudes towards the domestic cutting of turf and also valued bogs as heritage, regarding both as compatible as does the TCCA. We are especially aware of how turf is
deeply symbolic to Irish people wherever they are in the world. It represents our history, economic self-sufficiency and identity. We hope that these proposals, developed by those who watch over and work the land, will ensure the living and working landscapes we see today are safeguard.

Notes

1. Co-existence: where a designated area is part de-designated to allow a section of the bog to be cut but maintaining full protected status for the remainder of the bog.

2. Consolidation: the reduction of the number of open faces on any one bog. Thus instead of having cutters dispersed around the bog they are grouped together at one point.

3. Compensatory Habitats Exchange Area: the replacement of one habitat with another habitat of equal or greater area and higher conservation value.
2 INTRODUCTION

About the Turf Cutters and Contractors Association

The TCCA is a voluntary association of domestic turf cutters and farm contractors. Funded by membership fees and donations the TCCA is independent of the Irish Farmers Association. The Association has a democratic structure with a small central steering council and a local elected committee on every SAC bog. Over the last eighteen months TCCA nationally has hosted a series of activities to raise awareness and build support and participation. These range from three open meetings attracting 8,000 people in early 2011, to a stand at the National Ploughing Championships in September where 17,000 leaflets were distributed and 8,000 people signed a petition opposing the ban. Additionally TCCA held meetings to bring together turf cutters on SACs at which local committees were elected. A representative from each bog has a seat on the TCCA National SAC Committee. While TCCA respects the rights of those members who wish to take a compensation package, local committees continue to hold meetings and it is from these meetings that the objectives for this report, to explore bog-by-bog solutions to the turf cutting ban, including relocation, arose. Our proposals are not set in stone, we will consider reasonable alternatives that enable turf cutting to continue. In that sense this report could be regarded as a working document that will evolve over time and with discussion.

Methodology

In developing this report members of the TCCA central council visited every one of the SAC bogs over the last three months and, alongside turf cutters from that bog, considered the features of the bog and also visited other bogs in the area with a view to identifying suitable relocation sites. The outcome of those visits, drawing on local knowledge and intergenerational experience, are set out in the following chapter and includes short site observation reports, recommendations, maps for each bog and possible relocation and de-designation sites. It has been decided, for ease of cross referencing, to use the site names found in the NPWS documentation even though, in some cases, bogs been misnamed or misspelled according to local tradition. For example, Lisnageeragh Bog is not a recognised name for the bogs known locally as Strangeforth, Frass and Englishtown. This kind of administrative shorthand has caused a lot of confusion and is another way in which turf cutters have not been properly consulted.

Survey of turf cutters

In addition to carrying out site observations, those attending local SAC meetings were asked to complete a survey form to establish the views of turf cutters on relocation and other options. Questionnaires were distributed between September 2011 and January 2012 and a sample of 360 returns were analysed.

Key findings (figures have been rounded up to the nearest whole percent):

Turf cutters were asked whether they were willing to relocate or wanted to stay on their current plot:

- 76 per cent of respondents wanted to stay on their current bog plot;
- 11 per cent of respondents were willing to relocate;
- 13 per cent of respondents did not express a reference.

Turf cutters were asked to express a preference between options:

- 50 per cent of respondents indicated de-designation of their current plot as their first preference;
- 16 per cent of respondents indicated relocation as their first preference;
- 7 per cent of respondents indicated compensation as their first preference;
- 3 per cent of respondents indicated alternatives (e.g. forestry, wind energy) as their first preference;
24 per cent did not express any preferences.

Turf cutters were asked if they intended to cut turf on SACs in 2012 if a resolution is not found:
- 86 per cent said Yes;
- 2 per cent said No;
- 12 per cent did not indicate an intention.

This report considers practical solutions for turf cutters on SACs as well as findings from a sample survey of turf cutters. A sizeable majority of turf cutters (66 per cent) want to continue to cut turf, with 50 per cent preferring to remain on their current plots and see them de-designated. When given a choice only 16 per cent of turf cutters' first preference was relocation.

We have seen that of the 53 SAC bogs relocation is an option for all but 12 of them and relocation sites have been identified for the remainder.

Irish landscapes are not pristine wildernesses and bogs, far from being ‘waste land’, they are living, working landscapes and the turf cutters are the guardians of that landscape for future generations. Our proposals acknowledge the economic and social aspects of sustainable development in a way that honours the environment and the very deep emotional and cultural ties that exist between those who work the bogs and the land itself. We can see that turf is deeply symbolic to the Irish people in a number of ways: it represents our history, economic self-sufficiency and identity. We have identified positive solutions that will secure the fuel resources of turf cutters while maintaining conservation of sensitive habitats. It is clear the government is out of step with the realities facing the turf cutters and wider public opinion. In the face of today’s recession, and the return of emigration for Ireland’s young people, many Irish people feel these qualities of self-sufficiency and cultural expression are disappearing from their lives.

This matter is in need of urgent resolution as the turf cutting season approaches and 86 per cent of turf cutters have indicated they intend to cut turf on SACs in 2012 if a solution is not found. The Turf Cutters and Contractors Association, and the people it represents, urge the Government to adopt and action these proposal without delay.
3 SITES ANALYSIS AND PROPOSALS

(3.1) Killyconny Bog, Site Code: 000006, County: Cavan/Meath

Area: 191.22ha; Percentage Raised Bog: 46%; Area of Raised Bog 87.96ha.

Site visit observations:

Killyconny bog complex, on the Cavan/Meath border, is a relatively large complex. It is located close to town lands of Killyconny, Feegat, Leitrim, Cloughbally Upper and Fartagh. There was a large amount of planting in the bog at the westerly end which has mostly been cut. A large drain/river runs in and out of the bog and is of sandy/stony nature at the bottom. There has been no turf cut since 1999/2000. Yet habitat suffered a significant decline.

Farmers in the area have expressed their concern about the bureaucracy attached to drain cleaning close to the bog.

Proposals/Recommendations

1. As there has been no turf cutting in this bog since 1999/2000, and with some remedial works carried out in the planted portion, crco 2012, works to slope face banks should be considered to prevent further loss of active raised bog. This would require co-operation of landowners on the bog.

2. Farmers in the area must be allowed to maintain their farms
(3.2) Barroughter Bog, Site Code: 000231, County: Galway

Area of SAC: 174.02Ha; Percentage of Raised Bog: 53%; Area of Raised Bog: 92.23Ha

Site visit observations:

Barroughter Bog SAC in County Galway is a small size bog complex and is close to Lough Derg. The Cappagh River forms the north-east boundary.

This is an area where people are heavily dependent on turf cutting and the bog is used by a large number of people. It is remarkable that this bog achieved designation status in the first place as it is very heavily cut/used.

Drains go up on a high bog made by first generation turf machines and for the size of this complex and the large number of people using the bog it makes no sense to leave it designated.

Proposals/Recommendations

1. Barroughter Bog is a heavily used/cut bog complex and it has no relocation option. There are only two options in our view available to this bog, either coexistence or a total de-designation.

2. Complete Habitat Exchange is the best possible option.
At end of report habitat exchange area shown for any loss of area.
(3.3) Cloonmoylan Bog, Site Code: 000248, County: Galway

Area of SAC: 554.42Ha; Percentage of Raised Bog: 71%; Area of Raised Bog: 393.64Ha

Site visit observations:

Cloonmoylan Bog is located in the Portumna area and is close to Lough Derg. It is a large complex, approximately 1500 acres. It is cut on both sides, mainly at the northern end.

A forestry plantation lies to the west side of the bog. Land surrounds this bog and a major worry for farmers is that any drain blocking that may occur would have an impact on their land. It is situated in an area of dense designation and is having an impact on the viability of this area.

Proposals/Recommendations

Coexistence and consult with Barroughter Bog

1. As there is no relocation available bog in this area, people would be willing to consolidate to one end of the bog complex and coexist with conservation.

2. The Groups in Cloonmoylan and Barroughter need to be worked with together as they are only 1 mile from each other and solution will only be found with government working with the people.

3. Farmers in the area would have grave concern of drain blocking as the impact on farms would be great especially in an area that is known to get flooded. Without works being carried out could potentially cause more flooding.
Government needs to work with Clonmoylan and Barroughter together to find consolidation as these bogs are only one mile from each other.
(3.4) **Kilsallagh Bog, Site Code: 000285, County: Galway**

Area of SAC: 279.73Ha; Percentage of Raised Bog: 68%; Area of Raised Bog: 190.22Ha

**Site visit observations:**

Kilsallagh Bog is a large complex approximately 6 kilometres from Ballymoe, Galway and 8 kilometres from Glenamaddy. It is cut in 3 sections. Kilsallagh/Kilmurrland, Tuir/Arda and Kilcooley end (20Ha). Bord Na Mona ditched drains in the 1980’s.

A roadway was constructed in the 1940’s that splits the bog. It also has 2 large drains. This bog lies in an area where there are limestone quarries and a lot of underground systems and also many swallow holes. Interfering with the hydrology in this area could possibly flood a huge amount of land and houses within a 3-4

In the 1980’s 20 ha of this complex was ditched by Bord Na Mona and then abandoned. The water from those ditched drains travels into a deeper drain made in the 1940’s and proceeds into a river. Both the 1940’s drain and Bord na Mona works are in close proximity to the main dome of the bog. On the other side of dome 30 ha of trees were growing up until 2007/8 which are now cut with the help of EU life funding. It begs the question why was this bog deemed worthy of designation. The state has failed to carry out remedial works in their property, which in our view has been the main contributing factor to the loss of active bog.

This is an area in which people are highly dependent on turf cutting. It is also in the BMW Region which has Objective 1 Status.

N.B The roadway contains a right of way which must be considered.

**Proposals/Recommendations**

1. Relocation would be an option. There are a substantial number of turfcutters and they are spread out in such a manner that different relocation areas are needed. There is Kilcolm Bog, Ballyglens Bog, Ussey Bog, Cloonmider Bog and Brackagh Bog, which are all small bogs but would take an amount of people in each. Relocation would only take place if rights and access were transferred.

2. Any works carried out must be done in consultation with the local people and any rivers and drains would have to be maintained in the area without the burden of red tape.
3. Arable land falls within the designated area which is of concern to farmers and must be addressed
(3.5) Lisnageeragh Bog and Ballinastack Turlough, Site Code: 000296, County: Galway

Area: 455.49ha; Percentage Raised Bog: 62%; Area of Raised Bog: 282.40ha.

Site visit observations:

This is a large complex circa 3 kilometres from Glenamaddy. It is located in the town lands of Frass, Ennishtown, Curraghmurray, Lisnyeagh and Ballinastack. The bog is cut on in two small areas, Frass and Lisnyeagh. This bog was described by Kelly report (1995) as of low conservation value and fully owned by Bord na Mona. Ten years later Fernandez (2005) gave a conservation status of favorable, even though domestic turf cutting had continued, which suggests that the bog had regenerated even in the presence of domestic turf cutting.

There are many rivers in the area and a Turlough, which dries out in the summer time, to the westerly end of the site where geese are frequently seen. The bog is about 4-5 m deep at face bank and is not heavily cut. Rivers are on all sides of the bog and a forestry plantation was cut circa 5 years ago. Drain Blocking was also carried out on top of the bog.

Proposals/Recommendations

1. Relocation: Marked in red on the map, there are 3 areas of raised bog partially suitable for relocation. On 2 of these sites the raised bog is planted with coniferous trees, these will need to be cleared. The 3rd relocation site is approximately 2 miles distant and we the owner is willing to sell.

2. Very few turf cutters from this bog seem to be interested in compensation; it appears they mostly want to continue cutting turf. A few people with larger areas of bog may be willing to sell a portion.

3. Maintenance of the rivers and drains is essential to prevent the risk of flooding a wide area around this site, thereby impacting on the local community.
(3.6) Lough Lurgeen Bog/Glenamaddy Turlough, Site Code: 000301, County: Galway

Area: 455.49Ha; Percentage of Raised Bog: 61%; Area of Raised Bog: 592.68Ha

Site visit observations:

Lough Lurgeen Bog lies approximately 3 kilometres from Glenamaddy and is a very large complex. There is an unusual feature of a river, running from Lough Lurgeen and meandering down to Glenamaddy Lake. There is also another river running from the Cappagh end and the two rivers joined together in the middle of the bog. It is a bog that contains forestry.

Sewerage from a town is going into this SAC Lake. Yet it is ordinary turf cutters are being threatened with eviction. This is a complex bog when it comes to ownership with people having Commonage, Turbary, Freehold and Acquired rights.

Proposals/Recommendations

1. There is a relocation bog available in Bushtown that may suit the people in the Ardaslough area.

2. There is a relocation bog available for buying near Richmond Park.

3. There would be relocation bog possibly available in Knomaskilick.

4. There are a group of people that own commonage and the department need to address this, i.e. long term lease etc.

5. There are some people that would prefer consolidation.

6. Flooding is a major concern for people in the community.

7. 200-300 tons of sewerage goes into a part of SAC, Ref EPA report and this needs to be addressed.
8. A minority may take compensation and some acquired rights need to be regularised.
(3.7) Shankill West Bog, Site Code: 000326, County: Galway

Area: 136.39ha; Percentage Raised Bog: 52%; Area of Raised Bog: 70.92ha.

Site visit observations:

Shankill West Bog is about 7 kilometres northwest of Mountbellew and 4 kilometres from Kilkerrin. It consists of mainly intact bog with a small lake at the northern end where the bog slopes down to it.

It is surrounded by farmland and there is concern amongst the community that flooding of this bog will affect the wider area.

Proposals/Recommendations

1. The relocation site, 11 kilometres away in Annaghmore East, outlined on the map in red, would accommodate the people from Curralough and Shankill West. Annaghmore East is a large area of bog owned by a private individual and BNM. The spread ground is privately owned and the owners are willing to sell.

2. Some people would accept compensation, be it yearly for small holdings or a lump sum for large holdings.

3. Farmers in the area are concerned about the impact of the flooding of bogs on adjoining land. Local farmers must be allowed to operate and maintain their farms.

4. This is an area of small farms, in the Borders, Midlands and West region objective 1 area, and anything that risks people’s livelihoods would be resisted.
(3.8) Sheheree (Ardagh) Bog, Site Code: 000382, County: Kerry

Area of SAC: 17.07ha; Percentage Raised Bog: 38%; Area of Raised Bog: 6.49ha

Site visit observations:

Sheheree (Ardagh) Bog is located 2 kilometres southeast of Killarney. This is a very small complex, with scrub trees around the edge of the bog. There are some small drains and it is surrounded by land grazed by cattle and sheep; Abundant wildlife was observed on the site visit. The bog has not been cut in the recent past.

Proposals/Recommendations

1. Farmers in the area need drains to be maintained in line with traditional farming practice in order to preserve grazing land.
(3.9) Ballynafagh Bog, Site Code: 000391, County: Kildare

Area of Site: 156.46Ha; Percentage Raised Bog: 43%; Area of Raised Bog: 67.28Ha

Site visit observations:

This is the most easterly designated SAC bog, located near Prosperous. There appears to be forestry growing at one end of the complex and there is an active amount of wildlife. There are roads in the bog used for recreation.

The local community is worried about the possible consequences of bog restoration, i.e. flooding.

Proposals/Recommendations

1. Relocation: There are two BNM bogs nearby, outlined in red. These are located in Timahoe (approximately four miles from Ballynafagh) and in Kilmurry (outside Prosperous). Depending on which side of Ballynafagh people live, one or other would be a convenient relocation option.

2. Some people who have applied for compensation have not received a response. Others who own larger areas of bog would prefer to explore the possibility of selling their bog to the state.

3. Proposals for restoration must be developed in consent with the local community due to concerns about flooding. Unless addressed, these concerns will inhibit the uptake of relocation.
(3.10) Flughany Bog, Site Code: 000497, County: Mayo/Sligo

Area: 231.09Ha; Percentage of Raised Bog: 47%; Area of Raised Bog: 108.61Ha

Site visit observations:

Flughany Bog is a raised bog on the Mayo/Sligo border 10 kilometres south east of Tubbercurry. It is a large complex with a bog depth of approximately 2.5 metres. Land in the area needs to be protected from flooding.

Proposals/Recommendations

1. Relocation. People from this bog have been relocated to Derrykinlough, but on this site visit to the relocation bog, the condition of the new bog was deplorable. There is a need for money to be spent to give people proper quality turf banks. The NPWS need to make sure all people from Culmore end of Flughany are relocated also. The affected people were approached a year ago. However the situation has not yet been rectified to their satisfaction.

2. Alternatively an option is being developed that would also suit Gowlan Bog and Kilgariff of the River Moy Complex.
This option should be given instead of the disproportionate circumstances in Derrykinlough Bog.

This bog has already been used to accommodate some bog owners.
(3.11) All Saints Bog and Esker, Site Code: 000566, County: Offaly

Area: 369.68Ha; Percentage Raised Bog Habitat: 52%; 192.23Ha

Site visit observations:

This is a unique bog with a birch grove growing in the middle, fed by an underground spring. There are other underground streams: the little Brosna River and Shannon Callows being in the area. A sandy nature of soil underneath was noted, with rock down deeper.

The majority of turf cutters are small farmers whose bog adjoins their land holdings. Their farmlands lie in the Little Brosna and Shannon catchments and much of their land is subject to flooding. They rely on the bog for fuel and wish to continue turf cutting and will accept suitable alternative bog.

Case history:

Following cessation of commercial peat milling in 2004/2005 no remedial works have been carried out by the landowner (NPWS). Although the bog was designated in 1997 NPWS allowed peat milling to continue in this bog for another seven years. The resulting damage is such that the bog in the former peat milling area is down to the black turf. Compensation and alternate bogs were found for commercial operators from this site yet the domestic turf cutters were not treated in the same way.

Since 2006 there have been complex negotiations between the domestic turf cutters and the NPWS. Driven by the turf cutters, these negotiations resulted, in May 2007, in a verbal offer being made to turf cutters by the NPWS. This offer was accepted. The offer was of €5,500 per acre for the 14 landowners’ freehold interest in All Saints Bog, together with an offer of 20.797 ha. (c. 51 acres) of alternative bog to be purchased by them as a group for €154,000. Further meetings took place between the landowners’ representative and NPWS to confirm details and written confirmation of the agreed settlement was to be provided by NPWS to the landowners. This confirmation was never received as the NPWS declared that the offer was the subject of a review and had been withdrawn. Following legal correspondence and further meetings between the parties the matter remains unresolved nearly five years later. It is no surprise that the turf cutters feel betrayed and, further afield, this case has raised concerns about the trustworthiness of the NPWS. It would go a long way to reassuring turf cutters nationally if the 2007 offer was to be finally honoured. Full details of the negotiations can be supplied.
Proposals/Recommendations

1. The Minister should honour the agreement between the turf cutters and NPWS of 2007.

2. The drain on the perimeter of the bog beside farmers’ land must be maintained to prevent flooding of farmland which is already at risk from the Shannon Callows.

3. A management plan for the bog must be drawn up, in consultation with local people, and a commitment made to use local labour and contractors.

4. Involving local people in protecting the bog by, for example, appointing a local person to monitor the bog for fires or dumping, would go a long way to building goodwill locally.

5. Remedial work is required to the part of the bog formerly used for milling peat.

6. The drains on the top of the raised bog should be closed.
(3.12) Clara Bog, Site Code: 000572, County: Offaly

Area of SAC: 836.54Ha; Percentage of Raised Bog: 44%; Area of Raised Bog: 368.54Ha

Site visit observations:

Clara bog in County Offaly is situated 2 kilometres from Clara Village and is mostly state owned with some Turbary rights and ownership rights on the edge. It is a large complex, widely known locally for its wildlife.

It is divided by a road and drains in the state part of the bog which look now to be closed. It also is designated as a nature reserve. It is a deep bog with approximately 3 meters of white turf then brown turf and a total depth at face bank of 6-7 meters.

A relocation bog for Turbary owners was sorted approximately 2 years ago but the people that had ownership of large plots were not included and this needs to rectified.

Proposals/Recommendations

Note
The farmers that own the bog outright feel that they have never been dealt with in a fair manner. They are prepared to relocate and have found areas of alternative bog in order to do so.

1. Relocation to either Ballaire near Ballycumber or to the Monaghan Bog which are both owned by BNM.

2. Note that these people own larger amounts of bog and need Turbary rights transferred.

3. Land adjoining the Clara SAC is farmed and talks about drain blocking and barriers on land that may cause flooding need to be addressed.

4. A simple system of drain cleaning, farming land needs to be adopted by government as red tape on how to farm land in SAC will only lead to problems.
Expected to be relocation for turbury owners this year.
(3.13) Ferbane Bog, Site Code: 00575, County: Galway

Area of SAC: 153.08ha; Percentage Raised Bog: 76%; Area of Raised Bog: 116.34ha.

Site visit observations:

Ferbane Bog is a relatively large complex near Ferbane town, about 10 km east of Shannonbridge. There is a deep layer of white turf in this bog. There is a large OPW drain/river (marked in yellow) on the edge of bog that was cleaned about 8 years ago. The OPW drain/river passes east heading north and then veers west before heading north again. The SAC jumps across the river/drain to land where there are trees growing.

Currently there is no turf cutting on this bog but farmers have been delineated by the impact of this seemingly arbitrary drawing of the SAC boundary which prevents them maintaining the trees encroaching on their land.

The local community is concerned that this drain/river, if not maintained will cause flooding problems to the surrounding areas.

Proposals/Recommendations

1. There is no domestic turf cutting in this site, however bog owners and domestic turf cutters have not received compensation.

2. A site conservation plan should be developed with the local community and farmers must be allowed to protect and manage their farms.

3. The large OPW drain/river must be maintained.

4. The SAC should have used the OPW drain as a boundary.

5. Flexibility from the state would facilitate co-operation with the local land owners and thereby enhance the conservation prospects of this bog.
(3.14) Mongan Bog, Site Code: 000580, County: Offaly

Area of SAC: 207.83Ha; Percentage of Raised Bog: 61%; Area of Raised Bog: 126.78Ha

Site visit observations:

Mongan Bog is a medium sized bog situated east of Clonmacnoise in County Offaly, and approximately 12 kilometres south of Athlone. It is situated in a basin with high ground around it. It is a largely intact bog.

It is surrounded by land on 3 sides and by a road to the south east. We understand from talking to locals that it is a nature reserve upon which various studies have been carried out. It is in an area of Eskers and the Shannon Callows SAC is also nearby. This bog has been the subject of many ecological studies.

The area has a history of flooding.

Proposals/Recommendations

1. There appears to be no turf cut on this complex for years. Hence turf cutting or relocation is not an issue to be factored in.

2. There are Callows designated near the bog and also SAC areas around this area, any major restrictions on farmers would jeopardize their livelihoods.

3. A management plan should be developed in conjunction with the local community to address the recurring flooding problems.
(3.15) Moyclare Bog, Site Code: 000581, County: Offaly

Area of SAC: 129.86Ha; Percentage of Raised bog Habitat: 62%; Area of raised bog: 80.31 Ha

Site visit observations:

Moyclare Bog is a medium sized largely intact bog. It lies near the town lands of Moyclare, Cloonbonniffe, Clonlyn, Glorby, Whitepark and Skehanagh. It appears to be very wet on the west side of the bog. It lies close to large areas of state owned bog which is being milled.

Proposals/Recommendations

Relocation should not be a problem as all around Moyclare Bog there is state owned bog. Bord Na Móna owns bogs in Lemanaghan, Lackagh bog, Annaghmore bog. The most suitable bog should be made available.
(3.16) Raheenmore Bog, Site Code: 000582, County: Offaly

Area of SAC: 210.01Ha; Percentage of Raised Bog: 65%; Area of Raised Bog: 136.51Ha

Site visit observations:

Raheenmore Bog is a large complex owned by the state and in National Parks Control for approximately 30 years.

It has lost a significant amount active raised bog habitat yet no turf cutting has occurred in over 30 years. The state has deployed liners in the bog, two of which have slipped. There is an OPW maintained river in the area which is being blamed by the experts for loss of habitat.

Proposals/Recommendations

1. No turf has been cut in this bog for 30 years or more so turf cutting is not an issue.

2. The state has tried unsuccessfully to restore/regenerate this bog.
(3.17) Sharavogue Bog, Site Code: 000585, County: Offaly

Area: 233.43Ha; Percentage of Raised Bog: 61%; Area of Raised Bog: 136.29Ha

Site visit observations:

This is a large bog complex which is largely intact raised bog. The bog was mostly owned by Bord Na Mona. It is in the valley of the Little Brosna River to the south of Birr. Birch is growing on the cutaway bog. There appears to have been some drains dug many years ago but these are now closed for the greater part.

Proposals/Recommendations

1. No turf is cut on this bog so relocation is not required.

2. Farmland adjoining this bog needs to be protected from the potential of flooding and the damages of such.
Sharavogue Bog (000585)
(3.18) Bellanagare Bog, Site Code: 000592, County: Roscommon

Area of SAC: 1207.59Ha; Percentage of Raised Bog: 61%; Area of Raised Bog: 736.63Ha

Site visit observations:

Bellanagare Bog is approximately 7 kilometres north east of Castlerea and stretches for 2 kilometres to Frenchpark County Roscommon. It is a huge complex approximately of 3000 acres.

A large Bord Na Mona ditching of drains took place in the 1980’s, but now have been blocked. The turf cutting occurs mainly at the northern end and some also at the south end.

In the site synopsis prepared by NPWS in relation to this SAC, it is noted that the complex is vulnerable to water loss from the extensive drain network in its northern half. It would be advisable to exclude the northern part of the bog (approx. 90ha) as there is mostly cut away bog, roads and clear partition between the main part of the bog and this area.

It is also adjacent to the main Castlerea, Frenchpark road on one side and the Castlerea Bellanagre road on the eastern side. 98% of turf cutting occurs on the northern Bellanagare end.

Proposals/Recommendations

1. There appears to be no relocation prospect at the moment. It is proposed that at the northern extremity of the SAC, an area be made available for co-existence to facilitate the protection of the rest of the SAC (see aerial view overleaf). Also Coillte have forestry on the Frenchpark end that if developed could be made available to consolidate approximately 90Ha in total. There is a road from the Ballinagare end of the complex that divides the area that needs to be preserved form the area upon which we propose co-existence. In the areas suggested for co-existence there are numerous raodways, drains and cut away bog which would make it unsuitable for conservation. Also a liner could be installed on alongside the roadway to preserve the integrity of that part of the bog. This is a more efficient solution than attempting to rectify the area which has cutaway etc.

2. One owner on the southern end has a large part of this bog. Negotiations need to take place with this owner.

3. At present, a number of the drains to the south of the proposed area for co-existence have been filled in to promote favorable conditions for bog regeneration. However, to avoid
water loss into the proposed area for co-existence, it is likely a dam/liner will need to be constructed along the interface between the two areas.

4. The enlarged map below indicates the 91ha (out of a total of c.1200 ha) which is proposed to be made available for turf cutting. Of this, over two thirds of the area is made up of roads, drains and cut-away bog (shaded red). It is proposed that the revised boundary follow the route shown below, leading to a shorter interface requiring remedial work.
(3.19) Carrowbehy/Caher Bog, Site Code: 000597, County: Roscommon

Area of Site: 383.43Ha; Percentage of Raised Bog: 54%; Area of Raised Bog: 185.67Ha

Site visit observations:

Carrowbehy/Caher Bog is a medium sized complex containing a significant amount of intact bog. It is approximately 10 kilometres from Ballyhaunis in Mayo and 1km from Cloonbonniffe County Roscommon. It is largely surrounded by roads.

It is of generally wet quaking areas. This is a bog complex that would, in the last decade, not have had much turf cutting. There appears to be forestry on some parts of this complex and land. It is low lying type of raised bog.

Proposals/Recommendations

1. As there appears to be only one person cutting at the moment on this area. From our understanding this person is applying for compensation. There does not appear to be a problem of finding relocation for people.

2. Moneys outstanding from previous purchase scheme, should be paid without further delay.

3. The livelihoods of local landowners and the health and safety of the local community must be protected under any restoration project. Any such project must be developed in conjunction with the local community to enjoy the their full support.
(3.20) Cloonchambers Bog, Site Code: 000600, County: Roscommon

Area of SAC: 348.20Ha; Percentage of Raised Bog: 45%; Area of Raised Bog: 156.69Ha

Site visit observations:

Cloonchambers is located approximately 4 kilometres west of Castlerea. It is used by approximately 30 cutters. It is divided by a deep drain that takes water from land west to join up with the Francis River.

It is a large complex spanning approximately 6 town lands. Turf cutting is mainly on south east side of the bog. The rest of the bog is largely intact.

Proposals/Recommendations

1. Relocation to Cloonaff Bog owned by NPWS. Access will need to be developed in cooperation with Coillte.

2. We are currently looking at one other site. Full details on availability are not yet finalized.

3. Any lands near the bog must be protected from flooding and drains taking water from land through the bog to rivers must be maintained.

4. A lot of remedial works need to be carried out on this site.
(3.21) **Derrinea Bog, Site Code: 000604, County: Roscommon**

Area of SAC: 86.18Ha; Percentage of Raised Bog: 70%; Area of Raised Bog: 60.3Ha

**Site visit observations:**

Derrinea Bog is located in the west part of County Roscommon and close to the border of Mayo. It is a small raised bog on the north of Cloonagh Lough, and approximately 10 km north-west of Ballyhaunis County Mayo. A river sourced from Cloonagh Lough forms the eastern and northern boundary of the site, which features areas of pools, quaking flats and well-developed hummocks.

The moist easterly area of the complex remains wet and relatively undisturbed. It is a largely intact bog that is lightly cut and is as we understand owned by 1 person.

**Proposals/Recommendations**

1. This bog is intact and does not need much, if any remedial works.

2. One man owns most of the bog and he has not given any preference for what he want to do.
(3.22) Cloonshanville Bog, Site Code: 000614, County: Roscommon

Area of SAC: 225.76Ha; Percentage of Raised Bog: 84%; Area of Raised Bog: 189.64Ha

Site visit observations:

Cloonshanville Bog is a large complex approximately 4 kilometres from Frenchpark. It is in a cluster of SAC raised bog and NHA bog complexes. It is a largely intact bog which had a significant amount of forestry cut from it and had been part of the EU Life Funding and Restoration Project.

There appears to be an abundance of wildlife in the area. It is a bog where no turf is cut at present. This is a low lying area and farmers have concerns about flooding.

Proposals/Recommendations

1. Currently there appears to be no turf cutting going in this bog complex

2. The major worry in this area is the Loughbelly River. This river will have to be maintained as it could flood thousands of acres at any time if not maintained.

3. Local communities fear that if this bog comes under NPWS control that the adjoining lands could be highly liable to flooding once drains are no longer maintained. Farmers want these drains to be maintained. Also the sewerage plant in Frenchpark would be in danger.
(3.23) Ballyduff/Clonfinane Bog, Site Code: 000641, County: Tipperary

Area of SAC: 269.56Ha; Percentage of Raised Bog: 69%; Area of Raised Bog: 186Ha

Site visit observations:

This is a large complex situated in Co Tipperary, approximately 6 km southwest of Birr, Co Offaly. It is a merger of two bogs, namely Ballyduff and Clonfinane. The Clonfinane section is bounded by drains and is a quaking area. There also appears to be a plantation that has been removed. Ballyduff is a smaller of the two areas.

The complex is bordered by Arraghmore and Killeen NHA Bog, on either side. Sharragh bog, which juts onto the southern end appears to be NPWS owned and has signs of flooding. In our opinion this NPWS bog should be designated.

No active turf cutting is apparent on this bog, therefore relocation bog does not appear to be required.

Proposals/Recommendations

1. As there is no apparent turf cutting and we have not been contacted regarding this complex there does not appear to be a requirement to find relocation alternatives.

2. However, as there is farm land and dwellings around the site boundaries it would be very important that any remedial works on this complex be carried out in a very careful manner with consultation and the agreement of the local people concerned.

3. There are some farmers who won large areas of bog and they should be negotiated with.
(3.24) Kilcarren/Firville Bog, Site Code: 000647, County: Tipperary

Area of SAC: 676.67Ha; Percentage of Raised Bog: 55%; Area of Raised Bog: 372.17Ha

Site visit observations:

Kilcarren/Firville Bog is located approximately 2 km east of the village of Carrigahorig in north Tipperary. It is a raised bog complex which extends about 4.5 km from east to west and is crossed by a road. Away from the cutaway areas, the bog is wet and pool systems are well developed. Marginal areas have been used for turf cutting, with some drainage and land reclamation. Birch woodland with some Holly and Willow is abundant in cutaway areas.

This is a large complex and is close to a network of SAC’s in the area. It doesn’t appear that any remedial works have been carried out to date. Some drains may need closing. There are a few large holdings of bog ownership in this area and the €1,000 per year compensation is not sufficient. These individuals would expect to get lump sum payments in return for their holdings.

Proposals/Recommendations

1. In order to resolve this bog complex it is envisaged that the property owners will require their property to be bought outright.

2. There are some drains in the complex that may need to be closed and it would be very important that any remedial works on this complex be carried out in a very carefully considered manner with consultation and the agreement of the local people concerned.
(3.25) Garriskil Bog, Site Code: 000679, County: Westmeath

Area of SAC: 324.81Ha; Percentage of Raised Bog: 52%; Area of Raised Bog: 168.90Ha

Site visit observations:

Garriskil Bog is approximately 3 kilometres from Rathowen and 3 kilometres west of Lough Derravargah. It is bounded on South West end and South East end by rivers Riffey and Linney.

It is a large complex with intact raised bog along with some cut away. It has been many years since turf was cut. It was noted in the 1997 Fernandez report that human intervention is very low.

The habitat loss recorded in the Fernandez Report is most likely down to erosion by the river Shivin. There does not appear to be any drains open on high bog part.

Proposals/Recommendations

1. Turf has not been cut on this bog in many years. So turf cutting appears not to be a problem.

2. Maybe a liner on side of River Linney might help but it appears that its just nature doing its own thing.

3. Burning appears to be a problem.
(3.26) Carrownagappul Bog, Site Code: 001242, County: Galway

Area of SAC: 487.53 Ha; Percentage of Raised Bog: 65%; Area of Raised Bog: 316.89

Site visit observations:

Carrownagappul is a large complex with much domestic turf cutting. It is beside Curralehanagh Bog complex, part of a chain of SAC sites across East Galway. It is about 5 km from Mountbellew and 5 km from Newbridge, close to the Shivin River. There was a large fire in this complex last year. There is a plantation around the east side of the site and it appears some is in the SAC. There are a lot of swallow holes on middle to western side.

Ditches and roads on the site were constructed by State bodies over the years. The roads in the bog are used for horse riding and walking.

Turf cutters here are small farmers in the main who are concerned about the risk of flooding following restoration works.

Proposals/Recommendations

1. Killasolan Bog, owned by BNM, is available. It is a large complex and an agreement is being negotiated at the moment. On the Spring Lawn site farmers there were subject to Compulsory Purchase Orders by BNM years ago and the bog has never been used for the stated purpose.

2. Attitudes to compensation are mixed and a flexible approach should be taken on annual and lump sum payments.

3. All works carried out on Carrownagappul Bog need to be done with proper care, as flooding of farmlands is of great concern.

4. Documentation has been sent on to Conor Skehan and the NPWS and we enclose a copy as the people there will explain their own case. It includes upgrading of roads to facilitate cutters to move to another area.
(3.27) Lough Forbes Complex, Site Code: 001818, County: Roscommon/Longford

Area of Site: 1337.08Ha; Percentage of Raised Bog: 21%; Area of Raised Bog: 280.79Ha

Site visit observations:

Lough Forbes Complex is bordering on the Shannon River. It is also beside Lough Forbes Lake. It is situated west of Newtown Forbes on Roscommon/Longford border.

It is a very large complex and it appears that no turf cutting is being carried out on this site. There appeared to be a lot of wildlife in the area when visited.

Proposals/Recommendations

1. There appears to be no turf cutting in the area that was visited. Relocation or turf cutting does not appear to be a problem.

2. It should be checked by government that all people that own property are properly treated.

3. Farm land needs to be protected from flooding from any works carried out on the site.
(3.28) Corliskea, Trien Clonfelliv Bog, Site Code: 002110, County: Galway/Roscommon
Site visit observations:

Corliskea, Trien, Clonfelliv Bog straddles the Galway/Roscommon border and is a large complex made up of 3 different bogs and stretches from just west of Ballymoe, Co Galway to Trien Co Roscommon. There is a piece of land in the middle called Annagh, and towards the eastern part of the bog there is a small lake on the Corliskea End. There are a large number of cutters on this bog and designation around it is plentiful. Moore Field NHA, Lough Na Muckna and Bracklagh NHA are in close proximity. Farming land is every side of this bog and flooding is a major worry.

Proposals/Recommendations

1. Relocation. We have identified 4 areas of relocation to cater for the large amount of people and also forwarded planning needs to be done in relation to all the NHA’s that are in the area. Sites identified are Annagh, Bracklagh NHA, Cloonroughan and Farm. All these sites are needed to satisfy relocation.

2. Some people may own large areas of bog and be willing to sell these areas.

3. This locality has very small farms. Any flooding of the raised bog area would thus leave a relatively high impact on those who depend on farming for their lively hoods.
**Lough Corrib Complex, Site Code: 000297, County: Galway/Mayo**

Area of SAC: 25253.37Ha; Percentage of Raised Bog: 2%; Area of Raised Bog: 505.07Ha

**Site visit observations:**

Lough Corrib Complex is one of the largest SAC complex’s in Ireland and is known for a large lake with about 6-7 rivers flowing into it. There is a raised bog area in Addergoole. This is surrounded by farm land. Flooding is a worry of farmers in the area.

There are about 45 to 50 people cutting turf in this area of the bog and depend on it for their fuel supply.

**Proposals/Recommendations**

**Coexistence**

1. Lough Corrib has at the moment, only 15 acres of relocation bog available and this has not been fully confirmed. There is no other bog in the area that people could relocate to. Coexistence is the only way this problem can be resolved.

2. Farmers due to restriction in the area are majorly concerned of the flooding and impacts of burdens being put on them through paperwork to work their own land.

3. Some people may accept compensation.
(3.30) Lough Ree, Site Code: 000440, County: Roscommon

Area: 14,71.24Ha; Percentage of Raised Bog: 3%; Area of Raised Bog: 524.34Ha

Site visit observations:

Lough Ree SAC is situated mostly in the county of Roscommon with small sections entering Counties Longford and Westmeath. The Bog in question is solely located in the Kilteevan area of Roscommon. This is a large bog complex with a large number of domestic turf cutters made up of numerous smaller bog town lands. These include Portnahinch, Clooneigh, Doogarrymore, Cloonlarge, Cloonmore, Clooncah, Clooncraff, Cloontogher, Aughmaghanree, Kileenboy, Carrowmore and Newtown.

Without the knowledge of the bog owners this area was put into an SAC in 2002 and the first notifications of this were only sent to the people in 2011. The bog stretches approximately 3 miles inland from the lake crossing numerous roads, which questions the inclusion of the whole bog in the SAC and why a small section of the large bog complex was not left to satisfy the domestic turf cutter. This bog complex is only a mere 3% of the overall SAC which is mostly made up of Lough Ree Lake itself. It is stated by the NPWS that peat silt is damaging the aquatic life in the lake, it would be unfair to blame the domestic turf cutter for this. There are numerous industrial bogs surrounding Lough Ree, which can be seen on the map below, these are both state and privately owned. Milling of peat on these bogs creates high concentrations of peat silt in drains flowing into the Shannon that may be causing the peat silt build up in the lake. Within the designated bog complex there are at least six farms with occupied houses. It is essential that all drainage around these farms is maintained or complete farms and access roads will be destroyed not alone to mention the homes of these farmers.

Proposals/Recommendations

1. Coexistence of turf cutting and conservation in the bog complex. There are two small sections of bog marked on the map for coexistence. These two sections of bog would allow a significant number of people to continue cutting turf. The area proposed is 0.1% of the overall SAC area.

2. There are three areas suitable for relocating bog owners, Lisnanarriagh bog, Portnahinch bog, and Moher bog. Lisnanarriagh, Portnahinch and Moher are within
5 kilometers of the area. The utmost effort should be made to make the three bogs in close proximity available in order avoid people having to travel long distances to source turf. There are 165 people cutting in this complex and there is not enough relocation bog available. Thus a small area of co-existence is required.

3. All drainage works need to be maintained around this bog complex to ensure that farmers livelihoods are not put in danger through loss of land. More importantly to ensure that access roads and houses remotely located within the SAC are not flooded the drainage needs to be maintained.
This aerial photograph shows the extent of the destruction of the commercial peat milling. This photograph gives a graphic comparison of the scale of commercial versus domestic cutting of the bogs.
(3.31) Callow Bog SAC, Site Code: 00595, County: Roscommon

Area of SAC: 617.91Ha; Percentage of Raised Bog: 26%; Area of Raised Bog: 160.66Ha

Site visit observations:

Callow Bog or better known as The Float Bog locally is approximately 7 kilometres from Frenchpark and is a large complex. It is in the town lands of Callow, Runnawillin, Cloonmagunnaun, Keelbanda, Creggan and Ratra and is situated on the south west shore of Lough Sara. The River Lurg flows near the north west of the bog and agricultural land to the south of this land.

The site is divided by a main road, dividing the bog and also another divide between the Lurg River and Lough Sara. The most south/westerly part of the bog away from Lough Gara is cut by Lilliput Machinery years ago and is separated away from the rest of the complex.

Across the River Lurg, Tullagh Rock SAC is situated. There is a group of SAC bogs in this area where people are dependent on turf. This is an area of objective one status area with small farmers and only below average quality land.

Proposals/Recommendations

Consolidate to one area or coexist.

1. There appears to be no relocation in this area and the only solution with the cooperation of the local people would be to develop an area on the left of the road that splits the bog. This area is completely separated from other parts of the bog and there is a lot of old type machine cut drains on it. It has also been depleted by a large amount of extraction in one corner of the bog near the river by a commercial operation that has since left. This area is also split by a road. Ditching and drains are evident on approximately 2 acres. If consolidation was possible with locals working with the government it would conserve the rest of the bog and this area has been cut all sides and would be impossible to restore to good conservation status.

2. Drains on farm land on the east side of the complex would need to be maintained.

3. Some people may have large amounts of bog and may rather to be bought out.
(3.32) (River Moy Complex, 5 individual bogs in this Complex)

Area: 15,415.62Ha; Percentage of Raised Bog: 4%; Area of Raised Bog: 541.26Ha

Cloongoonagh, Site Code: 002298, County: Sligo

Site visit observations:

This bog is on the Sligo/ Mayo border. It is more blanket bog with approximately 8-10 foot of height of bog. It is divided by farmland from the Moy River. There is some forestry on this site in different areas.

A river through part of the bog dug in the 1940’s by the state which also takes water from land. Locally this river is known as the Black Brooke, which starts near what is known as the Scraw House.

This bog complex would have a few swallow holes in parts. When you look at maps it begs the question how designation was done, as will be demonstrated by committees from that this bog complex.

Proposals/Recommendations

1. The committee on this bog needs to meet with people prepared to make decisions.

   (A) The majority are not cutting on the raised bog area by maps supplied by NPWS and cannot get an answer if acceptable to cut on an area mapped outside the raised bog map. The maps are undefined and people need to know with clarity, i.e. TCCA made phone calls on behalf of these people to NPWS and clarity was not forthcoming.

2. One other minor adjustment needs to be made to the map, this would solve all in this area.

3. Answers have to be forthcoming to the people about how designation lines are moved in and out, depending on who you are as the committee will put forward. No notices were received either for a lot of these people about their property being designated.
Compensatory habitat shown at end of report
Tawnaghbeg  Site Code: 002298, County: Mayo/Roscommon.

Site visit observations:

This bog is part of the River Moy complex. The bog is bordered by forestry on the Northern side. As with Derrynabrock there is uncertainty over where the SAC boundary is.

From our observations there is no turf currently being cut on this bog.

Proposals/Recommendations

1. There are major concerns among the farming community about flooding which must be addressed.
**Kilgarriff Site Code: 002298, County: Mayo/Roscommon/Sligo.**

**Site visit observations:**

This is one of the Smaller bogs in the River Moy Complex. Yet again the maps, as per other bogs on this complex, are ambiguous. This bog is divided from Derrynabrock bog by a river of the same name and is also bordering the ‘correct’ maps Gowlan bog. There is widespread misunderstanding in the area and even if one has the ‘correct’ maps as supplied by the NPWS. Depending on one’s interpretation it can be argued that one’s land is both in and out of the designated area. The people in this area need urgent clarification and a process needs to begin to give effect to this.

**Proposals/Recommendations**

1. There is a large area of undesignated bog developed within 3 Kilometres of this site. However as with other turf cutters trust is low when it comes to dealing with the state due to broken promises in the past.

2. Some elderly people may take compensation.
**Site visit observations:**

This is one of the five bogs on the River Moy complex. It was first made into an NHA and subsequently it was designated an SAC. There is major confusion on Maps. We have enclosed three maps in appendix C which have been made available since 1993 which all tell a different story. Also the maps on the NPWS website are different yet again.

**Proposals/Recommendations**

1. The original map of 1993 and the proposed S.A.C maps of 1996 are the maps that should be used. These are acceptable to turf cutters. If this happens no relocation will be required as no turf cutters would then be cutting turf within the SAC.
Gowlan Site Code: 002298, County: Mayo/Roscommon/Sligo.

Site visit observations:

Gowlan is one of the larger bogs on the River Moy complex. It is in the Town lands of Rooskey, Srah Upper and Srah Lower. As with other bogs in the area the people believe that the process of designation took place without proper consultation and much confusion about boundaries as a result.

Proposals/Recommendations

1. There is a large site of developed bog in the area available for sale which could be used an alternative site for turf cutters. Also referenced in Kilgarriff Proposals/Recommendations.
Mouds Bog, Site Code: 002331, County: Kildare

Area: 591.20Ha; Percentage of Raised Bog: 49%; Area of Raised Bog: 289.69Ha

Site visit observations:

Mouds Bog is a large complex in town lands of Grangehiggin, Barretstown, and Hawkfield and is approximately 3 kilometres North West of Newbridge town. This bog is located in an area where the state own most bog complex’s and export peat to other countries while the people in this area use fuel for their own use only and are expected to give that up. The irony of this area of Kildare is that the few bogs domestic cutters use are now all designated i.e. Mouds, Ballinafagh, Hodgestown, while the state bogs in the area are left alone. There was a commercial operator in this bog complex approximately 100 acres that has ceased production. Regeneration of that area is questionable and in the 5 years the state has done nothing on restoration. There is widespread alarm at the prospect of flooding i.e, houses have been built on floor plains nearby.

Proposals/Recommendations

1. Mouds Bog is approximately 12-14 miles from any potential relocation bog. It has a Bord Na Mona bog close to it, but Bord na Móna say that the quality of turf in the bog close to Mouds is absolutely useless for domestic turf cutters.

2. There appears to be no other solution other that coexistence and the government need to talk realistically to the large number of people in the bog.

3. Concerns over the risk of flooding as part of any restoration works is an impediment to the exploration of mitigation options within this site.
There is widespread alarm in the local community at the prospect of flooding as a result of any restoration work.
(3.34) Coolrain Bog, Site Code: 002332, County: Laois

Area of Sac: 145.95ha; Percentage Raised Bog: 42%; Area of Raised Bog: 61.3ha.

Site visit observations:

Coolrain bog is located about 4 kilometres from Camross. It is bordered by forestry to the south and east, a river to the north and farmland to the west and south. Forestry has been cut to the east and south. There is widespread practice of domestic turf cutting on this bog. The face bank is about 3.5m high and can be accessed by 3 or 4 entrances. The bog is very narrow and drying out could be a problem.

The 80 turf cutters people in this bog have no option of relocation within a reasonable distance due to the designation of Knockacoller bog to the south (see site code 002333). There is a strong attachment to turf cutting in this area.

Proposals/Recommendations

There are two available options for Coolrain Bog:

Option A - Co-existence with bog conservation allowing turf cutting to be continued on the non-Coillte part of the bog, in accordance with agreed environmental practices;

Option B - Complete de-designation of Coolrain Bog as an SAC and designation of an alternative bog (there are suitable sites locally) allowing turf cutting to continue on Coolrain Bog for current turf cutters and those relocated from Knockacoller Bog.

We have investigated the possibility of relocation locally. A number of alternative bogs within four to twelve miles of Coolrain have been assessed. None were found to be suitable for a number of reasons: already full or being used for commercial extraction; banks nearly cut away; poor quality turf or designated as NHA.

Our preferred option is the de-designation of Coolrain Bog. It is only 56ha of raised bog and, according to NPWS staff, anything less than 100 hectares may be in danger of drying out anyway.
Cutting has already ceased on Knockacoller and some people from that bog want to be relocated. There are some on Coolrain Bog who would consider the compensation package. It would then be possible to allocate their banks to those relocating from Knockacoller, this enabling consolidation of Knockacoller and Coolrain turf cutters in one place.
(3.35) Knockacoller Bog, Site Code: 002333, County: Laois

Area of SAC: 130.39ha; Percentage Raised bog: 39%; Area of Raised bog: 50.85ha.

Site visit observations:

Knockacoller Bog is located about 2 kilometres south west of Castletown and 2 kilometres from Coolrain SAC. There appears to be a very wet depression in the middle of the bog. It was cut mostly in the south west end and the south east. There was active wildlife on the day of the visit.

On this site turf cutters stopped cutting following a deal made with the NPWS around 2006. Within two years the deal was withdrawn and the local people feel betrayed. They want the original deal honoured while others want to relocate to Coolrain or other suitable bog.

Cleaning of drains on the land needs to continue as usual as farming is the only livelihood for many people in the area.

Proposals/Recommendations

1. The 2006 deal should be honoured or the option of relocation offered. Coolrain which appears to have no relocation option is 1 mile from this complex. People from Knockacoller should be offered relocation to that site.

2. The drains on farmland beside the bog need to be maintained.
(3.36) **Carn Park, Site Code: 002336, County: Westmeath**

Size: 247.89Ha, Percentage of Raised Bog: 63%, Area of Raised Bog: 156.17

**Site visit observations:**

Carn Park bog is located about 7-8 kilometres east of Athlone, in the town lands of Tullywood, Moydrum, Carn Park, Carraghbrack and Warren High. It is a quaking bog in a large complex of mainly raised bog with some cutting. The bog is surrounded by roads on the north, west and southern side, while there is forestry to the east. Some of the forestry has been cut but not all. When looked at from the east the bog is down in a large valley with reclaimed farmland up to the edge of the bog.

There was bog movement in early 1900 and at one part of the bog in the last 10-12 years. The people in this area have a great affection for both bog and land and take great care of it.

**Proposals/Recommendations**

1. **Relocation:** there is bog available about a mile or so away from Carn Park bog in Moydrum. Two people with substantial amounts of bog are willing to accommodate relocated cutters if a suitable arrangement can be reached. This bog is of good quality and has reasonable access.

2. There are a few elderly people who might be interested in compensation. Some people own a large area of bog and might prefer a lump sum.

3. Maintenance of drainage around the bog is important to conserve reclaimed farmland.
(3.36) Crosswood Bog, Site code: 002337, County: Westmeath

Total Area: 206.61ha; Percentage Raised Bog: 51%; Area of Raised Bog: 105.37ha.

Site visit observations:

Crosswood Bog stretches from the Dublin-Galway railway to the edge of Athlone. Forestry appears to have been cut from a large area. It is understood that BNM own part of this bog. There is farmland close to the bog and farmers are very worried by the risk of flooding caused by blocking of drains.

There is a real affection for the bog in this area and people are adamant that they will not move unless their Turbary rights are transferred.

Proposals/Recommendations

1. There is a BNM bog, locally known as Bonahainly (sic), which is about 1 mile from the Crosswood bog. It is a large complex where some milling has been taking place and it could accommodate many domestic cutters and spread ground. However without access to BNM maps it has not been possible to ascertain access routes.

2. Access must be immediately provided. CIE and a private landowner (with approx. 30 meters) could be approached to provide access.

3. BNM should be approached regarding the relocation and transfer of Turbary rights from Crosswood bog.

4. Drains that may affect farming in the area need to be maintained.
Access needs to be sorted to this site urgently
(3.37) Drumalough Bog, Site Code: 002338, County: Roscommon

Area of SAC: 278.89ha; Percentage Raised Bog: 52%; Area of Raised Bog: 145.02ha.

Site visit observations:

Drumalough bog is located 5km northwest of Castlerea, in town lands of Drumalough, Breanabeg and Cloonfower. There are two different bogs in the one complex and the third part of the complex is a Lough surrounded by freshwater marsh and wet grassy type of land. Forestry seems to have been burnt on the northern side of one of the bog sites and some of the bog seems to have got burnt in the last year. It is a quaking type of bog with a large pond on the southern side of one of the bogs. It is a lightly cut bog due to the level of water.

Proposals/Recommendations

1. Relocation would be possible for the small number of people cutting on this bog to Cloonaff (owned by NPWS) or spread ground owned by Coillte.

2. There is one person in this bog who applied to sell his bog six years ago but has still not been paid. This should be resolved.

3. Perimeter drains by land/roads need to be able to be maintained without red tape.
(3.38) Ballynamona Bog and Corkip Lough, Site Code: 002339, County: Roscommon

Area of SAC: 244.77ha; Percentage Raised Bog: 18%; Area of Raised Bog: 44.06ha.

Site visit observations:

Ballynamona Bog and Corkip Lough SAC are located about 8 kilometres from Athlone and 2-3 kilometres from Brideswell. It consists of a Lough at the western end and raised bog in the eastern end nearest Athlone. The bog is cut in the southwest and northeast of the site. The depth of the face bank is 3-4 m. There are a lot of active turf cutters on this complex.

The bog complex is surrounded on three sides by farmland and grazing. Local farmers are worried about the consequences for their livelihood of flooding of the bog.

Proposals/Recommendations

1. Turf cutters form the complex come from two different areas. There are two Bord na Móna bogs near Taughmaconnell, 4/6 miles away that may suit some people. There is also a possibility of 18 individual turf banks in the Castlesamson area that may suit. There may be a small area of bog near Barrybeg that may suit as well.

2. Some people have shown an interest in compensation; people with larger tracts of bog may prefer to be bought out.

3. Drains around the bog and SAC must be maintained to protect roads and farmland.
Moneybeg and Clareisland, Site Code: 002340, County: Meath/Westmeath

Area: 364.32Ha; Percentage of Raised Bog: 39%; Area of Raised Bog: 142.08Ha

Site visit observations:

Money bog and Clareisland bogs are located near Lough Sheelin in the town lands of Clare Island, Derrymacegan, Williamstown, Money Beg and Raslin in counties Meath and Westmeath. There is a large amount forestry in parts of the complex. On the south side where a road divides the bog it is used by a large number of people to supply fuel for their homes. A major concern for turf cutters in that area is that, they who looked after their bog and used it for domestic use, are now being threatened. However you travel two miles down the road and the large scale commercialized extraction of peat by state and private operators goes ahead unaffected.

Proposals/Recommendations

1. The people in this area are reluctant to consider moving as most bogs in the area are damaged by large sale milling of peat.

2. In the interest of transparency we have been told that there may be a relocation bog available, but understandingly when you listen to their grievances they do not want to consider this option.
Moneybeg and Claireisland bogs (002340)

Approximately 70-80 Hectares of Raised bog needed for coexistence and consolidation

SAC
(3.41) **Ardagullion Bog, Site Code: 002341, County: Longford**

Area of SAC: 117.33Ha; Percentage of Raised Bog: 48%; Area of Raised Bog: 56.32Ha

Site visit observations:

Ardagullion Bog in Longford is a medium size bog. It is mostly a Bord Na Mona bog with a small number of people cutting it. It is a short distance from Abbeylara and approximately 8-10 kilometres from Granard. It is a largely intact bog and was, from local knowledge, supposed to be used for relocation bog but was then designated as a SAC.

There is perimeter drain that needs to be maintained.

**Proposals/Recommendations**

1. Relocation. There are 2 Bord Na Mona bogs in the area named Cranalagh Beg Bog and Moatavally Bog, which would accommodate the turf cutters of that area.

2. A plan drawn up in conjunction with the farmers that would prevent flooding and damage to land.

3. Battering of the banks around Ardagullion Bog so as to seal the bog to preserve it to its best.
(3.42) Mount Heavey, Site Code: 002342, County: Meath/Westmeath

Area of SAC: 483.78Ha; Percentage of Raised Bog: 41%; Area of Raised Bog: 198.35Ha

Site visit observations:

Mount Henry Bog is located 4 kilometres north east of Kinnegad in the town lands of Cloncrave, White Island, Aghamore, Kilwarden and Kilnagall. The Dublin/Sligo railway runs through the Northern Part of the bog. With roads and railway through the bog, it is separated into 4 parts.

Most of the turf cutting is on the Eastern Part. There was an old briquette factory there once, the ruins of which remain. It appears that the bog has a layer of timber 2 meters from the top and the underneath of the bog appears to be of a pea shingle nature.

Danger of flooding as one farmer has 30 acres of land only accessible through the bog road in the middle of the bog. Dunfirth House, located nearby this bog, is a residing place for people with special needs. It uses turf from the bog and occupants from the house use the bog for recreation and walking. Consideration should be given to their needs.

Proposals/Recommendations

1. There are two Bord Na Mona Bogs, one in Kinnegad by the name of Rossan Bog and one towards Ballivor called Clondalee More Bog. This should facilitate the people on this bog who want to relocate.

2. Some Farmers own a substantial amount of the bog. Many of these would consider selling. However the current rate and method of compensation is not adequate for large traits of bog land.

3. Attention needs to be given to the potential for flooding in this bog. Any flooding here would destroy access to the farmland (30 acres) within the bog. Likewise flooding of the road would prevent the residents in Dunfirth house using the road.

4. Safety is a priority for this area. Pools should be eliminated to prevent accidents.
Tullaher Lough and Bog is located in the town land of Carrowmore South, Carrow Lough Beg and Tullaher. This complex is low lying and more a blanket type bog. It is a large complex and the area of S.A.C. was once near the Lough but without peoples knowledge the whole Raised Bog Area was included in approximately 2002. There is wide spread anger in what was done. There are approximately 3 small lakes in the complex and 95% of turf cutting is done in the northern end of the bog which is furthest away from the lakes and water course. A large amount of people cut turf in this bog complex. There is grave concern from farmers that farm land in the area included in S.A.C is now making it redundant and thus killing off a complete community. Drains need to be maintained in the land are to facilitate the farming community.

Proposals/Recommendations

1. **Relocation** – There are 6 areas approximately ½ km from site that would facilitate the people of this area. All these sites are near the Tullaher Lough Bog Area. Some sites owned by Coillte and private individuals.

2. Farmers in the area are concerned about the impacts of designation and a working relationship with no impact on community needs to be achieved with people to be able to continue to live on land.
(3.44) Brown Bog, Site Code: 002346, County: Longford

Area of SAC: 76.68 Ha; Percentage of Raised Bog: 66%; Area of Raised Bog: 50.61 Ha

Site visit observations:

Brown Bog is located approximately 5 kilometres from Longford and is a small complex. It is a largely intact bog complex. It lies in a low lying area and there is farmland around it. Any remedial work needs to be done in conjunction with local communities and farmers. Land must be saved from any flooding. Also there is a perimeter drain around that needs to be maintained.

Proposals/Recommendations

1. In any remedial works, consultation and safety are paramount.

2. Drains on perimeter need to be maintained to ensure good drainage.

3. There appears to be no turf cut here for a long time so relocation is not necessary.
(3.45) Camderry Bog, Site Code: 002347, County: Galway

Area of Site: 280.72Ha; Percentage of Raised Bog: 70%; Area of Raised Bog: 196.5Ha

Site visit observations:

Camderry Bog is a largely intact raised bog approximately 6 kilometres from Creggs, 12 kilometres north east of Mountbellew and 8 kilometres from Glenamaddy in east County Galway. It forms a cluster of designated bogs in this area. There are 30% of all designated bogs in east Galway.

The Camderry Bog Complex falls in a slope towards north and a river divides this bog from a NHA called Leer. A farmer would have grave concern about any work in drain blocking as it would impact on small farm families.

Part of this bog is split by road and includes town lands of Camderry, Corcullen and Killough.

Proposals/Recommendations

There are varying types of choices by people in this bog.

1. Some people are prepared to relocate to an alternative bog. The only alternative bog would be Clooncullane/Leaha which is an NHA.

2. A few people have large amounts of bog and will only cease cutting if bought outright.

3. There are people prepared to give up cutting on 80% of what they own e.g. 40 acres and move to an area that protrudes out in the bog.

4. There is a real problem in a 12 mile radius of this bog complex as there 7 SAC complex and 10 NHA’s. This has to be addressed with the help of the people and in our view make Clooncullane a turf cutting bog to cater for 4 to 5 of these bogs as a lot of people, approximately 150 homes, would be without fuel.
5. A person has been identified with a large area of bog that are willing to relocate to Bord na Mona bog in the Ballygar area if it is of suitable quality turf.
20 Raised Bog Designations within a 6-mile radius of Camderry SAC.
(3.46) Clooneen Bog, Site code 002348, County: Longford

Total Area: 215.03ha; Percentage Raised Bog: 39%; Area of Raised Bog: 83.86ha.

Site visit observations:

Clooneen bog SAC lies in a maze of designated areas between Rooskey and Newtown Forbes, comprising the Lough Forbes SAC and six NHA’s. The bog has a bird grove in the middle of the bog, which appears to be of full of springs, and there are streams on the south end, east end and north end. The soil underneath appears to be a grey markey soil. The depth of the face bank is about 4.75 metres deep with circa 1 Metres white turf, 1.5 Metres brown turf and 2.25 Metres black turf.

There are small drains that also go through designated land. This is causing major concern to farmers in case of flooding following drain blocking. The farm size is small in this area and they need every piece of ground they have.

The farmers here are very opposed to the designation and put in an objection when it was first proposed. They were informed that it would be looked into and an option to appeal was never given.

Proposals/Recommendations

1. The impact of designating a cluster of two SACs and six NHA’s in an objective 1 status area has not been considered for the BMW region.

2. Reconsider the designation of the land and allow the farmers’ objections to be heard.

3. Talking to local people a number of options emerged:
   - co-existence of turf cutting and conservation in their own bogs;
   - consolidate to one area of the bog and draw up an area plan for conserving the whole bog;
   - Review of the bog designation so that one large bog area is designated allowing flexibility on turf cutting on the rest of the local bogs. The only option in this area for relocation is an NHA designated bog, Aghnamona. It
has, at the moment, possibly 120 acres available and there may be more. It has good access and could be developed as a turf bog.

4. There is a risk of flooding in this area, which is a worry to the local community.
**Corbo Bog, Site code: 002349, County: Roscommon**

Area: 206.76ha; Percentage Raised Bog: 58%; Area of Bog: 119.92ha.

**Site visit observations**

The soil under the bog varies across the site with white/grey soil with stony soil beneath as well as rock in other parts. The bog is above the level of the surrounding land and the possibility of drain blocking, and resultant flooding, is causing serious concern to farmers in the area.

This bog is largely owned by BNM. When BNM acquired the bog people who gave up Turbary rights were given a temporary area for cutting until their new plot became available. This was by way of a verbal agreement and local people say they never got their new turf bank. This will need to be taken into account in any solution.

**Proposals/Recommendations**

1. Relocation from Corbo Bog to Moher. At present it is estimated that 40 people may need relocation to different parts of Moher, there is an area that may suit which is owned by BNM. It is approximately 3 miles away. Roadways to the relocation site are satisfactory but a roadway would be required in front of the turf cutting area when entering the bog.

2. A small number of people would consider compensation if terms were acceptable
(3.48) Curraghlehanagh Bog, Site Code: 002350, County: Galway

Size: 278.22ha; Percentage Raised Bog: 55%; Area of Raised Bog: 153.02ha.

Site visit observations:

Curraghlehanagh Bog is about seven kilometres north of Mountbellew and seven kilometres north of Newbridge. The most northern part is at Five Roads and has two main cutting areas. It is a low lying plateau on the upper reaches of Shivin River. It is also near Carringoppell SAC and Camderry SAC. There are signs of remedial work at the northerly level that includes coniferous planting.

This is an unusual bog in that it has moved twice over the last 100 years, destroying a house in the process, and there is concern locally that it may be moving again. There seems to be sea sand or rabbit type sand under parts of the bog which, with the weight of the water and bog, make it likely it will move again. This has serious implications for any proposals for restoration that include any degree of flooding of the bog.

Proposals/Recommendations

1. Relocation to Cloonconore/Annaghmore East in the Springlawn/Shankill area for about 40 people. This is a private raised bog, about 40 acres, adjoining a Bord Na Mona bog, with a large private spread ground of about 12-25 acres. The two private parties are willing to sell the raised bog and spread ground to the government. A roadway of about 500 meters would need to be put in for access. It is adjacent to a turf cutting bog so may not be subject to EIA as it is already in use.

2. Some people have indicated that compensation might be acceptable but have asked for flexibility in regard to the annual sum, preferring a lump sum figure as previous government payment honoured have not been fully honoured.

3. Given local concern about renewed movement in the Curraghlehanagh bog, a thorough survey and risk assessment should be carried out and local people kept informed.

4. If restoration works that include flooding are planned then the risk to public safety of any destabilization of the bog must be taken into account.
5. Any drains on top of the bog should be closed. Once turf cutters are relocated the sloping of face banks may help stop slippage.

6. Remove coniferous planting
Moanveanlagh Bog, Site Code: 002351, County: Kerry

Area of SAC: 214.72Ha; Percentage of Raised Bog: 61%; Area of Raised Bog: 130.98Ha

Moanveanlagh Bog is located approximately 5 kilometres from Listowel. It is a long narrow bog going north to south with the southern end very narrow raised bog. It is cut by approximately 40 people and lies close to an NHA called Bunaradee, approximately 7 kilometres away.

There is no suitable relocation bogs in the area from what we have drawn and looked at. The only option is coexistence and working with people in the area consolidation may be achieved.

There is also a major problem for farmers in the area with land designated and farmers need to maintain drains and graze and farm without red tape or disruption. A lot of designated land would have been reclaimed in the 80’s and 90’s and needs constant attention.

Proposals/Recommendations

1. Coexistence of turf cutting and conservation in the bog complex. Working with the stakeholders it may be possible to achieve consolidation.

2. All drains and land reclaimed in the 80’ and 90’s needs to be maintained or it would destroy a farming community if this was not achieved.

3. There is a bog called Graffa, approximately 9 kilometres away, that some of it would be very suitable for designation. Bearing in mind, if drawing a line for conservation it would be in consultation with the people of that area.

4. With coexistence, working together and using more bog in Graffa it would compensate for the part of bog used by turf cutters.

5. A liner could be used if agreement was reached with stakeholders for consolidation.
Compensatory bog available
(3.50) **Monivea Bog, Site code: 002352, County: Galway**

Area: 286.68Ha; Percentage of Raised bog: 51%; Area of Raised Bog: 146.21Ha

Monivea Bog is located approximately 5 kilometres north east of Athenry Co Galway, in the town lands of Corratarrind, Newcatle, Glenslat and Lenamore. The Killaclogher River runs to the East. The raised bog face bank is approximately 2 and a half to 3 kilometres high and indeed is moving more towards a type of Blanket Bog.

With shingle type gravel underneath at North Side End and white marley soil at the South End, there appears to be a depression in the middle and large swallow holes in the North West. There are also a large number of people that walk the road for recreation, which also needs to be considered if any works occur i.e. flooding, blocking of drains.

This bog is located in objective1 status and a large number of people depend solely on it for their fuel.

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**Proposals/Recommendations**

With help of the people

1. There is a bog called Killaclogher that is designated NHA and has four roads splitting this bog. This bog is severely cut and at the most Northern End a commercial operation was in place which has ceased for approximately 7 years. This is the only reasonable relocation site that would suit Monivea SAC complex. There is approximately 150 acres with 50% raised bog of ready to go turf cutting which would facilitate a large number of people. The bog is available for sale and would cater for 80-90 turf bank owners.

   Site of new relocation bog in map attached.

2. A tiny number of people will accept the compensation but it looks like an approximate 3%.

3. There are a few bog owners that have large areas of bog and may be interested in outright sale of the bog they own or part which would suit for amount of acres of relocation.
4. Turbary Rights is a must for all these people on a new relocation bog.

5. Note, people using Monivea Bog, must be able to continue and farmers adjoining land protected. The local community are very fearful of flooding in this area.
(3.51) Redwood Bog, Site Code: 002352, County: Tipperary

Area of SAC: 555.03 Ha; Percentage of Raised Bog: 32%; Area of Raised Bog: 177.61 Ha

Site visit observations:

Redwood bog is a large complex. A road and a drain divide the heavily cut area from the area of intact bog. To the west of the road there is a drain and in this area trenches go through the bog which would make it difficult to restore.

It would make common sense to part co-exist this bog. There is a major amount of designation is in this area, between NHA and SAC.

There is without a doubt a clear difference between the west parts of the bog to the main part of the bog, which is still intact.

A bog called Sharragh, approximately 10 miles from Redwood and owned by NPWS, could be designated to make up for any loss in the area. This bog is currently uncut.

Proposals/Recommendations

1. This bog is split by a road where on the left 90% of the cutting takes place. Working with people, it may be achievable to move all people over to the western section. This would fully preserve all bog on the eastern sections, which is the main part of the bog.

   The estimated area for coexistence is 90ha on west of the road.

2. A plan of the Redwood, Ballymacegan, and Lorrha area needs to be drawn up as there is a large amount of SAC and NHA bogs in that area.

3. There may be some people who are willing to take compensation.

4. A bog called Sharragh, owned by NPWS, and flooded at the moment could be designated to make up for the loss of bog in Redwood. Sharragh is joining Ballyduff SAC and is about 95-100Ha.
Dense designations in this area of Tipperary
(3.52) Tullaghanrock Bog, Site Code: 002354, County: Roscommon

Area of Site: 10.92Ha; Percentage of Raised Bog: 65%; Area of Raised Bog: 67.55Ha

Tullaghanrock Bog is located approximately 5 kilometres from Ballaghaderreen and borders on River Lung. It is in town lands of Tullaghanrock and Creggan and is also bordered by old railway.

It is a relatively small complex which includes a large amount of intact raised bog. Its use over the years is very limited and this bog is only across the river from Callow SAC.

Proposals/Recommendations

1. As there appears to be no turf cutting carried out on this bog for many years turf cutting or relocation does not appear to be a problem.

2. Some drains on high bog may need to be closed and any foreign timber species cut.

3. Farmers in the area are aware of intentions to flood bogs, therefore, border drains between land and bogs needs to be maintained. It is sloping towards the River Lung which may minimize flooding.
(3.53) Ardgraigue Bog, Site Code: 002356, County: Galway

Area of Site: 183.54Ha; Percentage of Raised Bog: 43%; Area of Raised Bog: 78.92Ha

Site visit observations:

Ardgraigue Bog in County Galway is a relatively medium size complex. It is close to Killimor Village approximately 3 kilometres. It is cut on 3 sides of the bog and a lot of people in the area rely on this bog for fuel.

It is in a huddle of designated ground within a 3-4 kilometres area as there are NHA closely by. It is situated near Ardgraigue, Kilcuan, Woodfield and Lissaniska in Co Galway. It is surrounded by agricultural lands.

Proposals/Recommendations

1. Ardgraigue Bog has no relocation options and in finding a solution the 3 NHA’s must be sorted so that all people can continue to cut turf.

2. Government must engage with the people to sort out the problem of 4 complex designated in a 3-4 kilometres radius and a bog needs to be designated.

3. Land use in this area is important and nothing should be done to impede farmer’s development.
## SAC RAISED BOGS SUMMARY

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Code</th>
<th>Site Name</th>
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<th>Habitat Exchange</th>
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| 002298| Dernabrock Bog              | Mayo/Ros/Sligo     | X |
| 002298| Cloongoonagh Bog            | Mayo/Ros/Sligo     | X |
| 33    | Mouds Bog                   | Kildare            |   |
| 34    | Coolrain Bog                | Laois              | X |
| 35    | Knockacoller Bog            | Laois              |   |
| 36    | Carn Park Bog               | Westmeath          | X |
| 37    | Crosswood Bog               | Westmeath          | X |
| 38    | Drumalough Bog              | Roscommon          | X |
| 39    | Ballynamona Bog and Corkip Lough | Roscommon     | X |
| 40    | Moneybeg and Clareisland Bogs | Meath/Westmeath  | X |
| 41    | Ardagullion Bog             | Longford           | X |
| 42    | Mount Hevey Bog             | Meath/Westmeath    | X |
| 43    | Tullaher Lough and Bog      | Clare              | X |
| 44    | Brown Bog                   | Longford           | X |
| 45    | Camderry Bog                | Galway             | X |
| 46    | Clooneen Bog                | Longford           | X |
| 47    | Corbo Bog                   | Roscommon          | X |
| 48    | Curraghlehanagh Bog         | Galway             | X |
| 49    | Moanveanlagh Bog            | Kerry              | X |
| 50    | Monivea Bog                 | Galway             | X |
| 51    | Redwood Bog                 | Tipperary          | X |
| 52    | Tullaghanrock Bog           | Roscommon          | X |
| 53    | Ardgraigue Bog              | Galway             | X |
4 OUTSTANDING ISSUES ON SAC BOGS

Many bog owners will retain their interest in land in SAC bogs, regardless of whether they continue to cut turf. Restoration work and the future use of bogs for agriculture, education or leisure purposes is an important consideration for private bog owners and the conservation plans must involve bog owners and take into account their concerns over the long term. This should include employment opportunities for local people in restoration works and site monitoring, particularly in Objective 1 areas.

Additionally, many bog owners farm land adjacent or near to bogs and they are very concerned at the potential for flooding of these lands if bog restoration work includes drain blocking. Restoring the hydrological balance of the bog areas must not take priority over the agricultural use of adjoining land. A flood risk assessment should be carried out before works commence and an ongoing monitoring regime put in place. This is particularly important in moving bogs.

Future stewardship
Environmental protection alone will not create sustainable communities. Without economic growth, social solidarity and cultural development we will be unable to meet our present needs, let alone those of generations to come. Irish landscapes are not pristine wildernesses; they are the result of human interaction with nature. Bogs, far from being ‘waste land’, were, until quite recently, the main source of fuel for many rural communities to the extent that proximity to a turf bog was a factor in land values. The bogs continue to be living and working landscapes and the people who work the land today are responsible for safeguarding their special qualities.

Sustainable Development
The Government’s draft Sustainable Development Framework (2011) defines sustainable development as a ‘process of economic, environmental and social change aimed at promoting wellbeing of citizens now and in the future. To realise this requires creating a sustainable and resource efficient economy founded on a fair and just society, which respects the ecological limits and carrying capacity of the natural environment’. It recognises the need to achieve positive economic, environmental and social outputs while at the same time ensuring equality and appropriate balance between the three pillars of sustainability.

Turf cutter participation in policy and decision making
Heavy handed legislation and an inflexible approach to conservation will not safeguard biodiversity. There is a growing awareness that successful policy implementation requires active support on the ground from local landowners and farmers. Lack of meaningful participation effectively disconnects farmers from their land and there is a need for greater understanding and accommodation of the factors that drive farmers’ participation in these conservation schemes. These factors are not solely economic – social, cultural, communication and geographical factors, as well as individual and farm characteristics, all play a part. Moreover it is strongly indicated that policy design impacts policy acceptance and uptake. The more oriented towards co-operation the policy design, through voluntary participation and the recognition of farmers’ knowledge and competencies, the better. It is also recognised that good decision-making processes are those which are transparent and open to stakeholder input. For judicial processes there should be a right of appeal that embodies the rules of natural justice – the right to a fair hearing free from bias, with reasons given for decisions.

1 The European Centre for Nature Conservation has undertaken a programme of research and best practice in this area.
A coherent approach to the future of the bogs would involve participation of people on the ground with those developing policy to identify conflicts and negotiate necessary trade-offs. For too long policy makers have viewed the farmer instrumentally (i.e. as an ‘instrument’ to achieve policy results) and devalued ‘local’ knowledge in favour of ‘experts’ in science-driven biodiversity policy.

The current lack of trust that turf cutters have for the authorities cannot be solved solely by improved communications. It is far-reaching and will require openness in Ministers and policymakers. Lessons learned from EU-funded research suggest institutions are more likely to increase trust if they:

- are honest about previous mistakes;
- explain how uncertainty about biodiversity management is taken into account in making decisions;
- utilise contributions and feedback from all relevant sources, not just scientific expertise;
- are transparent about the decision-making process;
- show that the views of farmers are recognized, respected and taken into account within the policy process, even if they cannot all be met.
APPENDIX

A. All Saint’s Bog.

Brief Dated 01 May 2009

All Saints Bog & Esker SAC, Co Offaly

Compensation Claim by 15 Landholders lodged with National Parks and Wildlife Service (NPWS) in August 2006

The following table lists the 15 landowners referred to in Valuation Report prepared by Consultant Valuer, Sean Canny, B.Agr.Sc. and submitted to National Parks and Wildlife Service (Department of The Environment and Local Government) in August 2006

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Name</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
<td>1 John Quinlan</td>
<td>Gloster Banagher Co Offaly</td>
<td>2 Liam Byrne</td>
<td>Ashgrove, Lusmagh, Banagher, Co Offaly</td>
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<td>3 Martin Lyons</td>
<td>Garrycastle, Banagher Co Offaly</td>
<td>4 Patrick Lyons</td>
<td>Garrycastle, Banagher Co Offaly</td>
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<td>5 Mary Langtry (Gerard Langtry)</td>
<td>Ballinasrahi, Lusmagh, Banagher, Co Offaly</td>
<td>6 Brendan Killeen</td>
<td>Newtown, Lusmagh, Banagher, Co Offaly</td>
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<tr>
<td>7 Joseph &amp; Ann Silke</td>
<td>Ballinasrahi, Lusmagh, Banagher, Co Offaly</td>
<td>8 Cronan Kelly</td>
<td>Corgarve, Lusmagh, Banagher, Co Offaly</td>
</tr>
<tr>
<td>9 Delia Mullally</td>
<td>Gloster Banagher, Co Offaly</td>
<td>10 Teresa Keenaghan</td>
<td>Curraghvonna, Banagher, Co Offaly</td>
</tr>
<tr>
<td>11 Patrick Gallagher</td>
<td>Ashgrove, Lusmagh, Banagher, Co Offaly</td>
<td>12 Michael Gallagher</td>
<td>Ballinasrahi, Lusmagh, Banagher, Co Offaly</td>
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<tr>
<td>13 Delia Whelan</td>
<td>Gloster Banagher, Co Offaly</td>
<td>14 Michael Coonan</td>
<td>Brosna, Birr, Co Offaly</td>
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<tr>
<td>15 Catriona Hove (Keating)</td>
<td>Clonavoe, Clonbullogue, Edenderry, Co Offaly</td>
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</table>

Since then Joseph & Ann Silke (No.7 above) and Brendan Killeen (No.6 above) have opted out of the group and are not now part of this claim.

The Valuation Report indicated that, following research on comparative site values and the achievable returns available for the exploitation of the peat resource on this property without any designation, the bogland areas of this SAC would have a value in the region of €10,000 per acre.
Progress to Date:
August 2006 to December 2006:
Negotiations were initially with Eamon Coyle, OPW Valuer acting for NPWS. Negotiations were extremely difficult with this valuer and no progress was made.

January to March 2007:
Negotiations then commenced directly with William Culbert, Assistant Director, National Parks and Wildlife Service, in mid January 2007 and continued on until April 2007 when Mr Culbert was transferred within the Department.

April to May 2007
In April 2007 James O’Connell replaced William Culbert and negotiations continued. Towards the end of April, Ms Oonagh Buckley Principal Officer, Planning in DoELG and Director of NPWS was approached to try and expedite matters.

At a meeting which Sean Canny had with Ms Oonagh Buckley and James O’Connell on 21 May 2007 an offer of €5,500 per acre for the 14 landowners’ freehold interest in All Saints Bog was made together with an offer of 20.797 ha. (c. 51 acres) of alternative bog to be purchased by the tenants as a group in one transaction for the sum of €154,000. This offer was conditional on it being accepted by the landowners by Friday of that week (25 May 2007) or otherwise the offer would revert to the previous offer figure of €5,100 per acre for unencumbered freehold title and no alternative bog would be available for purchase by the landowners.

This offer was put to the tenants on 23 May 2007 and accepted by the 14 tenants now in the Group.

On the 24 May 2007, Sean Canny had a further meeting with James O’Connell at which Sean Canny, confirmed that the NPWS offer of the 21 May 2007 was acceptable to the tenants. Mr O’Connell indicated that the NPWS would pay the valuers fees and that the legal fees re the transfer of the bog would be paid as set out in the 2004 IFA agreement. Sean Canny submitted a spreadsheet document to James O’Connell showing the amounts each landowner was to receive under the agreed settlement and also gave sample settlement letters etc to Mr O’Connell for perusal to see if NPWS would be happy with similar forms of acceptance letters etc. James O’Connell was to take the matter up with the Chief States Legal office for their advice and he indicated that he would revert to him shortly with written details and confirmation on the overall transaction.

June to October 2007
The last meeting with James O’Connell, NPWS, was on 13 July 2007 at which some outstanding issues were clarified (e.g. area of Alternative Bog being purchased by tenants and access thereto; group to carry their own legal costs relating to transfer to them of alternative bog; Valuer’s fees agreed subject to invoice being issued by Valuer in due course and fees being subject to Retention Tax and current Tax
Clearance Certificate. At the conclusion of this meeting James O'Connell agreed that he would write to the Valuer, Sean Canny, setting out details of the settlement etc.

Despite a number of phone calls by Sean Canny to Mr O'Connell no written confirmation of the settlement agreed at the meeting of 21 May 2006 has been received from NPWS.

In a phone call by Sean Canny to James O'Connell on 27 September 2007 he informed Sean Canny that the settlement arrived at on the 21 May 2007 was presently being reviewed by Senior Personnel in the Dept of the Environment and that he was not now in a position to confirm that the deal as negotiated in May 2007 would proceed or not. He did indicate that there would be a decision in a matter of weeks but he was not prepared to be any more specific.

On 22 October 2007, Sean Canny received the enclosed copy letter from James O'Connell, Assistant Director, National Parks and Wildlife Service. This letter stated that "the informal offer of compensation rates of €5,500 per acre has been reviewed in the context of developing policy on financial and other arrangements which are under consideration for compensating landowners of SAC bogs for ending all turf cutting for domestic purposes in 2008. This review came to the conclusion that pending the outcome of this consideration of more generalised arrangements for ending turf cutting in SACs, no payment of rates above those at present available under the Cessation of Turf Cutting Scheme can be made unless awarded under the arbitration process provided for in the 2004 agreement with farming organisations.... The option of going to formal arbitration is open to your clients".

Sean Canny, a Valuer who has dealt with State, Semi-State and Local Authorities for almost 40 years, has never before encountered a situation where he, in good faith, recommended acceptance of an offer made by NPWS to his clients following prolonged and difficult negotiations and some 5 months later to be formally informed that the offer was the subject of a review and has been withdrawn.

April 2008 to Present

On 01 April 2008 John J Reedy Solicitor acting for the Bog owners wrote to Ms. Oonagh Buckley the Director of NPWS (copy letter attached) setting out the full details of the oral agreement arrived at with Sean Canny in May 2007 and requesting implementation of the agreed settlement.

Following representations by the landowners to Mr Brian Cowen TD, Mr John Gormley, Minister for Environment, Heritage and Local Government responded on 19 June 2008 in similar tone to James O'Connell's letter of October 2007 and confirmed that legal advice was being sought by NPWS (copy letter of reply enclosed).

Eventually on 4th July 2008 the Chief State Solicitors Office replied to John Reedy's letter of 1st April 2008 (copy enclosed). This letter stated inter alia that "my client is within his rights not to proceed with the proposed purchase of your clients lands....My client has instructed me to resist any attempt to compel him to proceed..."
with the proposed purchase of your client’s lands and I am to seek and enforce all costs incurred by my client in any attempt to do so.”


NPWS have not made any attempt to resolve this issue since May 2007 when the original settlement was agreed between NPWS personnel and the claimants valuer, Sean Canny.

There are compelling reasons for special consideration to be afforded to the claimants in this case

- All Saints Bog is an exceptionally good moss peat bog and this was evident from Erin Peat’s (Erin Horticulture) commercial operation on over 100 acres of this bog for the past 30 years which only ceased in 2005.
- Prior to the Bog being identified as having conservation potential the balance of the undeveloped area was earmarked for Commercial development for moss peat production similar to the Erin Peat Operation.
- Consequently any valuation would have to consider the possible commercial potential of this bog for moss peat production.
- The Bog is also being used for Sod Turf Production for the landowner’s households.
- The majority of the claimants are small landholders with no other source of income other than that derived from their holdings. The bog areas are adjoining their land holdings.
- Their farmlands lie in the Little Brosna and Shannon catchments and much of their lands are subject to flooding, some of which also has recently been designated NHA by the NPWS.
- The Designation will cause considerable disturbance to the landowners in acquiring alternative bog for turf production and may necessitate them having to purchase their domestic fuel supply at a much increased cost as heretofore.

Sean Canny
01/05/2009
Habitats Directive: Discussion.

Chairman: I remind members of the usual citation. Mobile phones should be switched off, discarded or thrown away.

Deputy Mary O’Rourke: They could be thrown at you.

Chairman: That is possible. It is for the sake of everybody’s sanity. We have apologies from a number of members. They are Senators Paschal Donohoe and Feargal Quinn and Deputy Lucinda Creighton. The next item is a discussion with representative landowners in the All Saints Bog and Esker special area of conservation, SAC, in County Offaly regarding implementation of the habitats directive. The witnesses are Mr. Séan Canny, Mr. Liam Byrne, Mr. John Quinlan and Mr. Cronan Kelly. I ask Mr. Canny to make the presentation — the usual process is to have a presentation of ten or 15 minutes followed by questions and answers. The committee will then discuss the matter privately and will be in correspondence in the event of further developments.

I should also mention that as this meeting is in public, members of the committee have privilege but visiting speakers do not. I remind committee members not to identify public servants, one way or other, in a way that would reflect on their position or character.

Mr. Seán Canny: I thank members of the committee for affording us this opportunity to
present our case today regarding All Saints Bog and its purchase by the National Parks and Wildlife Service. I am the consultant valuer with the farmer group and I have set out the case in the document distributed to members. It is a brief document but if I set out the case in its totality there would probably be 200 pages.

The first page sets out the 13 farmers currently in the group — two have pulled out since we started negotiations. In spring 2006 I was engaged to prepare and submit a valuation report on the boglands of the 15 owners included in the proposed SAC at All Saints Bog. The 2006 valuation report indicated——

Deputy Mary O’Rourke: I apologise for cutting across the witness, but do the witnesses wish to have the bogs taken over or do they want to continue harvesting the bogs?

Mr. Seán Canny: The people have entered into negotiations to sell the bogs.

Deputy Mary O’Rourke: I thank the witness and apologise for interrupting.

Mr. Seán Canny: The problem relates to price. The 2006 valuation report indicated that following research on comparative site values and the achievable returns available for the exploitation of the peat resource on this property in the absence of any designation, the bogland areas of this SAC would have a value in the region of €10,000 per acre.

On the progress of the claim to date, on 26 July 2006 there was a preliminary meeting between Eamonn Brennan, the then assistant director of the National Parks and Wildlife Service, NPWS, and Seán Canny, the valuer acting for the 15 bog owners. Mr. Brennan indicated that the NPWS was anxious to purchase the full freehold title to all the lands in this SAC because of the site’s uniqueness and conservation status. Seán Canning indicated that the landowners he represented were prepared to enter into negotiations with the NPWS with regard to a sale of the bog areas but were not prepared to accept the compensation terms of the cessation of turf cutting compensation scheme agreed between the NPWS and the IFA in 2004, which was backdated to 1999.

The reasons for the refusal were as follows. This site was an exceptionally valuable bog from its moss and fuel peat potential. The landowners were losing the use of sizable areas of bogland, ranging from approximately four acres to over 30 acres, adjacent to their farms due to the designation. These areas were far greater than envisaged in the NPWS and IFA agreement. A landowner who is not part of this group had already received much higher compensation than that detailed in the agreement, although a substantial area of peat on the bog had been removed from the site. In addition, the cessation of turf cutting compensation scheme only related to purchase of turf banks suitable for domestic turf cutting and did not take into account the suitability of the bog for other purposes.

I have also set out the terms of the package in the document. The provision of an alternative bog area for use by the displaced landowners for domestic turf production was also raised by Mr. Canny. Mr. Brennan indicated that the NPWS could not provide alternative turbarry as part of the compensation but it owned some surplus undesignated bog adjacent to this site which it intended to dispose of, and the group could make an offer for part of this area.

The issue of compensation was briefly discussed and Mr. Brennan indicated that the NPWS
would engage OPW valuers to assess the valuation report and subsequently to negotiate a compensation figure with the landowners’ value. The NPWS was also informed that seven of the bog owners did not receive notification of the inclusion of their lands on the candidate list pursuant to regulation 4(2) of the European Communities (Natural Habitats) Regulations 1997, despite their lands being registered in the Land Registry. Furthermore, no conservation officer made contact with them.

Two separate notifications are required by the 1997 regulations. Under regulation 4(2), the Minister shall notify every owner and occupier of the proposal to include their land in the candidate list and to transmit this list to the commission. A further notification is required under regulation 8, which requires the Minister, as soon as practicable after he has received notification from the commission that the site is being adopted, to notify every owner and occupier within the site that the site has been so adopted. None of the owners received the required second notification under regulation 8.

An alternative notification procedure is set out in Article 4(2)(b), where the address of any person to whom subparagraph (a) of this paragraph relates cannot be found after reasonable inquiry. In such circumstances, notices and maps shall be displayed in a conspicuous place, which includes Garda stations, local authority offices, local offices of the Departments of Social and Family Affairs and Agriculture, Fisheries and Food, and offices of Teagasc, which are located within or contiguous to the site, or within the vicinity of or closest to the site. Advertisements shall be broadcast on at least one radio station in the area of the site concerned and printed in at least one newspaper circulating in the area.

However, the alternative procedure only kicks in when the address of the owner or occupier cannot be found after reasonable inquiry. This alternative notification procedure should not have been required in this instance as these owners’ lands were registered in the Land Registry and a search of the Land Registry is deemed to be the most reasonable inquiry relating to land ownership and the first place one would search.

It is worth noting that one of the seven owners not initially notified eventually received formal notification of the proposed SAC in 2008, almost four years after the European Commission adopted a list of sites of community importance which included All Saints Bog and Esker. It was Commission decision 2004/813/EC of 7 December 2004. In 2006 this owner became aware that all her lands were included in the proposed SAC. In August 2006 and January 2007, the NPWS was informed that this landowner objected to her grazing lands being included in the SAC but the NPWS refused to consider the objection on the basis that it was outside the time limit for raising objections to the designation. This landowner is most aggrieved as she had not received notification of the proposed designation until 2008 but in 2006 and 2007 was refused an opportunity to object to the inclusion of all her lands in the SAC.

On 28 August 2006 Mr. Seán Canny met Mr. Brennan and Mr. Eamon Coyle, the OPW valuer, and presented his valuation to them. Mr. Brennan indicated that he was to be transferred to another Department and any further communication should be addressed to his successor, Mr. William Culbert. Negotiations were initially with Mr. Eamon Coyle, the OPW valuer acting for the NPWS. In October 2006 there was a further meeting with Mr. Coyle with a follow-up letter seeking clarification of a number of issues. Negotiations were
extremely tedious and slow.

On 12 December 2006 there was a meeting at the offices of the OPW at 51 St. Stephen’s Green, chaired by Mr. Tom Parlon, then Minister of State at the Department of Finance. A National Parks and Wildlife Service, NPWS, team of William Culbert, Marguerite Ryan and Eamon Coyle was in attendance. The landowner group delegation included myself, John Quinlan, Liam Byrne and Cronan Kelly, who are here with me today. The issue of designation and valuation dates was discussed, but there was no agreement on the matter. As far as the landowner group was concerned, it was argued that the designation and valuation date should be the date when the Minister for the Environment, Heritage and Local Government made the designation order under regulation 9(1) of the European Communities (Natural Habitats) Regulations 1997.

The procedure for designation is set out in the European Communities (Natural Habitats) Regulations 1997. Under regulation 3(1), the Minister for the Environment, Heritage and Local Government must prepare a list of sites for the purpose of identifying sites of community importance for transposition to the European Commission. In accordance with the habitats directive, the Commission then, in agreement with each member state, produces a draft list of candidate sites based on the member states’ lists. When the Commission has adopted the lists of sites under regulation 4(2) of the directive then, under regulation 9(1) of the 1997 regulations, the Minister shall, not later than six years from the date of adoption by the Commission, designate the site as an SAC.

Accordingly, the date of designation does not occur until the Minister formally makes a designation order under regulation 9(1). I, indicated I had requested this date from the National Parks and Wildlife Service, but up to the date of this meeting no response has been forthcoming. The farmer group accepted that the site was provisionally protected from the date the Minister for the Environment, Heritage and Local Government prepared a list of sites for the purpose of identifying sites of community importance for transposition to the Commission under regulation 3. However, this action was not the final designation, as regulations 4, 5, 8 and 9 form part of the designation procedure subsequent to regulation 3. In particular, regulation 5 allows a person on whom a notice is served under regulation 4(2), or any other person claiming to have or to be entitled to an interest in or over the land comprising the site or part thereof, to object to the Minister to the inclusion of a site on the candidate list of European sites.

William Culbert, assistant director of the NPWS, stated that the lands were protected when the proposed list was sent to Europe and not when the Minister makes the formal order designating the site as an SAC under regulation 9(1). He further stated that the Minister had not yet made the order designating the site as an SAC under regulation 9(1). He indicated that a notice in the press in March 1997 was proof of the protection, and referred to Article 14(1) of the regulation to support his case. On the basis of Article 14(1), both William Culbert and Eamon Coyle inferred that the valuation date occurs when the site becomes protected, that is when it is put on a list of candidate sites. There is no reference in the 1997 regulations relating to a valuation date where a purchase of the freehold is contemplated.

Regulation 14 (1) deals with restrictions on carrying out operations or activities. The wording provides:
A person shall not carry out, cause to be carried out or continue to carry out, on any land included in a special area of conservation or a site placed on a list in accordance with Chapter I of the Part an operation or activity mentioned in a notice issued under Regulation 4(2) ... unless certain conditions specified in that Regulation are fulfilled.

The National Parks and Wildlife Service appears to use this regulation as a basis for arguing that the valuation date should be the date from when the site becomes protected, namely, when included on the candidate list of sites. However, there is no mention in the provision of a valuation date or compensation. The regulation goes further than the provisions of Article 4(5) of the habitats directive, which provides for protection for special areas of conservation, SACs, under Articles 6(2), (3) and (4) of the directive, from the date of adoption as a site of community importance. The list sent to the Commission is a list of sites for the purpose of identifying sites of community importance. The Commission then, in agreement with each member state, produces a draft list of sites of community importance, based on the member states’ lists. The Commission then must adopt the list of sites under Article 4(2) of the directive. It is obviously open to the Commission to reject a site included on a member state’s list. Accordingly, any assessment of the valuation date should not be considered until after the Commission’s approval, at the earliest, as up until that date a site has not been adopted as an SAC, and thus it would be premature.

Mr. Culbert’s assertion regarding the designation date and, ultimately, the valuation date was not accepted by me. I asserted that the valuation date should be the current date as the lands were not yet formally designated as an SAC and as there is no provision in the 1997 regulations relating to the freehold purchase of the lands by the NPWS or a valuation date for this purpose. The issue of lack of notification was also discussed, but again William Culbert referred to the notice in the press as being adequate. The seven owners who did not receive notification of the proposed designation did not become aware of the details of the proposed designation until much later, when their right to object under regulation 5 had long expired. These landowners were thereby prejudiced in being deprived of their right under regulation 5 of the European Communities (Natural Habitats) Regulations 1997.

The issue of compensation was also discussed. Eamonn Coyle indicated that his valuation was at 1997 prices and indicated an offer of from €750 to €900 per acre, a rate much lower than the rates agreed in 2004 between the NPWS and the Irish Farmers Association, which were backdated to 1999. This derisory offer astounded and aggrieved the landowners present and was rejected without discussion. William Culbert then indicated that the rates set out in the IFA-NPWS agreement were available, but he would not entertain any reference to voluntary arbitration under this agreement. He also suggested that if the landowners did not accept this or Mr. Coyle’s offer, the only course left open was to go to arbitration under the regulations and he indicated that each landowner would have to apply to have their individual case heard by the official arbitrator. This stance appears to be at odds with paragraphs 14 and 15 of the IFA-NPWS agreement on the implementation of the habitats regulations.

Paragraph 14 of this agreement states: “The Department agrees that a fair and proper level of compensation shall be paid for any costs or losses of income or value which result from restrictions on farming or other existing activities”. In paragraph 15 of the agreement, it is stated that standard rates of compensation will be agreed where possible, but an individual who does not wish to accept these rates has the option of obtaining individually costed compensation for his own farm. It is further provided that informal arbitration will be used,
where possible, to resolve disagreements.

On the specific issue of turf cutting, it is stated in paragraph 18, that where a farmer or landowner disputes the standard compensation rates, recourse to arbitration will be available. Provision is also made for capital compensation in paragraph 19. Such compensation is payable to the extent that it arises from restrictions on farming or another existing land use, and to the extent that it is not covered by ongoing compensation for income loss or extra costs. It is stated: “The compensation payable will be the difference between the pre-designation value and the post designation value”. Again, recourse may be had to arbitration where there is a disagreement on the amount of this compensation.

The wording in paragraph 19 clearly refers to pre and post-designation values. As previously stated, the designation date is when a site is designated by the Minister, after approval of the list by the Commission. Furthermore, paragraph 14, dealing with compensation, states that the Department agrees to pay “Where designations are proceeding ...”. This certainly indicates that the valuation date should be the designation date and not the date on which the site became part of the proposed list of sites being sent to Europe. Therefore, in these circumstances it is unfair and in contravention of the IFA agreement for the NPWS to suggest that the valuation-designation date is the date of inclusion on the candidate list.

This meeting was concluded without agreement on any issue. The fact that the NPWS was not prepared to take a conciliatory and compromising approach at this meeting seriously damaged any goodwill on the part of the farmer group side, which is the major stakeholder in the negotiations.

During the period from January to April 2007, negotiations commenced directly with William Culbert, assistant director of the National Parks and Wildlife Service. At this stage, following several meetings, the NPWS had made an offer of €5,100 per acre and had also conceded to sell approximately 50 acres of undesignated bog south of the designated lands to the claimants. At the end of April, Mr Culbert was transferred within the Department and Mr. James O’Connell succeeded him as assistant director of the NPWS. During this period, negotiations continued with Mr. O’Connell and towards the end of April, Ms Oonagh Buckley, principal officer in the planning section of the Department of the Environment, Heritage and Local Government and director of the NPWS, was approached to try and expedite matters.

At a meeting I had with Ms Oonagh Buckley and James O’Connell on 21 May 2007, a final offer of €5,500 per acre for the 14 landowners’ freehold interest in All Saints Bog was made, together with an offer of 20.797 hectares, approximately 51 acres, of alternative bog to be purchased by the tenants as a group in one transaction for the sum of €154,000. This offer was conditional on it being accepted by the landowners by Friday of that week, 25 May 2007, or otherwise the offer would revert to the previous offer figure of €5,100 per acre for unencumbered freehold title and no alternative bog would be available for purchase by the landowners.

This offer was put to the tenants on 23 May 2007 and accepted by them as a group. On 24 May 2007, I had a further meeting with James O’Connell at which I confirmed that the NPWS offer of the 21 May 2007 was acceptable to the tenants. Mr. O’Connell indicated that the NPWS would pay the valuers’ fees and that the legal fees re the transfer of the bog would
be paid as set out in the 2004 IFA agreement.

**Deputy Mary O’Rourke:** Will we be able to hear from the landowners?

**Chairman:** No. The Deputy has the document in front of her. Committee members will be asked to raise the issues themselves. Most members are familiar with the subject matter.

**Deputy Noel Treacy:** We are getting the key point.

**Chairman:** Yes, we are getting the key point. That is why I want to remind——

**Mr. Seán Canny:** At my meeting with Mr. James O’Connell he accepted that the deal was on. I waited to get confirmation from Mr. O’Connell in writing on this matter. I had another meeting with him on 13 July 2007 on a few outstanding issues and I was assured I would get a response fairly quickly in writing. Nevertheless the matter continued throughout the summer and into the autumn. When I contacted Mr. O’Connell in September 2007 it appeared that, according to him, the case was reviewed at higher level in the Department and it would not abide by the earlier agreement entered into in May 2007.

On 22 October 2007 I received a letter from Mr. James O’Connell which reads:

I refer to the discussions which have taken place regarding the possible purchase of bogland at All Saints’ Bog and Esker, Co. Offaly, and the rates of compensation to be paid to the landowners concerned. [I would have issue with the word “discussions”. Negotiation and settlement proposals were agreed.]

As you are aware, the informal offer of compensation rates of €5,500 per acre has been reviewed in the context of developing policy on financial and other arrangements which are under consideration for compensating landowners of SAC bogs for ending all turf-cutting for domestic purposes in 2008. [There is no reference to the alternative arrangement either for the 51 acres for €154,000.]

This review came to the conclusion that, pending the outcome of this consideration of more generalised arrangements for ending turf cutting in SACs, no payment of rates above those at present available under the cessation of turf cutting scheme can be made unless awarded under the arbitration process provided for in the 2004 agreement with farming organisations. [At an earlier meeting we were refused a voluntary arbitration.]

Accordingly, it has been determined that, as a matter of policy, no offer can be made for purchase which exceeds the bog compensation scheme terms. The option of going to formal arbitration is open to your clients. I would emphasise that the Department is still interested in acquiring the turf-cutting rights of the land in question under the Cessation of Turf Cutting Scheme.

On behalf of the Department, I would like to apologise for the fact that this policy development came so late in the negotiating process. The negotiations were, however, conducted in good faith by the relevant officials in the Department.

We are now being virtually pushed into a formal arbitration which I do not really understand.
because there is no provision for formal arbitration in the regulations where an outright purchase of the lands is being considered. We were denied voluntary arbitration in December 2006. The farmer group was appalled at this having waited five months in the expectation that the deal would be confirmed, instead it was told it was not on. In all my experience of dealing with public authorities and that particular Department I had never come across that approach. I have worked for 40 years in this business. It is extremely strange that such an approach was adopted at this stage.

**Chairman:** Thank you, Mr. Canny.

**Mr. Seán Canny:** In the last page of my presentation, I said there were compelling reasons for special consideration to be afforded to the claimants.

**Chairman:** We will refer to that now. Before speaking I advise members to look at the bullet points on page 4 of Mr. Canny’s presentation, to which he referred? Is that correct?

**Deputy Timmy Dooley:** I welcome the delegation.

**Chairman:** I call Deputy Paul Connaughton.

**Deputy Mary O’Rourke:** They are all waiting for the next delegation. They want to continue to use their turbary rights.

**Chairman:** We shall continue.

**Deputy Timmy Dooley:** I thank Mr. Canny for a very detailed presentation which is most helpful in assisting us to understand the background to this case. It was a pity we did not have a copy beforehand as we would be better versed to ask appropriate questions. Nonetheless, we will do the best we can. What amount of land is at stake for the 14 landowners concerned?

**Mr. Seán Canny:** Some 132 acres.

**Deputy Timmy Dooley:** In return the landowners hoped to get access to about 50 acres.

**Mr. Seán Canny:** Yes. In fact, we would have settled for 20 acres. However, in the negotiation procedure the field staff in the National Parks and Wildlife Service said it had 50 acres and asked us not to leave it with 20 acres or 30 acres so we agreed to buy the 50 acres.

**Deputy Timmy Dooley:** That this number of acres of bogland was involved in the discussion would indicate there was more than a discussion, there was negotiation.

**Mr. Seán Canny:** That is a good question.

**Deputy Timmy Dooley:** It is not that the group had something to sell and there was a prospective buyer and the group was tossing around over money. The fact that the other side put forward a parcel of land would seem to indicate that there was a more detailed level of negotiation than that contained in the letters read out by Mr. Canny.
Mr. Seán Canny: By all means. There were several meetings in regard to that issue. A deal was done.

Deputy Timmy Dooley: A deal was done. Am I right in saying that Mr. Canny has nothing in writing?

Mr. John Quinlan: In regard to the 51 acres, we had maps of it for each individual. The National Parks and Wildlife Service sent its local representatives to show us which part each one would get.

Deputy Timmy Dooley: The group had got to the stage of apportioning——

Mr. John Quinlan: Exactly.

Deputy Timmy Dooley: Did it provide each individual owner with a marked map?

Mr. John Quinlan: It provided a general marked map but we were to divide it out among ourselves.

Mr. Seán Canny: The map was of the lands being purchased by the tenants.

Deputy Timmy Dooley: So it did provide documentation.

Mr. Seán Canny: Yes. At the last meeting I had with the National Parks and Wildlife Service on 25 May I gave it a breakdown of the values I had negotiated for each lot so that it would know exactly what each farmer was to get, based on——

Deputy Timmy Dooley: The group had got beyond arguing about money and was down to apportioning the lands. That would seem to suggest the negotiations had gone beyond agreement in terms of money. It was down to who got what square or what parcel.

Mr. John Quinlan: The document shows all that. We agreed on, say, a Monday that we would come back to the landowners. Mr. Seán Canny was to go back to them on the Friday to say whether he accepted the deal. Mr. Canny went back to them and accepted the deal. We then got into the details of how we would buy it and so on. It was a very detailed process.

Deputy Timmy Dooley: Something is missing here. Can the delegates help us? Obviously they have contacts and are talking to these people. Obviously something went wrong.

Mr. Seán Canny: It certainly did not go wrong on our end.

Deputy Timmy Dooley: May I ask a few questions?

Chairman: Yes. I will take a bunch of questions. The Deputy may go ahead.

Deputy Timmy Dooley: A couple of people have pulled out of the deal. Do the witnesses have anything to say on that or is there any relevant information?
Mr. Seán Canny: Fear and frustration that the thing was——

Chairman: Perhaps we can note the question and then the delegation can respond later. We will take a raft of questions together.

Deputy Noel Treacy: I welcome these good people. I thank them for coming and their detailed documentation will be of assistance to us in evaluating the situation given the current crisis which some of us have to face in dealing with this situation. Like Deputy Dooley I would like to know why Nos. 6 and 7 on the programme withdrew. Is the entire bog in the great faithful county of Offaly or does some of it stretch into the maroon and white of Galway? I note that Esker is mentioned.

Mr. Seán Canny: It is not our Esker.

Deputy Noel Treacy: Excellent. I worked in the same business as Mr. Canny but I might not have been as well qualified in a previous life. Our word is our bond if we agree a deal. My interpretation of what we have heard today is this has been very professionally negotiated with very willing and decent, positive people. A deal is a deal. Irrespective of the outcome in the future or what has been transacted in the past, the State is duty bound to execute the deal as agreed and this committee should recommend same.

Deputy Paul Connaughton: The delegation is most welcome. I am at a disadvantage in that I am not a member of this committee——

Chairman: The Deputy is welcome nevertheless.

Deputy Paul Connaughton: I was not aware of this case but in a half an hour’s time I will be well aware of another discussion happening in another place because I happen to be a bog owner and a bog cutter. A deal was made in good faith. Because the money ran out is no reason for not honouring this deal and they have decided to go down the burrow, as we say. In the circumstances, any normal person listening to Mr. Canny’s view would believe that a proper deal made in good faith was actually broken. He has everything well documented.

I do not know if it is within the remit of this committee but in my view the people who should be sitting here at the next meeting should be those who entered into that contract and they should face serious questioning from the committee. I agree with my colleague, Deputy Treacy, that the deal should continue and should be honoured. There is very little this committee can do unless there is a better reason for breaking the contract than we are led to believe. I have been through this business of evaluation and turf banks and I could be here until 5 p.m. arguing that case. However, in this case a deal was made at a particular rate. If I go down to the fair to buy a cow and I pay a certain amount for that animal, there is not much point when someone tells me in the evening that I paid too much for her and that I can give the cow back. That was never done and cannot be done in this business. It is against that background I suggest that a deal was done and the high-ranking officials in that particular wildlife section should be sitting here some day and we should be given the opportunity to question them.

For the benefit of this meeting, this would not be the first time that this particular Department had reneged. I come from east Galway and I know several people who sold bog in the
ordinary way and they are now three or four years waiting for their money. It is against that background that there should be close scrutiny and investigation of that Department.

**Deputy Seán Power:** Like other speakers I am concerned at developments as presented to us today. I have a question about Mr. O’Connell. What was his authority to speak to the delegation? This is an important question because he was assistant director and the delegation entered into negotiations with him in good faith. Even with the deal as presented to the delegates, they had four days in which to make their minds up. It would appear they had the support of the 13 landowners who were in agreement that this deal should go ahead and the delegates conveyed this support to Mr. O’Connell. For some reason he found himself unable to deliver on the agreement reached. Is it the belief of the delegation that he was not afraid of going ahead with the deal itself but it would have a knock-on effect and implications for other transactions and this created the difficulty? He agreed to pay the delegates something and this would in itself create a certain expectation that further deals would be looking for a similar type of arrangement. Is this the nub of the issue?

**Mr. Seán Canny:** It is difficult to gauge. To answer the Deputy’s first question about Mr. O’Connell’s authority, at no stage was I ever informed that Mr. O’Connell and his senior, Oonagh Buckley, the director, did not have authority to approve the deal. I would assume that people at that level would have the authority. I have past experience of dealing with those people. I did many a deal during my life and in my experience nobody ever went back on a concluded deal. I deal with and for local authorities and on behalf of farmers. I am 40 years working in land acquisition so I am pretty well versed. I have been in Bord na Móna for 30 years and I know exactly what goes on. I find it astounding that somebody in a State organisation would go back on their word.

**Deputy Joe Costello:** I welcome the delegates and they have made a very interesting case. I have a few questions. In the letters written by Mr. O’Hagan and others, they admit to having made an informal offer but not a formal offer, that no contract exists and that no agreement was made in writing. These letters contain the view of the Chief State Solicitor’s office. The correspondence invites the delegation to go to arbitration or else this would be a matter for a compulsory purchase order. The documentation from the Office of the Chief State Solicitor seems to make it implicit that agreement to go to arbitration would result in a lower price than is on the table now. It had reached the review stage, they were not in a position to proceed and they would go to arbitration on the matter. What is the problem with going to arbitration, in the view of the delegation? Is it implicit that arbitration must automatically result in a lesser deal?

**Mr. Seán Canny:** Our legal advice is there is no provision for arbitration where a sale is taking place. There is no statutory provision for that.

**Deputy Joe Costello:** I refer to the letter of 15 October from the Office of the Chief State Solicitor which states “I note you confirm that no contract exists for the sale of land between your clients and the Minister.” Has this sale been confirmed?

**Mr. Seán Canny:** There was initial correspondence between the solicitors. They may have confirmed it but I think it was on the basis that we had entered into a deal with these people.

**Deputy Joe Costello:** If there is confirmation that no contract exists, that is fairly blunt.
Deputy Noel Treacy: I would like to comment in this regard.

Deputy Joe Costello: Contracts take different forms.

Deputy Noel Treacy: This is the problem.

Deputy Joe Costello: It does not have to be in writing. They are saying no contract exists in any form.

Mr. Seán Canny: I think that was in response to an earlier letter from the Chief State Solicitor’s office, indicating that it was not in writing. I am pretty sure of this.

Deputy Joe Costello: It just says that no contract exists. In a separate letter it states that in writing but in this letter it states, “I note you confirm that no contract exists for the sale of land between your clients and the Minister.” This is the last item in the document from Mr. O’Hagan. It refers to the Minister for Education and Science but I do not know what he has to do with it. I would like confirmation on whether there was a contract. I refer to the last letter in the booklet, from Mr. David O’Hagan of the Office of the Chief State Solicitor to John Reedy, solicitors. It refers to a letter of 28 September, though the letter is not in the documentation.

Chairman: The letter referred to is dated 26 September. It is from John Reedy and is on the third last page of the submission. It reads:

We acknowledge receipt of your letter of 4 July 2008.

We have to say that our clients have been treated in an appalling fashion by the Department.

That treatment and the content and tone of your letter has very much destroyed the previous goodwill shown by the landowners and their patience while negotiations took place between their representative Mr. Seán Canning and Department personnel over a lengthy period.

At this stage we have to say that clearly it appears that the Department engaged in negotiations but that there was never an intention to deliver on the agreement reached at the end of those negotiations.

As a result of the Department not honouring the agreement reached, the landlords simply have no trust in dealing with the Department.

It is intolerable that senior Department personnel allowed negotiations to proceed with Mr. Canny which culminated in an agreement being reached but that the Department is now seeking to avoid implementing the agreement, falling back on a legal tenet.

There is nothing in that letter, unless a page is missing.

Deputy Noel Treacy: I do not think a page is missing. We have read the documentation and listened to Mr. Canny’s presentation, which was highly professional and extremely detailed. The Office of the Chief State Solicitor would not come into this situation until such time as a document was exchanged between Mr. Canny, on behalf of his clients, and the NPWS and a full and final agreement was reached, which was the case. Mr. Canny
responded, not just orally but with documents showing the maps, the valuations and the compensation due to these men. There is no doubt that the oral agreement transcended to documentation and the Office of the Chief State Solicitor could not have looked for a contract because none was available. There was a bona fide expectation that an agreement was reached in good faith and discharged by negotiation with a professional person on behalf of a group of willing vendors but it has now been negated. It would be outrageous for the State to fail to honour what had been agreed. We have no option but to recommend that this matter be concluded immediately and without further procrastination.

Chairman: There is nothing in the letter, even though the Office of the Chief State Solicitor confirms the non-existence of a contract. Maybe we are talking about a different letter.

Deputy Joe Costello: The letter does not reflect what was in Mr. Canny’s letter and seems to have interpreted more than was there. I agree with Deputy Treacy that the extended period of negotiation led to the belief that a contract would emerge. A line was then drawn, bluntly, when the process was declared over, though it was said that another process could begin. It would be no harm for this committee to recommend that negotiations, having stopped abruptly and unilaterally, be continued until a conclusion is reached, as both sides intended and expected.

Chairman: I have a couple of other questions. Is there any precedent as regards the point at which negotiations terminated, the degree to which they had progressed prior to termination, or the grounds on which they were terminated? In particular, has there been any precedent for the extent to which verbal or written agreement was reached prior to an alleged agreement being implemented?

Mr. Canny suggested other lands on an adjoining site were purchased in 2002 for €8,500 per acre.

Deputy Noel Treacy: In that same area?

Chairman: Yes.

Deputy Noel Treacy: Then the case is closed.

Chairman: That was for 120 acres. Is the All Saints Bog a site of international importance?

Mr. Cronan Kelly: It is and it is described as such in some of the parks and wildlife literature.

Mr. Liam Byrne: We always put it forward as a special area.

Chairman: Reference was made in the presentation to an agreement that the date of the designation order would be the date of the agreement in respect of the price.

Mr. Seán Canny: That is our contention. There is no provision in the legislation for fixing a date. During negotiations we take it that it takes place on the same day.
Chairman: Is Mr. Canny aware of any other negotiations where the point at which the price was decided was an issue?

Mr. Seán Canny: I am not aware of any with respect to parks and wildlife. When one sits down to negotiate one hopes to come to a satisfactory settlement and such issues are very often not specified.

Chairman: Was he given any indication by any of the members of the negotiating team with which he dealt as to any limitation on the extent to which they could deal with him in respect of the issue concerned?

Mr. Seán Canny: No. There was no indication that senior approval was needed. I always assume that a person with whom I am negotiating is trying to get the best deal. I came up with a valuation of €10,000 per acre, which I could stand over even at arbitration, but when we raised it to €5,500 we felt it was the best deal we could get. On that basis I recommended to them that they settle. The big bone of contention was the alternative bog but these people live in a fairly isolated community and the bog which adjoined virtually all their holdings was taken from them. The NPWS had purchased State bog and had facilitated other local people with alternative turbaries. On that basis, it persisted in refusing to deal with us and insisted we buy the bog from it. The bog was rather remote, backward and pretty wet but, eventually, we agreed to buy it as a block from the NPWS for €154,000.

Deputy Noel Treacy: Mr. Canny agreed to take the total amount available rather than what he needed.

Mr. Seán Canny: Exactly.

Deputy Noel Treacy: So Mr. Canny was more than generous.

Deputy Seán Power: What is the gut feeling on this? Was it the implications of the knock-on effect of paying that price to the 13 landowners that was the difficulty, rather than the deal itself?

Mr. Seán Canny: Part of the feeling was that this would create precedent, even though I had tried to get across to them that this site is far more unique and far different to a fellow cutting a half acre of bog somewhere that is remote from his home and everywhere else. There was a moss peat producer on this site. I had estimated that on these farmers’ lands there was the equivalent of more than 500,000 tonnes of moss peat, which would, if sold on the open market, yield a profit of approximately €2 million to these people. In fact, even taking into account a net discount, it would certainly yield more than €1 million. We were prepared to settle for much less. On top of that, fuel peat of approximately 100,000 tonnes would be available thereafter.

It was a very valuable resource and from my knowledge of the current marketplace, there is serious demand for peat land, both for moss peat production and for fuel peat, because virtually every reasonable site in the country has been designated either an SAC or an NHA.

Deputy Seán Power: I propose that we invite the NPWS to a meeting as quickly as possible. We would then be inclined to make a judgment based on what the delegates have
said today. We have every sympathy with them but, to be fair, it is important that we listen to the other side. The way the delegates were treated sounds most unreasonable.

**Mr. John Quinlan:** Dúchas and the NPWS have always acknowledged that this is a unique bog which is well known internationally. This is why we availed of the opportunity to negotiate for it on our own behalf as a group.

**Deputy Seán Power:** What is the significance of the name?

**Mr. John Quinlan:** It was a little churchyard.

**Deputy Seán Power:** I would never have associated Offaly with saints.

**Mr. John Quinlan:** It is an odd one.

**Deputy Noel Treacy:** I do not know this bog specifically but I know the area generally, and know these people look across the River Shannon at my county and my constituency. As far as I know, there are four values to this property: its real value, its paper value, its economic value and its purchase value. If one was to pick any county where one could get these values fairly exact, it would be County Offaly, because there are many eminent bogs there, with Clara having one of the most important bogs in the world. Bord na Móna is the major semi-State player in the county, and Mr. Canny in particular is a long-recognised specialist, so they could tell the economic value of this situation. If I or any of my colleagues were called in to do a valuation, we would give the paper value. At the end of the day, however, there is the purchase value — the value which a willing purchaser is prepared to pay.

There were willing collaborators on both sides in this case and there was a willing professional in the middle, who negotiated with the State on behalf of both. We have reached a finale and it is outrageous that the matter is not concluded. I propose the committee would recommend that the matter be concluded, the contract be signed and these people be paid.

**Deputy Joe Costello:** I second that.

**Chairman:** I do not know whether the delegates can add anything further to what they have said.

**Deputy Noel Treacy:** I have a final question. Is there a danger that third party interference distorted this?

**Mr. Seán Canny:** I am not aware of it. There may well be. A committee member asked why the two people——

**Deputy Noel Treacy:** I asked that question. I cannot see why two would pull out.

**Mr. Seán Canny:** One of them pulled out, and there would be a connection with the IFA in that instance. I do not really know why that party pulled out but I believe it was that the person just did not want to part with the ownership of the bogland.
Mr. John Quinlan: This has been going on for ten years for the group trying to negotiate this. When we negotiated in May 2007 and told everyone we had a deal, everyone was happy. It then dragged on and everyone involved was looking for relocation bog. We lost credibility in October when we had no deal. The bottom line for many people was that we were going nowhere with this, and they might as well hold on to their bog and perhaps——

Deputy Noel Treacy: Were the two who withdrew within the totality of the original deal?

Mr. John Quinlan: Yes.

Deputy Beverley Flynn: When did they withdraw?

Mr. John Quinlan: In October, roughly.

Deputy Beverley Flynn: After the delegates considered the contract had been verbally agreed.

Mr. John Quinlan: Everyone thought they had a deal and everyone was happy. In October, we had to tell everyone there was no deal.

Mr. Seán Canny: It was out of sheer frustration. People were wondering when this would end and considered they had been wasting their time for the previous year and a half. I am not doing this job for nothing, so I assume those involved were concerned about costs. I had negotiated reasonable costs with the Department in that deal but the whole thing is now down the drain. To prepare this case and bring it to the stage I did involved me in approximately 75 man-days, which points to the extent of the work involved in researching ownership, undertaking a survey on the bog and undertaking a resource survey.

Deputy Seán Power: It is important that the landowners believe this rather than that we do.

Chairman: We must conclude as the Order of Business will take place shortly. It has been agreed the relevant bodies will be brought before the committee and members will have an opportunity to raise questions using the documents presented by the witnesses as a means of generating questions. Is that satisfactory? I hope it is, as it is the best we can do.

Deputy Seán Power: Will the Chairman indicate when that meeting is likely to happen?

Chairman: As soon as is practicable. If we leave it too long, the matter will become vague in the memory so we need to do it as quickly as possible. I thank the delegates for coming before the committee. I am anxious to get hold of the document to which Deputy Joe Costello referred, in which the delegates confirmed no contract exists for the sale of lands between their clients and the Minister for Education and Science. I do see where that admission is made, so I do not know what document is being referred to. It is an interesting question and I would like to see the document in which that inference is drawn. However, we will deal with that matter at another time.
I thank the delegates. We will be in touch with them in due course and will make the arrangements to proceed as indicated.

**Mr. Seán Canny:** I thank the Chairman and the committee.

The joint committee went into private session at 3.40 p.m. and adjourned at 3.55 p.m. until 11.30 a.m. on Wednesday, 25 November 2009.

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Chairman: We will now discuss the implementation of the habitats directive and issues raised by a group of landowners in the All Saints bog and esker special area of conservation, SAC, in County Offaly. I welcome Mr. Conor Ó Raghallaigh, director, and Mr. James O’Connell from the national parks and wildlife service, NPWS, to address our meeting. I will explain briefly the background to this meeting. The committee heard submissions previously from the landowners and we also requested a meeting with the Minister. The committee has discussed the issue. Members are familiar with the background to the issue, which was whether a contract was entered into for the purchase of property deemed to be part of a special area of conservations, SAC, and whether the changing economic circumstances are sufficient to change the alleged agreement. I propose that Mr. Ó Raghallaigh and Mr. O’Connell give the committee a brief outline of the situation and this will be followed by questions before we move on. I welcome Mr. Ó Raghallaigh and invite him to make his presentation.

**Mr. Conor Ó Raghallaigh:** We are very pleased to be here today to address the issue before the committee concerning negotiations on the purchase and sale of land in All Saints bog in County Offaly. All Saints bog is one of a relatively small number of raised bogs which were designated as special areas of conservation further to Ireland’s obligations under the habitats directive. All Saints bog was notified for designation in 1997. In 1999, the then Minister provided that all commercial turf cutting on these sites was to cease and that cutting for domestic purposes could continue for a period of ten years. The voluntary bog purchase scheme was subsequently introduced. This allowed bog owners and turbary rights owners to sell their land or turbary rights to the State for prescribed sums per acre. There were also provisions for incentive payments where turf cutting was ceased before the ten-year derogation elapsed. The scheme has had in excess of 2,000 applicants, of which more than 1,000 have resulted to date in execution of contracts for the sale of land or turbary rights. The remainder are being processed. All of these contracts were completed at the rates prescribed as part of the scheme.

As the committee is aware, the vendors in this case were 14 landowners with turf cutting rights (S Canny’s obs. - Incorrect - 12 of them owned the full registered freehold title) in
All Saints bog. They were represented as a single group in a single set of negotiations with
the Department. The Department was originally interested in acquiring the land in question as
the lands were included in a candidate special area of conservation since 1997 with a view to
achieving an end to domestic turf cutting on the site and facilitating restoration of the bog.
Under the voluntary purchase scheme, standard rates of €3,500 for the first acre and €3,000
per acre thereafter are offered to those interested in selling. These rates had been agreed with
farming representative groups in 2004. The landowners in this case did not wish to sell their
holdings to the State at these rates.

In 2006, the Department entered into negotiations with the landowners’ representative, Mr.
Sean Canny, to ascertain if contractual agreement could be reached in this case. Over 2006
and 2007, negotiations took place between the national parks and wildlife service, which was
advised on valuation by the Office of Public Works, and Mr. Canny. For most of 2006, the
NPWS was represented by Mr. Eamon Brennan, assistant director at that time. In the third
quarter of that year, Mr. Brennan was replaced in that position by Mr. William Culbert.

As previously raised in the committee’s meeting with the landowners in question last
November, during August 2006, the then Minister of State at the Office of Public Works, Mr.
Tom Parlon, chaired a meeting between the landowners, Mr. Canny, Mr. Culbert of the
NPWS and Mr. Eamon Coyle, a valuer from the Office of Public Works. This meeting did
not conclude final agreement on rates to be offered but decided that the negotiations between
the parties should continue. After further discussions between Mr. Culbert and Mr. Canny, it
was noted on the file that on 17 April 2007 agreement had been reached with Mr. Canny that
a price of €5,100 per acre could be offered to the landowners, subject to contract. This offer
was conveyed by Mr. Canny but was not accepted by the landowners. Shortly after this, Mr.
Culbert was assigned to other duties as a result of the Government decentralisation
programme and was replaced by Mr. James O’Connell, who is present.

Further meetings took place between Mr. O’Connell and Mr. Canny in an effort to establish if
agreement could be reached on a price. After further consideration and discussion, an
increased offer of €5,500 per acre was discussed (S Canny’s obs. - and agreed) between
Mr. O’Connell, in consultation with Ms Oonagh Buckley, my predecessor and director of the
NPWS at the time, whom I replaced in 2008 (S Canny’s obs. - and Sean Canny acting for
the landowners). However, before this final offer was confirmed, the matter was reviewed
within the Department. It was decided, pending a decision on more generalised compensation
arrangements for ending turf cutting in SACs, which was approaching then and would
become necessary within two years of that time, that no payment of rates above those at that
time available under the cessation of turf cutting scheme should be made to individual
vendors. Accordingly, the review determined that, as a matter of policy, at this time no
contract should be concluded involving rates higher than those available under the terms of
the voluntary purchase scheme. It was felt that the Department should not make an exception
in this case by offering higher rates. (S Canny’s obs. - market value even for bogland can
vary due to many reasons and the issue of precedent is irrelevant-) The conclusion arrived at
was that the proposed agreement would be likely to create a precedent which would lead to
considerable pressure to pay the proposed higher rates to all applicants under the voluntary
purchase scheme and thus undermine the basis and accepted rates of that scheme. The option
of going to formal arbitration was pointed out to the vendors, but this has not been pursued by
them to date (S Canny’s obs. - no provision for formal arbitration under the European
Communities (Natural Habitats) Regulations 1997 where the freehold is being purchased –
see Ss. 20 –refers to Compensation only where the Minister refuses consent to an operation
or activity - the Minister shall pay compensation for the loss suffered by the depreciation of an interest in the land).

The Department understands very well the unhappiness of the landowners in this case who expected the Department to conclude the contract. As is normal, property sales agreements are subject to contract. In this case, as in many others, both in the voluntary purchase scheme and in property sales generally, property may be sale agreed but ultimately not lead to contract. While once again acknowledging the landowners’ disappointment, the Department was within its legal rights in not proceeding to contract. This has been confirmed and verified by our legal advice from the Chief State Solicitor.

The Department must balance several issues in considering this case in the broader context of protection of these sites. We must balance the interests of the particular landowners in this case, those of other landowners who have concluded sales to the Department at prescribed rates, those who are in the process of concluding those sales and the interests of the taxpayer who, ultimately, carries the financial burden of these acquisitions. The lands were effectively rendered useless to their owners as a result of a statutory/regulatory process the main issue that should be considered is compensation based on the open market value and rules for assessing compensation relating to statutory undertakings. The landowners may wish to note that the Government is considering compensation arrangements for those adversely affected by the end of the derogation for domestic turf cutting on these bogs. An interdepartmental committee has recently reported to the Minister, Deputy Gormley, and has outlined options being considered by Government regarding compensating those affected by the end of the derogations in the designated raised bogs in question. That report is available on the NPWS website.

Under the current legislation, a right of compensation arises where a landowner or user has been refused consent to carry out works, including turf cutting or associated drainage works, by the Minister under the habitats regulations or Wildlife Acts. I understand that no application to continue turf cutting has yet been received from the landowners in question, but the receipt and refusal of any such application would trigger a right to compensation where turf cutting has been lawfully carried out up to now. If agreement is not reached on a rate of compensation, there is provision for independent arbitration. I thank the committee for its attention and will be happy to address any questions.

Chairman: Thank you. Does Mr. O’Connell want to contribute now?

Mr. James O’Connell: I will wait until later as Mr. Ó Raghallaigh has summarised the position well.

Deputy Timmy Dooley: I propose that as the bog in question is in Deputy Enright’s constituency, she should lead off on the issue.

Chairman: Is that agreed? Agreed.
Deputy Olwyn Enright: I welcome the departmental representatives. The committee is more or less aware of the background to this subject. The presentation is pretty much the same as the legal correspondence between the Department and the solicitors for the relevant people. The Department has taken advice from the Office of the Chief State Solicitor which supports the Department’s point of view. This file never reached the Chief State Solicitor’s office because the Department reneged on the deal that had been done so I think that is a red herring and not relevant to the point being made today.

Why did the Department ever enter negotiations with this group? A significant level of departmental resources has been deployed. Mr. O’Connell is the third person to sit down with this group and with the representatives to carry out these negotiations. Is it normal practice for the Department and the national parks and wildlife service, NPWS, to put this amount of time and effort into something and then to have a supposed policy review where all that time and effort comes to nothing? A verbal agreement was reached and then, for some reason and at some date unknown, the Department decided to have a review and this came to nothing. When was that decision made? The group last heard from Mr. O’Connell on 13 July and some outstanding issues were clarified at that point. Eventually, in October 2007, Mr. Sean Canny, representing the landowners, received a letter from Mr. O’Connell stating the informal offer of compensation was reviewed in the context of developing policy on financial and other arrangements. Who in the Department initiated that review of policy? When was this review initiated and completed? The start date is relevant because there is a real issue of whether the negotiations were ever being conducted in good faith. This is not a reflection on the character of Mr. O’Connell but rather a reflection on the policy that seems to have been operated by the Department.

The presentation referred to the former Minister of State, Tom Parlon, and a meeting he held in August 2006. There is no reference to a conversation which I believe Mr. Parlon had with Una Buckley at which the figure of €5,500 was again discussed and was agreed. Mr. O’Connell can hide behind the issue that no written contract exists and that this is common practice in property sales generally. I believe that when people negotiate with an agency of Government, there has to be some degree of honour in such negotiations. We all regard with absolute disgust people who were involved in gazumping or people who reneged on contracts. To think the State is involved in reneging on agreements is disgusting. I think the Department has treated these people in the most appalling manner.

Mr. Ó Raghallaigh referred to the balance of issues. I can suggest another issue of balance which the Department will have to deal with. I refer to an advertisement running on local radio this morning and in the local newspapers this week about this very area, the Little Brosna and catchment area, which the Department is trying to change from a natural heritage area, NHA, to a special area of conservation, SAC. How does he expect people in this locality to enter into a meaningful conversation with the national parks and wildlife service on this issue when they see how their neighbours have been treated by the Department? As a local representative in this area, I tell them not to enter into negotiations because one does not know how they will finish and neither can one trust what is being said by representatives of the Department. Twenty miles up the road - a lot less if one goes up the Shannon - is Clonmacnoise which the Department of the Environment, Heritage and Local Government is trying to turn into a world heritage site. How can I tell landholders in that area that they should enter into discussions with the Department or the national parks and wildlife service? I have to stand up at public meetings in these areas and try to discuss agreements being made. When I meet representatives of the Department I am supposed to take in good faith that what
they say is what will happen. I can never do so again having seen how these people have been treated. The Department’s word is irrelevant and its word is not its bond in this instance. The Department negotiates and has discussions with people but if it decides to change its mind after negotiations have been concluded, then it will.

When the negotiations were concluded, the Department’s regional manager brought these landholders out and physically showed them the bog they were going to be able to purchase from the Department in substitution for the bog they would lose. They saw that land. The Department went a long way in this process and, in my view it has a moral obligation to fulfil this contract. The Department created a legitimate expectation, which is a legal right that this deal would be concluded. The Department seems to have a fear that this will be a precedent. It has acknowledged in the presentation that this is a unique piece of bog which must be conserved. However, the Department failed to point out that there was a commercial expectation on this bog. Erin Peat had been using a significant portion of this land for a long number of years and it was a very valuable resource for the company. The Department is ignoring the commercial potential in this bog and this cannot be ignored. I hope I can return with other questions. The Department has set a very dangerous precedent if it expects the public, the people involved in County Offaly in particular, to enter into any type of negotiations with it because the precedent has been set that the Department’s word is not its bond.

**Senator Terry Leyden:** I welcome the officials to the meeting. They have inherited a set of difficult circumstances as they were not directly involved in the negotiations. I read the correspondence. I have no doubt an offer of €5,500 per acre was made. This is clearly stated and also that it was an informal arrangement. When I came into the Department of Posts and Telegraphs, I was advised by the legal officers in the Department that I had to honour the arrangement about any post office that was verbally notified to a client and that I had no choice in the matter, even though I might have wished to change some of them. It is the case that when a Minister leaves office, he or she makes a lot of decisions and these related to post offices at that time. Some decisions were made-----

**Deputy Timmy Dooley:** The Senator should plead the Fifth Amendment, so to speak, before he proceeds.

**Senator Terry Leyden:** I have parliamentary privilege. I was told at that time that a verbal commitment had to be honoured by the Department. That is the precedent. So far as creating a precedent is concerned, it is a separate bog with separate conditions. I am interested in extending this further because we are faced with a major difficulty in the west Roscommon area. With regard to the new arrangement, what offer is the Department making now to people who have given up their bogs or may give up their bogs? Some of them are not prepared to give up their bogs. A significant valuation has been put on turf and turbary rights. Is it possible to get a map of all the bogs that have been designated? There is some secrecy attached to this issue. I have a list of the bogs in my area. What is the long-term situation on turbary rights and turf cutting in Ireland and with regard to European Union law? I have heard that the current list may be extended. No one can provide a map showing the location of the bogs. I have asked for this before. From reading all the documentation I think the Department would be as well off to deal with this issue and resolve it rather than continuing in this vein. It is a serious situation when Government officials, acting on behalf of the State, make an offer verbally which, it has been confirmed here, might save the Department any
High Court costs to honour this commitment. I advise the Department in these circumstances to cut and run. I do not think this situation will create a precedent.

Chairman: We will return to that issue.

Deputy Joanna Tuffy: I am not very familiar with this topic compared with Deputy Enright who is a local Deputy for the area. However, like Deputy Enright I worked as a solicitor for some time and did conveyancing work. There is an argument that a sale agreed agreement is not a contract but usually if a person pulls out of a sale agreed agreement, it is because that person is pulling out of the contract entirely. The Department wants to renegotiate the sale agreed price, which is unusual in conveyancing. This was referred to as any other property agreement and compared to any other property agreement but property agreements are usually based on market value. The market value in one area is different to that in another area. Supply and demand and what the parties agree on come into consideration. The idea of a set rate does not fit with property law.

Deputy Timmy Dooley: I draw the attention of the witnesses to paragraph 14, which sets out that “an increased offer of €5,500 per acre was discussed between Mr. O’Connell, in consultation with Ms Oonagh Buckley”, subject to contract. Are we to believe an agreement was reached between two people? Did both parties leaving the discussion believe an agreement had been reached? The next paragraph suggests this is the case: “However, before this final offer was confirmed, the matter was reviewed within the Department.” It seems the witnesses are accepting agreement was reached between the parties but the document refers to a discussion.

Can we establish whether agreement was reached at that level? Can the witnesses outline the chain of command within the Department in terms of who signed off on what? At what point does a discussion or an agreement become affirmed? I do not have a legal mind and those who do have already spoken and covered this well. Regardless of the level at which someone acts within a Department, before going out to reach agreement or entering into negotiations, there is some kind of delegated responsibility to reach agreement. Those delegated have the authority to do so on behalf of the Minister. When they enter into negotiations, they have a warrant to do so, which may not be signed but is accepted. If they enter into these negotiations in good faith and the two parties shake hands or knock heads at the end of the meeting, both parties go away believe they have an agreement subject to whatever provisions are required. It was only a matter of form that it would be affirmed or confirmed. Any policy review or a change in policy is a separate matter and applies to any discussions that might be entered into from there on. Whatever the prevailing arrangements, this was what applied to discussions between the parties. It is grossly unfair to suggest this was not confirmed and needed to be affirmed, that if the wind changed, the decision could be pulled. Technically and legally, perhaps this can be done but morally it cannot be done. Where all parties entered into a particular process in good faith, there is a necessity to deal with the conditions as they existed at the time.

Many people in the current climate would like to change their position with regard to the banking crisis. Many people with mortgages wish to apply today’s economic circumstances to where they now find themselves. They cannot do that. Agreements have been signed but as far as I am concerned, when the group met and knocked heads, clinked glasses or shook hands, this was the agreement. This was based on the conditions at the time and must be stood up.
Reference is made to a precedent. No precedent can come into play if the prevailing winds have changed and the policy has changed. This applies to future contract negotiations and discussions because anyone coming to the table at a later time knows that things have changed. The price of houses goes up and down. Buying a house three years ago, there was a set price but now circumstances are different.

It can be argued that the reverse is taking place in respect of the price of turf. It is becoming a more scarce resource and the designation of SACs reduces the amount of turf available to cut. One can argue that the value of the bog has increased because there is less of the resource available and economic circumstances have changed so that people are prepared to cut turf. It is a cheaper form of fuel as against fluctuating oil prices. The deal was done and it was fair and equitable at the time. I ask the witnesses to re-examine this and give due consideration to the principle of that agreement and the discussion.

Senator Pat Moylan conveyed his desire to be here but owing to a call on his time he is unable to attend. He has briefed me on the issue.

Deputy Paul Connaughton: I am not a member of this committee and I am happy to stand back if members are present.

Chairman: Everyone will be accommodated.

Deputy Paul Connaughton: I attended the committee when the delegation appeared the first day. I am the only Member of the House who received a letter from the Minister for the Environment, Heritage and Local Government a few weeks ago telling me to clear off my bog. A fortnight ago I was told never to stand on my bog again. There are shades of that in this case. I read the transcript and heard the comments of committee members. As colleagues have said, a deal is a deal. I do not attribute any blame to the officials in attendance. I assume it would be handled in the same way irrespective of who will be in the shoes of the officials here today. I do not want to personalise this matter. I have a major issue with the Department. In our case, because we are politicians, we refer to the Minister of the time.

The Minister had a particularly good reason to deal with those people at €5,500. That figure was not plucked out of the air. There was a good reason why the All Saints bog was worth €5,500 per acre. My bog is worth €250,000 per acre. There is enough turf where I am living to do my son and his son for the next 100 years. Adding this gives an idea of how insignificant is the sum of €5,500. We will hear an awful lot more about the value of turfary rights in the next 12 months. We will certainly not walk off the bog silently for anyone. That is in our culture.

It comes back to the question of the Department having ground rules when the €5,500 per acre was offered. The Valuation Office used to be in Ely Place when farms were being transferred. They had a mechanism for finding the value of an acre of land in Galway, Offaly or Cork. If the solicitor for the transferee offered something like the value, it was accepted to go through the Revenue Commissioners. It is the same basis as that of the turf. I refer to Mr. O’Connell because his name appears on this so often. It is not the case that the deal was done on the day and that Mr. O’Connell realised he had offered too much for the bog when he went home that day. Moreover, he had this in his head for the next six months because he was in contact with Mr. Canny, with whom he discussed the measurements of the bog, the title to it and all the other matters to which the deal was subject. I appreciate fully that the State
cannot buy property unless its owner has full and clear title to it. All this arose months later, which meant that not alone was Mr. O'Connell sure of it on the day he made the deal, he was sure of it for months afterwards. This is only what I would expect of a civil servant doing his or her job.

I know what happened in the end. Consideration was given on a nationwide basis to what would happen with all the other bogs and a deal suddenly was done whereby the amount people were likely to receive for coming off a special area of conservation bog was set at €3,000 per acre. One should call a spade a spade. The point about All Saints bog is that no decision had been made by the Government regarding any other level of compensation when Mr. O'Connell made that particular deal with the All Saints people. Were this to find its way before a High Court judge, I believe he would rule in favour of the people on the All Saints bog. The Department would be unable to show that the new scheme was in place when the deal was made with them and obviously the Department cannot state retrospectively that that was then and this is now. While I believe it would be unable to do so, it would be a tragedy for both the people on the All Saints bog and every taxpayer in Ireland were the Department to decide this should become a court case that was drawn out over several weeks or months. Who would pay the piper except the taxpayers? The witnesses have been reflecting on this matter for long enough and have had plenty of time to do so. However, I genuinely believe that right is on the side of the people with whom the deal was made in all sincerity and based on the proper norms and procedures with which the Department conducted its business at that time. That is my case.

Senator Mark Dearsy: Members must forgive me if I am going back over old ground as they are more familiar with this issue then am I. Given that this is a voluntary purchase scheme and that a price was agreed with the farming representative organisations, presumably primarily with the IFA, why did the Department decide to pursue it with such vigour beyond the negotiated per acre price? Why cross that threshold? Having done so, it is very difficult to come back from it As Deputy Enright noted, although the entire Shannon callows is an important habitat from the point of view of the national parks and wildlife service, one outcome is that negotiations on future arrangements around Clonmacnoise and so on become more difficult. It appears as though there is much to be gained by resolving this matter and I share Senator Cummins’s amazement that members are discussing it.

Chairman: I invite the witnesses to respond. Does Mr. Ó Raghallaigh wish to go first?

Mr. Conor Ó Raghallaigh: I thank members for their questions. The principal question concerns the reason we got into these negotiations in the first place when, by the time they commenced, we had made an agreement with farmers’ representative organisations on a price that was to be paid per acre under the voluntary scheme that was to apply whether the turf or the bog were good or otherwise. From my perspective, it is very difficult to look back and put myself in the shoes of the officials who entered into these negotiations in the first place. There were attractions in so doing in terms of the number of bog plots that were adjacent to one another that were coming up for discussion in one instance. In one respect, this made it attractive to try to close the deal on them all at once in order that we could get a block of this bog on which we could work to implement restoration work all at once. I presume that was the attraction at the time. Looking back on it from a policy perspective, I do not think it was a good decision to commence these negotiations at all. Personally I agree with the decision that was made ultimately not to conclude those negotiations because of the precedent it would set. A number of members have stated that this situation is unique but it is not
This was a voluntary negotiation for the freehold title and precedent was not part of it – market value negotiation was the issue. Within the Department we are at present processing 1,200 applicants through the voluntary purchase scheme and the people concerned are happy to go with the rates that were agreed with the farming organisations.

**Deputy Paul Connaughton:** Most of them have been waiting for two or three years for their money.

**Mr. Conor Ó Raghallaigh:** I accept that.

**Deputy Paul Connaughton:** No credit is due to the Department on that issue.

**Mr. Conor Ó Raghallaigh:** No, but they are being processed and they will be concluded at those rates. My view is that were we to go outside those rates to give people between €2,000 and €2,500 more than the agreed rates, that would become the new bottom price for people. If I had an application into the Department at €3,000 per acre and I heard that someone else was getting €5,500 per acre, I would feel aggrieved. Ultimately, there is a price to all of this and we have 1,200 applicants. Most of our purchases have concluded at approximately €20,000 per land acquisition deal. Therefore, if one multiplies the 1,200 applications by 20,000, one comes to a figure of approximately €24 million. Were one to increase that amount by a further €2,000 per acre, it would result in quite a sizeable increase and a sizeable burden for the taxpayer. Again, this presumably was the consideration that went into concluding that this deal could not be finalised.

It is regrettable that it dragged on for so long. Possibly one reason the policy decision was not taken until late in the day is that the context was changing as the end of the derogation was approaching rapidly. This was a long drawn-out negotiation which perhaps became a victim of its own duration in that the very real price of effecting a cessation on these bogs was becoming obvious to departmental officials.

I was asked by Deputy Dooley about the hierarchy in the Department. There is a unit, headed by Mr. O’Connell, which deals with bog purchasing, bog acquisition and the implementation of orders for the cessation of turf cutting on designated bogs. Mr. O’Connell reports to me. I am a director of the National Parks and Wildlife Service and I report to an assistant secretary. The Secretary General is in charge.

The negotiations were entered into and continued. They were not intensive for the full duration in that there were waves and troughs [S Canny’s obs. This comment of intensity may be true from the NPWs side but the landowners were at all times anxious to have the issue of compensation settled and certainly we were not aware of any troughs in the negotiation process.] -. When the decision was eventually made, it was brought to the attention of the then assistant secretary. He said that, on the basis of policy, the Department could not go ahead with the proposal because of the implications it would have for other similar cases and that it could not go ahead in the light of the upcoming end of the derogation on the bogs in question. That is reasonable. [S Canny’s obs. To me, it was most unreasonable - there was silence for five months after the compensation package was agreed with the landowners presuming that the deal was proceeding and then NPWS informed me that they were not proceeding with the settlement as agreed in May 2007]. It is unfortunate that individual landowners believe they may have been led up the garden path by the Department. That is very understandable from their perspective. It is regrettable,
but, in terms of the decision taken, I do not believe my predecessors had any other choice in the circumstances.

This is not the end of the landowners’ discussions or involvement with the Department on the issue. They received the letters received by Deputy Connaughton. They were signed by me, not by the Minister.

**Deputy Paul Connaughton:** It was extremely helpful.

**Deputy Timmy Dooley:** Will we negotiate on the price now or wait until later?

**Deputy Paul Connaughton:** It is €5,000 per acre.

**Mr. Conor Ó Raghallaigh:** These issues have been dealt with at length at meetings of the Joint Committee on the Environment, Heritage and Local Government, at which turf cutting and the habitats directive are often discussed. The Government has decided that turf cutting on the bogs in question must come to an end to enable Ireland to meet its obligations under the directive. It is considering compensation for affected landowners, including those involved in this case. It is likely to return to this issue in the not too distant future to conclude a compensation package with a range of suggested alternatives, not only including purchase, which are being discussed by the Government.

**Chairman:** Unfortunately, we must suspend for a vote.

**Senator Terry Leyden:** With regard to maps showing all the borders-----

**Chairman:** We will return to this issue. I have a number of questions I want to ask, as I am sure other members have also. We will suspend the sitting and resume after the vote.

**Deputy Timmy Dooley:** I may not be able to return. If we do not reach a successful conclusion today, can the matter be referred to the Joint Committee on the Environment, Heritage and Local Government?

**Chairman:** It has already considered it.

**Deputy Timmy Dooley:** Has it? If so, we will proceed with it.

*Sitting suspended at 1.35 p.m. and resumed at 1.55 p.m.*

**Chairman:** Has Mr. Ó Raghallaigh concluded?

**Mr. Conor Ó Raghallaigh:** I had answered a number of questions. If there is any I have not addressed, perhaps members might remind me.

**Chairman:** I have a question. From where did the figure of €5,500 come originally? Who introduced it?

**Mr. Conor Ó Raghallaigh:** My understanding is that a number of figures were discussed at various stages. The last one to be discussed was €5,500 per acre; lower amounts had
previously been discussed and rejected by the landowners. I believe €5,100 was one of the
figures rejected.

Chairman: Mr. Ó Raghallaigh said that under the voluntary purchase scheme, standard
rates of €3,500 for the first acre and €3,000 per acre thereafter were being offered to those
interested in selling and that these rates had been agreed with farming representative groups
in 2004 (S Canny’s obs. - backdated to 1998 - this was a voluntary arrangement negotiated
between the IFA& NPWS which many landowners were opposed to and which nobody
appears to know on what basis these figures were arrived at). In this case the landowners did
not wish to sell their holdings to the State at these rates. What was the purpose in introducing
a sum in excess of these rates if there was a regulation on the sums likely to be offered?

Mr. Conor Ó Raghallaigh: Again, it is difficult to say at this juncture. I presume the reason
the rates agreed with the farming representative organisations were departed from possibly
had to do with the attractiveness of having so much of one bog involved in one negotiation.
In retrospect, the decision made at the time to enter into negotiations on that basis was ill-
advised. However, I presume that is what the motivation was at the time.

Chairman: For whatever reason, that figure was discussed. [S Canny’s obs. -and
agreed]- Is this accepted by all sides?

Mr. Conor Ó Raghallaigh: Yes, it is.

Chairman: Therefore, Mr. Ó Raghallaigh cannot honestly resile from it and say, in
effect, “We did not intend to pay that figure in any event.”

Mr. Conor Ó Raghallaigh: I do not believe we can. We were discussing whether the
negotiations had been entered into in good faith by ourselves, the landowners and the
officials involved at the time. Without doubt, that is the case, the officials on the departmental
side entered into the discussions in good faith and at the time might have assumed a deal
would have been concluded on this basis. However, the environment within which we
operate in the Department is such that all of these decisions are subject to review by more
senior officials and that is what happened on this occasion[ S Canny’s obs. At no stage
during the negotiations or at settlement stage was the fact that any settlement wou;ld be
the subject of a review by senior officials and if this was the case the Director and
assistant Director of NPWS should have made this clear at the settlement stage in May
2007]-. The senior official decided it was in the best interests of policy, in the taxpayer’s
interest presumably, not to conclude this deal.

Chairman: Had that senior official authorised the negotiations in the first place?

Mr. Conor Ó Raghallaigh: It is not clear to me that he did.

Deputy Olwyn Enright: Is it clear to Mr. O’Connell?

Mr. James O’Connell: It was before my time also, but the practice was that, at assistant
director level, negotiations could take place outside the voluntary scheme, for example, with
commercial turf cutters, which might end in an agreement on an amount to be paid in
compensation. At assistant director level, deals had previously been signed off. However, any
such deal proposed could, of course, be countermanded at a more senior level, as is only to be
expected. [S Canny’s obs. - from my experience this is not the case – the person negotiating has either the authority to complete the deal or he/she makes it clear to the other party that any settlement is subject to approval by some specific officer at a higher level]

Chairman: An interesting point arises in that regard. What status would somebody sent to negotiate have if the intention was to the effect, “You can negotiate whatever you wish, but we are not going to honour it”? That would have had to be understood on somebody’s part.

Mr. Conor Ó Raghallaigh: Looking back at the transcript of the committee’s previous meeting with Mr. Canny and the landowners, the dynamics of the negotiations were such that he was representing the landowners and the officials were representing the Department. At several junctures Mr. Canny agreed to something, [S Canny’s obs. Not correct – only when the negotiations reached €5,100 I only agreed to recommend the settlement which is not similar to the unconditional agreement reached in the final settlement of €5500 figure.] - but the landowners decided against. That was the case when the sum of €5,100 was discussed. When officials from the Department enter into negotiations on land acquisition or other agreements, they are always subject to verification or confirmation, either by a more senior official or the Minister in some cases. [S Canny’s obs. – The Director and Assistant Director never indicated this to me and having regard to their seniority I assumed that they were in a position to conclude the agreement negotiated in May 2007]

Chairman: As former Ministers will know, approval in such a case is standard; the presumption being the negotiations were approved in the first instance and the outcome - if it is within the instructions given to the negotiators - is acceptable. In how many such cases was a sum in excess of €3,500 paid throughout the country?

Mr. Conor Ó Raghallaigh: None. [S Canny’s obs. - this is not correct when the incentive bonus of €6000 is applied]

Chairman: Why then in this case did somebody indicate that negotiations on a sum above and beyond that amount would take place? Was the National Parks and Wildlife Service not barred from having discussions on a figure in excess of €3,500?

Mr. Conor Ó Raghallaigh: I do not believe our officials at the time were barred from discussing it. However, it was unusual. I am not aware of any other negotiations that took place with domestic turf cutters.

Chairman: However, Mr. Ó Raghallaigh earlier said there were negotiations with commercial turf cutters involving sums in excess of this figure. Were they paid?

Mr. Conor Ó Raghallaigh: The provision for compensation for commercial turf cutters differs from that for domestic turf cutters. Compensation arises where a commercial activity is stopped because of the requirements of the habitats directive or protection of the site necessitates it. What is being paid for in compensation in these cases not only includes the value of the land but also the value of the commercial enterprise or income derived from it. It may also include the potential income that may arise, (there should be no difference in value for the amount of bog remaining insitu – an allowance should be made for development costs - drainage and machinery costs - relating to the commercial activity and domestic activity – the key issue is the amount of peat in situ and the potential uses for that peat)
Chairman: ① ② Is that laid down in the regulations?

Mr. Conor Ó Raghallaigh: Yes. (This is incorrect – there is no reference or distinction between different types of peat production in the 1997 Regulations) compensation for commercial turf cutters is often subject to detailed negotiations and arbitration in some cases.

Chairman: ① ② I am aware of that. However, I am a bit uneasy as to how the scheme operates. It appears a different regime could apply to commercial operators. I do not know why that should be, even though it is laid down in the regulations, where is it in the Regulations? because the individual has the same rights and entitlements as a commercial operator under the law. I am not suggesting lawyers take a particular constitutional case but an individual householder could be equally dependent on his or her turfby rights.

Mr. Conor Ó Raghallaigh: The Chairman is correct. There is a provision in law for them to seek compensation in cases in which they suffer an actual loss because of a refusal by the Minister to allow them to conduct a notifiable activity, in this case turf cutting.

Chairman: ① ② How much would the compensation amount to?

Mr. Conor Ó Raghallaigh: The amount is not prescribed but there is a methodology to calculate it. The Minister would offer the sums agreed in the voluntary purchase scheme. These sums are for purchase only and are not compensation as set out in Sn 20 of the Regs. If the person affected was not content with this, there are provisions to go to arbitration (is this the Voluntary arbitration under the so called IFA /NPWS agreement as there does not appear to be any official arbitration for a Voluntary purchase under the Regulations).

Chairman: ① ② What was the highest sum paid per acre to a commercial operator or otherwise?

Mr. Conor Ó Raghallaigh: It is not determined on a per acre basis. (Why not – at least the value of the insitu peat could be calculated on a per acre basis)

Chairman: ① ② I am aware of that.

Mr. James O'Connell: The difference between the case in question and negotiations with commercial operators is that the scheme for domestic turf cutters is a voluntary scheme. Up to now, they have had the option to continue turf cutting for domestic purposes or voluntarily sell their turfby rights to the Department. The commercial operators were obliged to stop their businesses which gave rise to a statutory obligation to compensate them.

Senator Mark Dearey: ① ② I am becoming more mystified as to the role of the Joint Committee on European Affairs in this matter.

Chairman: ① ② I will explain that.

Senator Mark Dearey: ① ② There is the most tenuous of links to the habitats directive in this discussion.

Chairman: ① ② No, we had this ten years ago at this committee. The habitats directive derives from the Department initially and eventually from the EU. The Department agrees in
response to the EU as to where and to what extent the directive should apply. There is a notion that all directives originate in Brussels but they do not. They are submitted and agreed on. Brussels requests that in accordance with the habitats directive, as happened in this and other cases, that the Government would submit a proposal and plan for compliance with the directive. That has been done.

The next part is to determine whether the procedures followed are in accordance with the rules and regulations laid down in the habitats directive, anticipated by the individuals directly affected and by Brussels which gives it its imprimatur.

The Joint Committee on European Affairs is supposed to examine the extent to which the policy of the State and the EU converge. It is also supposed to examine the extent to which there is a flaw as a result of one or both parties creating a problem or a problem being caused otherwise.

Senator Dearey can rest assured that this discussion is well within the committee’s remit.

**Senator Mark Dearey:** Can I take it that this convergence includes this committee’s approval at the end of the ten-year derogation, which is now, that these raised bogs are now protected?

**Chairman:** Yes. This committee also discussed this matter ten years ago. We discovered Ireland had the highest number of SACs of any country in Europe, with the exception of Denmark. The reason Denmark had a higher number was because it had a multiplicity of islands and estuaries affected by SAC rules. These, however, were mainly river and marine habitats.

Ireland has been the largest contributor in this area and remains so. Those with turbary rights have been directly affected by this particular directive. Any interference with an individual’s right to property and to pursue enterprise must be governed by domestic law and be in compliance with EU law. In the event of where one or other is found to be defective, there is only one answer. The committee discusses the matter.

Senator Dearey can be assured that the implementation of the SACs in the case of bogs will cause some serious problems. These will have to be addressed by both national and EU institutions and may well have to be reviewed. That is a fact of life. Nothing is written in stone.

**Senator Mark Dearey:** The Chairman claims that because Ireland has the highest proportion of listed SACs, second only to Denmark, it weakens the entitlement of any SAC to protection. That is a dangerous road to go down.

If we create a bottom price of €5,500 on all other purchases of rights, which is what this deal will do, the scheme will become unenforceable and the State will not be able to afford to pursue these purchases. There are some serious long-term implications in this approach. (Here is an example of not considering the open market value of a particular area of bog having regard to its qualities etc which is the proper approach to a valuation)

Mr. Ó Raghallaigh indicated it was an ill-advised decision to enter into negotiations. I understand a legitimate expectation has been created for the gentlemen in question and it is
an intractable problem. The carrot was that a large amount of bog in one negotiation would suddenly become the property of the State and a valuable source for the National Parks and Wildlife Service, NPWS. It strikes me that there may have been not just a carrot but a ministerial stick waving in the background which may have caused the NPWS to go down this route. It further complicates matters and makes a resolution more difficult.

I am not sure the direction the Chairman is giving the committee on coming up with a resolution. What will emerge from today’s proceedings that will unravel the range of complex issues that have been created in this case?

**Chairman:** As in all good disputes, we have to have the debate first and the resolution afterwards. The costs to the State, as pointed out to the committee when the matter was addressed previously and the Joint Committee on the Environment, Heritage and Local Government, are noted, but they are not the fundamental issue which is whether a particular commitment was made on the basis of which people may have entered into various contracts. They may have done their own bookkeeping in a particular fashion that could subsequently lead to embarrassment.

I have suggested there are too many SACs. This point was raised by the committee 12 years ago. Members said at the time that it was not necessary, for environmental and other reasons, for Ireland to become the sole provider of SACs throughout the European Union, with the exception of Denmark.

**Senator Mark Dearey:** The statement that Ireland is the sole provider of SACs is a gross exaggeration.

**Chairman:** No, it is not. We examined the matter. If the Senator does so in the same detail, he will find that the committee was correct at the time. Deputy Barrett was a member then. We put a lot of time into our inquiry because we foresaw the circumstances that would arise when the derogation ended. The committee spent a great deal of time asking how Ireland compared with other countries with a similar population and landmass. There was no comparison and that remains the case.

**Deputy Olwyn Enright:** There are a number of points to be made on this matter. Mr. Ó Raghallaigh was not present at the time in question. He is, therefore, considering the matter with the benefit of hindsight and I am genuinely concerned about some of his remarks. While he cannot put himself in the shoes of his predecessors, he should note that his predecessor, Ms Buckley, was the director. She had bosses but had power and was aware of the negotiations being concluded and the figure of €5,500. The people involved, through Mr. Canny, were given five days within which to respond. That was a very narrow timeframe, given that the negotiations had been protracted. However, they responded within five days, which was difficult considering the problem in getting 14 people to meet in such a short period. It was not until well after this point that the offer was retracted. Surely the Department should have acted before the owners were given a deadline of five days if it knew the agreement reached would not be honoured. Not doing so was a mistake on its behalf. That mistake alone should allow for the honouring of the deal which should be honoured without setting a precedent because a mistake, probably genuine, was made by the Department.

Mr. Ó Raghallaigh now believes the decision was not good and that he would not have commenced negotiations in the first place. While that is fine and it may be his opinion, it is
not relevant. The IFA deal was not relevant either because the Department had voluntarily agreed to enter negotiations independent of that deal. Therefore, it has nothing to do with the matter. The Department could have said there would be no deal other than that proposed, but it did not do so.

There is a difference between domestic and commercial turf-cutting. The bog had considerable commercial potential. Erin Peats was paid €8,500 per acre for its land, which was cutaway or used bog. The bog to which I refer was virgin bog and in absolutely perfect condition. If we want to go down the route of arguing about the price, we can do so. The Department knew the figures before it made the deal.

Ultimately, I do not want into get into a discussion on SACs in general. I support the concept and recognise their value, although this is not always politically beneficial. All Saints bog has a perfect esker and callows. One community is being asked to do a lot which, to some extent, is fine, as the community has really gone along with the proposals. The behaviour of the 14 individuals involved has been impeccable, but they have not been treated in the same impeccable manner by the Department.

Senator Dearey has effectively asked what we are doing here. I acknowledge representatives of the Department cannot come to this meeting and change its decision. Ultimately, the final signing off on all these decisions is political. I would have liked the Minister for the Environment, Heritage and Local Government to have been in a position to attend today.

Chairman: He was invited.

Deputy Olwyn Enright: We could have met on another day. I would have come in on Christmas Day had it been necessary

Chairman: He was shy, but he was invited.

Deputy Olwyn Enright: Although I am not a member of the joint committee, I ask that the Minister for the Environment, Heritage and Local Government review the decision in the light of the negotiations which have taken place, the information we gleaned at the last meeting on the subject and what has been outlined today. There are grounds for the decision to be reviewed without setting a precedent, which is what should happen. If I am not allowed to make this proposal, perhaps a member of the committee can do so.

Senator Maurice Cummins: I have no problem in making that proposal.

Deputy Paul Connaughton: We are in danger of discussing two very different issues. I could spend the next 24 hours debating some of the points made today. Senator Dearey and I attach very different values to bogs. He has referred to the sum of €5,500 that the All Saints Bog owners were offered. There is enough turf in my acre of bog to keep fires burning for my family for the next 100 years. Everybody knows this because one only cuts a few metres every year. Everybody who knows anything about a bog understands this.

The Department has decided that those who did not cut turf this year will receive €1,000. If they do not cut turf for the next 50 or 100 years, should they not receive €50,000 or €100,000 rather than the €3,000 per acre being offered? Let us call a spade a spade. I refer to the relative value of what the Department is trying to take from the owners, but that is another
story and one to which I will not refer today. The sum of €5,500 being offered to the owners of the All Saints bog is not exorbitant, as Mr. Ó Raghallaigh and the Department will find out in the next 12 months. Irrespective of whether the figure offered is €3,000 or €5,500, the relative value of what the Department is confiscating from me and thousands like me has been underestimated. I rest my case. I fully agree with what has been said.

I am an advocate of SACs. I am a farmer and in the REPS. I fully understand, therefore, what is at stake and do more for the environment than most, but I will not stand for the confiscation of bog of the type being confiscated, given that there are thousands of acres of bog around the country, on which nobody stands, that could serve the Department’s purposes just as well. That is my problem, about which the Department will hear a lot more in the future.

With regard to Deputy Enright’s proposal, I ask that the Minister be informed of the committee’s unanimous resolution that bog owners have been short-changed and are being dealt with unjustly. In the Houses of Parliament such a resolution should stand for something.

Senator Mark Dearey: I do not differ from the Deputy on the question of value. The point I am making is that the sum of €5,500 creates a new bottom in the market. We cannot get away from that fact. If it is possible to proceed in another way, I would love to hear how it can be done. That is not how the market works generally.

Deputy Paul Connaughton: I guarantee that if the Senator hangs around for another year, he will know what the bottom price of bog will be.

Chairman: A number of issues arise. Is there anything Mr. O’Connell wishes to add? He entered office in April 2007, at which time the negotiations were continuing.

Mr. James O’Connell: Yes.

Chairman: Why was he negotiating, given that the sum about which he was talking was above the recommended figure? If the Minister wanted to come out and do it he can, but it has to be approved. Why should any officials negotiate for a figure that was in excess of the recommended going rate at the time?

Mr. James O’Connell: At the time that I took over the negotiations, as has been noted, an offer of €5,100 had been made which, as the Chairman said, was considerably in excess of the voluntary scheme rates. My task at that stage was to determine whether it was possible to conclude a deal because the sum of €5,100 was not accepted by the landowners. It would, of course, have been open to me at that stage not to continue the negotiations but to decide at that point that there would be no agreement. However, having arrived in the position I continued the discussions with Mr. Canny and an effort was made at that point to determine if there could be agreement by both sides on a marginally increased offer, that is, an increase from €5,100 to €5,500.

Chairman: Who gave the instructions to try to extend the offer marginally? Did Mr. O’Connell do it of his volition in accordance with the previous guidelines or were extra or new instructions given?
Mr. James O’Connell: No, there were no new instructions given. When the file was handed to me the handover discussion indicated that it was a matter for me but that it would probably be my task to attempt to determine if a conclusion of this deal and a mutual agreement by both sides was possible.

Chairman: You did it in good faith.

Mr. James O’Connell: Absolutely.

Chairman: As did the respondents.

Mr. James O’Connell: Yes.

Chairman: We cannot force anybody-----

Mr. Conor Ó Raghallaigh: May I come in on one point that the Chairman raised in terms of the extent of SACs in Ireland? My understanding is that some 12% of the land area of the State is designated for Natura 2000 which includes SACs and special protection areas for birds. Since the discussions 12 years ago, Ireland lost a court case in front of the European Court of Justice which found, in separate court cases, that we had not designated enough SACs and SPAs. My understanding is that currently 20% of the land mass of the European Union is now under designation for Natura 2000 and in Ireland the figure is approximately 12%.

Chairman: There is an answer to that. In Ireland many more people who depend for their livelihoods live in the countryside than in a number of other European countries. I refer to the Netherlands, with a population of approximately 16 million, and Belgium, with a population of 14 million. Slightly more people live in rural areas live in the Netherlands than do in Belgium. The fact of the matter remains that there are very few other European countries that have the same fabric of people living in and dependent on the countryside as we have in Ireland. There is now considerable concern, which arose during the referenda on the Lisbon treaty, in particular during the first one, that it now appears to the population of some parts of the country a decision was made to circumnavigate the people or treat them in a different fashion to those in other walks of life.

A Commissioner attended the Houses of the Oireachtas on one occasion and mentioned the rural development programme as the ultimate, in terms of what we should aspire to. In the context of the rural development programme and taking in SACs and other developments, there would be fairly substantial displacement of the livelihoods of people in rural Ireland. It is not just parkland, it is also a commercial entity and people need to recognise that.

Ireland lost a court case in Europe. There is a famous story where a lady asked why the judge made such a decision as he was wrong. The court might not be right either. If the case was presented differently and the situation, as is now emerging in this country, was made known, and all the other things which go with it, it might have been different. It is a very emotional issue. One has to remember it will have a huge reaction in rural Ireland. It is not a simple matter which will go away. It is a serious issue. Quoting regulations and the court case is fine but it does not take away from the reality.

Senator Mark Dearey: We should start with the facts.
Chairman:  As a new member of the committee, Senator Dearey, I have great respect for you.

Senator Mark Dearey:  I am getting a bit bolshie; I know that.

Chairman:  I have great respect for you. However, we deal with facts in this committee and nothing else.

Deputy Seán Barrett:  I have not been involved in this until now but I read the correspondence. What is confusing me is the letter Mr. O’Connell sent to Mr. Canny which refers to discussions which have taken place regarding the possible purchase of bog land at All Saints bog and the rates of compensation to be paid to the landowners. One buys something from somebody, one does not compensate them. There is a difference between the language being used. If one compensates somebody for not using the land, one is paying them for leaving it lying idle. However, if one is buying it from somebody there is a value. There is a difference between compensation and the purchase of land. I am confused. Are we talking about the ownership of the land remaining in the hands of the owners of All Saints bog and Esker and compensation being paid for the bog not to be used or are we buying the bogs from the persons in question?

I do not understand the use of this language and I hope it is not being used deliberately because it has to be clear that if I am buying something, I am buying it and paying the market value at the time. As Deputy Connaughton said before he left the meeting, the value of the lifespan of bog land differs from one area to another, from the quality of the turf to the quantity of turf available and whether it is entirely new and unused. One cannot put down a similar value all over the country. Would somebody clarify whether we are discussing compensation or purchase price?

Mr. Conor Ó Raghallaigh:  I referred to purchase price. It was probably an inappropriate use of the word “compensation”.

Mr. James O’Connell:  It is both, actually, because we compensate people for ceasing to cut turf but in the scheme there is also an option to sell the land freehold. There are purchase and compensation elements. The language is perhaps a bit lose but it is language which we inherited. This scheme has been called the bog compensation scheme since 1999.

Deputy Seán Barrett:  With respect, one can have compensation but not own the bog. That is the big difference and that is where this issue begins and ends. The National Parks and Wildlife Service is asking somebody to sell it something, not to compensate him or her for not using it. It can do what it likes with it if it buys in from him or her. It cannot say it is part of a compensation scheme because they are two different things. One buys something directly and the other compensates a person for not using something. Therefore, to compare prices as the going rate for compensation and say it was X and we were offering X plus, and then retract it on the original negotiations is totally different. The value of something is the potential that it has. As Deputy Connaughton said, if a bog has 100 or ten years left, the one with 100 years left is more valuable.

Deputy Olwyn Enright:  For clarity, Mr Ó Raghallaigh’s predecessor was aware of the €5,500 figure. Is that correct.
Mr. Conor Ó Raghallaigh: Yes.

Deputy Olwyn Enright: As a matter of interest - it is not going to provide a solution - does Mr. O’Connell still conduct negotiations for the Department? Before a final offer is made, does Mr. O’Connell, or whoever is doing the job now, have to go back to check that the Department is happy with it? Is the Department continuing to carry on in the same way?

Mr. James O’Connell: No negotiations of a similar nature are taking place. No rates above the voluntary purchase rates paid to individual domestic turf cutters have been negotiated since-----

Deputy Olwyn Enright: There is no precedent then. What is the fear if there are no other negotiations taking place?

Mr. James O’Connell: The precedent about which we are talking is that the rates offered - €5,100 or, ultimately, €5,500 - would be very likely, as Senator Dearey said, to become the minimum we would have to offer in any future deals under the voluntary purchase scheme.

Deputy Olwyn Enright: They absolutely would not, especially because of the way this has been handled.

Chairman: How would one come to such a conclusion?

Deputy Olwyn Enright: No negotiations are taking place.

Senator Maurice Cummins: We have proposed that the Minister be advised of the situation and the committee’s belief people had a legitimate expectation in this case. We should make it clear that the matter needs to be resolved as a matter of urgency.

Deputy Olwyn Enright: Yes.

Chairman: The joint committee cannot force anybody to do anything. It can make a recommendation and refer it to the Minister. The members of the committee have done this. I thank Mr. Ó Raghallaigh and Mr. O’Connell for coming before the committee.

Senator Mark Dearey: I add the proviso that it would be better to do it without creating a new base rate. In other words, it should not compromise the rest of the scheme. I have serious doubts, however, about whether that can be achieved.

Chairman: I draw the Senator’s attention to the letter sent by John J. Reidy & Co. on 1 April 2008 in which the person in question went into detail on the matter. He seems to be sure of his ground. We will see how it goes.

I thank the officials for coming before the committee. We had hoped they would not have to come before us again. We had hoped the Joint Committee on the Environment, Heritage and Local Government would have solved this problem. We also invited the Minister to come before the committee to give members an opportunity to coax, cajole, convince, assist and inspire him, or whatever one does in such situations.
We thank the delegates for coming before us. I also thank the members of the committee and the other Deputies for their attendance. I thank the various representatives who attended courteously. The committee will deal with the rest of its agenda next week. If there is anything else we need to deal with urgently, we can do so in private session.

The joint committee went into private session at 2.35 p.m. and adjourned at 2.40 p.m. until 2 p.m. on Tuesday, 13 July 2010.
SITE SYNOPSIS

SITE NAME: BARROUGHTER BOG
SITE CODE: 000231

Barroughter Bog is a relatively small raised bog, situated on the shores of Lough Derg, a few kilometres east of Woodford, and bounded in the north by the Cappagh River. The bog has a good dome, which is slightly hollowed towards the eastern side. The north-eastern corner (cut off by an old drain and track), and a narrow area in the southeast, are fairly dry due to drainage and burning.

A large area (about 34 hectares) in the centre shows an outstanding raised bog habitat with small and large pools containing Bog Mosses (Sphagnum spp.), including Sphagnum pulchrum - a very scarce plant in Ireland. Extensive flat lawns of a range of Bog Mosses (Sphagnum spp.) and low hummocks occur between the pools, and the whole area is quaking. Despite frequent burning, regeneration of Bog Mosses around this central area is good and the ground is wet and spongy.

A small flushed area occurs in the centre and towards the edge of the quaking area. This flush adds diversity to the bog, with a few small Birch (Betula pubescens) trees, Bilberry (Vaccinium myrtillus), Crowberry (Empetrum nigrum) and Cranberry (Vaccinium oxycoccus) in abundance, and a range of moss species.

The site also includes some wet grassland along the Cappagh River and an area of rocky grassland in the north.

A threat to the extent and quality of the central and most interesting habitat is present in the form of active "hopper" turf extraction around 90% of the bog's perimeter. This is especially serious along the south-west facing edge, where the quaking area lies quite close to the perimeter. Burning has caused some drying out of the bog surface. The area of outstanding habitat (i.e. the very wet, quaking area) in the centre of the bog could be extended if burning was prevented, especially towards the south-west.

Barroughter Bog is a raised bog of considerable conservation value. Given its relatively small size, the area of outstanding quaking habitat is remarkably large. Its proximity to the shores of Lough Derg, with its succession from open water through extensive reed beds and marginal scrub, to raised bog, adds to its importance. It is also the only raised bog on the shores of Lough Derg.
SITE SYNOPSIS
SITE NAME: RIVER MOY
SITE CODE: 002298
This site comprises almost the entire freshwater element of the Moy and its tributaries including both Loughs Conn and Cullin. The system drains a catchment area of 805 sq. km. Most of the site is in Co. Mayo though parts are in west Sligo and north Roscommon. Apart from the Moy itself, other rivers included within the site are the Deel, Bar Deela, Castlehill, Addergoole, Clydagh and Manulla on the west side and the Glenree, Yellow, Strade, Gweestion, Trimogue, Sonnagh, Mullaghanoe, Owengarve, Eighnagh and Owenagh on the east side. The underlying geology is Carboniferous Limestone for the most part though Carboniferous Sandstone is present at the extreme west of the site with Dalradian Quartzites and schists at the south west. Some of the tributaries at the east, the south of Lough Conn and all Lough Cullin are underlain by granite.
There are many towns adjacent to but not within the site. These include Ballina, Crossmolina, Foxford, Swinford, Kiltimagh and Charlestown.

The site is a candidate SAC selected for alluvial wet woodlands and raised bog, both priority habitats on Annex I of the E.U. Habitats Directive. The site is also a candidate SAC selected for old oak woodlands, alkaline fens, degraded raised bog and Rhynchosporion, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive – Atlantic Salmon, Otter, Sea and Brook Lamprey and White-clawed Crayfish.

On the slopes and rising ground around the southern shores of Loughs Conn and Cullin, Oak woodlands are seen. Sessile Oak (*Quercus petraea*) is the dominant tree with an understorey of Holly (*Ilex aquifolium*), Hazel (*Corylus avellana*) and Birch (*Betula pubescens*) with some Ash (*Fraxinus excelsior*). Additional species are associated with the lakeshore such as the whitebeam (*Sorbus rupicola*), Aspen (*Populus tremula*), Silver Birch (*B. pendula*) and the shrubs Guilder Rose (*Viburnum opulus*), Buckthorn (*Rhamnus catharticus*) and Spindle Tree (*Euonymus europaeus*). The ground flora is usually composed of Bilberry (*Vaccinium myrtillus*), Wood Rush (*Luzula sylvatica*), Wood Sorrel (*Oxalis acetosella*), Buckler Ferns (*Dryopteris aemula* and *D. dilatata*), Hard Fern (*Blechnum spicant*), Cow-wheat (*Melampyrum spp.*) and Bracken (*Pteridium aquilinum*). The rare Narrow-leaved Helleborine (*Cephalanthera longifolia*), protected under the Flora Protection Order, 1999, occurs in association with the woodlands. Also found in these woodlands is the snail (*Acanthinula lamellata*), associated with old natural woodlands. Alluvial woodland occurs at several locations along the shores of the lakes but is particularly well developed along the river at Coryosla Bridge. Principal tree species are Willows (*Salix cinerea*) and Alder (*Alnus glutinosa*). Herbaceous species include Royal Fern (*Osmunda regalis*), Meadowsweet (*Filipendula ulmaria*) and Reed Canary-grass (*Phalaris arundinacea*). The woods are flooded by seasonal fluctuations in lake level.
On higher ground adjacent to the woodlands is blanket bog with scattered shrubs and trees on the drier areas. The rocky knolls often bear Juniper (Juniperus communis) or Gorse (Ulex europaeus), with some unusual rare herb species such as Intermediate Wintergreen (Pyrola media) and Lesser Twayblade (Listera cordata). Within the site are a number of raised bogs including those at Kilgarriff, Gowlaun, Derrynabrock, Tawnaghbeg and Cloongoonagh. These are examples of raised bogs at the north-western edge of the spectrum and possess many of the species typical of such in Ireland, including an abundance of Bog Asphodel (Narthecium ossifragum), Carnation Sedge (Carex panicea) and the moss Campylopus atrovirens. Some of the bogs include significant areas of active raised bog habitat. Well developed pool and hummock systems with quaking mats of bog mosses (Sphagnum spp.), Bog Asphodel (Narthecium ossifragum) and White Beaked-sedge (Rhynchospora alba) are present. Many of the pools contain a diversity of plant species, including Bogbean (Menyanthes trifoliata), the bog moss Sphagnum cuspidatum, Campylopus atrovirens, Common Cottongrass (Eriophorum angustifolium), Great Sundew (Drosera anglica) and occasional Lesser Bladderwort (Utricularia minor). Several of the hummock-forming mosses (Sphagnum fuscum and S. imbricatum) which occur here are quite rare in this region and add to the scientific interest of the bogs within the overall site.

Depressions on the bogs, pool edges and erosion channels, where the vegetation is dominated by White Beaked-sedge (Rhynchospora alba) comprise the habitat Rhynchosporion. Associated species in this habitat at the site include Bog Asphodel, Sundews, Deergrass (Scirpus cespitosus) and Carnation Sedge.

Degraded raised bog is present where the hydrology of the uncut bogs, has been affected by peat cutting and other land use activities in the surrounding area such as afforestation and associated drainage and also by the Moy arterial drainage. Species typical of the active raised bog habitat are still present but the relative abundance of them is different. A typical example of the degraded habitat, where drying has occurred at the edge of the high bog, contains an abundance and more uniform cover of Ling Heather (Calluna vulgaris), Carnation Sedge, Deergrass and sometimes Bog-myrtle (Myrica gale). Occurring in association with the uncut high bog are areas of wet regenerating cutover bog with species such as Common Cottongrass, bog mosses and Sundew, while on the drier areas, the vegetation is mostly dominated by Purple Moor-grass (Molinia caerulea). Natural regeneration with peat-forming capability will be possible over time with some restorative measures.

Alkaline fen is considered to be well developed within the site. An extensive stand occurs as part of a wetland complex at Mannin and Island Lakes on the Glore River. Key diagnostic species of the Schoenus association characteristic of rich fens include the bryophytes Campylium stellatum, Aneura pinguis, Scorpidium scorpioides, and the herbaceous species Long-stalked Yellow-sedge (Carex lepidocarpa), Grass-of-Parnassus (Parnassia palustris) and Common Butterwort (Pinguicula vulgaris). Other fen species include Black Bog-rush (Schoenus nigricans), Purple Moor-grass (Molinia caerulea), Marsh Helleborine (Epipactis palustris), Meadow Thistle (Cirsium dissectum) and Blunt-flowered Rush (Juncus subnodulosus). The rare moss Bryum uliginosum occurs on exposed marl at a ditch to the east of Island Lake.
The open water of Loughs Conn and Cullin is moderately hard with relatively low colour and good transparency. The phytoplankton of the lake is dominated by diatoms and blue-green algae and there is evidence that the latter group is more common now than in former years. This indicates that nutrient inflow is occurring. Arctic Charr (Salvelinus alpinus) appear to have disappeared from the lake over the same period of time. The changes in Lough Conn appear to represent an early phase in the eutrophication process. Stoneworts still present include Chara aspera, C. delicatula and Nitella cf. opaca. Other plants found in the shallower portions are the pondweeds. Where there is a peat influence Intermediate Bladderwort (Utricularia intermedia) is characteristic while Water Lobelia (Lobelia dortmanna) often grows in sand. Narrow reedbeds and patches of Yellow Water-lily (Nuphar lutea) occur in some of the bays.

Drainage of the Moy in the 60s lowered the level of the lakes, exposing wide areas of stony shoreline and wet grassland, which are liable to flooding in winter. This increased the habitat diversity of the shoreline and created a number of marginal wetlands, including fens and marshes. Plant species of note in the lake-margin include Heath Cudweed (Omalotheca sylvatica), Great Burnet (Sanguisorba officinalis) and Irish Lady’s-tresses (Spiranthes romanzzoffiana). These three species are listed on the Irish Red Data list and are protected under the Flora Protection Order 1999.

Other habitats present within the site include wet grassland dominated by Rushes (Juncus spp.) grading into species-rich marsh in which sedges are common. Among the other species found in this habitat are Yellow Iris (Iris pseudacorus), Water Mint (Mentha aquatica), Purple Loosestrife (Lythrum salicaria) and Soft Rush (Juncus effusus).

Grey Willow (Salix cinerea) scrub and pockets of wet woodland dominated by Alder (Alnus glutinosa) have become established in places throughout the site. Ash (Fraxinus excelsior) and Birch (Betula pendula) are common in the latter and the ground flora is typical of wet woodland with Meadowsweet (Filipendula ulmaria), Angelica (Angelica sylvestris), Yellow Iris, Horsetail (Equisetum spp.) and occasional tussocks of Greater Tussock-sedge (Carex paniculata). Small pockets of conifer plantation, close to the lakes and along the strip both sides of the rivers, are included in the site.

The Moy system is one of Ireland’s premier salmon waters and it also encompasses two of Ireland’s best lake trout fisheries in Loughs Conn and Cullin. Although the Atlantic Salmon (Salmo salar) is still fished commercially in Ireland, it is considered to be endangered or locally threatened elsewhere in Europe and is listed on Annex II of the Habitats Directive. The Moy is a most productive catchment in salmon terms and this can be attributed to its being a fingered system with a multiplicity of 1st to 5th order tributaries which are large enough to support salmonids < 2 years of age while at the same time being too small to support significant adult trout numbers and are therefore highly productive in salmonid nursery terms.

Salmon run the Moy every month of the year. Both multi-sea-winter fish and grilse are present. The salmon fishing season is 1st February to 30th September. The peak of the spring fishing is in April and the grilse begin running in early May. The average
weight of the spring fish is 9 lb and the grilse range from about 3-7 lb. In general spring fish are found more frequently in the rivers at the western extent of the Moy system. The Arctic Char (*Salvelinus alpinus*), an interesting relict species from the last ice age, which is listed as threatened in the Irish Red Data Book has been recorded from Lough Conn and in only a few other lakes in Ireland. The latest reports suggest that it may now have disappeared from the site. The site is also important for the presence of three other species listed on Annex II of the E.U. Habitats Directive, namely Sea Lamprey (*Petromyzon marinus*), Otter (*Lutra lutra*) and White-clawed Crayfish (*Austropotamobius pallipes*). The Sea Lamprey is regularly encountered in the lower stretches of the river around Ballina, while the otter and crayfish are widespread throughout the system. In addition, the site also supports many more of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger, Irish Hare and Daubenton’s Bat. Common Frog, another Red Data Book species, also occurs within the site.

Loughs Conn and Cullin support important concentrations of wintering waterfowl and both are designated Special Protection Areas. A nationally important population of the Annex I species Greenland White-fronted Geese (average 113 over 6 winters 1994/95 to 1999/00) is centred on Lough Conn. Whooper Swans also occur (numbers range between 25 to 50), along with nationally important populations of Tufted Duck 635, Goldeneye 189 and Coot 464. A range of other species occur on the lakes in regionally important concentrations, notably Wigeon 303, teal 154, Mallard 225, Pochard 182, Lapwing (>1,000) and Curlew 464. Golden Plover also frequent the lakes, with numbers ranging between 700 and 1,000.

Loughs Conn and Cullin are one of the few breeding sites for Common Scoter in Ireland. Breeding has occurred on Lough Conn since about the 1940s when about 20-30 pairs were known. A census in 1983 recorded 29 pairs. Breeding was first proved on Lough Cullin in 1983 when 24 pairs were recorded. In 1995, 24-26 pairs were recorded at Lough Conn and 5 pairs at Lough Cullin. The latest survey in 1999 gives a total of 30 birds for both lakes, comprising only 5 pairs, 18 unpaired males and 2 unpaired females. The reason for the decline is not known but may be due to predation by mink, possible changes in food supply and/or redistribution to other sites. The Common Scoter is a Red listed species.

Agriculture, with particular emphasis on grazing, is the main landuse along the Moy. Much of the grassland is unimproved but improved grassland and silage are also present. The spreading of slurry and fertiliser poses a threat to the water quality of this salmonid river and to the large lakes. Fishing is a main tourist attraction on the Moy and there are a large number of Angler Associations, some with a number of beats. Fishing stands and styles have been erected in places. The North Western Regional Fishery Board have erected fencing along selected stretches of the river as part of their salmonid enhancement programme. Other aspects of tourism are concentrated around Loughs Conn and Cullin.

Afforestation has occurred in the past around the shores of Loughs Conn and Cullin. The coniferous trees are due for harvesting shortly. It is proposed to replant with
native tree species in this area. Forestry is also present along many of the tributaries and in particular along the headwaters of the Deel. Forestry poses a threat in that sedimentation and acidification occurs. Sedimentation can cover the gravel beds resulting in a loss of suitable spawning grounds. The Moy has been arterially dredged in the 60s. Water levels have been reduced since that time. This is particularly evident along the shores of Loughs Conn and Cullin and in the canal-like appearance of some river stretches. Ongoing maintenance dredging is carried out along stretches of the river system where the gradient is low. This is extremely destructive to salmonid habitat in the area.

The site supports populations of several species listed on Annex II of the EU Habitats Directive, and habitats listed on Annex I of this directive, as well as examples of other important habitats. The presence of a fine example of broad-leaved woodland in this part of the country increases the overall habitat diversity and adds to the ecological value of the site as does the presence of the range of nationally rare and Red Data Book plant and animal species.
Proposed SAC Boundary as of July 1993

Section of SAC (002298)
Derrynabrock Bog Eastern Boundary
Designated SAC Boundary as of 2012

Section of SAC (002298)
Derrynabrock Bog Eastern Boundary
APPENDIX D
Commercial Peat Milling Impact.

Lanesboro/Longford
150 Hectares Corclaragh Bog Co. Longford

118 Hectares Lenareagh Bog Co. Galway
92 Hectares Gortronnagh Co. Galway
100 ha Moonbawn Co. Laois

200 hectares Castlerea Co. Roscommon
105 Hectares Sharragh Co. Offaly

250 Hectares Abbyleix
80 Hectares Ballaghadreen Co. Roscommon

236 Hectares Monaincha Co. Tipperary