An Taisce
The National Trust for Ireland

National Peatlands Strategy Mid-Term Review,
Peatland Issues and Land Designation Section,
National Parks and Wildlife Service,
Department of Housing, Local Government and Heritage,
90 King Street North,
Smithfield,
Dublin 7

Sent by email to: NPSreview@housing.gov.ie

30th June 2021

Re. Submission on Public Consultation on National Peatlands Strategy 2015-2025 Midterm Review

A Chara,

An Taisce welcomes the opportunity to comment on the National Peatlands Strategy 2015-2025 Midterm Review.

The National Peatlands Strategy 2015-2025 (NPS) was not fit for purpose from its publication.

The NPS failed systematically to provide area-based timetabled targets for reversing the biodiversity and carbon loss from continued peatlands mismanagement

The NPS failed in its conception to address the 39 recommendations set out in the multidisciplinary scientific report *BOGLAND: Sustainable Management of Peatlands*, published by the EPA in 2011. The recommendations included:

1. *A Much needed National Peatlands Strategy*
2. *More Protected Peatlands*
3. *Proactive Management of Protected Peatlands*
4. *Enforcement of Regulation*
5. *Restoration of Protected Peatlands to stop carbon loss*
6. *Management of non designated peatlands to stop carbon loss*
7. *Review of the peat industry.*

None of the clearly defined actions 2 to 6 were in any way reflected in the 2015-2025 published National Peatland Strategy. The NPS failed therefore even in the limited objectives and actions which it did set.

The 2019 six-yearly Irish report by the NPWS to the European Commission under Article 17 of the Habitats Directives on the status of designated habits and scheduled species showed continued BAD status of peatlands.

It was the legal actions by environmental NGOs, and not any policy action, that directed legal enforcement in the following cases.

EDENDERRY PEAT-FIRED PLANT

The An Taisce case taken on the phasing of the Edenderry power plant from peat to biomass ruled that the continued peat extraction supply needed Environmental Impact Assessment.

PEAT EXTRACTION REGIME

Friends of the Irish Environment took a case on the 2018 attempt by the Department of Housing, Planning and Local Government to introduce regulations to remove larger scale extraction from the Planning and Development Acts regime and facilitate continued unauthorised extraction through a new EPA licencing regime. This resulted in the 2019 High Court Judgement by Mr Justice Symonds that struck the regulations down.

STRIKING DOWN OF NATIONAL MITIGATION PLAN

The 2020 Supreme Court Judgement in the Friends of the Irish Environment case struck down the National Mitigation Plan under the Climate Action and Low Carbon Development Act 2015.

EXCEPTIONALITY IN RETENTION PERMISSION SUBSTITUTE CONSENT

The 2020 Supreme Court Judgement in the An Taisce and Peter Sweetman cases struck down the Substitute Consent regime for development requiring Environmental Impact Assessment, and as a corollary Habitats assessment on the oasis of failure to address a European Court judgement stating that retention should only be granted in exceptional circumstances.

It was primarily on the basis of the legal arguments of An Taisce and Friends of the Irish Environment on the impact of continued extraction of peat as well as biomass import unsustainably at the 2019 An Bord Pleanála hearing on the continued operation of the ESB West Offaly (Shannonbridge) plant that resulted in its refusal and the withdrawal of the parallel County Longford Lanesborough application.

Bord Na Mona in its Brown to Green Strategy has now abandoned peat extraction for horticulture and briquettes and will have phased out peat supply to its Edenderry plant by 2023.

Instead of researching and developing peat free horticultural products, the members of the Growing Media Association and other peat extraction and compost producers resisted legal enforcement on extraction. Despite the application of the Turf Cutters Compensation Scheme TCCS which will cost the State over 100 million euro, significant unauthorised peat extraction in Special Areas of Conservation raised bogs continues. This is undermining the credibility and integrity of "The National Raised Bog Special Areas of Conservation Management Plan 2017-2022".

Loss of peat soil carbon is not being addressed in the current national accounting system. Land reclamation and drainage of high peat soils is causing continued carbon soil loss. In May 2020, the EU Court of Auditors reported on the EU-wide failure of successive agri-environmental schemes under CAP to reverse biodiversity loss, with particular reference to a number of countries including Ireland.

There is no effective regulation in place to control peat extraction, or overgrazing or other damaging activity in Blanket Bog Special Areas of Conservation or in peatland habitat designated as Special Protection Areas because of value for nesting and foraging. The NPWS is failing to take enforcement action on trespassing for peat extraction in core areas in County Monaghan, the Sliabh Beagh NHA and SPA which was donated to An Taisce by the late Paddy Rossmore in March 2020 (see Appendix 1).

Ireland now needs to ensure the practical application of the 2019 European Green Deal and the actions and targets set out in the integrated May 2020 published EU policies: *"A Farm to Fork strategy for a fair healthy and environmentally friendly food system*" and "EU *Biodiversity Strategy for 2030 - Bringing nature back into our lives".*

The EU 2030 Biodiversity strategy sets out 14-point EU Nature Restoration Plan:

1. *Legally-binding EU nature restoration targets to be proposed in 2021, subject to an environmental impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.*
2. *The decline in pollinators is reversed.*
3. *The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.*
4. *At least 10% of agricultural area is under high-diversity landscape features.*
5. *At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.*
6. *Three billion new trees are planted in the EU, in full respect of ecological principles.*
7. *Significant progress has been made in the remediation of contaminated soil sites.*
8. *At least 25,000 km of free-flowing rivers are restored.*
9. *There is a 50% reduction in the number of Red List species threatened by invasive alien species.*
10. *The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.*

11. *Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*
12. *No chemical pesticides are used in sensitive areas such as EU urban green areas.*
13. *The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.*
14. *The by-catch of species is eliminated or reduced to a level that allows species recovery and conservation.*

The changes of circumstances which have occurred since the failed 2015 NPS are multiple.

We have declared a Climate and Biodiversity Loss Emergency. Effective climate action will require turning round the state and management of Irish peatlands to end further carbon leakage and return them to storing carbon.

We now need an all of Government and multi-agency timetabled strategy to take as a starting point for the first of these objectives.

We have allowed a lost decade in advancing the recommendations of the 2011 EPA BOGLAND report.

We submit that any further consideration of the National Peatlands Strategy 2015-2025 in meeting the level of action required has no basis and that the Strategy should be declared redundant and not fit for purpose.

Yours sincerely,

Ian Lumley
Head of Advocacy
An Taisce – The National Trust for Ireland

Attached:
Appendix 1 - Legal Complaint on Habitats Directive Infringement; Request for enforcement of Monaghan County Council to ensure that turf cutting in European Natura 2000 site at Sliabh Beagh is subject to planning permission regulation and Appropriate Assessment Screening under Habitats Directive.

An Taisce
The National Trust for Ireland

Eamonn O'Sullivan,
Chief Executive
Monaghan County Council,
The Glen,
Co. Monaghan

Sent by email to: planning@monaghancoco.ie

20th July 2020

Re: 1. Legal Complaint on Habitats Directive Infringement; 2. Request for enforcement of Monaghan County Council to ensure that turf cutting in European Natura 2000 site at Sliabh Beagh is subject to planning permission regulation and Appropriate Assessment Screening under Habitats Directive.

Dear Mr O'Sullivan,

The sub-threshold planning permission exemption for mechanised peat cutting does not apply in European Natura 2000 sites where Appropriate Assessment screening is required for any activity not related to the conservation of the site.

We attach report and map cross-referenced with photos showing four locations where mechanised peat extraction is occurring with bird habitat impact

In addition, there is the removal of a peatland carbon sink for combustion of turf causing greenhouse gas emissions and air pollution where concentrations of burning arise. There is also a water pollution runoff issue with potential trans boundary impact on Northern Ireland.

We request your action attention and what response is proposed.

Yours sincerely,

Ian Lumley
Head of Advocacy
An Taisce – The National Trust for Ireland

Map and Photographic Report on mechanised domestic turf cutting on EU Natura 2000 site Sliabh Beagh Co Monaghan Special Protection Area and Natural Heritage Area under Wildlife Act 1976 29 June 2020.

There is a tourist information panel (Image 1) at the high road vehicle access point at Sliabh Beagh. This was erected by Monaghan County Council, with the Council logo name summarising the ecological importance of the EU/nationally designated site and highlighting its importance to ground nesting birds.



Image 1

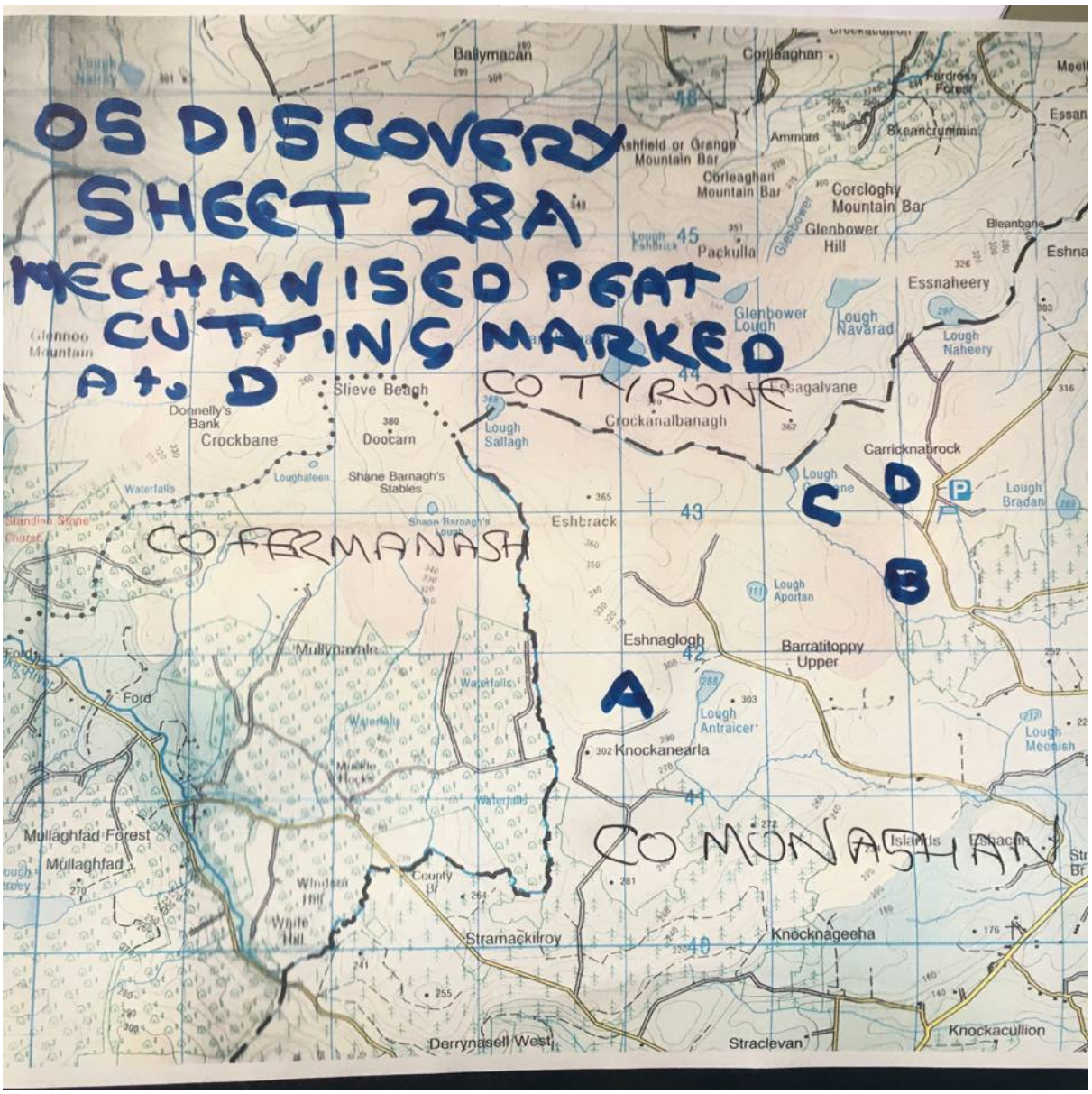


Image 2 Map showing four Mechanised Peat Extraction sites in the SPA

This map indicates the areas where unregulated mechanised domestic turf cutting is occurring without Appropriate Assessment Screening or compliance with Article 6 of the Habitats Directive. A Land registry search does not establish any registered "turbary" rights on land which has been in the ownership of the Rossmore family for over a century before donation to An Taisce in March 2020. The extent of turf cutting which is being sold commercially or used by local families is unclear.



Image 3 Area A with cut turf bagged



Image 4



Image 5



Image 6 Area B with machine



Image 7



Image 8 Area C with machine parked on track leading to cutting site



Image 9 Area D