

PEATLANDS POLICY AND LAW

Introduction

Peatlands are valuable ecosystems and are highly significant for global efforts to combat biodiversity loss, climate change, as well as contributing to achieving the United Nations Sustainable Development Goals (SDG) and other international and EU commitments (705, 833).

The sustainable management of peatlands requires collaboration across all sectors and levels of government, across research disciplines and including all stakeholder groups (214). Peatlands must be managed in an integrated, multi-stakeholder manner using a landscape approach with a combination of policy instruments (regulatory, incentive and educational) to ensure success (54, 117, 872). Land uses, driven by EU and national policies across agriculture, energy and forestry sectors, have resulted in the degradation of more than 80% of Irish peatlands with emergent recreational pressures in upland areas (872). There is a need for a stronger and more urgent public policy responses to address the ongoing losses of peatland biodiversity and ecosystem services (54). Ireland must provide more coherent and effective implementation of existing global and national policies (705).

EU policies applying to peatlands include the EU Habitats and Birds Directives, EU Biodiversity Strategy 2030, LULUCF Regulations, 2030 Climate and Energy Framework, Common Agricultural Policy, Farm to Fork Strategy, Water Framework Directive, Soil Thematic Strategy, Just Transition, Renewable Energy Directive, and the EU Environmental Impact Assessment (EIA) Directive (1010)[1].



Turf cutting and wind farm, Moycullen Bog, Co. Galway

[1] For a detailed review of policies relating to or impacting on peatlands, see the National Peatland Strategy 2015–2025. The National Peatlands Strategy Mid-Term Review and Implementation Plan (1021) also provides updates on policies, programmes and plans of relevance that have come into existence since the National Peatlands Strategy was published in 2015.



There is a need and opportunity for a stronger and more urgent public policy response to address the significant ongoing losses of peatland biodiversity and ecosystem services (54). Ireland must provide more coherent and effective implementation of the objectives of existing global and national policies (705).

PEATLAND POLICY

Key Research Findings

Policy implementation and enforcement

Implementation has long been regarded as the 'Achilles' heel' of the policy making process and Ireland's **challenges in implementing environmental policy and biodiversity directives** have been linked to a centralised system of public administration alongside a technical 'science first' approach, barriers to participation and conflicts over land rights (117, 153, 663). Implementation responses are also strongly **influenced by domestic politics, bureaucracy and economic interests** (153). Non-implementation of environmental policy is not just **harmful to the environment and economy, but also to human health** (153).

Despite implementation challenges, there is **evidence of learning within the public administration system** and examples of innovation in the public and private sectors, which need to be supported (153). There is also need for progress in developing a separate regulatory regime that will bring smaller-scale commercial and non-commercial peat extraction (on lands of less than 30 ha) under a **new local authority licensing system**, incorporating Environmental Impact Assessment and Appropriate Assessment as required, and enforcement powers (705). Greater implementation coherence is needed as environmental problems are often interconnected and a joined-up approach to addressing them is required (117).

Biodiversity, Climate and Agriculture

The management, protection and restoration of peatlands is vital in the transition towards a **climate resilient and climate-neutral economy** (1004). Peatlands are the world's most important terrestrial ecosystem for carbon storage and act as both a source and a sink for GHGs (54). There are significant **uncertainties** around the impacts of climate change on ecosystems and biodiversity (544). Reviews of peatland policy show the need for more climate-friendly action, for example, controlling turf cutting, switching to sustainable home energy, positioning wind farms, stopping production of horticultural peat and setting conservation targets for **blanket bogs and fens** (1004).

In the agriculture sector, there are significant challenges and also opportunities for more sustainable land use on rewetted peat soils. **Alternative income streams** on marginal organic soils could **help provide soil protection, sustainable food, fodder and climate adaptation** (reduction of crop failures after heavy rains, floods, droughts) (833). Peatlands help combat environmental problems such as GHG emissions, nitrogen pollution and biodiversity loss.

WRONG INCENTIVES

EU subsidies for cropping on drained peatlands compared to its climate costs, in euros



Compliance with existing regulations and the eradication of deficiencies or conflicts in these legislations is critical, including elimination of subsidies and other financial supports for any economic activities that directly or indirectly degrade peatlands and their associated services.

Research has found that serious shortcomings persist in environmental enforcement across the EU, with Ireland ranking amongst the worst performers for timely implementation of ECJ judgments and failure to comply with environmental obligations (117). Compliance is ultimately secured through engagement, mediation and sanctioning with key players (470). Research also points to the need for reform in how environmental crimes are viewed, sentenced and prosecuted in Ireland (512).

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Ireland's National Peatland Strategy

The time period for Ireland's National Peatland Strategy 2015–2025 is coming to an end and it is now time to **review and plan for an innovative new strategy**. A number of major projects and initiatives have begun or have been continued as part of implementation of the actions of the Strategy. However, **progress in implementation of some actions has been slow** (1021).

National peatland strategies have been developed in many European countries, but **mainstreaming with overall climate, biodiversity and land use policies still lacks ambition and enforcement** (872, 1003). A recent review of national peatland strategies in Europe found that almost all the strategies struggled with **missing data, outdated data, or poor data quality**, for example, the condition of undesignated sites outside the Natura 2000 network (SACs/SPAs) and NHA network in Ireland (1005).

Peatland strategies also need to provide sufficient **long-term funding to implement measures and incentivise expected change** as this enables confidence and capacity-building for sustainable success. While the government has a clear role as a key investor in many peatland strategies, **private or blended finance** may also play a role in meeting restoration ambitions (1003, 1004). Other common challenges for peatland strategies include **capacity building, awareness raising and communication**. However, the main challenge for the effective implementation of national peatland strategies was found to be the issue of **cross-sectoral policy integration** (1005). All of these challenges must be addressed in Ireland's second National Peatland Strategy.

Actions for the next National Peatland Strategy

- **Collaboration and partnerships:** Update the National Peatlands Strategy, developing new partnerships and building on existing collaborations between state agencies, NGOs, communities, landowners, farmers, policy makers and academics (1003, 1004).
- **Cross-sectoral policy integration:** Key learnings from recent research on EU peatland strategies advise of the need for specific measures to ensure effective coordination of peatland policies across governmental departments (1005).
- **Research and Monitoring:** Co-ordinated group to ensure that research is conducted without duplication and that monitoring focuses on delivering effective restoration and management.
- **Funding mechanisms:** Long term monitoring via peatland community schemes, citizen science, and the implementation of actions by regional bodies and local authorities (705, 1003).
- **Capacity building, awareness raising and communication:** The development of a specific communications program as part of strategy implementation is recommended (705, 1005).



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How can we effectively address issues related to policy implementation, compliance and enforcement in the sustainable management of Irish peatlands?

- To **effectively implement and enforce EU environmental directives related to peatlands**, several key areas need to be addressed. These include raising public awareness of EU legislation, focusing on long-term strategies, such as strategic environmental assessments, and emphasising outcome-based enforcement actions.
- **Stakeholder involvement, conflict management, and support for local and regional authorities** through education and oversight are all crucial for policy implementation. Collaborative governance should be prioritised, with bottom-up approaches encouraged through funding, training, citizen science initiatives and partnerships.
- **The cooperation of private landowners and farmers**, who manage a significant portion of peatlands in Special Areas of Conservation, is essential for successful peatland conservation. **Social acceptance** of measures such as land rewetting is critical as implementation often depends on community and individual consent.
- **Residential solid fuel use** should be curtailed to improve environmental health, and the **legal and regulatory frameworks surrounding peat extraction must be urgently finalised and enforced**.
- There is a need to develop a **culture of policy evaluation** in Ireland, particularly in the retrospective assessment of climate and environmental policies. A systems approach to climate mitigation and adaptation is recommended, alongside promotion of **nature-based solutions** and **sustainable agricultural policies**, including results-based payments for ecosystem services.
- **Transparency** of state forestry and peat extraction companies, **equitable distribution of Just Transition funding**, and the **alignment of regulatory, incentive and educational policies** are also needed to protect peatlands.
- **Education and public awareness** efforts should emphasise the environmental and human health impacts of degraded peatlands and the benefits of sustainable peatland management.



This factsheet is part of a series produced by Peat Hub Ireland (PHI). The reference numbers in brackets refer to individual publications in the PHI database which link to the original source of evidence. Use the QR codes to access the database or view research projects associated with the themes. All factsheets in the series are available on the PHI website.

