



MAIN ELEMENTS OF REVIEW OF IMPLEMENTATION OF HABITATS REGULATIONS 1997

The renegotiations of the implementing regulations of the 1997 SAC Agreement commenced in July 2003 with a meeting with the Minister for the Environment Martin Cullen. IFA has had ongoing meetings with the Department since then and an agreement was reached on the 21st July, 2004. The following is a synopsis of the main elements of the agreement.

Designation Process

More or less completed except for some additional areas of blanket bogs, raised bogs, Hen Harrier areas and geological sites.

Notification, Appeals and Liaison with Farmers

Farmers will be notified in writing as to the scientific reasons why areas are being designated as well as the prescribed farming conditions and restrictions that will apply. Follow-up visits where requested will be arranged. Code of practice will be developed by the Department in consultation with IFA.

Appeals

Farmers have recourse to the SAC Appeals Body to get areas excluded. The body will remain on a non-statutory basis for the moment with IFA reviewing its position in 12 months time.

River and Lake Margins

Designations of river margins will be 2.5m. Initial Department proposal was 30m. On lakes, the margin will be 50m. In both river and lake margins, Good Farming Practice will be allowed, i.e. spreading slurry within 20m and chemical fertilisers within 1.5m. The riverbank could be less if there are embankments or other features which curtail run-off. The floodplains will be included but again will be subject to Good Farming Practice. Floodplains have been defined as an area of land along the river which would be expected to flood for a period at some time in the course of a normal year.

Development

The Minister will inform local authorities with copies to all councillors that designation is not intended to operate as an inflexible constraint on development. There also will be no blanket prohibition on afforestation in SACs, SPAs and NHAs. In SPA Hen Harrier areas, there will be further consultation with IFA about the extent of these areas and their implications for wind farming and forestry.

Access

Designations of land or waters as SAC, SPA and NHA do not create rights of way, rights of access for third parties or public access.

Compensation

Income losses will either be paid through the National Compensation Scheme or the REPS scheme. Due to the introduction of Single Farm Payment, REPS / SMA will be reviewed for all designated areas including commonages and Shannon Callow areas. Discussions will commence with the Department of Agriculture on the latter immediately.

Where genuine hardship is established in individual cases from income losses, not covered by the National Compensation Scheme or REPS scheme. The Department has agreed to enter into discussions on a case-by-case basis.

On turf cutting, a new payment structure has been agreed which will pay €3,500 / acre (turbary and fee simple) for first acre or part thereof and €3,000 / acre thereafter for designated raised bogs. In the case of blanket bogs, the payment will be €1,000 / acre. On top of this, a payment of €6,000 will be payable to farmers who agree to sell their bog before the end of 2005. This payment increase is a doubling of the old payment rate. 85% of the payment per acre applies to turbary and 15% to fee simple. Annual payments of €600 / annum for 10 years to purchase alternative fuel.

In the case of capital losses, compensation will be payable on the difference between the pre designation value and the post designation value. In the case of disagreement on the amount of such compensation, the farmer will have the recourse to arbitration. The compensation will relate to the extent that it arises from restrictions on farming or another existing land use.

Review of Agreement

The agreement reached with the Government will be reviewed on an ongoing basis to ensure effective communication.