



Rialtas na hÉireann
Government of Ireland

Protected Raised Bog Restoration Incentive Scheme (PRBRIS)

Terms and Conditions

Prepared by the National Parks and Wildlife Service of the
Department of Housing, Local Government and Heritage

npws.ie

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Introduction

The Peatland Management Unit, National Parks and Wildlife Services (NPWS) of the Department of Housing, Local Government and Heritage (DHLGH) has prepared this document as an aid to ensure applicants are aware of the requirements and conditions attaching to the payment and to assist in completing the application form for the Protected Raised Bog Restoration Incentive Scheme (PRBRIS). All applications to join the scheme must be submitted to **PRBRIS, Peatlands Management Unit, NPWS, Department of Housing, Local Government and Heritage, Newtown Road, Wexford Y35 AP90** by post or by email to prbincentscheme@housing.gov.ie with signed hardcopy to be submitted after.

If applicants have any queries in relation to their application please email prbincentscheme@housing.gov.ie

In the event that there are any changes to these Terms and Conditions they will be published on the website of the National Parks and Wildlife Service of the Department found at <http://www.npws.ie>

Objective of the Protected Raised Bog Restoration Incentive Scheme (PRBRIS)

The objective of this scheme is to incentivise landowners and turbary right holders through offering compensation to have their plots restored.

Restoration will involve inserting peat and/or plastic dams to block drains (predominately on the high bog) and/or installing trench or cell bunding which will raise the water table within the peat at the location of the drains. When the water table is maintained within 10cm of the surface the conditions are suitable for raised bog habitat to develop within these areas.

Restoration of the SAC/NHA network will assist in Ireland reaching our national conservation target to restore raised bogs within the network to a favourable conservation status and will assist in Ireland's commitment under the Habitats Directive to have a raised bog network that conserves a representative sample of raised bog in Ireland that is sustainable into the future.

Further details on raised bog restoration can be found in the National Raised Bog Special Areas of Conservation Management Plan 2017-2022 and in the Best Practice in Raised Bog Restoration in Ireland publication on the website <https://www.npws.ie/peatlands-and-turf-cutting/management-plans>

General Provisions

- a) The scheme shall be administered by the Peatlands Management Unit, National Parks and Wildlife Services (NPWS) of the Department of Housing, Local Government and Heritage
- b) Participation in the Scheme is voluntary
- c) All applications will be subject to administrative checks before payments will be made under the scheme

Definitions

For the purposes of this scheme:

- **“PMU”** shall mean Peatlands Management Unit
- **“NPWS”** shall mean national Parks and Wildlife Services
- **“DHLGH”** shall mean the Department of Housing Local Government and Heritage
- **“Minister”** shall mean the Minister for Housing, Local Government and Heritage
- **“Scheme”** shall mean the Protected Raised Bog Restoration Incentive Scheme
- **“VBPS”** shall mean the Voluntary Bog purchase Scheme
- **“CTCCS”** shall mean the Cessation of Turf Cutting Compensation Scheme
- **“SAC”** shall mean Special Area of Conservation
- **“NHA”** shall mean Natural Heritage Area
- **“PRA”** shall mean Property Registration Authority
- **“DAFM”** shall mean Department of Agriculture Food and the Marine
- **“GDPR”** shall mean the General Data Protection Regulations
- **“BNM”** shall means Bord na Móna

Scheme Conditions

Who can apply?

The Protected Raised Bog Restoration Incentive Scheme (PRBRIS) is available for applications from freehold, fee simple and turbary right holders whose land or rights may be impacted by restoration works or where access is required to carry out restoration measures on land within these sites as part of the national restoration programme for raised bog Special Areas of Conservation (SACs) and Natural Heritage Areas (NHAs).

Eligibility

Within the Special Area of Conservation (SAC)/Natural Heritage Area (NHA)

- (i) All freehold title holders, fee simple and turbary right holders within the SAC/NHA will be eligible to apply under the scheme for bog land with the exception of qualifying applicants under the Voluntary Bog Purchase Scheme (VBPS), the Cessation of Turf Cutting Compensation Scheme (CTCCS) or any previous Department peatland compensation schemes where payment has been received for the **same plot of land** within the SAC/NHA.
- (ii) In respect of any non-bog land holdings inside the SAC/NHA, in relation to which there is a predicted adverse impact status arising from restoration measures or in limited circumstances are of strategic importance to the overall management and restoration goals for the site, for essential access and to reach national conservation targets for raised bogs such lands may qualify for the scheme e.g. green land or brown land inside the SAC/NHA.

Outside of SAC/NHA

- (i) In respect of any land holdings outside of the SAC/NHA, in relation to which there is a predicted adverse impact status arising from restoration measures, may qualify for the scheme e.g. green land or brown land adjacent to the SAC/NHA.
- (ii) If a land holding has no predicted impact status it will not qualify for the scheme except in limited cases. If the lands are of strategic importance to the overall management and restoration goals of the site, for essential access and to reach national conservation targets for raised bogs such lands may be eligible.
***All title must have been held or be in the process of being transferred on or before 1 June 2021.**

Voluntary Bog Purchase Scheme or Previous Other Peatlands Schemes

- (i)** Successful applicants to the Voluntary Bog Purchase Scheme (VBPS) or previous other peatlands schemes will not qualify if they have received compensation in relation to land which is to be restored (certain exceptions may apply such as if the VBPS applicant still owns the fee simple).

Cessation of Turf Cutting Compensation Scheme (CTCCS)

- (i)** Successful applicants to the CTCCS who hold additional lands, i.e. green or brown land, not related to their CTCCS application will be eligible to apply under this Scheme on these additional lands.
- (ii)** Unsuccessful applicants to the CTCCS, on the basis of the turf cutting during the 5 year period prior to the cessation qualifying criterion (non-active turf cutters), will be eligible to apply under this scheme.
- (iii)** Successful applicants to the CTCCS for bog land within the SAC/NHA will not qualify for this scheme for the same bog plot/s/ lands.

Other Schemes

- (i)** To be eligible for payment the lands being claimed on must not form part of a payment scheme or compensation scheme from any other Government Department or agency.

Qualifying Criteria

Bogland

Each applicant must have a legal interest in the bog plot through freehold title, a turbary right or fee simple title. (Payment will only be made to the freehold title holder, the fee simple and the turbary right holder and will not be made to additional family members).

- (i) The turbary on the site must not be exhausted in the case of turbary right holders.
- (ii) Documentary evidence will be required to demonstrate the legal interest in the bog plot.
- (iii) There must be no ongoing turf cutting on the bog plot.

Green land or Brown land

Each applicant must have a legal interest in the land through freehold title and documentary evidence will be required to demonstrate the legal interest. A contract for sale or similar legal arrangement, land management or lease agreement will be entered into between the Minister and the landowner.

Payment Rates

Incentive Payments to Facilitate Peatland Restoration Measures:

- a) A land area based once-off compensation rate of **€1,450 per hectare** (€587 per acre) to freehold title holders within an SAC or NHA to facilitate restoration measures (mainly drain-blocking) to be undertaken on their lands and who are not in receipt of a payment under the CTCCS for the land being restored and where the lands may be impacted by the measures. Where both fee simple and turbary right holders exist, the €1,450 per hectare would be split 85% / 15% in favour of the turbary right holder; (the turbary must not be exhausted on the plot).
- b) For those persons with commonage shares on bogland a new once off payment of **€1,450 per hectare** (being freehold land) with each shareholder within the commonage within the restoration area entitled to the pro-rata rate of that which his/her share represents. This would apply only to those commonage shareholders who are not already in receipt of payments under the CTCCS.
- c) With respect to these compensation rates, a **minimum of €1,000** and up to a **maximum of €15,000** per individual per SAC/NHA site be applied.

Purchase of Lands, Land Management/Lease Agreements

High bog/non-reclaimed Cutover Bog

€7,913 per first hectare (€3,500 for the first acre and €3,000 for subsequent acres) and **€7,413 per subsequent hectare** for the purchase of the high bog/non reclaimed cutover bog not associated with agricultural/forestry landholdings, where the purchase is strategic and will further the restoration programme. These rates are in the line with the Departments Voluntary Bog Purchase Scheme rates. For larger areas (typically greater than 3 hectares) the Department reserves the right to enter in negotiations with the vendor directly on the purchase price.

Grassland/Agricultural Lands/Reclaimed Cutover

€18,970 per hectare (€7,677 per acre) for the purchase of grassland/agricultural lands/reclaimed cutover which are likely to be impacted by the restoration measures, which lands could be inside or outside an SAC or NHA.

Drained non-high Bog

€9,884 per hectare (€4,000 per acre) for the purchase of drained non high bog lands inside or on the fringes of an SAC or NHA which are likely to be impacted by the restoration measures and which are associated with a larger nearby agricultural/forestry landholding and would be capable of supporting seasonal grazing.

Turbary Rights

It is not envisaged that Turbary Rights only, will be purchased as part of this scheme.

Land Management Agreement

It is proposed to run a land management agreement as a pilot scheme under the PRBRIS. This is for lands which would be managed in the context of the restoration works (this would apply for both grassland/agricultural lands/reclaimed cutover and drained non high bog lands), which lands could be inside or on the fringes of an SAC or NHA.

Any lease/land management agreement entered into, which would facilitate the management of the land in conjunction with the implementation of the restoration measures, would be entered into for a period of no more than **15 years with a maximum rate of €300 per acre per year** (amounting to €4,500 per acre in total).

In order to protect the lands which have been restored, the landowner will need to enter into a written agreement with the Minister not to interfere in perpetuity with the hydrological or ecological integrity of the lands.

The agreement would terminate if the lands are included in another agri-scheme, to avoid double compensation payments or if the restored lands are interfered with contrary to the terms of the lease/land management agreement.

Capital Gains Tax

Incentive payments and amounts received for land and turbary right purchases under the Protected Raised Bog Restoration Incentive Scheme are exempt from Capital Gains Tax as per the Finance Act 2016

Application Procedure

Completed applications must be submitted by post to:

Protected Raised Bog Restoration Incentive Scheme,
Peatlands Management Unit,
NPWS,
Department of Housing, Local Government and Heritage,
Newtown Road,
Wexford Y35 AP90.

Responsibility of the Applicant

It shall be the responsibility of the applicant to familiarise him/herself with the Scheme Terms and Conditions.

Where, for the purposes of obtaining payment under this Scheme to which these terms and conditions relate, the participant knowingly makes a false or misleading statement or withholds essential information, their participation in the Scheme may be terminated and any monies paid shall be reimbursed.

The obtaining of incentive payments under this Scheme by fraudulent means by the participant or others acting alone or together may render such persons liable to prosecution.

No payment shall be made in favour of beneficiaries where the Department establishes that they have artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of the Scheme.

Participation in this scheme will not alter your property right.

Access Agreement

Each successful applicant must sign an access agreement which grants access to the Minister, employees, contractors, subcontractors or agents of the Minister to the lands where restoration works will be undertaken. This will be forwarded for completion following your approval into the scheme.

Payments to successful applicants will be made by way of Electronic Fund Transfer (EFT) to a nominated bank account.

Further Conditions

The Minister may at any time lay down further conditions under this Scheme. The Minister reserves the right to alter from time to time the procedures to be followed in the operation of the Scheme.

Appeals

Should an applicant wish to appeal a decision of the Department under the PRBRIS.

The appeal should be sent in writing **within 15 working days of the original decision** to:

PRBRIS Appeals,
Peatlands Management Unit,
NPWS,
Department of Housing, Local Government and Heritage,
Newtown Road,
Wexford Y35 AP90.

The applicant will be informed in writing of the outcome of the appeal.

Contact Details of Other Relevant Departments / Agencies

To obtain a certified copy of the folio with maps (title plan); contact the **Property Registration Authority (PRA)**:

- PRA, Cork Road, Waterford
Tel: (051) 303 000 or LoCall 1890 333 001
 - PRA, Golf Links Road, Roscommon
- or
- PRA, Chancery Street, Dublin 7
Tel: (01) 670 7500 or LoCall 1890 333 001

If the turbary right is an **appurtenant turbary right** then the applicant **must** supply a Special Features map (also available from the Property Registration Authority) clearly showing the property outlined in red.

For Those Who Own Turbary Rights Only

If the turbary right could be from the **Irish Land Commission** or the **Congested Districts Board**, a search can be carried out to see if a **Q3 Agreement** exists in your name or your family's name. This search can be requested from **Lands Branch** at the **Department of Agriculture, Food and the Marine (DAFM)**:

Lands Branch,
Department of Agriculture, Food and the Marine (DAFM),
Farnham Street,
Cavan
(Tel) (049) 436 8200 or LoCall 1890 200 508

Following this search or if the Applicant already knows that the turbary right is tied to Irish Land Commission lands by **Q3 Agreement**, order the following in writing from the **Records Branch** at the **Department of Agriculture, Food and the Marine (DAFM)**, upon payment of the appropriate fee:

1. a certified copy of the **Q3 Agreement** and
2. a map of the turbary plot.

Records Branch,
Department of Agriculture, Food and the Marine (DAFM),
Unit 11, Clonminam Industrial Estate,
Portlaoise,
Co. Laois.
Tel: (057) 863 4988
or email at recordsbranch@agriculture.gov.ie

Data Protection

Privacy Statement

The Department of Housing, Local Government and Heritage is the Government Department responsible for housing and water, for physical and spatial planning, for local government, for weather forecasting and for built and natural heritage.

The Department is committed to protecting and respecting your privacy. This privacy statement explains how the Department, as the Data Controller, will process the personal data provided to it in respect of the Protected Raised Bog Restoration Incentive Scheme (PRBRIS), how that information will be used, and what rights you may exercise in relation to your personal data.

Purposes of the Processing

The Department will use the information provided in order to process your Protected Raised Bog Restoration Incentive Scheme (PRBRIS), application. The Department will not process your personal data for any purpose other than that for which it was collected.

Profiling

The Department will not use any personal data collected from you in respect of the Protected Raised Bog Restoration Incentive Scheme (PRBRIS), for automated decision-making, or for profiling purposes.

Lawfulness of Processing

This processing of your personal data is lawful under Article 6 (1) ((e), of the General data Protection regulations (GDPR). Member States are required on Special Areas of Conservation (SACs) for habitats and species under the Habitats Directive **(92/43/EEC) and Natural Heritage Areas (NHAs) under the Wildlife Act, to maintain these sites and where appropriate restore to favourable conservation status.**

Security of Your Personal Data

The Department implements appropriate technical and organisational measures to protect your information from unauthorised access. However, despite these efforts, no security measures are perfect or impenetrable, and no method of data transmission can be guaranteed against any interception or other type of misuse. In the event that your personal data is compromised as a result of a breach of security, the Department's Breach Management policy and procedures will be implemented.

Recipients of the Data

Personal data may be exchanged with other Government Departments, local authorities, agencies under the aegis of the Department, or other public bodies, in certain circumstances where this is provided for by law. Bord na Móna (BNM) have been contracted by the Department for the Provision of External Services including project management and other professional services including Community Engagement for the Implementation of the Protected Raised Bog Restoration Programme on raised bog Special Areas of Conservation (SAC's) and Natural Heritage Areas (NHAs). The Protected Raised Bog Restoration Incentive Scheme (PRBRIS) also forms part of this Programme.

Cross-border Data Transfers

The Department will not transfer personal data collected in respect of Protected Raised Bog Restoration Incentive Scheme (PRBRIS), to any country or international organisation outside the EU/EEA.

How long will your data be kept?

The Department will only retain your personal data for as long as it is necessary for the purposes for which it was collected and processed and as per the requirements of data protection legislation.

Your Rights

The Department's [Data Protection Policy](#), which sets out how we will use your personal data, as well as providing information regarding your rights as a data subject (including details regarding right of access, right to rectification, right to erasure, right to restriction of processing, right to object), is available on our website. The policy is also available in hard copy upon request. If you consider that your rights have been infringed, you have the right to complain to the Irish Data Protection Commission (www.dataprotection.ie), and you have the right to seek a judicial remedy.

Contacting Us

If you require further information, or wish to access your personal data, please contact the Department's Data Protection Officer, details below:

Data Protection Officer
Department of Housing, Local Government and Heritage
Newtown Road
Wexford
Email: data.protection@housing.gov.ie

npws.ie

