

This is an Author's Accepted Manuscript of an article by **Margaret O'Riordan * ****, **Marie Mahon**** & **John McDonagh** Power**, **Discourse and Participation in Nature Conflicts: The Case of Turf Cutters in the Governance of Ireland's Raised Bog Designations** as published in the Journal of Environmental Policy and Planning, 09 June, 2014, copyright Taylor & Francis, DOI:10.1080/1523908X.2014.914895 available online at: <http://www.tandfonline.com/doi/abs/10.1080/1523908X.2014.914895#.VFDVqOvmCM>

***Heritage Studies, Galway Mayo Institute of Technology, Mayo Campus, Castlebar, Co. Mayo, Ireland**

****School of Archaeology and Geography, National University of Ireland, Galway, Ireland**

Abstract

This paper explores how participatory processes and the politics of contestation and resistance converge to influence changes in discourses and institutional structures underpinning the implementation of the EU Habitats Directive in Ireland. It highlights the potential of environmental partnership processes to disrupt the usual scalar hierarchy for regulation. The focus is specifically on the designation of raised bogs and the role of power relations and legitimacy discourses in participatory governance processes established by government. In particular this paper critiques the participatory governance process and attempts to legitimise the enforcement of the Habitats Directive in the face of resistance by the TCCA (Turf Cutters and Contractors Association). Whilst the purpose of the designation is to protect unique habitats, another effect has been to prohibit the traditional right to cut turf on Special Areas of Conservation (SACs). The rationale behind the designation and the mechanisms by which this process has been mediated has been highly contested, with the TCCA

claiming the scope inherent in the Directive to consider the de-classification of SACs to have been inadequately addressed by government. The paper concludes with a Foucauldian critique of regulatory authority, legitimacy discourses and agency in the application of participatory processes underpinning environmental regulation.

1. Introduction

Peatlands (referred to as bogs in Ireland) make up a significant proportion of the Irish landscape. Most of these peatlands have been exploited as natural resources both at commercial level but also at domestic level for use as fuel. In global terms, Ireland's remaining raised bog habitats are considered particularly important due to the presence of active raised bog. In recognition of this, 53¹ raised bog Special Areas of Conservation (SACs) were designated between 1997 and 2002, representing 2% of the available area nationally where domestic cutting can occur on raised bog (Department of Arts, Heritage and the Gaeltacht, DAHG, 2011b). The right to cut peat, or turf as it is known in Ireland, for household use through traditional turbarry² rights dates back several centuries and is currently an activity associated with low income rural families (Bullock, Collier, & Convery 2012). While the traditional form of turf cutting by hand, has now been almost totally mechanised, its resonance with the rural way of life endures in the image of the communal toil of harvesting turf by hand.

Scientific evidence underpinning conservation policy has established that domestic turf cutting undermines the ecological character of peatlands, in

addition to reversing their positive role in carbon regulation (Bullock & Collier, 2011; Bullock *et al.*, 2012). Despite its negative environmental impacts, both the turf cutters and the general public do not necessarily see any contradiction between conservation and what is perceived as small-scale low impact cutting for domestic use (Renou-Wilson *et al.*, 2011). This presents significant challenges for regulation of protected peatland sites in the face of contestation and resistance by the Turf Cutters and Contractors Association (TCCA), formed in 1998 to defend the rights of domestic turf cutters. The TCCA has engaged in performative protest through continued turf cutting (Bryan, 2012), which, in combination with delayed enforcement³ of regulations has contributed to the annual loss of up to 4%⁴ of active raised bog on designated sites (Renou-Wilson *et al.*, 2011). In 2011, following the threat of European Union sanctions for non-compliance with the Habitats Directive, the Peatlands Council was established as a mechanism for the inclusion of the various stakeholders affected by the designations (DAHG, 2011a). This move by the Irish government reflected the international transition towards collaborative environmental governance over the past decade, and is seen as central to efforts to promote participatory approaches to environmental regulation.

In unpacking this approach, this paper addresses the empirical oversight in the analysis of power relations underpinning state-led participative discourses in environmental regulation (Taylor, 2010; Taylor & Lawrence 2012). It adopts Foucault's governmentality perspective which has been identified as an appropriate framework for deconstructing power relations and legitimacy discourses underlying environmental governance (Edwards, Goodwin,

Pemberton & Woods, 2001; Rutherford, 2007; Sharp & Richardson, 2001).

Although the scope of this research does not allow for detailed attention to all the actors involved or the analysis of leadership in participative governance, it does address the gap in the literature on the potential of agency and resistance to reshape environmental policy (Davies, 2005; Rutherford, 2007; Ettliger, 2011). The analysis focuses principally on the discursive claims of those most central to the governmentality perspective i.e. the state as agent of regulation and the TCCA as the interest group for turf cutting subjects. Particular attention is paid to the relative power of the state and the TCCA to affect changes to regulatory policy.

The paper is structured as follows. First, it discusses Habermasian and Foucauldian frameworks for community based conservation. Following the methodology, which outlines the rationale for the adoption of Foucauldian discourse analysis, Section 4 discusses the governance of nature in its Irish and EU contexts, which provides a contextual background to the empirical analysis in Section 5. The paper concludes with a Foucauldian critique of the relationship between the construction of legitimacy for nature's regulation and the alteration of the official discourses and the participatory structures underpinning the regulatory process. It also addresses questions concerning the scalar implications of the partnership approach to environmental regulation.

2. Participatory discourses and power relations in community-based conservation

Participatory approaches are common across many spheres of rural governance in Ireland, but nature's governance has been characterised for the most part by its top-down approach (Tovey, 2009). The Irish state's adoption of participatory discourses in the conservation of nature reflects the growing critique of traditional conservation practices in international literature (Adams & Hutton, 2007; Hamin, 2002; Lockwood, 2010; O'Rourke, 2005; Selman, 2009). These critiques draw attention to the coercive approach of the classic nature reserve and its influence in separating people from nature. New participatory discourses emphasise the need for greater consideration of the socio-economic impacts of designation (Adams & Hutton, 2007; Hamin, 2002; Heritage Council, 2009; Lockwood, 2010) and the potential for benefits to conservation that arise from community engagement (Agrawal, 2005; Borrini-Feyerabend, Kothari, & Oviedo, 2004; Collier, 2011; European Commission, 2004). International agreements urge conservation authorities to take local socio-economic concerns seriously (European Commission, 2004; Roth & Dressler, 2012), but it has been questioned if such agreements have sufficient impact in practice (Adams, 2004; Roth & Dressler, 2012). Issues relating to displacement are the principal cause of conflict with regard to protected area regulation (Adams & Hutton, 2007; West, Igoe & Brockington, 2007). This includes both physical displacement in terms of eviction from home or use of land but also economic displacement in terms of lost income or potential income (West *et al.*, 2007).

A crisis of democratic legitimacy and questions around the effectiveness of relying on state expertise to inform governance has contributed to the transition to collaborative forms of environmental governance (Fischer, 2000; Healey,

2006; Taylor, 2010). This transition has been influenced by Habermasian communicative rationality and empowerment through deliberation and power-sharing between experts and citizens in more adaptive modes of environmental governance (Healey, 2006). According to Habermas (1986), actors in society can seek to reach common understandings through reasoned argument and consensus, as opposed to acting strategically in pursuit of their own interests. Through a Habermasian lens, partnerships facilitate the rescaling of governance downwards, from expert-led approaches towards power-sharing with community representatives in policy-making.

In the collaborative governance of nature, Halpin (2006) highlights that tensions exist between legitimacy claims based on representation or participation and those based on scientific knowledge. Halpin (2006) questions implicit associations between legitimacy and participation, and whether it is appropriate that legitimacy should be derived from participatory criteria in the context of nature's governance. He argues, for example, that arising from the inability of nature to speak for itself, environmental NGOs engage in solidarity with nature, rather than representation as such. On the other hand, the dominance of scientific rationality and marginalisation of local knowledge have been criticised as significant barriers to more democratic approaches to environmental policy making (Fischer, 2000; Healy, Rau & McDonagh, 2012; Rutherford, 2007; Tovey, 2009). Thus legitimacy in collaborative governance is not a given, but is a construct that is maintained through power and discourse (Connolly, Richardson & Miles, 2006; Flyvbjerg, 1998).

Foucauldian governmentality provides an appropriate epistemological approach to the deconstruction of claims of legitimacy and devolution associated with participatory discourses (Edwards *et al.*, 2001). Foucault (1980, p. 93) believed that the functioning of power centred on the 'production, accumulation, circulating and functioning of a discourse' (see also Section 3). Foucault rejected many of the traditional assumptions of power. He did not conceive of power as centralised, instead for Foucault, power is multiple and decentralised and is exercised rather than possessed (Flyvbjerg, 2001).

The concept of governmentality offers a framework for the analysis of systems of rule where government indirectly controls population through the employment of discourse strategies aimed at shaping the conduct of citizen subjects and 'governing at a distance' (Dean, 1999; Edwards *et al.*, 2001; Herbert-Cheshire, 2006). Governmentality is, therefore recognised as an appropriate framework for the analysis of state regulation (Thompson, 2005). Studies adopting governmentality as a framework for the analysis of environmental regulation have recently begun to emerge. It has been used to demonstrate how participatory processes can successfully influence citizens' behaviour in forestry conservation (Agrawal, 2005) and in the adoption of a path-breaking climate action programme (Rutland & Aylett, 2008). Others have drawn attention to the value of Foucauldian conceptualisations of power to reveal how participatory discourse can be used as a means of government control (Edwards *et al.*, 2001; Bickerstaff & Walker, 2005). For example, the framing of environmental problems through technocratic discourse can form significant barriers to equality between stakeholders in environmental partnerships (Healey, 2006). This is a

theme which is also strong in critiques of Habermasian deliberation in processes for resolution of environmental problems (e.g. Taylor, 2010; Collier & Scott, 2009). For instance, Taylor (2010, p. 384) has highlighted the contradiction between broadening participation on the one hand, while on the other 'restricting meaningful inclusion' through 'increasing institutional and scientific complexity'. Similarly, Atkinson observes (1999, p. 59) that the discursive context of partnership working 'privileges official discourse(s) over others' (cited in Edwards *et al.*, 2001).

3. Methodology

The methodology employed discourse analysis from the perspective of governmentality to deconstruct the state's adoption of participatory discourses for the governance of the protected peatlands. This involved the adoption of a dual approach to discourse analysis, through attention to the power relations embedded in language as discourse and in their associated discursive practices (Edwards *et al.*, 2001; Foucault, 1991b; Hajer & Versteeg, 2005; Sharp & Richardson 2001). Following Sharp and Richardson (2001), the methods employed focused both on text and practice in the construction of the participatory governance process by the state and in its mediation and contestation by the TCCA. The collection of primary and secondary data as outlined in the paragraph below, relate to the period between April 2011 (when the Peatlands Council was first established) and July 2013.

The textual analysis of the discursive claims of the state and the TCCA was drawn mainly from primary documentary sources and particular attention was

paid to the inter-textuality of these documents (Bryman, 2008; Sharp & Richardson, 2001). These included government documents in the form of press releases from the DAHG, various relevant policy documents, Dáil (parliamentary) debates⁵ and a range of documents by the TCCA which it published on its website. The publication by government of the *National SAC Raised Bog Management Plan, Draft for Consultation* (DAHG, 2014), albeit outside of the data collection period, has also been drawn upon due to its value in providing analytical insights into the impacts of the participatory process on policy development. The parliamentary debates provided insights into the political construction and contestation of policy development through analysis of parliamentary dialogue. This included analysis of the role of Deputy Luke 'Ming' Flanagan, an Independent TD (Teachta Dála) who had actively advocated for turf cutters rights in his campaign for parliament and who also acts as the public relations officer for the TCCA.

Secondary documentary sources included contemporary newspaper accounts of the dispute. Further analysis of how the TCCA mediated and contested the policy process was developed through field notes from ethnographic field observation at one of a series of community consultation meetings organised by the TCCA (Field Journal 1). One lengthy semi-structured interview was conducted and recorded by field notes, with a prominent activist within the TCCA in June 2013 (Field Journal 2a). Additional insights into the grassroots perspective on the conflict were gained through 17 short informal interviews (Field Journal 2b) with turf cutters and their supporters were conducted between June and July 2013. Six interviews were conducted with turf cutters harvesting

turf at a non-designated bog and 11 interviewees were randomly selected while they were protesting on behalf of turf cutters facing trial outside Galway City Courthouse in July 2013.

The research findings in Section 5 are presented in the form of a Foucauldian critical narrative from the perspective of governmentality. The analysis of the strategic or tactical dimension to environmental policy making and the relationship between power/knowledge were important elements of this approach (Hajer & Versteeg, 2005; Rutherford, 2007; Sharp & Richardson, 2001). Attention to participatory discursive practices was drawn through a focus on institutional change and to the timing and sequencing of key events of relevance to the participatory governance process (Sharp & Richardson, 2001). The dual approach to the analysis of discourse, as both text and institutional practices, and the focus on the opposing arguments of the state and the TCCA helped to substantiate the critical narrative (Sharp & Richardson, 2001). The use of interviews and ethnographic research also helped to provide checks and balances to the reliance on documentary evidence associated with the discourse analytic approach (Bryman, 2008).

4. Protected area designations - Science knows best?

In Ireland there have been many disputes around processes relating to heritage management and designation of protected areas. The principal state body with responsibility for implementation of nature designations, the National Parks and Wildlife Service (NPWS), has been criticised for taking an autocratic approach to nature's governance, which has resulted in the exclusion of landowners and

community from the designation process (Tovey, 2009). Researchers have also drawn attention to the tendency of the NPWS to emphasise its scientific knowledge in order to position itself outside political negotiation (Healy *et al.*, 2012; Tovey, 2009). State bodies, however, argue that the prescriptive top-down character of the nature designation process comes from the way it is designed at EU level (O'Rourke, 2005).

Despite promising consideration of social, cultural and economic factors, Bryan (2012) outlines how the *Natura 2000 EU Protected Areas Scheme* remains a science first conservation initiative. The EU Habitats Directive of the 1990s provided for the creation of SACs for listed species and habitats. Along with Special Protection Areas (SPAs) (already established under the Birds Directive in the 1970s), they form the *Natura 2000* designations. The scientific basis to the selection of these sites and habitats is regularly cited in its legal and informative publications and is considered, as Pinton (2001) argues, essential for the credibility and proper application of the directive (as cited in Bryan, 2012). Once selected, the designations can only be objected to on scientific grounds (Bryan 2012; O'Rourke, 2005). Consequently, many farmers and landowners are extremely frustrated with 'the science-first, top-down, non-communicative manner' in which designations are made and implemented (Bryan, 2012, p. 86). Recent literature has pointed to the need for greater opportunities for local engagement in nature conservation in Ireland (Heritage Council, 2009; Tovey, 2009) and in the ecological restoration of Irish peatlands (Collier, 2011; Collier & Scott, 2009). Others have cautioned that insensitive

conservation policy could provoke more entrenched opposition from those subjected to peatlands regulation (Bullock & Collier, 2011).

Article 6 of the Directive governs the management of Natura 2000 and would apparently allow for some flexibility around social and economic issues in certain designated areas. According to Article 6, these designated areas must be protected from all development that can have negative ecological impacts 'except on public interest grounds including, in some instances, economic and social considerations' (cited in Bryan, 2012, p. 83). Interpretation of the socio-economic scope of Article 6 has, however, been highly problematic in practice (Opdam, Broekmeyer, Kistenkas, 2009).

The European Commission (2004) argues that collaborative principles and consideration for economic, social and cultural issues are enshrined in the Habitats Directive. It has also acknowledged that problems arose from the early stages of the implementation of the Directive due to a lack of sufficient consultation with landowners, and a reluctance among national conservation authorities to engage in dialogue until the *Natura* network was complete (*ibid.*). The *El Teide Declaration* was signed by all members of the EU in 2002, and is cited by the Commission as evidence of its commitment to stakeholder involvement in the implementation of the Habitats Directive (European Commission, 2004). It has been argued, however, that the dominance of scientific rationality underpinning the implementation of *Natura 2000* constitutes a significant barrier to the fulfilment of its participative remit (Tovey, 2009; Bryan, 2012).

5. Foucauldian critical narrative.

5.1 The Peatlands Council as an instrument of power and discourse

The research findings are presented here in a narrative grounded in the Foucauldian epistemology previously outlined. This section includes an analysis of the mobilisation of the participatory approach through the setting up of the Peatlands Council, followed by an interpretation of the role of power relations in the decision of the TCCA to leave the Peatlands Council.

In terms of framing the issue from a governance perspective, the choice of representation on the independently chaired Peatlands Council reflects the effort to provide an equal distribution of conservation and socio-economic interests. It included the principal state body with responsibility for nature protection, i.e. the NPWS and Bord na Móna, the semi state company for management of Ireland's peatlands. Two environmental non-governmental organisations (NGOs) were represented, including a representative of the Irish Environmental Network and the Irish Peatland Conservation Council. Turf cutting and landowning interests were represented by the Irish Farmers Association, Irish Rural Link (an NGO representing rural communities), and the TCCA. Frequent references were made by Minister Deenihan in the Irish parliament to the role of the Peatlands Council in 'independent mediation' of the conflict⁶.

The state's discursive framing of the Peatlands Council would appear to have been in line with Habermasian principles of participatory empowerment and

discursive deliberation among equal partners. In the official discourse this is illustrated by reference to the role of the Peatlands Council in representing 'the rights and needs of turf cutters' (2011b, p. 3) and as 'a forum for discussion, debate and review of the needs of turf cutters' (*ibid*, p. 9). In the press release indicating the establishment of the Peatlands Council, the Minister at the DAHG referred to its role in providing for parity in decision making: 'It is vitally important that the views of turf cutters and land-owners are brought much more centrally into decision making on these matters' (NPWS, 2011a). It was indicated that the Peatlands Council would play a role in facilitating relocation to alternative bogs and in examination of 'the scope for amending or adjusting boundaries, extent, number and location of designated peatlands sites' (NPWS, 2011b p. 3). Through this discursive framing, the TCCA would have had a reasonable expectation that the Peatlands Council would provide a discursive opportunity structure (Garavan, 2009) to influence decision-making with regard to their key concern on the continued right to cut turf through relocation or de-classification of SACs.

The framing and scope of debates have been identified as critical in determining whether deliberative processes can meet their participative ideals or continue to reinforce established power relations (Bickerstaff & Walker, 2005). Inequalities in power relations were demonstrated at an early stage through state influence on key policies and processes, thus reducing the scope for truly independent mediation of the conflict. This is demonstrated first, by the Peatlands Council's role in reviewing the new compensation package (involving relocation or financial recompense) *after* its initial design by the DAHG (NPWS, 2011b); and

secondly, in that control over the terms of reference and responsibility for the *National Peatlands Strategy* was retained by the state (*ibid.*).

Mirroring Edwards *et al.* (2001) the state's retention of control over these policies and processes privileged the official scientific discourse in a manner consistent with the regulatory objectives of the state. This is reflected, for example, by the emphasis on scientific rationality in the *National Peatlands Strategy: Terms of reference and guidance*:

the Peatlands Strategy ... is required to give direction to Ireland's approach to peatland management, including bog conservation ... This direction will be informed by a scientific review, which is being undertaken as part of the Strategy and by other relevant studies ... (DAHG, 2011b, p. 3).

This was contested by the TCCA which perceived the scientific emphasis to be in conflict with the state's framing of the Peatlands Council as a platform for the inclusion of the socio-economic concerns of the turf cutters. The following quote which was in response to a call for submissions on the proposed Peatlands Strategy, illustrates how the TCCA was willing to engage in adversarial posturing notwithstanding its status as an official partner (Taylor & Lawrence, 2012) on the Peatlands Council:

The terms of reference of the newly trumpeted 'National Peatlands Strategy' make it crystal clear that the real decisions will be taken by the Minister and a 'Scientific Committee' ... [and] ... amounts to nothing more than an attempt to retrospectively lend a veneer of democratic legitimacy ... The TCCA will not lend its credibility to such an illegitimate and antidemocratic process (TCCA, 2011b).

It also points to how the TCCA saw itself becoming compromised by the participatory process, and a process of co-option that could result in a neutering of its socio-economic concerns (Bickerstaff & Walker, 2005). This concern also echoes research that illustrates how rural interest groups have found their ideological remit compromised through their alignment with rationalities of government in policy communities, thus compromising the scope for effective opposition (Murdoch, 1995; Taylor & Lawrence, 2012, Woods, 2003).

Different representations of the deliberations held by the Peatlands Council also suggest the discursive exercise of power through the tactical use of language. Following reports of the continued occurrence of illegal turf cutting on the protected bogs, the Peatlands Council held an 'emergency meeting' (NPWS, 2011c), indicating its significance at a critical moment in the policy process (Sharp & Richardson, 2001).

After the meeting, the Minister Deenihan published a press release announcing the following: *'We now have a clear understanding that turf cutting cannot continue on these sites, that the requirements of the Directive must be met'* (*ibid.*). The TCCA had a more nuanced view of the basis to the agreement as illustrated here:

Our interpretation of the statement released after the 1 June meeting was that no further cutting would take place on the SACs. The twist was that a certain amount of the 55 bog complexes would no longer be SACs after a review and negotiations with the turf cutters to establish from which of the bogs they could reasonably relocate ... It is a twist in the English language but that was what was required to satisfy everyone at the meeting ... (Flanagan, 2011).

In other words, it had been agreed⁷ that no turf cutting would take place conditional to a case being put to the European Commission for de-classification of sites where relocation to alternative sites would not be possible. From this perspective, the Minister's statement following the emergency meeting, is illustrative of its circumscription of the discursive field (Foucault, 1991b, p.60) to reflect the official position on the implementation of the Directive.

Given the general reluctance of protest groups to engage in formal negotiations with government (Woods, 2003), the TCCA's position 'within' the official negotiation process can be interpreted as an experimental attempt to influence policy making. In September, the signing into law of the European Communities (Birds and Natural Habitats) Regulations 2011 gave greater powers to the state to protect SACs (DAHG, 2011a). This contributed to claims by the TCCA, as reported in national newspapers, that the state had no genuine commitment to the June agreement or to the negotiations with turf cutters on the Peatlands Council (Siggins, 2011a; 2011b). The following quote illustrates how the TCCA represented the introduction of the legislation as an instrumental act to pre-determine the outcome of negotiations, and as a key factor in its decision to depart from the Peatlands Council in September 2011:

On Monday of this week the TCCA walked out of the Peatlands Council. The purpose of the Peatlands Council as we had understood it was to find a solution to this issue. How then can both Ministers ... expect the TCCA to continue with this process when they have already decided the result ... the signing into law of The European Communities (Birds and Natural Habitats) Regulations 2011 will make it impossible for

turf cutters to continue a practice which has been carried out for hundreds of years (TCCA, 2011a).

On the other hand, nervousness and uncertainty features in state decision-making around granting partner status to interest groups in partnerships relevant to land-use conflicts (Taylor and Lawrence, 2012). Governments also have the capability of recapturing errant partnership initiatives and emerging discourses that are contrary to state objectives (Edwards *et al.*, 2001). Davies (2005), for instance, has highlighted the willingness of the Irish state to strategically amend legislation during land-use disputes. From these perspectives, the introduction of the new legislation at that time, could be interpreted as a tactical move to engineer a voluntary departure by the TCCA from the negotiation process. The exit of the most vocal critics of the Peatlands Council would be in line with future attempts by government to re-capture the emerging discourse on de-classification. This interpretation is supported by Minister Deenihan's defence of the legitimacy of the Peatlands Council in October 2011, as a participatory forum despite the exit of the TCCA from formal negotiations:

The Peatlands Council has shown that it can be ... a credible forum where the interests of turf cutters can be represented and accommodated. While one group – the Turf Cutters and Contractors Association – has withdrawn ... (Deenihan, 2011a).

As experienced actors within rural policy networks the remaining turf cutting and landowning representatives on the Peatlands Council were likely to adopt a more docile position on the official line on de-classification (Taylor & Lawrence, 2012; Woods, 2003; 2008). The TCCA had indeed distanced itself from Irish

Rural Link and the Irish Farmers Association, arguing that these groups did not represent the TCCA or ordinary turf cutters (TCCA, 2012c, Bryan 2012). The apparent attempt to claw back the recalcitrant discourse on de-classification, after the exit of the TCCA from negotiations is supported by Minister Deenihan's assertions here in parliament in November 2011:

When I was given the responsibility for this matter I contacted the European Commission to see whether we could renegotiate or if there was any wriggle room. I was told there was not ... The European Commission wants us to enforce the law (Deenihan, 2011b).

The discussion above has indicated that legitimacy for policy development through the Peatlands Council was derived primarily through scientific rationality, rather than participatory criteria. It failed to provide a discursive opportunity structure (Garavan, 2009) to the TCCA to influence the official policy position on de-classification through deliberation. This stage of the governance process therefore supports previous research (e.g. Bickerstaff & Walker, 2005; Davies, 2005; Edwards *et al.*, 2001; Flyvbjerg, 1998; 2001; Rutland & Aylett, 2008) on the failure of Habermasian ideals to neutralise power relations in environmental partnerships. Further, it demonstrates how the state used the Peatlands Council as a mechanism to govern at a distance (Foucault, 1991a) through its reinforcement of the centralised role of the state in nature's regulation.

5.2 *The TCCA and the politics of contestation and resistance*

Outside of its formal involvement in policy making, the TCCA engaged in a plurality of strategies to mobilise discourse change on the prevalent scientific

rationality for implementation of the Directive. These included first, mobilisation of the turf cutting communities to engage with consultation; and secondly, the instrumental use of parliament through debate and protest.

Prior to its departure from the Peatlands Council, the TCCA had commenced a consultation process which included meetings with the peatland communities affected by the designations (TCCA, 2012a). In conformity with Derkzen, Franklin and Bock (2008), this demonstrates how the state-led partnership process acted as a stimulus for grassroots engagement with policy development. According to the Chairman of the TCCA, one aim of its consultation process was to engage in a process of self-help to find reasonable solutions to the conflict that would provide feedback into the Peatlands Council's participatory process (Field Journal 1). During this consultation process the TCCA departed from the Peatlands Council, but it nevertheless continued to meet and consult with each of the peatland communities. The TCCA published its findings in a report entitled '*TCCA Proposals on 57⁸ Raised Bog Complexes to EU Commission and Irish Government*' (*ibid.*).

The TCCA's report (2012a) brought into focus the legitimacy of the selection of the designated sites by alleging failure to notify⁹ and consult communities in advance. It also claimed that communities had a lack of trust in the approach taken by the NPWS to implementation of the Directive. The report concluded that most turf cutters preferred relocation or de-classification, rather than financial compensation, which it deemed to be inadequate. It also challenged the dominant scientific rationality of nature's governance as exemplified by the selection of SACs on the basis of scientific criteria alone. It argued that this had

exacerbated the displacement effects and spatial inequities of designation in disadvantaged rural areas. Further, the report cited the practical impediments to finding relocation solutions in areas of high conservation value where designations were spatially concentrated.

The TCCA (2012a) presented proposals which it claimed derived from its consultations with turf cutters. On SAC sites where relocation to alternative bogs would not be feasible, partial de-classification and full de-classification were recommended. It framed de-classification as a feasible proposition within the terms of the Habitats Directive through the identification of 'compensatory habitat' for the de-classified areas arising from its proposals. In this manner it claimed that 98% of the existing SAC network of raised bogs could be conserved, and that the designation of additional 'compensatory habitat' in line with Article 6 of the Habitats Directive, would offset the remaining 2% (TCCA, 2012a, p.9). Its analysis however, did not take into account the scientific evidence (e.g. Renou-Wilson *et. al*, 2011) underpinning peatlands conservation, that partial de-classification would undermine the ecological integrity of peatland habitats. The TCCA's (2012a) proposals thereby represented a significant challenge to the scientific rationality underpinning the selection of sites in the SAC network and its spatial territory.

In spite of its representing a significant challenge to the regulatory authority of the state, the prevailing commentary on the TCCA's report (2012a) by government deputies in parliament was positive as illustrated in these examples:

If we are going to get through this, we have to work together. I acknowledge the role played by the TCCA because the issue had continued for a long time ... I welcome ... the TCCA submission as they have a very good understanding of the position on the majority of bogs and of how the process will work and be implemented (Connaughton, 2012).

I am delighted the Turf Cutters and Contractors Association which enjoys the trust of turf cutters throughout the country, is using its leadership role to engage and make positive suggestions (Corcoran-Kennedy, 2012).

The establishment of the Peatlands Forum pointed to a new government concern over the legitimacy of its regulatory policies and the Peatlands Council, in the absence of the TCCA. This alteration to the participatory governance process was as a direct result of the political impact of the TCCA's local consultations, the legitimacy of government policy being intrinsically linked to its social acceptance (Dean, 1999).

The Peatlands Forum was a once off event which took place between 28th February and 2nd March 2012. It was independently chaired by a High Court Judge and its proceedings were published as *The Quirke Report* (2012). Turf cutters were given the opportunity for direct representation and deliberation with officials. The new emphasis on deriving legitimacy through participatory practices is apparent in the structure of the forum, which allowed for significant numbers of turf cutters to address the forum as described in the Quirke Report:

Approximately 140 representatives from more than 50 turf cutting communities addressed the Forum in open plenary sessions. Speakers representing other interested parties also made oral submissions (Quirke, 2012, p. 8).

The Quirke Report affirmed the TCCA's (2012a) claims of turf cutters' lack of trust in the NPWS and that a majority of turf cutters preferred to continue cutting turf over compensation. The *Quirke Report* effectively reframed the conflict to focus on the displacement impacts of the designations and the apparent failure of state agencies to address the rights of turf cutters:

the rights enjoyed by the turf cutting communities are complex in nature, varied and often difficult to define ... The task of identifying the owners of property and other rights enjoyed over the relevant bogs has been daunting for the State agencies. Perhaps unsurprisingly it does not appear to have been achieved (Quirke, 2012, p. 162).

In a move contrary to existing state policy, Quirke (2012) directed attention to the provisions of Article 6 of the Habitats Directive for consideration of socio-economic issues and recommended that a 'national plan' should be prepared to invoke these provisions. The report also recommended that the turf cutters should be (more) adequately compensated for the restrictions on turf cutting (*ibid.*).

The subsequent government *volte face* on the consideration of the issue of de-classification in official policy *after* the Quirke Report, should not be attributed to the Peatlands Forum alone. Other contributory factors were the political significance of the TCCA's consultations with turf cutters discussed earlier *and* Flanagan's dual role as activist and public representative.

The parliamentary debate on 6th March, 2012 on a motion put forward by Flanagan (2012) ¹⁰ detailed the TCCA's (2012a) proposals, and in keeping with the *Quirke Report*, sought the submission of a 'national plan' to the EU. By occurring shortly after the Peatlands Forum and coinciding with the TCCA's

public protest outside the Irish Parliament, the debate was of particular significance as a discursive event (Sharp & Richardson, 2001). Flanagan's (2012) motion was passed unanimously by parliament, marking a critical moment in the power struggle between the TCCA and the state. It also marked a discursive shift from the government's position of inflexibility on the issue of de-classification, towards the consideration of the possibility of de-classification in evolving policy. The outcome of the parliamentary debate, therefore, illustrated the agency of the TCCA and its potential to influence environmental policy processes. The government emphasis on the democratic legitimacy of its policy process is illustrated in this quote, which also invokes the significance of the parliamentary debate and the increased involvement of the European Commission in policy development:

the development of a National Raised Bog SAC (Special Area of Conservation) Management Plan ... is a core part of the Government response to the turf issue. A Peatlands Forum was held in 2012, under the Chairmanship of Judge Quirke, which recommended that a national plan be developed. A unanimous vote in Dáil Éireann also called for such a plan. The development of this plan was agreed with the European Commission. When completed, this plan can form the basis for a submission seeking flexibility, under the habitats Directive Article 6(4), for the most difficult bogs where relocation options may be limited (DAHG, 2013).

The discursive shift towards the consideration of de-classification in the policy process was also evidenced by the publication by government of the *National Raised Bog SAC Management Plan, Draft for Consultation* (DAHG, 2014). Significantly, this has identified the possibility of partial de-classification on at least one SAC under Article 6(3), and on other sites under Article 6(4), subject

to further investigation and the completion of the public consultation process for the plan (*ibid.*, pgs. 85-89). The empirical results presented here suggest that research on the power relations underpinning this planning process would provide further insights into the processes behind the future adoption, or not, of de-classification of SACs in official policy.

6. Conclusion

In order to gain insights into environmental governance, this study adopted a Foucauldian perspective on the power struggles emanating from a participative approach to the resolution of conflict resulting from nature's regulation. The focus on power has illustrated the tensions between participative and scientific forms of legitimacy underpinning nature's regulation (Halpin, 2006), and how the collaborative approach led to a reframing of the basis to legitimacy for implementing the EU Habitats Directive.

Despite the state's discursive construction of the Peatlands Council as a participatory forum for turf cutters, in practice, the state exerted a dominant influence over official policy and ensured that legitimacy for peatlands regulation was derived primarily from scientific criteria. Nevertheless, the Peatlands Council also acted as a medium for community resistance to the state's centralised approach to regulation processes, through the TCCA's initial position within the official negotiations. The TCCA's exit from official negotiations, and its grassroots mobilisation of turf cutters proved politically significant and forced government to reconsider the legitimacy of the

partnership process, as represented by the Peatlands Council. The subsequent alteration of the governance structure through the establishment of the Peatlands Forum, represented an attempt by the state to reconstruct legitimacy through the new emphasis on the direct participation of turf cutting communities affected by the Directive. The Peatlands Forum effectively reframed the debate and contributed to the development of a transformatory discourse around the implementation of the Directive. Flanagan's dual role as activist and parliamentary deputy was also instrumental in this shift towards a greater emphasis on democratic legitimacy and displacement issues in official discourse.

It is beyond the scope of this paper to reflect on the longer term impact of these institutional and discursive shifts on the longer term resolution of the conflict. Nevertheless, some conclusions can be drawn on the broader implications of the research with regard to rural environmental governance processes.

Previous research has highlighted the dominating influence of the state in networks of environmental governmentality, and hence, the limited ability of protesting interest groups to influence regulatory control frameworks (Edwards *et al.*, 2001; Davies, 2005; Taylor & Lawrence, 2012). Alternatively, Derkzen *et al.* (2008) have emphasised the potential for the disruption and diminution of state control arising from partnership approaches in the context of rural development. This case has demonstrated how the participative governance process and the politics of resistance converged, so that the TCCA influenced institutional and discursive change for implementation of the Directive, thus pointing to the rescaling of governance downwards. A further consequence

would appear to be the subjection of the Irish state to greater supra-national EU involvement in evolving policy. Consequently, following Derkzen *et al.*, (2008) the impact of the partnership process over the period examined in this research, has been to disrupt the regulatory authority of the Irish state, and to expose it to possible future weakening. The findings also reveal the potential within participatory governance processes for interest groups to exert local agency, to resist centralising state control and to shape transformation in environmental policy.

References

Adams, W. M. (2004). *Against extinction: The story of conservation*, London: Earthscan.

Adams, W.M., & Hutton, J. (2007). People, parks and poverty: Political ecology and biodiversity conservation, *Conservation and Society*, 5(2), 147-183.

Retrieved from: <http://www.conservationandsociety.org>

Agrawal, A. (2005). Environmentality: Community, intimate government, and the making of environmental subjects in Kumaon, India, *Current Anthropology*, 46 (2), 161-190.

Bickerstaff, K., & Walker, G. (2005). Shared visions, unholy alliances: power, governance and deliberative processes in local transport planning, *Urban Studies*, 42, (12), 2123-2144.

Borrini-Feyerabend, G., Kothari, A., & Oviedo, G. (2004). *Indigenous and local communities and protected areas: Best practice protected area guideline series*

No. 11, World Commission on Protected Areas. Retrieved from:

<http://areasprotegidas.info>

Bryan, S. (2012). Contested boundaries, contested places: The Natura 2000 network in Ireland, *Journal of Rural Studies*, 28(1), 80-94.

Bryman, A. (2008). *Social Research Methods*, Oxford: Oxford University Press.

Bullock, C.H., & Collier M. (2011). When the public good conflicts with an apparent preference for unsustainable behaviour. *Ecological Economics*, 70, 971-977.

Bullock, C.H., Collier M. J., & Convery F. (2012). Peatlands, their economic value and priorities for their future management: The example of Ireland. *Land Use Policy*, 29, 921-928.

Collier M. J. (2011). Incorporating socio-economic factors into restoration: Implications from industrially harvested peatlands. *Restoration Ecology*, 19 (5), 559-563.

Collier M. J. & Scott M. (2009). Conflicting rationalities, knowledge and values in scarred landscapes. *Journal of Rural Studies*, 25, 267-277.

Connaughton, P. (2012). Private members' motion: Turbary rights, *Dáil Éireann Debate*, Vol. 758, p. 25, No. 1, unrevised, 6 March. Retrieved from:

<http://debates.oireachtas.ie/dail/2012/03/06/00025.asp>

Corcoran-Kennedy, M. (2012). Private members' motion: Turbary rights, *Dáil Éireann Debate*, Vol. 757, No. 6, p. 28, unrevised, 7 March. Retrieved from:

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/takes/dail2012030700028?opendocument>

Connelly, S., Richardson T., & Miles T. (2006). Situated legitimacy: Deliberative arenas and the new rural governance, *Journal of Rural Studies* 22, 267-277.

DAHG, (2011a). *Deenihan signs major updated nature protection legislation*, [press release], 27 September. Retrieved from:

<http://www.ahg.gov.ie/en/PressReleases/2011/September2011PressReleases/htmltext,16076,en.html>

DAHG, (2011b). *National Peatlands Strategy: Terms of reference and guidance*. Retrieved from:

<http://www.npws.ie/media/npws/National%20Peatlands%20Strategy%20Terms%20of%20Reference%20&%20Guidance%20Ext.pdf>

DAHG, (2012a). *Deenihan Publishes Quirke Report on Turf Cutting, Enhanced compensation for turf cutters announced* [press release], 6 March. Retrieved from:

<http://www.ahg.gov.ie/en/PressReleases/2012/March2012PressReleases/htmltext,16368,en.html>

DAHG, (2012b). *Deenihan welcomes progress on relocation of turf cutting: Justice John Quirke asked to chair Forum*, [press release], 2 February.

Retrieved from: <http://www.merrionstreet.ie/index.php/2012/02/deenihan-welcomes-progress-on-relocation-of-turf-cutting/>

DAHG, (2012c). *National Raised Bog SAC Management Plan: Proposed approach*. Retrieved from:
<http://www.npws.ie/media/npws/National%20Raised%20Bog%20SAC%20Management%20Plan%20Proposed%20Approach.pdf>

DAHG, (2013). *Consultants appointed to progress National Raised Bog SAC Management Plan and NHA Review, [press release]*, 14 March, Department of Arts, Heritage and the Gaeltacht. Retrieved from:
<http://www.ahg.gov.ie/en/PressReleases/2013/March2013PressReleases/htmltext,16904,en.html>

DAHG, (2014). *National Raised Bog SAC Management Plan, Draft for Consultation*. Retrieved from:
http://www.ahg.gov.ie/en/Publications/HeritagePublications/NatureConservationPublications/Final%20draft%202014-01-15%20National%20Raised%20Bog%20SAC%20Management%20Plan%20with%20appendices_v2.pdf

Davies, A. (2005). Incineration politics and the geographies of waste governance: A burning issue for Ireland? *Environment and Planning C: Government and Policy*, 23, 375-395.

Dean, M. (1999). *Governmentality: Power and rule in modern society*. London: Sage.

Deenihan, J. (2011a). Priority questions: Turbary rights, *Dáil Éireann Debate*, Vol. 744, No. 1, p. 3, unrevised, 18 Oct. Retrieved from:
<http://debates.oireachtas.ie/dail/2011/10/18/00003.asp>

Deenihan, J. (2011b). Priority questions: Turbary rights, *Dáil Éireann Debate*, Vol. 747, No. 5, p. 16, unrevised, 24 Nov. Retrieved from:
<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2011112400016?opendocument>

Derkzen, P., Franklin, A., Bock B. (2008). Examining power struggles as a signifier of successful partnership working: A case study of partnership dynamics. *Journal of Rural Studies*, 24, 458-466.

Edwards B., Goodwin, M., Pemberton S., & Woods, M. (2001). Partnerships, power, and scale in rural governance, *Environment and Planning C: Government and Policy*, (19), 289-310.

Ettlinger, N. (2011). Governmentality as epistemology, *Annals of the Association of American Geographers*, 101(3), 537-560.

European Commission, (2004). *Life Focus/ Life-Nature: Communicating with stakeholders and the general public*, Luxembourg: Office for official publications of the European Commission.

Feehan, J., & O'Donovan G. (1996). An introduction to the natural, cultural and industrial heritage of Irish peatlands, Dublin: The Environmental Institute, University College Dublin.

Feindt, P. H., & Oels, A. (2005). Does Discourse Matter? Discourse Analysis in Environmental Policy Making, *Journal of Environmental Policy and Planning*, 7(3), 161-173.

Fischer, F. (2000). *Citizens, experts, and the environment: The politics of local knowledge*, Durham: Duke University Press.

Flanagan, L. M. (2011). Vote 33-National Gallery of Ireland, revised, *Dáil Éireann Committee Debate*, Select Committee on the Environment, Transport, Culture and the Gaeltacht, 6 July. Retrieved from:
<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/TRS2011070600003?opendocument>

Flanagan, L. M. (2012). Private members' motion: Turbary rights, *Dáil Éireann Debate*, Vol. 758, p. 25, No. 1, unrevised, 6 March. Retrieved from:
<http://debates.oireachtas.ie/dail/2012/03/06/00025.asp>

Flyvbjerg, B. (1998). *Rationality and power: Democracy in practice*. Chicago: University of Chicago Press.

Flyvbjerg, B. (2001). *Making social science matter: Why social inquiry fails and how it can succeed again*, Cambridge: Cambridge university press.

Foucault, M. (1980). *Power/ knowledge: Selected interviews and other writings 1972-1977* (Gordon, C., Marshall, L., Mepham, J., & Soper, K., Trans.), New York: Pantheon.

Foucault, M. (1991a). Governmentality. In Burchell G., Gordon C. & Miller P. (Eds.) *The Foucault effect: Studies in Governmentality* (pp.87 – 104), Chicago: University of Chicago Press.

Foucault, M. (1991b). Politics and the study of discourse. In Burchell G., Gordon C. & Miller P. (Eds.) *The Foucault effect: Studies in Governmentality* (pp.53 – 72), Chicago: University of Chicago Press.

Friends of the Irish Environment, (2011). Turf-cutting on protected bogs, [Letter], *The Irish Times*, June 14.

Garavan, M. (2009). Civil society and political argument: how to make sense when no-one is listening. In O'Broin D. & Kirby P. (Eds.) *Power, dissent and democracy: civil society and the State in Ireland* (pp.78 –91), Dublin: A. & A. Farmer Ltd.

Habermas, J. (1986). *The theory of communicative action*, Cambridge: Polity Press.

Hajer, M., & Versteeg, W. (2005). A decade of discourse analysis of environmental politics: Achievements, Challenges, Perspectives, *Journal of Environmental Policy and Planning*, 7 (3), 175-184.

Halpin, D. R. (2006). The participatory and democratic potential and practice of interest groups: between solidarity and representation, *Public Administration*, 84 (4), 919-940.

Hamin, E. M. (2002). Western European approaches to landscape protection: A review of the literature, *Journal of Planning Literature*, 16(3), 339-358.

Healey P, (2006). *Collaborative planning: Shaping places in contemporary societies*, (2nd Edition), London: Palgrave MacMillan.

Healy N., Rau, H., & McDonagh, J. (2012). Collaborative tourism planning in Ireland: Tokenistic consultation and the politics of participation, *Journal of Environmental Policy and Planning*, 14 (4), 450-471.

Herbert-Cheshire, L. (2006). *Governing rural development: Discourses and practices of self-help in Australian rural policy*, London: Ashgate.

Heritage Council, (2009). *Irish Landscape Conference Report*, The Heritage Council, Kilkenny, Ireland. Retrieved from:
http://www.heritagecouncil.ie/fileadmin/user_upload/Publications/Landscape/Landscape_papers_Web_HR.pdf

Linehan, C. (2005). Developments in relation to protected areas, Paper presented at *Law and the Environment*, University College Cork, Faculty of Law. Retrieved from: www.ucc.ie/law/events/environ05papers/linehan.doc

Lockwood, M. (2010). Good governance for terrestrial protected areas: A framework, principles and performance outcomes, *Journal of Environmental Management*, 91, 754–766.

Murdoch, J. (1995). Governmentality and the politics of resistance in UK agriculture: the case of the Farmers' Union of Wales, *Sociologia Ruralis*, 35 (2), 187-205

NPWS, (2011a). *Hogan and Deenihan establish Peatland Council*, [press release], 7 April. Retrieved from:
<http://www.npws.ie/media/npws/Press%20Release%20-%20Establishment%20of%20Peatlands%20Council.pdf>

NPWS, (2011b). *Peatlands Council establishment and Terms of reference.*

Retrieved from: <http://www.npws.ie/media/npws/Peatlands%20Council%20-%20Terms%20of%20Reference.pdf>

NPWS, (2011c). *Deenihan welcomes breakthrough by Peatlands Council,*

[press release], 1 June. Retrieved from:

<http://www.npws.ie/media/npws/Press%20Release%20-%20Minister%20Deenihan%20-%20Peatlands%20Council%20Breakthrough.pdf>

NPWS, (2012). *Peatlands & Turf Cutting, 53 Raised Bog Special areas of Conservation [Webpage].* Retrieved from: <http://www.npws.ie/peatlandsturf-cutting/>

Opdam, P.F.M., Broekmeyer, M.E.A., Kistenkas, F.H. (2009). Identifying uncertainties in judging the significance of human impacts on Natura 2000 sites, *Environmental Science and Policy* 12,912-921.

O'Rourke, E. (2005). Socio-natural interaction and landscape dynamics in the Burren, Ireland, *Landscape and Urban Planning*, 70, 69-83.

Peatlands Council, (2013). *Peatlands Council Newsletter*, June. Retrieved from: <http://www.npws.ie/peatlandsturf-cutting/peatlandscouncil/>

Quirke, J. (2012). *The Quirke Report: Peatlands Forum 2012*, DAHG.

Retrieved from:

<http://www.ahg.gov.ie/en/Publications/HeritagePublications/NatureConservationPublications/QUIRKE%20REPORT.pdf>

Renou-Wilson, F., Bolger, T., Bullock, C., Convery, F., Curry, J., Ward., S., Wilson, D., & Muller, C., (2011). *Bogland: Sustainable management of peatlands in Ireland – Final Report. ERTDI Project, Strive 75*. Environmental Protection Agency, Johnstown Castle, Co. Wexford, Ireland. Retrieved from: <http://erc.epa.ie/safer/iso19115/displayISO19115.jsp?isoID=236>

Roth, R.J., & Dressler, W. (2012). Market-oriented conservation governance: The particularities of place, *Geoforum*, 43, 363-366.

Rutherford, S. (2007). Green governmentality: Insights and opportunities in the study of nature's rule, *Progress in Human Geography*, 31(3), 291-307.

Rutland, T., & Aylett, A. (2008). The work of policy: Actor-networks, governmentality and local action on climate change in Portland, Oregon, *Environment and Planning D: Society and Space*, 26, 627-646.

Selman, P. (2009). Conservation designations: Are they fit for purpose in the 21st century?, *Land Use Policy*, 26S, S142–S153.

Sharp, L., & Richardson, T. (2001). Reflections on Foucauldian discourse analysis in planning and environmental policy research, *Journal of Environmental Policy and Planning*, 3, 193-209.

Siggins, L. (2011a). Turf cutters confront Mitchell over peat controls, [newspaper article], *The Irish Times*, October 11, p. 7.

Siggins, L. (2011b). Turf cutters rally against peatland laws enforcement, [newspaper article], *The Irish Times*, September 30, 2011, p. 3.

Taylor, B.M. (2010). Between argument and coercion: Social coordination in rural environmental governance. *Journal of Rural Studies*, 26(4), 383-393.

Taylor, B.M., & Lawrence, G. A. (2012). Agri-political organizations in environmental governance: Representing farmer Interests in regional partnerships, *Journal of Environmental Policy & Planning*, 14 (4), 337- 359.

TCCA, (2011a). *TCCA Leaves Peatland Council*, retrieved from:
<http://www.turfcuttersandcontractors.com/tcca-leaves-peatland-council/>

TCCA, (2011b). *TCCA Press Release 5th December 2011, Re: Request for Written Submissions on Peatlands Strategy*, retrieved from:
<http://www.turfcuttersandcontractors.com/re-request-for-written-submissions-on-peatlands-strategy/>

TCCA, (2012a). *TCCA proposals on 57 raised bog complexes to EU Commission and Irish Government, Revision 6*, retrieved from:
http://www.turfcuttersandcontractors.com/documentation/TCCA_proposals_Mar4_rev6.pdf

TCCA, (2012b). *Turf Cutters and Contractors Association Statement October 2012*, retrieved from: <http://www.turfcuttersandcontractors.com/tcca-statement/>

TCCA, (2012c). Letter by Tom Ward on behalf of turf cutters - Re: request for Written Submissions on Peatlands Strategy, retrieved on 7/12/12 from:
<http://www.turfcuttersandcontractors.com>

Thompson, N. (2005). Inter-institutional relations in the governance of England's national parks: A governmentality perspective, *Journal of Rural Studies* 21, 323 – 334.

Tovey H. (2009). Managing rural nature: Regulation, translations and governance in the Republic of Ireland and Northern Ireland. In McDonagh J., Varley T., Shortall S. (Eds.), *A Living Countryside? The politics of sustainable development in rural Ireland*, (pp.106-120). Surrey: Ashgate.

West, P., Igoe, J., & Brockington, D. (2006). Parks and peoples: The social impact of protected areas, *Annual Review of Anthropology*, 35, 251-277.

Woods, M. (2003). Deconstructing rural protest: the emergence of a new social movement. *Journal of Rural Studies*, 19, 309-325.

Woods, M. (2008). Social movements and rural politics, *Journal of Rural Studies*, 24, 129-137

Notes

¹ Originally the number of sites affected was classified as 55 SACs, however three sites were subsequently classified together as one SAC (NPWS, 2012). The TCCA refer to the 53 SACs as 57 sites, arguing that one of the SACs includes five individual bog complexes (TCCA, 2012a).

² Turbary is a term used to denote the right to cut turf on a particular area of bog and can apply even when there are no other land rights to the bog. Turf cutting rights are often historic or customary in nature (Feehan and O'Donovan, 1996).

³ Following an initial ban on turf cutting on the SACs, the government granted a 'derogation' which was not sanctioned by the EU. This effectively gave turf cutters 10 years notice to cease cutting until 2009, when conflict escalated (Renou-Wilson *et al.*, 2011).

⁴ This figure relates to the loss of active raised bog on both Natural Heritage Area sites (designated under Irish law) and SAC sites (Renou-Wilson *et al.*, 2011)

⁵ 69 unrevised Dáil Debates and 5 Dáil Committee Debates that referred to the Peatlands Council were analysed.

⁶ Content analysis of the 74 Dáil debates (see note 5) revealed twenty-one references to the Peatlands Council's independent status.

⁷ Friends of the Irish Environment (2011), an environmental NGO and member of the Irish Environmental Network, supported the TCCA's interpretation of the June agreement in terms of its basis being in partial de-classification by stating in its letter to The Irish Times on June 14 : "the Peatlands Council agreement is based on flawed science ... to isolate parts of the protected bogs to allow cutting to continue ...".

⁸ See note 1.

⁹ According to Linehan (2005, p 1), in the transcription of the Habitats Directive into Irish law "landowners were given the right to notification and participation to an extent not laid down or envisaged in the Habitats Directive".

¹⁰ Deputy Flanagan put forward the motion on behalf of the Dáil Technical Group.