



## Re: The need to reform the legal mandates of Coillte, Bord Na Móna and other public bodies

Dear Ministers,

We, the Environmental Pillar, Stop Climate Chaos and the Sustainable Water Network (SWAN) are strongly of the view that public land must be utilised in the public interest and that all public bodies must be mandated to lead in Ireland's response to climate change and biodiversity loss. The Irish people should have a greater say in how that is achieved. The public outrage in response to the agreement between Coillte and Gresham House PLC and the admission by Minister McConalogue that the deal was "*not the government's preferred option*<sup>1</sup>," starkly highlighted the lack of accountability and government oversight in the operation of public bodies such as Coillte and Bord Na Móna. Coillte's agreement with Gresham House and the persistent greenwashing of outdated and unsustainable land use<sup>2 3</sup> signal an unacceptable lack of leadership by the State in response to Ireland's declared climate and biodiversity emergency.

The Programme for Government (PFG)<sup>4</sup> commits to "*Ensure that Coillte's remit supports the delivery of climate change commitments and the protection of biodiversity*" and "*the retention of the commercial forests of Coillte in public ownership*" and also to "*ensure that Bord na Móna is required to take into account climate, biodiversity, and water objectives, as they deliver on their commercial mandate, through an amendment to the Turf Development Acts 1998*". However, we have seen no evidence of progress from the Government to deliver on these commitments. To meaningfully deliver on this PFG commitment, the narrow economic mandates conferred on Coillte, Bord na Móna and other public bodies by outdated legislation must be immediately amended and brought in line with environmental and climate obligations at national and EU level. It is particularly concerning that obligations in the Government's 2021 Climate (Amendment) Act for public bodies to act consistent with climate plans and targets do not in fact apply to Ervia (including GNI), the ESB, and Coillte, according to Minister Ryan.<sup>5</sup>

Therefore, we the undersigned demand that the Government without delay:

- **Amend the legal mandates conferred on Coillte by the Forestry Act 1988, Bord na Móna by the Turf Development Acts 1946-1998 and the OPW under the Arterial Drainage Acts 1945-1995, ensuring that the protection and restoration of the environment and climate action**

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<sup>1</sup> The Journal (2023) Coillte forestry deal 'not government's preferred option', admits agriculture minister <https://www.thejournal.ie/coillte-deal-mcconalogue-5979424-Jan2023/>

<sup>2</sup> Opinion: Is greenwashing our greatest threat to nature? <https://greennews.ie/greenwashing-the-greatest-threat-to-nature/>

<sup>3</sup> Environmental Pillar (2022) Coillte's Strategic Vision For Its Future Forest Estate

<https://environmentalpillar.ie/2023/02/14/environmental-pillar-2022-coilltes-strategic-vision-for-its-future-forest-estate/>

<sup>4</sup> Programme for Government: Our Shared Future <https://assets.gov.ie/130911/fe93e24e-dfe0-40ff-9934-def2b44b7b52.pdf>

<sup>5</sup> See Minister Ryan's PQ response of 27 September 2022 <https://www.oireachtas.ie/en/debates/question/2022-09-27/56/speech/259/>

are core obligations; and place the government's commitment to retain public land in public ownership on a legal footing.

- **Issue new letters of expectation from government to the boards of Coillte and Bord Na Móna signalling the imminent reform of their legal mandates and directing them to not enter into any legal agreements which would undermine public ownership or public access to their landholdings.**

Coillte is the largest landowner in the Irish State, managing 7% of Ireland's land area. It controls approximately half of Irish forestry and owns 232,500 ha of peatlands, making them the largest owner of peatland habitat in Ireland<sup>6</sup>. Coillte also owns a significant area of habitat which is of international importance for biodiversity, including 96,000 ha of designated sites<sup>7</sup> and encompassing many vulnerable high-status water bodies. Bord na Móna manages an additional 1% of Ireland's land area<sup>8</sup>. Their landholding supports a rich diversity of wildlife across a mosaic of wetlands, grasslands and woodlands<sup>8</sup>. Both bodies have a significant role to play in the management of nationally important carbon stores.

The untapped potential of Coillte and Bord Na Móna's land holdings presents an unprecedented opportunity to restore nature at a scale, delivering essential ecosystem services to society such as biodiversity restoration, climate change adaptation and mitigation, as well as employment and public amenity. The overall benefit/cost ratio of effective environmental protection and nature restoration are overwhelmingly positive<sup>9 10</sup>. At a time when we are asking more and more of private landowners it is critically important that the State is seen to lead from the front. Public land must be utilised in the public interest and the Irish people should have a greater say in how that is achieved.

We also have major concerns with the functions and duties of public bodies in the energy sector tasked with delivering on Ireland's decarbonisation objectives. Research has shown that mandates of relevant public bodies do not specify compliance with national and international climate law, are not fully aligned with Paris Agreement obligations and do not properly address principles of climate justice or sustainable development.<sup>11</sup> We also call on the Government to:

- **Introduce amending legislation to ensure that the mandates of the CRU, ESB and GNI (as detailed in Electricity Regulation Act 1999, the Gas Act 1976, and the Electricity (Supply) Act 1927) are updated and at a minimum incorporate commitments to act in accordance with national and international climate and environmental law and ensure meaningful engagement and early consultation with citizens and local communities.**

Yours sincerely,

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<sup>6</sup> NPWS (2015) A National Peatlands Strategy 2015. Dublin: National Parks & Wildlife Services. Department of Arts, Heritage and the Gaeltacht.

<sup>7</sup> Coillte (2011) Sustainability Report, Coillte Teoranta <http://sustainabilityreport2011.coillte.ie/index.php?id=130>

<sup>8</sup> Bord Na Mona (2016) Bord Na Mona Biodiversity Action Plan 2016 – 2021 <https://www.bordnamona.ie/wp-content/uploads/2021/03/Biodiversity-Action-Plan-2016-2021-1.pdf>

<sup>9</sup> Balmford, A., Bruner, A., Cooper, P., Costanza, R., Farber, S., Green, R. E., ... & Turner, R. K. (2002). Economic reasons for conserving wild nature. *science*, 297(5583), 950-953.

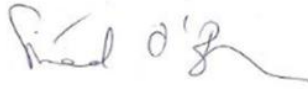
<sup>10</sup> Commission Staff Working Document Impact Assessment - Accompanying the proposal for a Regulation of the European Parliament and of the Council on nature restoration (Part 1/12) [https://environment.ec.europa.eu/publications/nature-restoration-law\\_en](https://environment.ec.europa.eu/publications/nature-restoration-law_en)

<sup>11</sup> FOE The Role of Public Bodies in Driving Ireland's Decarbonisation

[https://www.friendsoftheearth.ie/assets/files/pdf/the\\_role\\_of\\_public\\_bodies\\_in\\_driving\\_irelands\\_decarbonisation\\_-\\_executive\\_summary\\_-\\_final.pdf](https://www.friendsoftheearth.ie/assets/files/pdf/the_role_of_public_bodies_in_driving_irelands_decarbonisation_-_executive_summary_-_final.pdf)



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