

Bohernabreena branch of the
Irish Farmers Association
c/o Philip Gallagher
Cruagh Lane
Killakee
Rathfarnham
Dublin 16

Department of Arts, Heritage & the Gaeltacht
7 Ely Place
Dublin 2

7th January 2015

Re: Public Consultation - Review of section 40 of the Wildlife Act – Burning/Cutting Controls

Dear Sir/Madam

The Bohernabreena branch of the Irish Farmers Association (IFA) welcomes this opportunity to submit a reply to the recently announced Public Consultation on the review of Section 40 of the Wildlife Act concerning the current Burning/Hedge Cutting controls.

At the recent Annual General Meeting of the Bohernabreena branch of the IFA quite a large number of IFA members from the Bohernabreena, Ballinascoreney, Glenasmole, Killakee, Cruagh, Glencullen, Tibbradden and Kilmashogue areas of South County Dublin discussed the current limitations on both burning and hedge cutting. Following a lengthy discussion on these issues and the overriding negative impact that the current controls have on farmers in these areas it was decided to submit our views on the issues and questions raised in this Public Consultation.

It was very clear from the discussion between our members that farmers recognise and respect the need to protect the environment and to ensure the protection of vegetation and wildlife habitats during the recognised months of growth and reproduction. It should also be noted that farmers play an extremely important role in the protection of the environment and this is now even more relevant considering the recognised decline in habitats and the resulting impact on Irelands breeding bird species. These negative statistics are referred to in section 2 of the public consultation document. A significant proportion of the privately owned green areas in the locations mentioned above in South County Dublin are owned, actively farmed and maintained by farmers from these areas.

The farmers in these areas also have access via grazing right to the Mountains in South Dublin and Dun Laoghaire Rathdown. The farmers from these areas would welcome the opportunity to work with the relevant authorities to actively manage and improve the quality of wildlife habitats and help to ensure the protection of Irelands breeding birds species. It should be noted that many active farmers from these areas already participate in the Rural Environmental Protection Scheme (REPS)

scheme and many are currently planning to submit applications in 2015 for the newly proposed GLAS scheme. You will be aware that both of these schemes are heavily focussed on the protection of the environment and wildlife habitats.

Questions to consider

In response to the specific questions detailed in the Public Consultation, the Bohernabreena branch of the IFA would like to submit the following comments and to have them considered as part of this consultative process that will in turn impact on any future decisions made on this matter.

Hedge Cutting

Q - Should the closed period for cutting hedges be changed? If so, to which dates?

The Bohernabreena branch of the IFA would be in favour of amending the closed period for the cutting of hedges. The need for change to the current dates is recognised in the Public Consultation document itself. We would recommend that the date for hedge cutting be changed to the end of July for the purposes of the commencement of hedge cutting. It is generally accepted that birds have left their nests by the end of July and this point is detailed in the Public Consultation document. We would also support any further extension of these dates at the beginning of the year. The issue of health and safety also needs to be considered here in order to ensure that trees and shrubs etc. are not a hazard to road users. The majority of hedge cutting in our areas is carried out by the relevant local authorities and the extension of these dates would ensure an extended working period for contractors that would be beneficial to have this work carried out earlier in the year particularly when this work is most needed due to heavy growth on hedgerows etc. The issue of upland growth being much later also needs to be taken into account in relation to any revision of dates for the cutting of hedges.

Burning of Vegetation:

Q (a). Should the current dates be maintained - if so why?

The Bohernabreena branch of the IFA would not be in favour of the current dates for burning being maintained. We would suggest that these dates be revised to take effect from the 1st September to the 15th April. These dates are currently being used in similar areas of the United Kingdom. It is generally accepted that birds have left their nests by the end of July and this point is detailed in the Public Consultation document and thus does not present a risk to nesting birds. A further and possibly more practical reason for the extension from the current date of the 31st March to the 15th April would be that it is extremely difficult to burn vegetation early in the year due primarily to the dampness of the ground and the vegetation. This results in an ineffective burning process at this earlier time of the year and ultimately results in the heather and undergrowth getting more established and "woody" and results in poorly maintained vegetation and heather which provides less cover for nesting birds, a fact that has been supported by local gun clubs. This stronger vegetation ultimately presents a substantial fire risk during the warmer summer months due to litter such as broken glass starting uncontrolled fires in drier undergrowth. This stronger heather and vegetation also provides poor grazing for sheep etc.

Q (b). Should different closed periods be introduced for burning as opposed to hedge cutting?

The Bohernabreena branch of the IFA would support the introduction of different closed periods for burning as opposed to hedge cutting. The main reason for maintaining different closed periods for

these practices would be the fact that the level of growth in upland areas is generally much later in the year.

Q (c). Should different rules apply in different areas e.g. between enclosed lands and unenclosed land - if so why?

The only views that we would offer here would be in support of the different periods for burning due to the fact that upland growth is much later and our reply on this point is already outlined in our response to the previous question (b).

Q (d). Should derogations or licencing for burning be introduced during the closed periods - if so why?


The Bohernabreena Branch of the IFA would have a preference for the extension of the burning period up to the 15th April. We would also support the introduction of derogations or licencing for burning during the revised closed periods. This would cater for future situations when the weather has been particularly wet into early April and where controlled burning was not effective enough in a particular year. This process would need to have a high degree of flexibility and any application process for licences etc. would need to be transparent and user friendly and be able to be completed in a timely and efficient manner for everyone concerned. We would recommend that further consultation with farmers and landowners would be required before the introduction of any procedures or rules for derogations or licencing for burning.

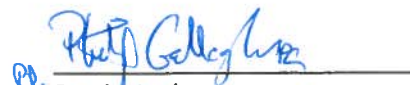
Q (e). Should flexibility be introduced to allow dates to be changed by statutory instrument, or by allowing a Ministerial order to extend the burning period in any particular year?

The Bohernabreena Branch of the IFA would support the introduction of a certain degree of flexibility to allow dates to be changed by statutory instrument or by allowing a Ministerial order to extend the burning period in any particular year. However, we would have some reservations as to the effectiveness of these processes and mainly in relation to the fact that the necessary processes for the introduction and operation of both Ministerial orders and/or statutory instruments could be introduced and completed in a timely and effective manner in any given year which would ultimately assist and compliment the current practices.

I hope that the views and comments detailed above from the Bohernabreena branch of the IFA will be carefully considered as part of this Public Consultation. We would welcome any further opportunities to outline and explain our views in more detail should this be required.

Yours sincerely


Philip Gallagher
Chairperson
Bohernabreena IFA


Donie Anderson
Secretary
Bohernabreena IFA