

REF: 2015S40/0032

From:

Sent: 03 January 2015 15:09

To: Nature Conservation

Subject: Public Consultation on Review of Section 40, Wildlife Act-- Burning Controls

Dear Sir or Ms,

Attached please find submission to Review of Section 40, Wildlife Acts 1976 to 2012.

Submission to public consultation on  
Review of Section 40 of the Wildlife Act – Burning/Cutting Controls.

Burning of Vegetation:

(a) Should the current dates be maintained?

Yes, definitely. For the sake of simplicity and clarity, the current dates of the closed period should be maintained and enforced. Enforce the existing legislation. No exemptions and no extensions.

At present the law is disregarded completely, treated with contempt and flouted with impunity. There are no consequences if a landowner sets fire to the withered dry mountain vegetation anytime he wishes.

A drive from Macroom to Bantry via Inchageela, Ballingeary, Kealkill, any time during the dry period in March/ April will confirm the serious and widespread flaunting of the law as it currently exists. There is no law being applied to this behaviour.

(b) Should different closed periods be introduced for burning as opposed to hedgecutting.

No. For the sake of clarity and to avoid obstrufication the present closed periods should be strickly adhered to.

(c) Should different rules apply in different areas, between enclosed lands and unenclosed land. Ideally yes. There is little in common between the burning requirements of tillage farmers and that of sheep farmers in mountainous areas.

However until the law is actually applied and seen to be applied, (in the interests of clarity and transparency), the same uniform rules be applied across the country.

(d) Should derogations or licencing for burning be introduced during the closed periods?

No.

Why would a landowner apply for a licence? At present a landowners can do what they want with their own land. They do it whenever they wish; in the full knowledge that nothing will happen. There will not be any consequences.

To effect a successful prosecution is virtually impossible. The Gardai would almost have to actually catch the person 'red handed' in the act of setting fire to the mountain. Everyone knows who, in their area, starts these fires. But nobody will report it to the Gardai for fear of causing friction in the parish. The various Fire Officers in the towns of Skibereen, Dunmanway, Bantry, C'townbere etc generally know how the fires started and who started them. To my knowledge nobody has been successfully prosecuted under the act, anywhere, ever.

(d) Should flexibility be introduced to allow dates to be changed by statutory instrument or by Ministerial order to extend the burning period in any particular year?

Such a decision would leave a Minister vulnerable to possible litigation in the event of a fire getting out of control? See the case of Ardgroom village in Feb 2013 surrounded by burning hillsides.

Context to comments:

During the 1950s/1960s I watched farmers 'fire the mountain' in a planned and skilled manner that ensured that the land was cleared with the minimum danger to human and wildlife. They would prepare a 'stop strip' beforehand and light the grass upwind of their chosen line. They would attend the fire and ensure that it never got out of control.

Since 1975 I have witnessed this traditional practice become abused to the point where it now poses a real threat to the biodiversity of the landscape as well as endangering the lives and property of those who dwell in mountainous areas. Times have changed. Anyone can drive out onto the hillside and with a gallon of petrol set fire to the withered finnan grass; heedless of the consequences of their destructive vandalism. There are some in society who view firing the mountain as a source of excitement and Sunday afternoon entertainment. Many landowners themselves set fire to the mountain, and when it gets out of control, proclaim their innocence and blame "gurrriers from the town".

I have seen singed hares fleeing down the road from fires. I have met furious hill walkers in the hills above Glengarriff; continental tourists swearing that they would never return to a "barbaric county that sets fire to its most beautiful landscape".

The damage these fires cause to the insect and amphibian layers of our hillsides is huge. A whole layer of food for small creatures and birds is wiped out leaving a wasteland of ash and dust. Plantations are destroyed; tourism damaged. The sudden release of significant quantities of smoke and carbon dioxide is flying in the face of all the scientific evidence that shows that this practise is contributing directly to climate change.

Sooner or later someone will get trapped and burned to death in these fires. They might be elderly or wheelchair bound unable to leave their dwelling, cut off because the phonenumber melted and there is no help in sight.

Other considerations:

- Enforcement alone is undesirable in the longterm and should only be used in cases where flagrant and repeated offenses have occurred.
- Education (as to the ecological, climatic, economic consequences of gorse fires) and direct financial inducements would help to change the current cultural attitudes to 'waste ground'.

- Ironically the current farm support payments scheme militates against preserving biodiversity. The EU financial aid packages pertain only to land that is 'under cultivation'. This is to the disadvantage of hill farmers whose holdings include significant areas not under cultivation. I have seen farmers with diggers and heavy machinery try to create fields out of rocky hillsides.

Hill farmers who allow uncultivated land to go fallow in the interests of national biodiversity must be compensated for their 'loss of full productivity/ potential sheep numbers and paid for the work in maintaining their holding such as to maximise the biodiversity potential of such 'waste ground'. Would the Minister consider awarding increased area aid payments to those landowners who have been fire free for the previous five years?