



**An Taisce**  
The National Trust for Ireland

**Cumann Chiarraí**  
Kerry Association

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Review of Section 40  
Department of Arts, Heritage & the Gaeltacht,  
7 Ely Place,  
Dublin 2

## **Review of Section 40 of the Wildlife Act – Burning/Cutting Controls**

### **Public Consultation**

The Kerry Association of An Taisce, at its most recent committee meeting, discussed the above and we are putting forward some of the ideas expressed by members for your consideration. The attendance included three farmers, of which two are hill farmers, and a respected and well informed local naturalist.

- In Kerry, the 1<sup>st</sup> of March is often the starting date for hill fires, not the ending date.
- Many of the fires have spread extensively, leaving large areas of hillsides charred and lifeless. Some have spread very close to occupied dwelling houses and, frequently, the fire brigade has to be called out.
- After some particularly serious incidents, Kerry County Council organised a series of workshops around the county illustrating the dangers involved and this was very informative.
- ‘Farming by the calendar’ and requiring certain activities to start or cease by a certain date is not always appropriate because of the variability of Irish weather patterns. A more knowledge-based approach is necessary.
- A closed period is essential for the reasons given in Sect. 2 of the consultation document, including the need to avoid the nesting season. However, climate change is causing some birds to nest earlier than before and this must be taken into account. Climate change may also be impacting on the conditions required to allow burning to take place.
- Heather is very important for the management of grouse and stocks of the birds are declining in some areas where too much burning has taken place.

- The policies of the National Parks and Wildlife Service and the Department of Agriculture are sometimes out of line. A new set of rules is needed.
- The traditional practice of hill farmers was to burn a different portion of their land every year. This gives greater biodiversity.
- As stated in the consultation document, untrimmed hedges provide birds with protection from predators but sometimes the Dept. of Agriculture requirements for grant aid require them to be reduced or removed.
- Setting the closed period through Ministerial Regulation rather than the main Act would need much more monitoring to ensure the right date is picked. The date should not be set solely to facilitate farmers and land managers. Possible monitoring could include detailed metrological data from those parts of the country where burning takes place and matching weather data with suitable burning conditions.
- Any derogations for licensing to allow burning during the closed periods needs to be based on scientific fact, with protection of the natural environment a primary objective.

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