

RE: Review of Section 40

For the attention of Mr. Mark Bohan  
Department of Arts, Heritage & the Gaeltacht,  
National Parks and Wildlife Service  
7 Ely Place, Dublin 2

Re: Response to Public Consultation Review of Section 40 Wildlife Act

Mr. Mark Bohan

Given that many habitats and species are decreasing in Ireland and many more under threat, Section 40 Wildlife Act should be strengthened to attempt to improve the situation.

There is a need to strengthen the legislation to ensure best practice is known and followed to minimise negative impacts on birds and other wildlife.

There are a wide variety of Bird Species that breed at different times of the year, Raven in February to Yellowhammer in August for example, thus a change in the legislation and hedge cutting dates may not impact some species but could be detrimental to others. Climate change has had an effect on our temperatures and spring is now earlier, thus bird breeding dates are now earlier as a result.

In addition consideration is required of the potential negative impacts on the hedgerow wildlife food resource, foraging, fruit and berries for wildlife etc.

Even more critical are the potential negative impacts of burning heather and vegetation on the uplands. Upland in Ireland have later season breeding bird and mammal species, burning as late as April or as early as August will certainly result in detrimental impacts on upland birds. Burning of vegetation as a practice is destructive.

Science based research is required for Irish conditions on such issues as individual bird species behaviour and breeding habits in relation to climatic conditions, bud burst, impacts on foraging potential and berry production. Further research is required on birds having earlier breeding and the percentage of third broods and the implication on same.

In the past best practice was promoted by *Networks for Nature*, who carried out training and awareness raising of the value of hedgerows, their biodiversity and importance of wildlife cover, demonstration on hedgerow survey, hedgerow management, encouraging County hedgerow surveys etc. Such efforts should be revived and the information developed at that time updated and re-circulated. Incentives are required to ensure best practice is followed and training is provided to landowners, farmers and hedge cutting contractors including Professional Agricultural Contractors (PAC).

There is a need for controls on derogations to ensure best practice and that specific issues of Health and Safety and access concerns are dealt with particularly. For example Hedge cutting contractors should be paid for their time to deal with the specific Health and Safety issue rather than paid by the mile of cut hedgerows. Thus calling for appropriate action to deal with the Health and Safety problems and focused based on the problem areas, with an emphasis upon limited and light works as possible to deal with the problems. Derogation should be regulated, conditional and with prior consent and consultation with National Parks and Wildlife Service to ensure limited impacts on wildlife and following best practice in all cases.

There are resource implications in the regulation of individual licences and this will not be feasible given the lack of resource, the many gaps in the provision of National Parks and Wildlife Services and pressure on local NPWS Conservation Rangers. In addition this level of flexibility will cause confusion and making enforcement more difficult.

There is a need to clarify that parks and open spaces in the urban environment is not considered as 'cultivated land'. Many of these parks contain important areas of rough ground and habitats that are vital for biodiversity, particularly in the urban environment. This resource would be seriously threatened (along with the nesting birds and food resources for these species) if parks were seen to fall into this category.

Another anomaly which has arisen where the local Conservation Ranger needs to tackling invasive species such as J. Knotweed during the closed season. The Wildlife Act only refers to an exemption for the management of Noxious Weeds under the Noxious Weeds Act.

Local Authorities should be setting the trend in best practice for the public and landowners, with the input and assistance of National Parks and Wildlife Service (NPWS) and others. A revival of a body such as *Networks for Nature* would greatly assist in this regard.

The Department of Arts, Heritage & the Gaeltacht should be issuing guidance, carrying out training and demonstrating best practice to landowners, local authorities etc on the

management of hedgerows. In addition to highlighting the negative effect of burning on the environment and on wildlife in particular.

**Congella McGuire**

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