

Environment Department
An Rannóg Comhshaoil

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Review of Section 40
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**Review of Section 40 of the Wildlife Acts 1976-2012 – Burning / Cutting Controls –
Public Consultation**

**Submission to the Department of Arts, Heritage and the Gaeltacht
from Dún Laoghaire Rathdown County Council**

8th January 2015

Dún Laoghaire Rathdown County Council welcomes the opportunity to comment on the review of Section 40 of the Wildlife Acts 1976-2012 governing the control of burning and hedge cutting. We have liaised on the matter with our colleagues in South Dublin County Council who are also making a submission and our recommendations are predominantly the same.

This local authority manages a large number of street trees which are located along streets, roads, on public pathways, parks, open spaces, woodlands and cemeteries. The local authority also manages hedgerows both natural and ornamental and trees growing within them throughout the council jurisdiction. There is a requirement for clarity in relation to exemptions on cultivated lands and this review affords the opportunity to clarify this issue.

1. Amendment of closed period

In relation to amending the closed period from March 1st to August 31st, it is considered that **no change is required in regard to cutting of field hedgerows.**

2. Maintenance of street trees

It is understood that street trees are on cultivated land and as such, this allows for tree maintenance works to be carried out during the closed period, subject to prior inspection of the trees for active nests or nesting birds. Where an active nest or nesting birds are observed, no tree works should be carried out. The year round programme of street tree maintenance is to ensure public safety and minimise tree hazards. Also some trees have to be pruned within the summer months to reduce introduction of harmful pathogens and extensive bleeding in some species.

Having regard to the above and for reasons of clarity which is not currently provided by the Wildlife Acts, it is recommended that the exemptions to section 40 should provide for the clear exclusion of street trees subject to compliance with protocols to ensure minimal impact on wildlife and nesting birds.



3. Cutting of hedges on cultivated land in urban areas

The exemptions under section 40 do allow for local authorities to carry out cutting of hedges on health and safety grounds and the Roads Act 1993 obliges landowners to take all reasonable steps to ensure that trees, shrubs etc. are not a hazard to road users. However, clarity is required to allow cutting of hedges during the closed season in built-up urban areas where hedges are clearly planted on cultivated ground for various reasons: to make roads safer, for ornamental purposes, to screen eye-sores and generally improve the environs.

Cutting of cultivated hedges is often necessary during the growing season to maintain their specific design function and to reduce seasonal growth where it represents a risk to public health and safety. Any necessary cutting of cultivated hedges during the closed period should be subject to prior inspection of the trees for active nests or nesting birds to ensure minimal impact on wildlife and nesting birds and to enable hedges that are cultivated and maintained retain their important role as wildlife corridors.

Yours sincerely

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