

**From:** Karen Moore [mailto:kmoore@tcd.ie]  
**Sent:** 09 January 2015 16:16  
**To:** Nature Conservation  
**Subject:** Review of Section 40

## Hedge Cutting

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

*The closed period for cutting hedges should NOT be changed. It should remain as a closed period between 1 March and 31 August.*

*There are already issues every year with illegal cutting nationwide that occurs outside the accepted exemptions. **The present closed period should be better supported rather than further eroded.***

*In Ireland, where there is a low cover of native woodland, hedges are of exceptional*

*importance in providing habitats and corridors for maintaining diversity,*

*of birds, plants and other wildlife. Many of Ireland's breeding birds were originally woodland birds and, especially in areas of low woodland cover, these birds are dependent on hedgerows for nesting and food. Almost two-thirds of Ireland's bird species nest in hedges and these hedgerows provide natural corridors that permit wildlife to move between habitats.*

*It has been suggested that landowners should have clear power to cut roadside hedges from the end of July on the basis that birds will have generally left their nests by then. However, this is not supported by the many species that brood several broods in a breeding season when conditions are favourable. It should also be stressed that the present closed periods are not about protecting just birds, but a range of biodiversity that contributes to complex food chains and forms part of a wider ecosystem in the Irish landscape.*

*Hedges are also important heritage features of the Irish landscape and are distinctive parts of many regional landscapes.*

## Burning of Vegetation:

### a. Should the current dates be maintained - if so why?

*Current dates September 1st – February 28th should be maintained.*

*Before any changes to existing legal burning dates can be put forward further scientific information on wild bird breeding seasons and breeding activity and on the ecology of uplands is required in an Irish context. Without accurate information, extending the burning period risks contravening the requirements of both national and EU wildlife legislation and lacks a precautionary approach.*

*Uncontrolled and illegal fires, particularly in spring (March –April), already damage large areas of scrub and peatland habitats such as blanket bog, raised bog or heath every year. Many of these habitats are afforded protection in their own right (such as Raised Bog and Blanket Bog) and all support bird species that are suffering significant declines in population size and range and are listed as protected under the EU Birds Directive.*

*Landscape management needs to be compatible with environmental as well as climate change objectives of the Irish government. Thus burning activities, particularly on peat soils, also need to be assessed in the context of climate change and the need to ensure the reduction of greenhouse gas emissions.*

*There is a recognised issue every year with illegal burning and rather than extending the dates the crime of illegal uncontrolled burning should be given consideration under environmental legislation including the Environmental Liability Directive.*

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

*Closed periods should remain as they are.*

c. Should different rules apply in different areas eg between enclosed lands and unenclosed land - if so why?

*No*

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

*Yes, to allow certain burning to be undertaken under strict environmental guidance when necessary.*

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?

*No, the present exemptions are sufficient to allow for flexibility when required (see comment **d.** above).*

*Thank you for your attention,  
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