

Re: Review of Section 40 of the Wildlife Act –Burning/Cutting Controls – Public Consultation

With reference to the review initiated by the Minister for Arts, Heritage & the Gaeltacht of legislative controls set out in Section 40 of the Wildlife Acts 1976 to 2012 governing the control of burning and hedge cutting.

Galway County Council at the December meeting of Plenary Council adopted the following resolution:

That hedge-trimming be carried out on any date deemed necessary for the safety of traffic and pedestrians on our public roads. Furthermore where the holder of a herd number needs to maintain farmland and commonage areas that a simple policy of burning vegetation be put in place. General cutting to take place from August 1st to March 31st.

It should be noted that the current restricted period for hedge cutting runs from the 1st March to the 31st August when vegetation is growing at peak capacity. We have found that road side verges which have been cut back in late February will require further trimming work in June.

Consequently the closed period for hedge cutting should be changed and apply from the 17th March to the 15th July which would allow birds to nest and road hedges to be maintained in the interest of road safety.

The closed season is the time when roads are busiest with pedestrians and other road users, necessitating the need to trim some hedges on safety grounds. The present Health & Safety exemption within the legislation allows Local Authorities in conjunction with NPWS to cut back hedges at junctions, bends, road crests and around road signs. However there are many other sections of roads where trimming of hedges and verges is essential for the safety of these road user e.g. due to the narrow width of the road, the use of the road by many pedestrians or cyclists, the approaches to towns and villages without footpaths and setback areas for sight distance at bends . The Health and Safety exemption must be extended to cover these locations and it should be accepted that the Local Authority has the right to hedge cut or verge trim all such public roads as required during the closed period where the Local Authority considers Health & Safety as an issue. This decision should be a matter for the Local Authority only.

It is suggested the exemptions 2(a) to 2(c) to any closed period be maintained with exemption 2(c) modified to read ‘The cutting, grubbing or destroying of vegetation in the course of any works being duly carried out for reasons of public health or safety by a Minister of the Government, a body established or regulated by or under a statute, or a landowner’.

Landowners have been included in the above exemption as under the Roads Act 1993, landowners are required to take all reasonable steps to ensure trees, shrubs and hedges are not a hazard to road users.

Conclusion

It is recommended that

- 1 The closed period for hedge cutting should be changed and apply from the 17th March to the 15th July which would allow birds to nest and road hedges to be maintained in the interest of road safety.
- 2 Local Authorities should have full exemption to cut roadside hedges and verges without any restrictions or interference where it considers the Health and Safety of road user's including pedestrians and cyclists to be an issue.
- 3 The exemptions to Local Authorities to cut roadside hedges and verges should be extended to include landowners.

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