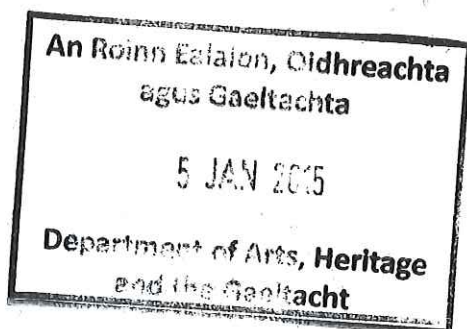


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**Review of Section 40 of the Wildlife Act – Burning and Hedge Cutting
by the Department of Arts, Heritage and the Gaeltacht**

Kerry IFA Submission



Sean Brosnan,
Kerry IFA County Chairman

Friday 2nd January 2015

Introduction

IFA welcomes the decision by the Minister for Arts, Heritage and the Gaeltacht Heather Humphreys to review the legislative controls set out in Section 40 of the Wildlife Acts 1976 to 2012, governing the control of burning and hedge cutting.

An anomaly presently exists whereby hedge cutting and gorse burning restrictions imposed on farmers in the Republic of Ireland are broadly out of line with restrictions imposed in other regions, including Northern Ireland, Scotland, England¹ and Wales.

The gorse burning restrictions in the Republic of Ireland impact on the amount of available grazing land and the general competitiveness of the sector. While the excessive *closed period* for hedge cutting impacts on road safety for pedestrians and motorists, a point accepted by the Road Safety Authority. It also leads to farm safety concerns, with hedge cutting works being confined to a time of the year when daylight is declining.

In 2000, the Wildlife Act was amended and the *closed period* was brought forward to 1st March, from 15th April. This was to recognise the earlier start of the nesting season. The nesting season also ends earlier, however the legislation was not amended to reflect this. In England, the bird nesting season is more accurately reflected, where the *closed period* operates from 1st March to 31st July.

Hedge cutting – Kerry IFA proposal

IFA proposes that the hedge closed season is reduced to 1st March – 31st July, for the following reasons:

- The nesting season now occurs earlier, which is reflected in the earlier *closed season* introduced in the 2000 Wildlife Act. However, the Act should also have ended the *closed season* on 31st July, in line with nesting patterns.
- August is a busy farming month, with many farmers harvesting crops, spreading soil nutrients and transporting livestock, and therefore needing access to roads. Based on road users' safety, it would be a constructive decision to allow farmers to cut their hedges during August.
- August is the peak month for tourism in Ireland, with many tourists travelling unfamiliar regional and secondary roads, both walking and in cars. Again, based on road safety, it would be a constructive decision to allow farmers to cut their hedges during August.
- In recent years, the unpredictable winter weather has typically resulted in the hedge cutting season being reduced by a third. Agricultural machinery involved in hedgerow trimming is very expensive and many operators work long hours during the *open season* to ensure the work is completed. August is a month during which 12-14 hours of daylight occurs and daylight continues to reduce beyond this month. In the interest of both machinery operator safety and motorist safety, it would be a constructive decision to allow hedges to be cut during August.
- Fly-tipping in the countryside is a growing problem. Community Groups who voluntarily clean roadside ditches have noticed that ditches which are regularly cut and maintained are less likely to be used as a dumping ground. The earlier opening of the hedge cutting season would facilitate earlier hedge cutting and maintenance.

In addition the closed period should not apply where road safety issues occur, such as improving sight lines.

¹ Natural England, Hedge Cutting: answers to 18 common questions

Gorse burning – IFA proposal

To address the issue of sustainable use and management of uplands, Kerry IFA recommends the following:

- Dates for the Irish burning season to be brought back in line with Northern Ireland, and supported through an Uplands Scheme. The reasons for this is Kerry has high rainfall which gives higher vegetation. Due to the high rainfall the vegetation is seldom dry enough for burning in the current burning period. **See enclosed newspaper cuttings.**
- Traditionally farmers will burn as early as conditions will allow but since the dates changed in 2000 sections of land have become ineligible for single farm payments due to vegetation becoming overgrown. This has financial implications for farmers.
- The establishment of local burning management groups.
- Research needed on sustainable grazing and the socio-economics of upland farming

The dates when burning is permitted is set out in the table below:

Table1: Dates when burning is permitted

Country	Types of Ground	Dates when Burning is Permitted
Scotland	All areas	1 st October to 15 th April inclusive. Dates can be extended to 30 th April on the authority of the landowner.
England	Uplands (Severely disadvantaged less favoured areas)	1 st October to 15 th April.
	Lowland (elsewhere)	1 st November to 31 st March.
Wales	Uplands	1 st October to 31 st March.
	Lowland (elsewhere)	1 st November to 15 th March.
Northern Ireland	All areas	1 st September to 14 th April.

Ireland	All areas	1 st September to February 28 th /29 th .
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This consultation should be used as an opportunity to bring the burning dates in Ireland in line with Northern Ireland. i.e April 15th

This will assist efforts to address the following issues:

- Uncontrolled wildfires, which are common and are a serious fire risk to forestry plantations, a major problem especially as the reconstitution grant is no longer available.
- Uncontrolled vegetation (tall heather and gorse) poses a threat to public safety, public and private property, including forestry. **See enclosed photographs.**
- Deer population and control.
- Since the burning changed in 2000 the Grouse population has seriously decreased due to the lack of Controlled burning.