



IRISH CATTLE AND SHEEP FARMERS' ASSOCIATION

ICSA Submission  
on Burning and  
Hedgecutting  
Controls

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ICSA welcomes this opportunity to make a submission to the Department of Arts, Heritage and the Gaeltacht in relation to the review of Section 40 of the Wildlife Acts 1976 to 2012, which will have implications for control of burning and hedge cutting.

ICSA, like other agricultural stakeholders, has suggested that the closed period for burning and cutting, which runs from 1 March and 31 August, is too restrictive and should be amended to take account of land management issues and climatic influence. Burning, in particular is likely to need to be more flexible in its application, as part of the Department of Agriculture's aim to deal with observed undergrazing problems on commonages. This submission outlines ICSA's position on both the issues of hedge cutting and land burning, with rationale for the stated positions. The document then responds directly to the questions posed in DAHG's consultation document.

## Hedge Cutting

*Context:* The existing open period which allows hedge cutting is perceived to be too short and therefore overly restrictive on farmers and their contractors, meaning in some cases that hedges may not be managed at all from year to year. Overgrown hedges can become problematic, both from a road safety perspective, and from a land eligibility standpoint, where they begin to intrude upon grazing land. Furthermore, hedges that are left unmanaged for too long can become tall and 'leggy' and consequently reduce their biodiversity value; birds will only nest in hedgerows which provide adequate cover from predators, so best practice advocated by Teagasc is to side trim to a triangular shape, leaving the peak as high as possible, sloping both sides from a wide base. However, as already noted, farmers and contractors who are constrained by the current closed period and seasonal weather effects may be unable to optimally manage all hedgerows as described above. Hedge cutting during the late summer may in fact facilitate a better final structure for a hedge, as the extent of foliage is more easily discerned than later in the year, meaning cutting can be less arbitrary and better targeted.

It is envisaged that reducing the closed period at the end, rather than at the beginning, will cause significantly less impact from a biodiversity aspect. The vast majority of countryside bird species which utilise hedgerows for nesting (such as Blackbird, Blue Tit, Bullfinch, Chaffinch, Dunnock, Goldcrest, Goldfinch, Great Tit, Greenfinch, House Sparrow, Linnet, Robin, Song Thrush, Wagtail & Wren) are likely to have finished breeding by the end of July, with young having fledged and left the nest at this stage.

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

Following internal consultation with its members, ICSA is advocating that there should be a reduction in the closed period to facilitate earlier hedge cutting. It is proposed that the end of the closed period should be moved back from August 31<sup>st</sup> to July 31<sup>st</sup>. This one-month extension of the potential window for hedge cutting would significantly reduce pressure on farmers and contractors to get all trimming done during the autumn and winter, thus reducing the risk of some hedges being left unmanaged.

## Burning of vegetation

*Context:* Burning is a traditional part of upland farming practices which still forms part of key land management tools for land with an extensive cover of rough growth, including heather. Burning is the most widely used method of regenerating heather and it encourages new growth to sprout from existing heather plants. It also removes old, dead material, recycles nutrients and stimulates heather seed germination. Burning traditionally took place at the end of March into the beginning of April, before new growth appeared, but when vegetation was dry enough to burn efficiently and manageably.

Common approaches to burning usually involved small patch burning which facilitated the development of a mosaic habitat, providing both young & regenerating vegetation for grazing and slightly more mature habitat of importance to biodiversity. Other methods used to deliver small-patch heather mosaics have proven to be less successful than the burning approach. For example, as part of the Boleybrack Red Grouse Habitat Management Project, strimming with brush cutters was initially used in 2008 as means of removing degenerate vegetation and stimulating regeneration of young heather. By January 2011, it was apparent that results from heather management using strimming were much less than satisfactory, with strimmed areas from the first management year only recently beginning to produce signs of heather recovery (David Scallon, pers comm.).

Internal consultation within ICSA has indicated that there is a desire among members for Ireland to move to harmonise its legislative approach to burning to match that of neighbouring jurisdictions. Best practice guidelines have been published in England, Wales and Scotland, following extensive consultation with farmers, ecologists and other stakeholders with responsibility for land management. In Northern Ireland, the region's agri-environment scheme (Countryside Management Scheme/NICMS) contains detailed guidance on heather burning as part of the scheme's 'Habitat Enhancement Options' (DARDNI 2007<sup>1</sup>); some of the environmental aspects of this guidance are:

- Burning of heather or hill pasture is controlled by law and *must not be carried out between 15 April and 31 August to protect ground nesting birds.*
- Burning must not be carried out on blanket bog, bracken, woodland and scrub, including gorse, historic monument sites or heather over 30 cm tall. It must not be burned in ASSI/Natura 2000 sites without the written consent of NIEA.
- Suitable conditions for burning - burning must only take place in suitable weather conditions, which occur, on average, on only ten days each year. Light winds are often variable in strength and direction, which make control of the burn difficult. Always aim to burn when the breeze is blowing downhill if possible.

More information comparing the current situation in Ireland with the rest of the British Isles is presented in Table 1 below.

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<sup>1</sup> DARDNI, 2007. Countryside Management Scheme 2007 – 2013 Information Booklet. Crown Copyright.

**Table 1: Current management of burning in UK and Ireland (Reproduced from Tubridy 2013<sup>2</sup>)**

Country	Dates when burning is permitted in the Uplands	Licensing/Derogations	Relationship to Agri-environment Schemes
Scotland	1st October to 15th April inclusive. Extended to 30th April on the authority of the landowner.	Licensing system allows for derogation.	Grant aid for habitat management plan involving burning which follows Muirburn Code.
England	1st October to 15th April.	Licensing system allows for derogation.	Burning supported as part of Agri-environment Scheme and must follow statutory regulations.
Wales	1st October to 31st March in uplands. 1st November to 15 March elsewhere.	Licensing system allows for derogation.	Burning supported as part of Agri-environment Scheme.
Northern Ireland	1st September to 14th April.	Licensing system allows for derogation.	Burning supported as part of Agri-environment Scheme.
Ireland	1st September to February 28th/29th	No licensing system or derogation possible.	No relationship between agri-environment and burning.

It is worth noting that while the current agri-environment schemes in Ireland (REPS & AEOS) do not have defined burning measures or guidelines, it appears likely that GLAS (RDP 2014-2020) will have to, given that commonages will be a priority asset and Commonage Management Plans drafted up by planners will list other management requirements on the commonage, for example controlled burning, control of dumping etc.

In the context of the above, ICSA responds to the consultation questionnaire as follows:

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

**No.** ICSA advocates that the current open period is too short and restrictive and needs to be extended, thereby bringing Ireland into line with neighbouring jurisdictions. The Northern Irish open period of 1st September to 14th April would appear to be a reasonable proposition, given that there is significant overlap in habitat and species occurrence.

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

**Yes.** The closed period for burning should start later as outlined above as options for burning are significantly more dependent on preceding and ongoing climatic conditions which may make burning almost impossible for the entire closed period as the dates currently stand. This is particularly the case along the western seaboard, where wet winter weather can persist well into the months of March and April. An expansion of the open period will facilitate burning when environmental conditions are more suitable.

<sup>2</sup> Tubridy, M. 2013. A Study to Identify Best Management of Upland Habitats in County Wicklow. Wicklow Uplands Council.

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

**No.** In many parts of the country, enclosed upland habitat directly adjoins unenclosed commonages. It would seem nonsensical to operate different closed periods or management rules for such lands dependent on their enclosed status as opposed to the actual habitats found therein. It is the makeup of the habitats which should define the rules for burning, not their ownership, e.g. heath habitats are suitable for burning, not blanket bog or areas of bracken. Prevailing weather conditions will equally affect enclosed and non-enclosed land in the same locality; as a result, rules and best practice should be uniform across such habitats.

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

**Yes.** As outlined above, landowners of many uplands (particularly along the western seaboard) are effectively constrained in their ability to carry out controlled burning schemes due to climatic influences. In years where there is protracted rainfall through the late winter and spring which makes specific areas too wet to achieve successful burns, ICSA advocates that a mechanism be put in place to facilitate localised burning during closed periods, through derogations or licensing. This should be achievable for a landowner or a group of commonage shareholders without excessive bureaucracy.

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?

**Yes.** ICSA advocates that such flexibility can be delivered by Ministerial Order to extend the burning period in any particular year. Such an approach has worked well in the past in relation to extending slurry spreading into the relevant closed periods as defined by the Nitrates Regulations.