



Sigmund Business Centre,
93A Lagan Road,
Dublin Industrial Estate,
Glasnevin,
Dublin 11

January 8th 2015

Re: Submission to Review of Section 40 of the Wildlife Act – Burning/Cutting Controls

The Irish Wildlife Trust (IWT) would like to make a submission on the aforementioned review as per the consultation document issued by Department of Arts, Heritage and the Gaeltacht. The IWT is a national organisation dedicated to raising awareness of our natural heritage.

Hedgerows

The IWT is pleased that the consultation document acknowledges that hedgerows are invaluable features of the Irish countryside, providing habitat for myriad species, defining our landscape, attenuating pollution and flood run-off, storing carbon and purifying air. The IWT believes that hedgerow mismanagement in general is eroding the value of our hedgerows and that this is accelerating with greater agricultural intensification and the roll out of Food Harvest 2020. While the degradation of our hedgerows arises from a number of causes the Wildlife Act is an essential protective measure, the absence of which would surely see a worse situation.

- It is essential that habitats and species have the scope to adapt to current and future changes in our climate. These changes are evident through the variations in the timing of breeding and seed-setting beyond what was traditionally thought of as the breeding season. The IWT would therefore like to see the prohibition of cutting hedgerows (and other semi-natural vegetation) extended into February and September, particularly in September when many hedges are cut while in full fruit, thereby depriving animals of an essential food source heading into the winter.
- The IWT is not opposed to prioritising health and safety on our roads however the conditions under which this applies need to be better defined. It is our experience that 'health and safety' is used to justify any hedgecutting, even when the hedges are separated from the road by a broad grassy verge for instance. Cutting may also be far beyond what is required to maintain sightlines. While not wanting to burden Local Authorities and landowners with more permits and regulations, we suggest that guidelines could be issued by the Department to clarify best practice for Local Authorities in management of hedgerows and the circumstances under which the 'health and safety' exemption is applied. These guidelines could then be further disseminated to landowners to provide advice on proper cutting, management, timing and other biodiversity information on hedgerows.

- Japanese Knotweed is a well established alien invasive species in Ireland and is spread through activities such as hedgecutting. It is well established that Alien invasive species are one of the principle threats to native biodiversity. The IWT would like to see it made an offence for a Local Authority to cut hedges in which specified alien invasive species are growing, e.g. Japanese Knotweed.
- Spraying roadsides with herbicides seems now to be a well established practice throughout Ireland. This is devastating for wildlife. The IWT feels that herbicide use on hedgerows, earth banks or grassy verges should be an offence.
- The current exemptions to the closed season seem arbitrary and open to broad interpretation. Arguably the removal of “isolated bushes or clumps of gorse” could be used as an argument for extensive scrub clearance. Similarly cutting vegetation “in the ordinary course of agriculture” could justify a wide range of damaging activities. Also it is not clear why forestry is given such a broad exemption. Given the Act only applies to ‘land not then cultivated’, non-native plantation trees can be considered as any other crop. The IWT feels that the system of exemptions as it currently stands effectively hands a carte blanche to those who would destroy hedgerows and other vegetation. Exemption (e) seems designed to ensure that no restrictions apply to the building sector. The IWT believes that genuine health and safety concerns should be the only issue to trump wildlife conservation. Better planning by landowners or those in authority provides ample scope to carry out works during the open season. Where this is not possible derogation licences should be issued through the NPWS.

Uplands

Upland habitats in Ireland have suffered a massive loss of biodiversity in recent decades due to misguided public policy, unregulated turf extraction, over-grazing by sheep and uncontrolled burning. The issue of undergrazing is far less a problem by comparison. Relevant Habitats Directive Annex I habitat types: Wet heath, dry heath, alpine and subalpine heath, blanket bog and transition mires were all assessed as being of ‘bad’ status in the assessment prepared for the European Commission in 2013¹. Birds breeding on upland habitats and listed as of critical conservation concern include golden eagle, red grouse, golden plover, curlew, nightjar, meadow pipit, ring ouzel, twite, and whinchat; while a number of others including merlin, hen harrier and skylark are on BirdWatch Ireland’s ‘amber list’². Biodiversity loss is not confined to birds and many local extinctions and contractions in ranges have occurred for other groups of species. In short, the environmental situation in the uplands is dire.

¹ NPWS. 2013. *The Status of Protected EU Habitats and Species in Ireland. Overview Volume 1. Unpublished report, National Parks and Wildlife Service.*

² **Colhoun K. & Cummins S.** 2013. *Birds of Conservation Concern in Ireland 2014 – 2019.* Irish Birds. Volume 9 Number 4 pg523-541.

In the last 10-15 years burning on the hillsides has been uncontrolled and occurs on an annual basis. This allows no opportunity for the vegetation to recover and results in permanent, long-term damage to habitats. The IWT questions why extending the permitted burning season is under consideration given the existential threat that illegal, but permitted, burning is presenting to upland habitats. If the standing law cannot be enforced why would extending the burning season in any way benefit wildlife?

The IWT is therefore strongly opposed to any extension of the open season which would be guaranteed to push threatened species into local extinction (the ring ouzel is already likely to be extinct in the Wicklow mountains). The controlled burning of certain heathland habitats (but not blanket bog for instance) can have benefits for some wildlife. Until such time however that a system of controlled burning is in place there must be no relaxation of the Wildlife Act. Indeed we feel there is scope to strengthen the Wildlife Act and that all burning in upland areas should be prohibited.

Submissions received:

From Ray McGrath, Waterford branch:

One important aspect to consider is the hedge cutting practice where alien species are present, especially Japanese Knotweed where sub contractors are flailing and scattering pieces further afield. This has happened on the Cheekpoint road near Faithlegg School.

From Marie Power, Waterford branch

Ray makes a valid point about invasives.

- Burning heather on the Comeragh Mountains has been an ongoing issue here, with landowners openly flouting the law every spring. Denis Cullen & Andrew Cox may be able to give details on this?

- I've observed a significant increase in the last 3-4 years of hedge and scrub clearance and drainage in Co. Waterford. Apparently, farmers are getting work done in anticipation of quota changes and new planning regs requiring them to apply for planning permission for such works in the future?

- Is there any research on bird nesting season? Casual observance is that it's getting earlier? The period needs to be extended, based on my own experience. And I have never understood why hedge-cutting is allowed in September when bushes are laden with the food supply for wildlife to sustain them through the winter. In recent years, including this one, there are rosehips, haws etc. into November.

- The increase in intensive agriculture is putting more pressure on the islands of biodiversity, which are getting smaller all the time, and it will get worse as Food 2020 gathers momentum, making even more important the role of hedgerows as linkages.

- Tidy Towns continues to wreak havoc on the rural landscape in Co. Waterford and beyond: Every summer, hedges in my area - Dunhill, Fenor, Tramore are shaved in readiness for judging. In Fenor, they go even further, pulling vegetation from ditches to reveal the natural stone and planting garden centre gaudies along verges. Eanna ni Lamhna made an effort to change TT judging criteria a few years ago, but little evidence of it trickling down.

- Verges should be included in the definition of hedgerows.

- I think the spraying of verges, by private householders, should come under any new legislation and be banned during the same period as hedgecutting. That period should be February 1st until October 31st.. It is a popular method in rural Ireland at entrances to farms and houses.

- Methods of hedge-cutting continue to damage the growth. I have several photos if you want to use examples of effects on branches and trunks.

- The system of granting exemptions seems quite arbitrary - this could be made more explicit.

Sightlines are often used as a rationale. I would argue that anything that slows down traffic on narrow rural roads (with legal speed limits of 80km / hr) including hedges. should be welcomed. The NRA need to adopt this policy. Straightening of roads has resulted in increased speeds and more dangerous roads by and large.

Furthermore, in the event of a collision with a ditch, hedges and soft verges often help cushion the impact and reduce the level of damage.

- It has been a practice to remove hedgerows when widening roads, particularly at the urban/rural interface, thus removing large areas of habitat AND shelter for walkers and cyclists. We, IWT Waterford, asked the LA repeatedly to design the road around at least ONE side ie hedgerow instead of removing the 2 hedgerows at either side of the existing , one would remain to form the boundary of the new road. It would save money for the LA, create a softer landscape, retain some biodiversity and provide shelter, encouraging walking and cycling.

- Encouragingly, there was a successful prosecution here last year of a landowner by Waterford CoCo.

From John Fitzgerald , Waterford branch

The topic of hedgerow management is badly in need of review and a new initiative is needed, to highlight the neglect, abuse and downright assault that is the present approach.

I get annual notice from the County Council to cut hedgerows. There is no advice or reference to proper cutting, management, timing and other biodiversity information included in the notice. This sort of information would help the farmer focus more on protection rather than just avoiding the hassle of prosecution or sanction. Guidance should be included in the notices sent out.

Spraying of hedgerows is also a widespread problem and needs to be highlighted, so as banning such activities can be introduced. Such activities turn the earthenbank into a slumped , lifeless stretch of dust and stones.

You are right about the Tidy Towns and their emphasis on the manicured, shaven, ornamental and useless pastiche presentations. They need to make a greater contribution to biodiversity and need to plant more native and pollinating plants to help bee numbers recover, as well as the other wildlife benefits.

A minimum height has to form part of hedgerow management. A minimum of 2 metres from ground level or one metre from earthenbank level should be the norm.

Harvest 2020 has seen a huge increase in hedgerow removal and drainage of valuable as well as marginal habitats. This needs a strong mention and some form of environmental initiatives be built into the scheme has to happen.

All farming, whether intensive or extensive, should make a contribution. Subsidising environmental destruction should not be part of any scheme. Emphasis on environmental gain from all activities has to become a reality.

Hopefully a strong, robust IWT submission is made and the review will bring the value of hedgerows to the fore again?

From Ricky Whelan, Laois/Offaly branch

Ive had a good think about the hedgerow stuff and can come up with anything but the usual arguments for breeding seasons, delaying cut to allow for berry crop etc etc. The strongest argument is that the season is getting earlier and lasting longer.