

**From:** Eamon Woulfe [mailto:Eamon.Woulfe@louthcoco.ie]  
**Sent:** 09 January 2015 10:41  
**To:** Nature Conservation  
**Subject:** Public Consultation – Review of Section 40 of the Wildlife Act

Dear Sir/Madam,

I refer to the review of Section 40 of the Wildlife Act – Burning/Cutting Controls and the public consultation. I only became aware of this review yesterday and wish to comment as follows:

As the Chief Fire Officer for Louth, I am well aware of the risk to forestry, habitats and property caused by the burning of gorse in the Cooley Mountains each year, usually from March to June. During prolonged dry periods there have been multiple fires, some of which have lasted for days. These fires have been hazardous to fire fighters and have curtailed fire service availability for other emergency incidents. They have also been a drain on Council resources as it is never possible to issue bills in respect of them.

I welcome any legislation change which would improve this situation, while at the same time ensuring the protection of important habitats.

My responses to the questions are as follows:

### **Hedge Cutting**

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

This is not a fire safety issue but a road safety one. It is desirable that hedgerows do not encroach on roads and should be kept trimmed at the sides.

### **Burning of Vegetation**

#### **a) Should the current dates be maintained – if so why?**

In my view it is essential that the start of the closed season is extended to at least 1<sup>st</sup> April. This would allow the burning of gorse in a controlled manner in compliance with the guidelines in the Prescribed Burning Code of Practice. If this is not done, the gorse will still be burnt, but in an uncontrolled manner probably at night, with all of the serious implications previously referred to.

It appears that 1<sup>st</sup> April is the start date of the closed season in the UK, so one would assume that it is appropriate in the context of maintaining habitats and safeguarding wildlife.

#### **b) Should different closed periods be introduced for burning as opposed to hedge cutting?**

The rationale for hedge cutting is different than burning. Also controlled burning is more difficult during the Summer as the gorse would be greener. Different closed periods therefore make sense.

#### **c) Should different rules apply in different areas e.g. between enclosed lands and unenclosed land – if so why**

No. Should be similar to allow for effective policing. There is usually not a clear dividing line between the two land types and gorse often encroaches onto enclosed lands.

#### **d) Should derogations or licensing for burning be introduced during the closed periods – if so why?**

It would be desirable to allow for an extension to 15<sup>th</sup> April in certain years to allow for additional controlled burning, subject to wildlife considerations.

- 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 a particular year?***

Yes, subject to wildlife considerations.

In addition to the above, I request that landowners should be required to notify their intention to carry out controlled burning to their local Fire Service via the Regional Communication Centre, and also An Garda Síochána.

Yours sincerely,

Eamon Woulfe,  
Chief Fire Officer  
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