

**RESPONSE TO THE REVIEW OF SECTION 40 OF THE WILDLIFE ACT
08/01/09**

Monaghan County Council commissioned a County Hedgerow Survey in 2010. County Monaghan has a low level of deciduous woodland, and the hedgerow network is very important to the ecological networks and functioning of nature locally.

Based on the results from the survey sample, the total length of hedgerow in County Monaghan was estimated at 12,845km, and the average figure for hedgerow density as 9.93 kilometres per square kilometre (km/km²) - the second most densely hedged county surveyed so far.

A total of 35 shrub and tree species, including 27 native species, were recorded in the sampled hedges. Hawthorn (Whitethorn) is the most frequently occurring shrub species found in 95% of hedges. 72% of hedgerows sampled were comprised solely of native species. Ash is the most common tree species, occurring in 68% of hedges in tree form.

Just 27% of hedges met a series of *Favourable Condition* criteria defined in the Woodland of Ireland Hedgerow Appraisal System (HAS). These criteria are linked to structure, condition, species composition and continuity. Of those that failed to pass the criteria the height, level of gappiness, the basal structure and nutrient enrichment of the hedge base were the main categories responsible.

Roadside hedges are at the forefront of the public's perception of hedgerows. In County Monaghan, hedges adjacent to public roads accounted for 12% of the sample.

On the evidence from all of the hedgerow surveys so far conducted the higher species diversity found for townland boundary and roadside hedges makes them candidates for particular care and attention in their management, and measures should be taken to avoid their degradation and removal wherever possible.

A change in the legislation and hedge cutting dates may not affect some bird species but could be detrimental to others. An assessment of data and research with regard to which species will be impacted by any proposed changes is necessary before decisions are made, in addition to the impacts on the overall functioning of the hedgerow as a habitat and wildlife corridor.

Science based research is required for Irish conditions including bud burst, individual species behaviour and breeding habits in relation to climatic conditions. Further research is required into percentage of birds having third broods. The bird-nesting season is starting earlier each year and in recent years we are seeing an increase in the number of birds nesting outside the closed period. There are already many exemptions to the current closed dates, and any move towards more exemptions or a blanket exemption for roadside hedges all year round could have devastating impact on wildlife.

We need controls on the derogation situations to ensure best practice and that specific issues of Health and Safety and access concerns are dealt with particularly. Derogation should be regulated, conditional and with prior consent and consultation with NPWS to ensure limited impacts on wildlife and following best practice in all cases. The presence of invasive species in some hedgerows is also an issue.

Given that many habitats and species are decreasing in Ireland and many more under threat Section 40 Wildlife Act should be strengthened to attempt to improve the situation.

Also critical are the potential negative impacts of burning heather and vegetation on the uplands. Uplands in Ireland have later breeding species. If we burn as late as April or as early as August we will not have any upland birds.

There is currently little or no distinction, in terms of planning and development, or agri-environmental schemes between the different types of hedgerow and their relative agricultural, ecological and aesthetic importance. The concept of '*Heritage Hedgerow*' should be considered to raise the status of certain hedgerows that have notable historical, structural, ecological or landscape qualities. (Monaghan Hedgerow Survey, 2010).

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