

Co Monaghan Regional Game Council

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National Parks and Wildlife Service

Re : Review of Section 40 of the Wildlife Act 1976.

Section 40 is something of a Blunt Instrument, in that it's a one fit covers all type Scenario, even though the activities its prohibits, are hugely diverse, and should be catered for separately.

The Idea of / intent in having the Section 40 Prohibitions are hugely important in giving nesting birds every chance, and must be retained, but maybe adjusted so it does not inhibit persons engaged in good management Practices.

We will comment on 2 Distinct Area.

(1) Moorland Management - Strip burning Heather.

We have a very important Mountain Bog, Sliabh Beagh in North Monaghan which Straddles the Border, and is also in Co Tyrone and Fermanagh. It is a hugely important Habitat, with unique Flora and Fauna, some of which is endangered. Some of this area has been given special designations because of this, S P A (Special Protection Area , for Hen Harriers), and NHA (Natural Heritage Area. In Northern Ireland similar designations exist.

While this area contains a wide range of Moorland / Bog / Wetlands, Flora / Plants, by far the most important is Heather. Heather in itself is one of the key ' bog building ' Plants, but its condition is also key to sustaining and maintaining most of the Fauna or animal life there.

While a lot of Animals will use Heather cover for foraging, hiding, or nesting in, Red Grouse, an endangered species in Ireland, feed on heather shoots, and are almost totally dependent on good heather quality.

Thankfully there is a good population of Red Grouse on Sliabh Beagh. We have been managing it now for 20+ years, in association with and help from NPWS, and part of the management, is to get older Heather to re-generate.

All agree now that by far the best way of achieving this is to burn narrow strips of heather, so you create over years a mosaic of the different sizes of heather.

Obviously Burning can only be done when allowed, under Section 40, 1st September Annually until end of February. Our near neighbors managing the same hill in Northern Ireland , can burn up to 15th April.

It is very difficult to burn in the Autumn, as there is too much greenery, moisture in the grasses / heather Mix. This Year in September we tried a few test sites to burn Heather damaged by a Heather Beetle outbreak, but it basically would not burn, with good dry conditions prevailing.

Traditionally Spring burning was the norm on managed estate, as is the case in the UK. The best returns in re-growth are also got by burning as close to the Growing season as possible.

So we are left with really February to burn in, with short day and bad drying, it is near impossible. Over the last five Years only a couple of days came with conditions suitable to burn. Our dates were similar to the UK, but were changed in 2000, and possibly enough thought did not go into it then.

In relation to nesting, no birds will nest or start laying until at least the Middle of April.

We would ask that this law be changed to 1st September to the 31st of March Annually.

(If you do not want to change it for all activities, please change it for this, by whatever method you deem most practical)

(2) Hedge cutting , Flora Destruction generally everywhere.

In relation to dates, the dates as outlined above have no adverse consequences for any fauna nesting or habituating in these habitats. Farmers / landowners do complain that access onto land, due to heavy land, wet land etc., can cause them problems, and March often brings that sunny drying conditions, and or drying east winds, can make conditions ideal for this activity.

So we would ask that you change the dates as outlined above, giving the Month of March also.

While your review is possibly mostly dealing with dates, what is done when it is allowed probably has as much if not more significance to the worth of the habitat and to Wildlife going forward. The biggest problems in this regard are

- Removing Hedges / Trees etc. Completely
- Cutting hedges and their precincts, to the bone

The greatest damage to the Countryside from a wildlife perspective has been the removal of hedges / trees, with only fences or electric fences as the paddock dividers. These type of large fields with no trees or Scrubs at all, support no wildlife and all, and their bio-diversity worth is 0 (Zero).

Unfortunately large tracts of the Country fall into this category.

Cutting hedges to the bone, and or excessive flailing of the main stems, reduces the worth of the hedge to wildlife considerably.

All these issues, are partially governed or influenced by Dept. Of Agriculture / E U, Rules and Incentives.

Section 40 is not Applicable, or has not much significance, if there is no hedge there, or just a wisp of a hedge.

If there could be more joined up thinking between NPWS, Dept. of Agriculture / EU, and try and create a model, of what an Irish Farm should be trying to aim towards, perhaps there could be a win win for all.

Perhaps a Bio-Diversity assessment, for farms, should be devised, and it used as an incentive or deterrent (Carrot and Stick), in relation particularly to incentives given to farmers

Thank You

(Dan Curley) **Secretary Co. Monaghan RGC**
8th January 2015