

Professional Agricultural Contractors of Ireland



Submission to: Minster for Arts, Heritage and the Gaeltacht
Re: Public Consultation
Subject: Review of Section 40 of the Wildlife Act – Burning and Cutting Control

By

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Introduction

Professional Agricultural Contractors of Ireland (PAC) is a long established independent body representing the interests of Irish agricultural contractors. Agricultural contractors provide mechanical services to the farming sector and are pivotal stakeholders in the farm production cycle.

PAC would like to thank the Minster for affording the opportunity for Public Consultation in the Review of Section 40 of the Wildlife Act – Burning and Cutting Control.

PAC recognises the importance of protecting our indigenous flora and fauna and is aware current legislation contained in Section 40 of the Wildlife Acts restricts the destruction of vegetation for a closed period from 1st March to 31st August in any year. PAC is also aware of exemptions to the closed period in relation to issues of health and safety, isolated growth, in the course of agriculture and in the course of fisheries development works, the control of noxious weeds, removal in the course of various construction works and by Ministerial Notice under section 62 of the Act of 1946.

Concerns

Agricultural contractors represented by PAC were consulted in relation to this submission. Their main concerns centered on the review of cutting controls element of the consultation process, these concerns are outlined below:

1. Lack of clarity in relation to exemptions to the closed period; in particular (2)c (health and/or safety grounds). We have identified that there is considerable disparity between local authorities in how they interpret the law in relation to the closed period. This is particularly disconcerting for agricultural contractors who may carry out work across more than one county.

2. Inflexibility of the closed period to take into account Irish weather conditions.
3. No differential is made between the “destruction” of vegetation and professional maintenance and trimming.
4. Approximately fifty percent of Irish birds nest in our hedgerow (CRANN). It is also generally accepted the breeding period for a large percentage of the Irish bird population is complete by the 1st August. Therefore agricultural contractors feel it is unreasonable to restrict normal hedgerow and verge management until after 31st August.

Recommendations

1. A clearly defined and consistent mechanism across all local authorities and other enforcement bodies to identify where and when it is acceptable to carry out work during a defined closed period.
2. Weather conditions in Ireland are such that it is difficult and impractical to work to the calendar. The Minister must seek the power to regulate the closed period according to local conditions, whether that is to extend or restrict the cutting period.
3. One of the most significant threats to Irish hedgerow has been development of land and agricultural expansion along with changing farming practices, (Notice Nature Group). Another contributory factor has been the inappropriate management of the hedgerow. Over the years PAC has worked closely with Teagasc to promote hedge cutting training. It is our opinion that that there should be a legal requirement for persons carrying out such work to undertake recognised training and certification to ensure they have a full understanding of legal and safety requirements and can demonstrate competence in hedgerow management and maintenance.
4. Adjust the time frame of the closed period from 15th March to 1st August, with Ministerial power to extend or restrict the cutting period under specific circumstances.
5. PAC recommends that a national hedgerow survey be carried out to identify exactly where and when particular species nest
6. PAC would like to see a Working Group of stakeholders established to review issues relating to the maintenance management and preservation of Irish hedgerows.

Conclusion

PAC is of the opinion that there is scope to reduce the closed period without causing harm to our indigenous flora and fauna, in particular endangered species.

PAC would welcome the opportunity to work closely with the Department and stakeholders to ensure the protection of biodiversity in Ireland.