

Subject: Review of Section 40.

Thank you for the invitation to have an input by expressing views with regard to your Department's review of Section 40. My responses to your **Questions** are as follows.

Hedge Cutting-

Should the closed period for cutting hedges be changed? If so, to which dates? No; in my view the dates of the closed period should not be changed. The amended start date (from 15 April to 1 March) is now even more important as evidence suggests that spring is arriving earlier year on year in tandem with climate change and global warming.

Burning of Vegetation:-

- a. **Should the current dates be maintained - if so why?** Yes, the current dates should be maintained. There is ample evidence to show that biodiversity is being lost and habitats are being degraded and/or not being restored at an unprecedented rate. Consequently, any relaxation of the current dates would not be in keeping with national and international obligations and objectives to protect our natural heritage.
- b. **Should different closed periods be introduced for burning as opposed to hedgecutting?** Possibly; they are different issues and as such may require separate closed periods.
- c. **Should different rules apply in different areas eg between enclosed lands and unenclosed land - if so why?** No. One national rule is easier to understand and is simpler to implement. Special cases can be processed individually for possible derogation depending on their particular circumstances and their individual merits.
- d. **Should derogations or licencing for burning be introduced during the closed periods - if so why?** Yes. Special cases are always likely to arise such as exceptionally wet and unusually prolonged winters. However, the precautionary principal should always apply and safeguards need to be built in to ensure that such cases fall into an exceptional category rather than becoming the norm.
- 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 any particular year?** Possibly, but any such flexibility should be subject to rigorous safeguards to ensure compliance with national and international obligations and objectives to protect our natural heritage.

Kind regards,

Jim.

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SWC Promotions: promoting the natural heritage resource values
of the South Wexford Coast.

