



Planning Department, Civic Offices, Dungarvan, Co. Waterford.

Mr. Mark Bohan,
National Parks & Wildlife Service,
7 Ely Place,
Dublin 2

Re: Review of Section 40 of the Wildlife Act- Burning/Cutting Controls

12th December 2014

Dear Mr. Bohan,

With regard to the above, I wish to submit the following observations in respect of the public consultation process for review of Section 40 of the Wildlife (Amendment) Act.

The significance of hedgerows as ecological corridors and valued habitat for a wide range of bird species has long been recognised as reflected in the revision of dates of the closed period under the original Wildlife Act, 1976 by the Wildlife (Amendment) Act 2000. Much work has been carried out on a national level on hedgerow quality and maintenance with the development of a hedgerow appraisal system and 14 County Hedgerow Surveys carried out to date. The publication on Irish Hedgerows by Networks for Nature (2004) provides a comprehensive overview on policy and best practice needs for the national hedgerow network. With regard to birdlife, the publication reports that of the 110 bird species regularly recorded in the Countryside Bird Survey in Ireland during the breeding season, 55 use hedgerows. Of these, 35 nest in hedgerows over 1.4 metres high and 1.3 metres wide which provide cover from overhead and ground predators. If hedgerows are trimmed annually and kept short (i.e. less than 2 metres) and narrow (i.e. 1.5 metres wide or less) this will reduce the amount of nesting space and cover for birds, along with destruction of vital food sources of fruit and berries in winter. Thus, it is submitted that prescriptions for minimum dimensions for height and width of hedgerows as per above should be set out in future Regulations pertaining to hedgerow maintenance in order to maximise the habitat value for birdlife.


Key issues for consideration of amendment of dates of the existing closed period are trends in phenology and impacts from climate change. Recent trends point to annual increases in temperatures promoting early spring conditions and a trend of earlier nesting by certain bird species. It is anticipated that this is likely to continue with predicted patterns in climate change. Establishment of this trend points to the need for revision of the closed period to bring back the start date to mid February in order to avoid the destruction of established nests.

It is acknowledged that pressure is brought to bear on landowners in the month of August to provide sightlines for residents, passing motorists and school transport and it is submitted that consultation with professional ornithological expertise (NPWS Bird Research Staff, NPWS Conservation Rangers and Bird Watch Ireland) and hedgerow managers (the Hedge Laying Association of Ireland) may serve to establish if there is potential to bring back the end date of the closed period to the first or second week in August to allow greater flexibility at this time. Furthermore, it is submitted that the trimming back of hedges at junctions should be carried out at early and late dates only (i.e. February /September) and trimmed distances (at either side of the junction) be confined to the sight distance requirements for the road classification.

The value of hedgerows for bird life is determined by the structure, species composition and age and it is urged that appropriate maintenance and management are carried out on hedgerows recognised of higher ecological value. In a range of county hedgerow surveys commissioned by the Heritage Officer Network, townland boundary and roadside hedges have been found to contain a higher mean species richness than other hedge types. This is assumed to be due to townland boundary and roadside hedges being generally of more ancient origins and with larger banks than other hedges. The higher species richness found for roadside hedges suggests that particular care and attention should be taken in their management, and measures should be taken to avoid their removal wherever possible. It is submitted that greater emphasis should be placed on how hedgerows are managed and consideration given to facilitation of Hedgerow Protection Orders on hedges that are known to be particularly species rich such as roadside and townland boundary hedges. Consideration should be given to establishment of a notification system to planning authorities of intention to remove hedgerows as removal of hedgerows is not considered as development (An Bord Pleanála Determination 2010 ref 13RL2720) and the threshold for notification for consent under the EIA (Agriculture) Regulations 2011 is 500m. It is submitted that review of Section 40 of the Wildlife (Amendment) Act must be considered in the context of wider supports for protection and appropriate management of the hedgerow network. The advocated inclusion of hedgerow protection orders and a local authority notification process in future regulations requires the support of GIS mapping of the national hedgerow network. This is taking place on a random basis through local authority Habitat Mapping projects and would benefit from a strategic and co-ordinated effort under one agency such as the EPA, National Biodiversity Data Centre or Heritage Council.

In conclusion, it is advocated that extensive consultation be carried out with professionals in ornithological expertise and the Hedge Laying Association of Ireland along with close examination of the scientific evidence from climate change and phenology studies to determine the impacts from amending the current dates of the closed period for hedge cutting. Development of Hedgerow Regulations should consider the inclusion of a consent system for hedgerow removal and Hedgerow Protection Orders supported by national hedgerow GIS mapping project.

Yours Sincerely,


Bernadette Guest, Heritage Officer