

Mr. Mark Bohan,
National Parks & Wildlife Service,
Department of the Arts, Heritage & Gaeltacht,
7 Ely Place,
Dublin

RE: REVIEW OF SECTION 40 OF THE WILDLIFE ACT REGARDING BURNING AND CUTTING CONTROLS

Dear Mr. Bohan,

I refer to correspondence addressed to the Chief Executive from the Department of Arts, Heritage & the Gaeltacht, in relation to public consultation concerning review of Section 40 of the Wildlife Act regarding burning and cutting controls.

Set out below is the Westmeath County Council's response which has been prepared with the assistance of the Council's Ecologist. It details options for possible amendments to Section 40 of the Wildlife Act which have been made in line with the overriding consideration of the review; to protect and enhance our habitats, birds and other species and not to increase the threat to them, which I am recommending for your approval.

Should the closed period for cutting hedges be changed? If so, to which dates?

No. A finding of the European Court of Justice 13th December 2007 found that the Irish Government had failed to fulfil its obligations under EU law in relation to the designation and classification of Special Protections Areas (SPAs) for wild birds. Since that the Birds of Conservation Concern in Ireland 2014-2019 (BoCCI) report has identified an increase in the number of species in decline. In addition the loss of hedgerow habitat notionally has been well documented, a trend that may yet be compounded by weakened conservation incentives under AEOS compared to REPS.

Well managed hedgerows, such as those managed under REPS, result in higher botanical richness (Finn & Ó hUallacháin, 2012) and greater bird numbers (Copland & O'Halloran, 2011). Hedgerow quality contributes to bird abundance in particular, during the breeding season and generally to farmland indicator species (McMahon *et al.* 2005).

Seasonal variation in environmental conditions and food resources from year to year make precise determination of breeding patterns very difficult to predict. Considering the effects of climate change on ecosystems globally, now more than ever conservation efforts relating to breeding and life cycles require greater buffering periods.

Given the importance of hedgerows to breeding bird populations, any argument for amending the closed period for cutting hedges should only be to further extend the closed period. In absence of this no changes should be adopted.

Burning

a) Should the current dates be maintained – if so why?

Yes. Burning as a land management tool in County Westmeath is carried out principally on peatlands to facilitate peat extraction. The IPCC have highlighted the devastating effects of burning on these unique and highly sensitive habitats and the unique dangers of burning when employed on peatlands as a land management tool. Aside from the obvious negative impacts on biodiversity, extending the open period for burning to dryer periods poses a greater risk of uncontrolled fires burning on open peatlands, especially on drained lands under exploitation. The facilitation of such a dangerous and destructive practice on Westmeath's most sensitive habitats cannot be justified.

b) Should different closed periods be introduced for burning as opposed to hedge cutting?

No. The closed period for both practices is in place primarily to meet the conservation objectives of protecting breeding bird species. In the absence of scientific data supporting an improved conservation value of differing the closed periods of burning and hedge cutting, different closed periods should not be introduced.

c) Should different rules apply in different areas e.g. between enclosed lands and unenclosed land – if so why?

No.


d) Should derogations or licensing for burning be introduced during the closed periods – if so why?

No. Burning as a land management tool primarily affects heather moorlands. While understanding that these habitats are intensively managed it is important to acknowledge that they are very rare and should be protected. With regards to the county of Westmeath, burning during dryer periods poses a greater risk of uncontrolled fires burning on open peatlands, especially on drained lands under exploitation. The facilitation of such a dangerous and destructive practice on Westmeath's most sensitive habitats cannot be justified.

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?*

No. Any move to allow greater flexibility in burning periods would directly result in an increased threat to rare and sensitive habitats and species.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'm. cague', is written over a solid horizontal line.

T. McCague

Senior Planner

8th January 2015