



Wicklow Cheviot Sheep Owners Association

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Review of Section 40

Department of Arts, Heritage & the Gaeltacht,

7 Ely Place,

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Ref: Public Consultation on Burning and Cutting Controls

«GreetingLine»

On behalf of the above organization I would like to make the following submission.

The Wicklow Cheviot Sheep Owners Association represents the interests of some 400 Hill Sheep farmers across Wicklow, Dublin, Kildare and Wexford. Together with the Wicklow Uplands Council we have been actively developing means of responsible vegetation management on the hills since 2008. Even though there are many bodies that own land in Wicklow and surrounding areas the primary land owners are Farmers, Coillte and NPWS and we see these as the primary contributors to implementation of responsible management. We are highly committed to the Wicklow Uplands Council as we see its cross community involvement and decision making by way of Consensus building as crucial to solving local problems. We see the present burning dates as unworkable in practice for the responsible control of vegetation in the hills for reasons shown below and ask that they be brought in line with dates that apply in other jurisdictions in these islands

Burning is an ancient farming practice which is still common in land with a high cover of rough vegetation such as heather. In Wicklow and throughout the country, burning traditionally took place at the end of winter/beginning of spring (end March/beginning of April) when last year's growth was dry and easily burnt and before new growth appeared.

When weather conditions were suitable and the farmer was on the hill, a small patch of low heather (c. 20-30cm high) was set on fire. This practice was repeated throughout the season when convenient and weather conditions were favourable. Taller heather > 30/40 cm was not burnt. This practice led to a mosaic of small burnt patches and continued appearance of low heather bushes of value as forage. Within Wicklow heather burning was often carried out by gamekeepers to manage grouse. While this practice is accepted as part of

the history of land use on the Uplands (Wilson and Curtis, 2011) and estate records refer to it, no detailed accounts have been produced describing its management.

Research on the relationship between biodiversity and burning in the UK/Scotland has been well researched as heather burning is closely associated with grouse management. Codes of good practice have been developed in Scotland, England and Wales which have been endorsed by farmers and ecologists. The Countryside Management Handbook from Northern Ireland contains detailed guidance on heather burning. In Ireland, 'A Draft Code for Practice for Prescribed Burning' has been prepared by the Forest Service largely in response to the threat to forestry of uncontrolled fires. The note below compares dates when burning is permitted in the UK and Ireland and their relationship to Agri-environmental schemes.

Current management of burning in UK and Ireland

Scotland 1st October to 15th April inclusive. Extended to 30th April on the authority of the landowner. Licensing system allows for derogation. Grant aid for habitat management plan involving burning which follows Muirburn Code.

England 1st October to 15th April. Licensing system allows for derogation. Burning is supported as part of Agri-environmental Scheme and must follow statutory regulations. Burning practice must be according to Heather and Grass Burning Code and Regulations 2007

Wales 1st October to 31st March (Uplands) 1st November to 15 March. Elsewhere the licensing system allows for derogation. Burning supported as part of Agri-environmental Scheme.

Northern Ireland. 1st September to 14th April. Licensing system allows for derogation. Burning supported as part of Agri-environmental Scheme. Burning practice must be according to Heather and Grass Burning Code and Regulations 2007

Ireland. 1st September to February 28th/29th No licensing system /derogation possible. No relationship between Agri-environmental and burning. Under Section 40 of the Wildlife Act (1976) as amended by Section 46 of the Wildlife (Amendment) Act 2000, burning vegetation in uncultivated land from 01 March to 31 August is illegal.

Obviously the dates operating in ROI are well out of sync with those operating across these islands

Current regulation of burning

Burning operations are closely regulated to meet the requirements of legislation concerned with wildlife, forestry and public safety. The most controversial regulation relates to burning dates. Burning can only occur between 1st September and the end of February. This is significantly shorter (by six weeks) than the period permitted under previous legislation (between 1976 and 2000) which allowed burning to 15th April. It contrasts with the burning period in nearby countries, even in Northern Ireland, with similar types of habitats and environmental conditions.

If burning within one mile of a forest (under the Wildlife (Amendment) Act 2000), written notice of proposed burning must be given at least seven days in advance, to the forest owner, local Garda Sergeant and Fire Service (Chief Fire Officer). This must include a 'burn plan' specifying where burning will take place and how it will be managed. Under law the forest owner has the right to object. If burning is being proposed within an SAC (or nearby), at any time, an 'Appropriate Assessment' (AA) is required under the Habitats Directive to examine its potential impact on ecology. The assessment is prepared by an ecologist and submitted to the relevant authority (NPWS). Immediately before burning is being carried out (on the day) notifications must be sent to the Fire Service, Coillte and Garda Sergeant. Finally when the operation is completed these agencies should be contacted to confirm that all fires are fully out. Other conditions contained in the Forest Service code relate to the need for insurance, training, health and safety of workers and appropriate clothing and equipment. Insurance obligations require that the individual carrying out controlled burning has adequate insurance.

Management issues

The implementation of these regulations imposes an almost impossible bureaucratic burden on land managers. No advice is available on the preparation of burning plans or identification of fire sensitive areas. There is much anecdotal evidence that fewer small patches are being burnt and that there are more large fires. Large fires are more difficult to control and may not achieve good outcomes for farming or biodiversity. Instead of a mosaic of small patches of old and young heather with wet and dry grassland/healthy areas, upland pastures will either fall into the tall-heather category (be unburnt) or have very extensive areas with no mature heather – often with accompanying soil erosion because uncontrolled fires have been too hot. In the latter cases there is also a strong danger of heather being replaced by poor quality mat-grass, bracken or, (less frequently in Wicklow but commonly in western counties) white grass (*Molinia*). Certain cross compliance obligations impose standards of farm practices which contradict with biodiversity priorities and have the potential to further enhance the requirement to remove heather completely. Under GAEC farmers are obliged to keep their land in good agricultural condition. A cover of tall heather/gorse (not useful as forage) threatens these payments. As a result there is an incentive to bring about the complete removal of heather.

As there was no consultation with Upland farmers when the burning period was drastically reduced in 2000 Upland farmers have reluctant to accept the restriction which has reduced by six weeks the period when burning traditionally occurred. The new burning dates create particular difficulties in the Uplands as there are now fewer farmers. Opportunities for burning are very limited due to access and weather. As recreational use of the Uplands has increased there is greater public concern with all burning incidents. The continuation of burning during the traditional burning period (early spring) has resulted in conflicts between the objectives of farmers and the Fire Service, the Forest Service, ecologists and the statutory authorities, particularly NPWS. Nationally no efforts have been made to address this conflict situation.

We look forward to your response and thank you for the opportunity to submit

pp John Malone (Chairman)