

Review of Section 40 of the Wildlife Acts - Burning/Cutting Controls

Submission by *Wildlife Rehabilitation Ireland, 10 High Meadows, Duleek, Co Meath*

Hedge Cutting

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

The restricted period for hedge cutting should not be changed.

Hedges may support up to 80% of our woodland birds, 50% of our mammals and 30% of our butterflies. Ireland lost c.5,000 ha of hedgerows since 2006 (National Forest Inventory, 2012) and road verges and hedgerows are crucial wildlife corridors for Ireland's flora and fauna. Many hedgerows are disappearing as small fields are amalgamated to make larger ones. Road widening and development also leads to the loss or diminishment of hedgerows. The result is that wildlife loses its ability to move through the countryside, and habitats become isolated and cannot be renewed and therefore become weakened.

The restricted period should remain from the 1st of March as foliage needs a chance to grow, and vegetation to form in order to provide cover for birds from predators by the time they start nesting.

The restricted period should continue until the 31st of August to accommodate the late nesting woodpigeon and yellowhammer; a species of high conservation concern.

Burning of Vegetation:

a. Should the current dates be maintained - if so why?

The current dates for the burning of vegetation must be maintained.

Why:

The legislation was put in place to protect wild birds during their period of breeding and rearing, this hasn't changed. Burning is only one of a range of agricultural controls; there are alternative methods of keeping vegetation under control e.g. mechanical swiping, mowing and flailing which would be less detrimental to moorland birds such as grouse, curlew and hen harrier as well as Irish hares.

Long term soil damage and degradation of habitats is a common consequence of dangerous, costly, upland wildfire incidents.

b. Should different closed periods be introduced for burning as opposed to hedgecutting?

For the sake of the general public's adherence to legislation, and the ease of implementation of legislation; **the closed periods should remain the same.**

c. Should different rules apply in different areas eg between enclosed lands and unenclosed land - if so why?

Different rules should not apply in different areas.

Birds do not respect enclosures/fences; they nest at the same time of year on either side of the enclosed area.

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

Derogations or licensing should not be introduced for burning during the closed period.

If derogations were issued there would be cause for further submissions to the European Court of Justice to point out once again that the Irish Government had failed adequately to protect some of our most threatened bird species. Any such derogation or licence would be tantamount to a license to destroy birds' nests, eggs and young. There are no justifiable extenuating circumstances whatsoever.

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?

Flexibility should NOT be introduced to allow dates to be changed by statutory instrument or Ministerial order to extend the burning period in any particular year.

If a situation arose that was an extreme danger to public health or safety, then, and only then, should a fully trained and certified individual be permitted to perform a one-off burn.

End of Submission