

## **Review of Section 40 of the Wildfire Act – Burning / Cutting Controls – Public Consultation Submission from Woodland Managers Limited – Page 1**

We refer to the public consultation process regarding possible changes to Section 40 and appreciate the opportunity to make a submission.

This submission is from Woodland Managers Limited, Merchants Dock, Merchants Road, Galway. Woodland Managers Limited is one of the larger private forest management businesses in Ireland, managing forestry for landowners. Woodland manages forests in all of the western counties and other parts of the country.

A related business administers a significant forest insurance scheme which provides cover against crop loss due to fire.

### **Hedgecutting**

We agree with the suggestion to allow hedgecutting from end July as vegetation is usually at its peak at that stage and traffic can be heavier on country roads during August. Given that safety issues can sometimes be confined to new (first year) growth there could be merit in a distinction between “fresh” vegetation – new growth - and hedge cutting that involved cutting older woodier hedging although it could be difficult to get clear definitions.

We also recommend that there should be provision to undertake hedgecutting in earlier months where required to improve visibility for road safety. This could be done by say, a fourteen day notice of intent by a land owner or land manager to the Local Authority and in the absence of any direction not to proceed the landowner could then proceed.

It would also be very helpful if the road identifiers used by local authorities were readily available through websites.

### **Burning**

Burning is a major issue for forest owners and managers. In recent years there have been very significant losses due to what are usually referred to as forest fires but are, in reality, land fires.

In our experience, apart from very occasional cases of arson, we have never encountered a forest fire – i.e. a fire that originated in the forest. In virtually all cases in close to thirty years of experience forest fires arose from uncontrolled burning and always during the closed period of 1 March to 31 August. Therefore it could be argued that Section 40 is not effective in preventing land fires in the critical Mid March to June period and that altering the dates might have no practical impact other than possibly reducing the prospect of prosecution.

Fuller details on forests damaged by fire over the last five years should be available from Forest Service, Department of Agriculture, Food and the Marine (DAFM/FS). From our knowledge they have been on a scale that merits serious action to endeavour to eliminate the causes.

The destruction of productive woodlands has numerous consequences – loss of timber stock being a major one; while not as obvious as the loss of a warehouse full of goods it is basically the same – the raw material that provides the resource for timber processing is lost – the impact is longer term but nevertheless real. Loss of production equates to loss of owner income and capital, loss of employment or employment opportunity and loss of exports or export opportunity. In a complex supply chain the loss of every hectare of woodland to fire will have an economic impact, not just for the owner but for the country.

Losses of biodiversity are well understood in your Department. Release of sequestered carbon and lost/delayed opportunity to sequester more is another very real economic and environmental impact.

In some cases owners have been insured for loss through fire. Insurance losses lead to higher costs or (as is already the case) non availability of cover in areas perceived as higher risk.

We note that DAHG emphasises the protection of biodiversity in line with Ireland’s legal obligations. That is as it should be; there is also an obligation on the State to ensure the protection of property and, by extension, crops.

**Review of Section 40 of the Wildfire Act – Burning / Cutting Controls – Public Consultation  
Submission from Woodland Managers Limited – Page 2**

Considerable work has been done in recent years by DAFM/FS in conjunction with farm and rural communities in creating and improving awareness and improving burning practices. Also some local authorities, and Gardai, have shown great leadership in trying to improve practice and compliance. Nevertheless it is the case that burning remains a largely unregulated activity – which contrasts, for instance, with the highly regulated management of forests where a tree cannot be cut down or a forest road built or fertiliser aerially applied without a licence and where stringent conditions can be applied to such licences.

Our view is that land burning should be a controlled, regulated activity carried out under licence or permit with strict conditions to ensure risk minimisation and best practice as well as appropriate notification to / indemnification of neighbouring landowners.

Therefore we view any change in legislative requirements as requiring an identification of priorities – which should primarily be (a) about the protection of biodiversity and (b) other property and if these can be assured then about any enhancement that may derive from burning

Regarding the specific questions outlined in the consultation notice:

a: should current dates be maintained? In our view controlled burning may have a legitimate basis during parts of what are now the “closed period”. But the emphasis has to be on control and licencing rather than just changing or extending dates.

b: Different periods for burning vs. hedgecutting – there is no particular reason (other perhaps than birdlife) for they being the same.

c: Different rules for enclosed v unenclosed land? Possibly – although the basic principles are and should be the same. Our main issues are largely with unenclosed land, often commonage, and we recognise that such land presents particular challenges re ownership / responsibility and terrain and could require specific regulation going beyond that for say tillage land.

d: derogations / licensing for burning during closed periods? We recommend that all burning be on a permit / licence basis, requiring notification to other land owners, local authority fire services etc.

e: Flexibility by SI or Order. There would seem to be merit in such flexibility if introduced together with a licence / permit system which would reduce the threat to biodiversity and property.

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