



Review of Section 40 of the Wildlife Act – Burning and Hedge Cutting

IFA Submission to the Consultation

January 2015

Introduction

IFA welcomes the decision by the Minister for Arts, Heritage and the Gaeltacht Heather Humphreys T.D. to review the legislative controls set out in Section 40 of the Wildlife Acts 1976 to 2012, governing the control of burning and hedge cutting.

Farmers understand that hedgerows and uplands area are an important source of biodiversity. Therefore in this submission IFA is seeking the introduction of necessary flexibilities to allow farmers manage hedgerows and uplands properly.

An anomaly presently exists whereby hedge cutting and gorse burning restrictions imposed on farmers in the Republic of Ireland are broadly out of line with restrictions imposed in other regions, including Northern Ireland, Scotland, England¹ and Wales.

The gorse burning restrictions in the Republic of Ireland impact on the amount of available grazing land and the general competitiveness of the sector.

The excessive *closed period* for hedge cutting impacts on road safety for pedestrians and motorists. This is a point accepted by the Road Safety Authority. It also leads to farm safety concerns, with hedge cutting works being confined to a time of the year when daylight is declining. In addition the timeframe to cut hedges on wet land is often limited, as it can be restricted due to soil conditions. The timeframe available to cut hedges on winter tillage farms is severely restricted, as the period of time where fields have no growing crops is limited.

In 2000, the Wildlife Act was amended and the *closed period* was brought forward to 1st March, from 15th April. This was to recognise the earlier start of the nesting season. The nesting season also ends earlier, however the legislation was not amended to reflect this.

Hedge cutting – IFA proposal

IFA proposes that the hedge closed season is changed to 17th March – 31st July, for the following reasons:

- The nesting season now occurs earlier, which is reflected in the earlier *closed* season introduced in the 2000 Wildlife Act. However, the Act should also have ended the *closed* season on 31st July, in line with nesting patterns.
- August is a busy farming month, with many farmers harvesting crops, spreading soil nutrients and transporting livestock, and therefore needing access to roads. Based on road users' safety, it would be a practical decision to allow farmers to cut their hedges during August.
- August is the peak month for tourism in Ireland, with many tourists travelling unfamiliar regional and secondary roads, both walking and in cars. Again, based on road safety, it would be a sensible decision to allow hedges to be cut during August.
- In recent years, the unpredictable winter weather has typically resulted in the hedge cutting season being reduced by a third. Agricultural machinery involved in hedgerow trimming is very expensive and many operators work long hours during the *open* season to ensure the work is completed. August is a month during which 12-14 hours of daylight occurs. Daylight continues to reduce beyond this month. In the interest of both

¹ Natural England, Hedge Cutting: answers to 18 common questions

machinery operator safety and motorist safety, hedge cutting should be allowed in August.

- The first two weeks of March would allow flexibility to trim field boundaries in cases where spring is late due to weather conditions.
- Fly-tipping in the countryside is a growing problem. Community Groups who voluntarily clean roadside ditches have noticed that ditches which are regularly cut and maintained are less likely to be used as a dumping ground. The earlier opening of the hedge cutting season would facilitate earlier hedge cutting and maintenance.
- In addition the closed period should not apply where local authorities and landowners identify road safety issues, such as improving sight lines.

Gorse burning – IFA proposal

To address the issue of sustainable use and management of uplands, IFA proposes the following:

- Dates for the burning season to be brought back in line with the UK and Northern Ireland. This is necessary as the region encompassing Ireland and Britain has the same type of climate and environmental challenges. (see Table 1)
- Hill land management is supported through Agri-Environment schemes such as GLAS, GLAS +, or the targeted output scheme in the RDP 2014-2020.
- The management plans should involve a burning period much longer than currently exists.
- Through the management of hill land, local burning management groups should be established to ensure that maximum advantage is achieved through a longer burning period.
- Farmers need the necessary research to back-up their management practices as well as the necessary supports for hill farming.
- Burning is a vital management tool to ensure that land is not overgrown and as a result abandoned.
- In the context of CAP, keeping land eligible for EU payments is vital as sustaining farming is a major challenge in these economically fragile areas.
- This consultation should be used as an opportunity to bring the burning dates in Ireland in line with the UK and Northern Ireland.
- This will assist efforts to address the following issues:
 - Uncontrolled wildfires, which are common and are a serious fire risk to forestry plantations.
 - Uncontrolled vegetation (tall heather and gorse) poses a threat to public safety, public and private property, including forestry, as well as impacting on recreational tourism.
 - Farmers are seeing increasing numbers of deer grazing lowland pastures as the woody scrub increases on hillsides.

Conclusion:

1. IFA propose that the hedge cutting closed season should be changed to 17th March – 31st July.
2. IFA proposes that the period during which burning is allowed should be extended to 15th April.
3. In instances where the spring period is very wet the burning date should be increased beyond 15th April
4. The open period could in some cases be brought earlier than the 1st September.

Table1: Dates when burning is permitted

Country	Types of Ground	Dates when Burning is Permitted
Scotland	All areas	1 st October to 15 th April inclusive. Dates can be extended to 30 th April on the authority of the landowner.
England	Uplands (Severely disadvantaged less favoured areas)	1 st October to 15 th April.
	Lowland (elsewhere)	1 st November to 31 st March.
Wales	Uplands	1 st October to 31 st March.
	Lowland (elsewhere)	1 st November to 15 th March.
Northern Ireland	All areas	1 st September to 14 th April.
Ireland	All areas	1 st September to February 28 th /29 th .