



Pádraic Fogarty  
Campaign Officer  
Irish Wildlife Trust  
Sigmund Business Centre,  
93A Lagan Road,  
Glasnevin,  
Dublin 11  
Ireland

Date: 31<sup>st</sup> January 2019

### **IWT submission to Implementation of Section 7(1) of the Heritage Act 2018**

The Irish Wildlife Trust (IWT) would like to make a submission to the above-mentioned regulation and the associated 'Best Practice Guidelines for Burning Management'.

The IWT was opposed to the recently-passed Heritage Act to extend the permitted period for controlled burning during the month of March. We remain of the view that this is a regressive step at a time when biodiversity in Ireland is under tremendous pressure. The following observations are made in light of this position.

As the guidelines point out, uncontrolled burning is a significant threat to wildlife and habitats and has resulted in widespread damage to upland areas in particular. In this context, controlled burning is clearly a preferable option. Nevertheless, there is sufficient evidence to show that even controlled burning results in loss of biodiversity, pollution to water courses, the drying out of peat and significant associated carbon emissions<sup>1</sup>. The reference to grouse management, for which controlled burning is principally carried out in Britain, in the guidelines is inappropriate in an Irish context – where there is no tradition (or desire) for managing uplands to create artificially high densities of red grouse. Rather, it should be recognised that the promotion of controlled burning in Ireland is entirely for the perceived benefit of upland sheep farming.

Sheep farming in the Irish uplands is associated with a history of environmental degradation, with inappropriate grazing regimes continuing in many areas of Ireland to this day. It is also evident from annual Teagasc farm surveys that upland sheep farming is entirely dependent upon taxpayer subsidies and largely associated with part-time farming.

The IWT acknowledges that upland farming is an important part of the heritage and economy of many parts of Ireland. The challenge therefore is to find ways of supporting those farmers within a system that is sympathetic to restoring damaged peatland habitats. The promotion of controlled burning will not achieve this aim in our opinion. Although published studies are not available, it is widely regarded that low-intensity grazing by hardy breeds of cattle can be done in a way that protects sensitive habitats while maintaining farming livelihoods. This type of farming system requires no recourse to burning vegetation. The future of farming in these locations will require a return to these traditional methods of husbandry rather than regressively promoting labour intensive, high administration, and environmentally harmful burning. Ireland has a wildfire problem and restoring peatlands and native woodlands (which are more fire resistant than drained bogs and monoculture plantations) is our best insurance against uncontrolled fires. The inclusion of bees as a livestock unit (as proposed by the Irish

---

<sup>1</sup>[http://www.leeds.ac.uk/news/article/3597/grouse\\_moor\\_burning\\_causes\\_widespread\\_environmental\\_changes](http://www.leeds.ac.uk/news/article/3597/grouse_moor_burning_causes_widespread_environmental_changes)

Natura and Hill Farmers Association) would further diversify farm incomes and favour the growth of flowering plants.

We believe that the guidelines as they are set out will prove to be unworkable. The assertion that “burning should not be carried out in blanket bog habitat in any circumstances, and in humid mires or in wet heaths, if this could lead to damage to the moss layer or the peat itself” is particularly problematic and raises a number of questions. For instance:

- In the absence of fine scale habitat mapping, who will assess whether the habitat in question is blanket bog, wet heath or dry heath? Given that many trained ecologists with experience in upland surveying find these classifications difficult to discern on the ground, as they frequently require not only intimate knowledge of plant identification but also a degree of subjectivity, who will decide what habitats are present? Are landowners to be trained in habitat classification? Will there be a requirement for landowners to hire trained ecologists to survey their land in advance? Who will pay for this and what safeguards will be put in place to ensure that habitats are being identified accurately?
- In upland regions, many of which have been subjected to wild fires in the recent past, or which have a history of drainage for turf-cutting and/or overgrazing, habitats which could be identified as blanket bog, wet heath, or dry heath frequently occur in complex mosaics or patchworks with no easily definable boundaries. How will fires be kept to areas of dry heath and not be allowed to spread to blanket bogs? How are temperatures of the fires to be controlled so burns on wet heath and humid mires don't damage the moss layer?
- If fire is to be allowed on wet heath and humid mires, but only if it won't damage the moss layer or peat, how is this to be decided? Who will decide it? How will decisions be recorded and monitored so that sensitive habitats are to be protected?
- Given the legal requirement to ensure favourable status of habitats listed in Annex I of the Habitats Directive and the legal requirement to ensure that deterioration of protected habitats does not occur, how are these requirements to be met? Will burning within Special Areas of Conservation and Special Protection Areas be subject to Appropriate Assessment as per Article 6 of the Habitats Directive? If not, this would surely leave the landowner open to legal challenge. What are the implications for cross-compliance with the Single Farm Payment and the Green Low-Carbon Agri-environment Scheme (GLAS)? If AA is to be carried out, who will be responsible for producing the Natura Impact Statement (as would surely be necessary for a high-impact activity in an SAC or SPA)? Who will pay for this? Who will be the competent authority responsible for carrying out the AA?
- The guidelines do not refer to Section 22 of the Wildlife Act which protects birds, their nests and eggs. Given that March is within the nesting season for many species, what safeguards will be put in place to ensure that nests or eggs will not be damaged by fire? Are areas to be surveyed by a suitably qualified ornithologist prior to burning? Who will pay for this and how will surveys be carried out in an open and transparent manner to ensure compliance with the law?

The guidelines to not provide answers to these questions and with so much uncertainty we cannot have confidence that they are compatible with minimum legal standards as set out in the Habitats Directive and the Wildlife Act.

The section of the guidelines on the control of fires shows how difficult it will be to implement ‘best practice’ on the ground. Practitioners will require a high level of training and skill – something that does not currently exist in Ireland given that there is no history of controlled burning. Who will pay for the training? Given the risks involved, what measures

will be in place to ensure that practitioners will have the right level of training before embarking on a burn?

The IWT has no faith that the guidelines as they have been presented are a practical solution to the issues surrounding upland farming, are likely to be impossible to implement on the ground and may well be illegal. The IWT calls on the Minister for Arts, Heritage and the Gaeltacht to initiate an upland land management plan which would bring together the various interest groups to solve the very real issues that will not be addressed by the changes in burning dates.

[1][http://www.leeds.ac.uk/news/article/3597/grouse\\_moor\\_burning\\_causes\\_widespread\\_environmental\\_changes](http://www.leeds.ac.uk/news/article/3597/grouse_moor_burning_causes_widespread_environmental_changes)