



WicklowUplands
COUNCIL

**Initiative to increase bio-diversity
by reintroducing
vegetation management practice
in the Wicklow uplands.**

**Initiated by
Wicklow Uplands Council &
Wicklow Dublin Mountains Board**

20th October 2008



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1. Purpose of document

- 1) To propose to the Minister of the Environment, Heritage and Local Government, John Gormley TD, certain changes in present legislation on vegetation management.
- 2) To develop a viable vegetation control regime in the Irish uplands, particularly in Wicklow.

NB. In this document, the term 'Wicklow uplands' refers to land over 700 ft (210 m) in Wicklow, South Dublin and Dun Laoghaire-Rathdown local authority areas.

2. Foreword

Heathlands are characteristic ecosystems of Western Europe dominated by evergreen ericaceous dwarf shrubs *Calluna vulgaris* known as heather. Heathlands are semi-natural systems, which require maintenance by human management in order to preserve their floristic composition, and their conservation value as classified in 'Habitats of Community Value' by the European Habitats Directive on the conservation of natural habitats. Since 1986 heathlands are recognized as an important habitat at a European level (EU Habitats Directive 92/43/EEC).

Good quality heathland should consist of heather layers of varying heights and structures with some of the additional features such as scattered trees and scrub, areas of bare ground, areas of acid grassland, gorse, wet heaths, bogs and open water. The presence and numbers of characteristic birds, reptiles, invertebrates, vascular plants, bryophytes and lichens are important indicators of habitat quality. Upland heath is an important habitat for a number of birds of high conservation concern including Ring Ouzel, Hen Harrier, Red Grouse, Curlew and birds of medium conservation concern such as Golden Plover and Merlin. Young heather is an important grazing source for mountain sheep and essential grazing for mountain hare, red, hybrid and sika deer. Habitat loss is the main threat to upland heath. Especially fragmentation of heathlands can contribute to loss of heathlands. There is a direct link between the size of the heath and the number of species present - smaller heaths having far fewer species of plants and animals.



Coastal heathland Ynysioedd St Tudwal o Fynydd Tir y Cwmwd, Wales.

3. Heath habitats in Wicklow uplands

Heathland habitat dominates in the Wicklow uplands along with blanket bog and upland grassland. Generally, any grassland where heathers and bilberry coverage exceeds 25% is considered to be heath. Heath is commonly formed over upland, peaty soils and often grows in association with upland grassland (Wicklow Mountains National Park Management Plan 2005 – 2009). The main habitats present in heathlands are dry open heath, bare sandy soil, wet heath, bogs and open water.

The broadest classification divides heathlands into two main types: wet heath and dry heath depending on the degree of wetness of the soil or the severity of the climate. There are five different types of heathland found in Ireland: Dry Siliceous Heath, Dry Calcareous Heath, Heaths on Sand Dunes, Wet Heath and Montane Heath. The categories of heathland occurring in Wicklow uplands are described in detail next (Irish Peatland Conservation Council).

3.1 Dry Siliceous Heath

Dry siliceous heath can be found on flat to steeply sloping ground in upland areas. The underlying soils are relatively dry or free-draining but are acid and poor in nutrients. The typical vegetation includes Ling Heather, Bell Heather, Bilberry, low-growing Western Gorse, prostrate Juniper, Crowberry, Bearberry and Cowberry. The Great Sugarloaf Mountain is an example.

3.2 Wet Heath

Wet heath occurs on peaty soils and shallow wet peats that typically have an average depth of 15-50 cm. Wet heath can occur in upland areas and is widespread on the lower slopes of hills and mountains that are either too dry or too steep for deep peat accumulation. It can form mosaics with blanket bog and dry siliceous heath. Wet heath is dominated by Ling Heather and Cross-leaved Heath or by Purple Moor Grass and sedges. Other common species include Bell Heather, Crowberry, Deer Sedge, Heath Rush and Green-ribbed Sedge. Moss and lichen cover is high and includes *Hylocomnium splendens*, *Dicranum scoparium*, *Rhytidiadelphus loreus*, Hairy Cap Moss and *Sphagnum* species such as *S. papillosum*, *S. subnitens* and *S. capillifolium*. Wet heath differs from dry siliceous heath in that Cross-leaved Heath, Purple Moor Grass and Deer Sedge are abundant (Irish Peatland Conservation Council).

3.3 Montane Heath

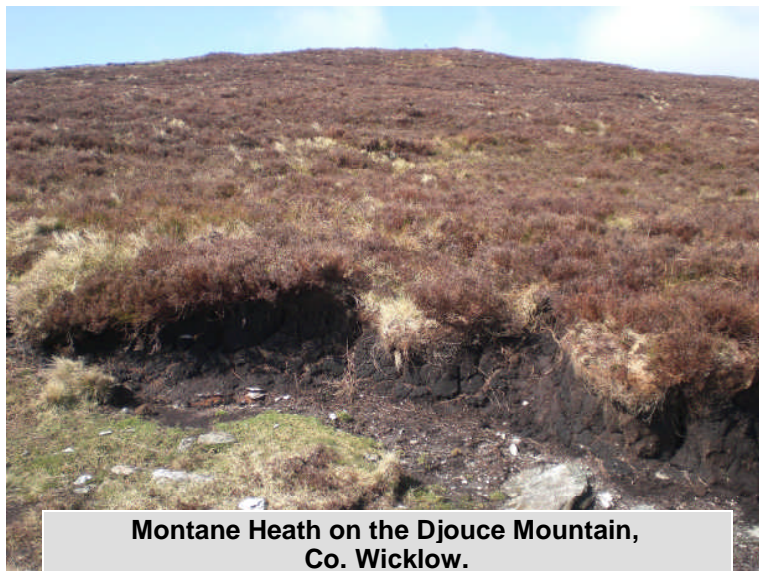
Montane heath has a substantial cover of dwarf shrubs and/or mosses and occurs at high altitude on mountains and in other very exposed locations in the uplands. Montane heath is usually associated with shallow mineral soils or peats that are eroding and unstable. It can also be found on areas of loose rock and coarse sediment on mountain tops and ridges. High rainfall and humidity mean that montane heath is kept very wet even if soils are free-draining or rocky. The vegetation which should cover at least 50% of the terrain, is characterised by stunted and wind-contoured dwarf shrubs such as Crowberry, Ling Heather and Bearberry and or prostrate shrubs such as Dwarf Willow and Juniper. Montane heath may also be dominated by mosses. Low growing grasses also occur in the vegetation such as Wavy Hair Grass, Viviparous Fescue and Mat Grass. Heath Rush, Stiff Sedge, Heath Bedstraw, Sheep's Sorrel, Club moss, Silver-haired moss, and Hairy Cap Moss also occur. Montane heath may also have extensive carpets of lichens.

3.4 Fauna of heathlands

Upland heath is rich in invertebrates. Many species require warm and sunny conditions and favour south-facing slopes. Patches of bare ground, where there is no vegetation cover are important to some groups. The occurrence of boggy ground is important for those species which breed in damp soil. About half the species of dragonfly that occur in Ireland can be found in heathland. Heathlands are an important habitat for butterflies and moths. Grasshoppers, Bees and wasps are also abundant. The Green Tiger Beetle is another striking insect of heathlands. Heathlands are also rich in spiders. The vast array of insects of heathlands can support a low density Pygmy Shrew population. Ireland's only reptile the Viviparous Lizard occurs on heathlands (Irish Peatland Conservation Council).

Insectivorous bird species such as Whinchat, Stonechat, Ring Ouzel, Sedge Warbler, Meadow Pipit and Whitethroat take advantage of the rich insect fauna associated with heathlands in the breeding season. Meadow Pipits nest in Purple Moor Grass and regularly play host to Cuckoos on the heathland. Whitethroats regularly nest on Gorse and in scrub areas. The Stonechat nests on the ground from late March to July. Whinchats visit heathlands from April to October. Nightjar can be seen in wooded heathland edges from late May to August. The Red Grouse chicks are fed on a variety of insects, but as the birds get older, their diet consists almost entirely of young Heather shoots, Bilberry leaves and blue berries. Grouse also build their nests in mature Heather bushes. Five birds of prey feed in heathlands during the breeding season. These are the Hen Harrier, Merlin, Buzzard, Kestrel and Peregrine Falcon. Hen Harriers visit heathlands in winter months from October to March and hunt mammals and birds (Irish Peatland Conservation Council).

In summary heathlands are home to these bird species: Buzzard, Chough, Golden Plover, Hen Harrier, Kestrel, Meadow Pipit, Merlin, Nightjar, Peregrine Falcon, Red Grouse, Ring Ouzel, Sedge Warbler, Skylark, Stonechat, Twite, Whinchat and Whitethroat.



**Montane Heath on the Djouce Mountain,
Co. Wicklow.**

4. Current management of heath habitats in Wicklow uplands

Upland landscapes were successfully managed by sheep farmers and landowners for centuries. Controlled burning was the major traditional heather management practice. This practice was carried out in order to improve the upland vegetation for mountain sheep grazing by clearing the ground and allowing young growth of heather. Such management practices were carried out in particular for the development of grouse shooting areas in the hills by landlords in the 18th and 19th century.

Unfortunately, such management has declined in many areas of uplands. The main reason for this is that heather management became uneconomical due to e.g. lower numbers of sheep kept, restraints on vegetation management around forestry plantations and shortening of shooting season for grouse. In response to this, grouse declined due to lack of young heather shoots as a source of nutrition.

Moreover, since 1991 the majority of local upland heaths have become incorporated into the Wicklow Mountains National Park, where a reduction in sheep numbers grazing the hills has contributed to the excessive growth of heather. There have been significant losses of sheep which have disappeared on the hills in recent years, which also discourages farmers from stocking the uplands. Another reason for under grazing of the uplands is that some farmers are cross breeding the native breeds with lowland rams and those crossbreed sheep will not stay on the hills. Uncontrolled heather and bracken reduce the value of the foothills as walking areas and thereby lower its economic value and tourism potential. Commonage areas, which are grazed by groups of farmers, are being abandoned without any proper vegetation control. These new wilderness conditions in the Wicklow uplands are contributing to reduced bio-diversity. Forestry has also contributed to the excessive growth of heather. Commercial plantations were established in many parts of the uplands with restraints on heather burning in surrounding areas.

The main upland areas with mosaic of heath, blanket bog and upland grassland are part of the Wicklow Mountains Special Area of Conservation No. 002122 and the Special Protection Area No. 004040 managed by the Wicklow Mountains National Park. Together with adjoining land owned by various landowners these are the key upland areas, which would benefit most from suggested vegetation management in this proposal. The affected area in question is possibly up to 20 000 ha in size. However, a proper field survey needs to be undertaken to specify this and also the status of heathland habitat in the Wicklow uplands.



**Traditionally managed heathland in Luggala Estate,
Co. Wicklow in 1950s.**

5. Current heather management legislation in Ireland

The heather management situation has deteriorated since the introduction of the Wildlife Act 2000, under which the vegetation management season was shortened by 46 days, starting on the 1st September and ending on the last day of February.

This reduction of the vegetation management season by six weeks was welcomed nationally by groups whose interest was to strengthen the protection of lowland hedgerows as nesting sites. However while there were strong reasons for changing the date in relation to hedgerow habitat management, these reasons do not apply to management in upland heaths, as argued below. Bringing the date backward to 1st of March was proposed by Irish Wildlife Trust, Irish Peatland Conservation Council, Birdwatch Ireland, Coastwatch Ireland and An Taisce (Department of the Environment and Local Government pers. comm.).

However, as reported on the Heather Burning Community Workshop in Glendalough in January 2003, this legislative change was not welcomed by farmers and landowners, the Irish Deer Society, Wicklow Game Conservation Council, Coillte and Wicklow Uplands Council. On that occasion it was reported that the shortening of the burning season was also presenting problems for Dúchas (now National Parks and Wildlife Service). The shortened vegetation season presents problem especially in upland areas, where it is not possible to practice burning before the 1st of March due to wet weather conditions.

Traditional management practices have ceased since the new legislation was enacted due to lack of burning and decline of sheep farming in County Wicklow, with expected result that heather growth is almost totally uncontrolled. Limited management is on-going in Wicklow Mountains National Park. The resulting overgrown vegetation creates problems for sheep grazing and grouse population as heather becomes woody with age and indigestible by mountain sheep, wild animals and birds. Additionally, under the new European legislation (Common Agricultural Policy CAP) farmers keep fewer sheep because farm support payments are no longer related to stock numbers and this is reflected in the decline of rough grazing on hills in the uplands.

Another major problem is the risk of fire and the damage, should overgrown heather catch fire or be set alight. This is a major health and safety concern for local people and forestry owners in hill areas. Indeed, uncontrolled burning occurs frequently in the Wicklow Uplands leaving large areas devastated. Local farmers predict that, unless the overgrown heather problem is tackled, there is a serious risk of a major fire, especially following a long period of dry conditions.



Overgrown heather in Powerscourt Paddock, Djouce Mountain, Co. Wicklow, April 2007.

6. Current heather management legislation in Scotland, Wales and Northern Ireland

Muirburn is the main heather management practice in **Scotland**. The principal legislation governing muirburn is the Hill Farming Act 1946. Relevant sections are listed in the attachment (Appendix 3).

According to the Hill Farming Act 1946 muirburn is permitted between the 1st October and 15th April inclusive in areas below 450 m (1500 feet) above sea level in Scotland. This may be extended in individual cases to 30th April on the authority of the proprietor or of the Scottish Executive Environment and Rural Affairs Department (SEERAD). Above 450 m (1500 feet), the muirburn season is 1st October to 30th April, extendable as above to 15th May. Generally, SEERAD does not encourage burning after the 15th April (or 30th April above 450 m). The landowner does not require the permission of SEERAD for the extension periods. There are no provisions for extensions before or after these dates by either the landowner or the Scottish Executive.

The use of cutting or swiping machinery as a substitute for burning is not subject to the same statutory seasonal limits as muirburn. However, an offence would be committed under Part 1 of the Wildlife & Countryside Act 1981 if cutting or swiping intentionally resulted in the death or injury of wild birds. It should not be used after the 15th April, and throughout the summer months, when ground-nesting birds are present (The Muirburn Code). Some Government funded environmental schemes such as that provided for Environmentally Sensitive Areas, Countryside Stewardship and Countryside Premium Scheme offer payments to farmers and landowners to help them to manage upland heath to benefit wildlife.

The dates for vegetation management in **Northern Ireland** are almost in line with the Scottish practice. In Northern Ireland a clear distinction is made between hedgerow and ground cover management in terms of vegetation management season as follows:

- Burning of heather is permitted between 1st September and 15th April
- Hedgerow cutting is permitted between 1st September and 1st March

The dates for vegetation management in **Wales** are closely in line with Scottish practice also. In Wales a clear distinction is made between lowlands and uplands in regard to vegetation management practice as follows:

- Burning of vegetation is permitted between 1 November and 31 March in lowlands (areas below 250 m)
- Burning of vegetation is permitted between 1 October and 15 April in uplands (areas above 250 m)

In effect best practice in the **Republic of Ireland** is out of line with best practise in Scotland, Wales and Northern Ireland – where scientific research has led to the current practices.

7. Current heathland management practices in Europe

All over Europe traditional heathland management has been based upon systems of grazing and controlled burning. Today, most heathland management is related to conservation purposes, and this includes a variety of actions to cope with the many challenges to heathland conservation in different regions of Europe. In addition, different kinds of restoration management in order to re-establish heathlands in areas where this type of habitat already has disappeared, is becoming more and more usual. Heathlands are dynamic cultural landscapes and therefore difficult to protect and conserve when traditional farming disappears. They cannot be preserved in the same manner as many other natural habitats because of their need of management. Today, different models are tried out in different parts of Europe. In many countries, heathlands are included in national parks or nature reserves as Nature 2000-sites, where conservation is based on voluntary agreements with the farmers owning the land. The specific needs of cultural landscapes present a new challenge in a conservation frame work (European Heathland Network).

In recent decades, the extent of heathland in Europe has been reduced, due either to cessation of agricultural use or to overexploitation. One of the traditional uses of heathlands was extensive grazing. However, this type of management often does not give a sufficient economic return in the current European agricultural climate. This has led to an abandonment of grazing from large areas of heathland, and thus succession to woodland, or an intensification of grazing pressure leading to a conversion to grassland. In both cases there is a loss of the initial ecosystem (Gallet and Roze 2001).

In many parts of Europe, extensive pastoral farming systems in semi-natural habitats are of major importance in terms of biodiversity conservation. In particular, semi-open habitats maintained through extensive grazing are important for many priority bird species. Extensive farming practices have become largely restricted to marginal and upland areas where agricultural improvement is least viable. The remaining extensive pastoral landscapes are vulnerable to abandonment or afforestation. Spontaneous succession and increases in woodland cover in these areas pose a threat to many bird species of conservation value whose natural habitat is open heath: for example grouse, hen harrier, merlin, golden plover, curlew and dunlin (Woodhouse et al. 2005).

Heathlands are nowadays threatened systems across Europe. In order to conserve the remaining heathland, management must be targeted to maintain the delicate ecology of these systems. However, management should be adapted to both the local conditions and the precise objectives and this requires precise scientific knowledge (Gallet and Roze 2001).

7.1 Threats to heathlands

The heathlands are one of the most threatened types of habitats in Europe today. More than 80% has disappeared over the last 100 years. This is mainly due to the rapid decrease in low intensity farming all over Europe, leaving the heathlands to change into forests or cultivated fields. In addition to land use changes come problems related to nitrogen deposition, climatic changes, uncontrolled burning and decreasing income possibilities to finance necessary management.

Habitat loss is the main threat to heathland. Heathland loss can occur from land reclamation, tree planting, excessive burning, invasion by pine and birch, motor bike scrambling, horse riding and Bracken fern invasion. On the poor soils of heathlands, plants take a long time to re-establish ground cover following damage.

Unwise management of heathlands can cause major changes in the habitat. Fire was traditionally used to maintain a mosaic of heather of different ages. However the repeated burning of the

heath helps the spread of Bracken which can dominate the heathland because few other plants can grow near its poisonous roots.

One of the main threats is from the fragmentation of the heathland. There is a direct link between the size of the heath and the number of species present - smaller heaths having far fewer species of plants and animals. The large expanses of heathland are being broken up by reclamation for other land uses. Now only small patches of the heathlands remain, so that if an area is damaged, for example by fire, the plants and animals cannot recolonise it because the fragments are many kilometres apart (Irish Peatland Conservation Council).



8. General heather management techniques

According to available literature there are four main management practices which can be used to maintain vegetation cover on heathland areas:

- Burning
- Grazing
- Mowing
- Spraying

An ideal long-term sustainable management of a heathland site would involve a combination of burning and grazing. Grazing being used as the main management tool (with its associated benefits to biodiversity) but with periodic burning to remove litter accumulations and ensure long-term sustainability. The ideal period between burns for any area is the length of time it takes for heather to reach 8-12" (20-30 cm) in size being finely branched. The period may vary from 8-25 years according to soil, climate, exposure and level of grazing (Rough Grazing and Heather Moorland).

8.1 Muirburn

The muirburn is a carefully planned periodic burning programme, which is used for heather management in uplands of Scotland in line with the recommendations set out in the Muirburn Code. A periodic burning of heather and grass encourages vigorous and nutritious new shoots, removes unpalatable old growth and promotes variety in the height, structure and species of dwarf shrubs beneficial to wildlife. Burning should only be undertaken as part of a carefully planned muirburn programme in line with the recommendations set out in The Muirburn Code. A cheap and effective technique that may be the only management option in areas that cannot be mown or grazed, burning consumes at least part of the accumulated litter layer as well as the standing crop, thereby removing additional nutrients and so reducing the long-term competitiveness of invasive species such as bracken. Burning should only be undertaken with regard to the '*Prescribed Burning on Moorland*', the supplement to the Muirburn Code: A Guide to Best Practice, and should take all safety precautions to protect the site and people's safety.

8.2 Grazing

Low intensity grazing is important in the management of heather heathland and rough grazing. It maintains forage quality, is essential to the survival of many of the characteristic plants and animals, and protects archaeological sites from damage which might occur if land reverted to woodland or scrub (Rough Grazing and Heather Moorland).

Grazing is the most natural form of management and has many benefits for site biodiversity. With time and at suitable stocking densities, grazing produces a mosaic of vegetation structure on a much smaller scale than is achievable by burning or mowing. Grazing maintains or re-creates niches for rare species of flora as well as for many invertebrates. Grazing pressure (number of animals per hectare) depends on the characteristics of the heath, mainly on humidity and soil fertility, as well as on the specific year. Proper grazing pressure increases a heath's natural value as well as the feed value of plants. Stocking density varies between different areas and from one season to the next. The type, age and structure of vegetation, soil and drainage are all important factors. Timing of grazing is as important as stocking density in the management of rough grazing. Grazing season generally begins in the first half of April and lasts until mid-October.

8.3 Mowing or swiping

Where burning is not an option, cutting of heather is necessary to maintain low nutrients areas and rejuvenate heather. Machinery purchase costs can be high. The desirability of small-scale mosaics means that mowing should be done in small blocks and/or sinuous strips, the latter have an added fire-break function as well as rejuvenating old heather stands. Swiping is type of cutting used to create firebreaks and it can help to break up stands of woody heather. Swiping has a similar function to topping pasture or cutting rushes and has many benefits such as creating varied age structure in heather, which is better for moorland birds such as grouse, and for sheep as grazing is more evenly distributed. This practice also allows re-establishment of muirburn programme by breaking up large areas of leggy heather and overcoming / reducing risks of fires spreading out of control (Rough Grazing and Heather Moorland: Scottish Natural Heritage, Heather Management: Royal Society for the Protection of Birds).

8.4 Spraying

Spraying is an effective treatment for control of bracken growth in the uplands.



Grazing by mountain sheep is important for management of heathlands.

9. Benefits of proper heather management – increase of bio-diversity

Sustainable management of heathlands, through sensitive burning, low intensity grazing and mowing can create a mosaic of valuable habitats that encourages and maintains a healthy grouse population, yet also provides nesting and feeding ground for important species of ground-nesting birds such as ring ouzel, hen harrier, red grouse, curlew, golden plover and merlin. (Memorandum of Understanding between English Nature and The Moorland Association).

NB. Sensitive burning means burning in accordance with the Muirburn Code.

The need for global action to conserve biological diversity was addressed by implementing of The Convention on Biological Diversity, which was initiated at the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992. The Convention recognises that biological diversity should be conserved for reasons of ethics, economic benefit and human survival. The Convention was signed by over 150 countries including Ireland in 1992 and by ratifying in 1996 Ireland agreed to be bound by the Convention.

Conserving biodiversity depends to a major degree on the effective realisation of the principle that all sectors /actors participate appropriately in actions to promote biodiversity. The cross-sectorial integration of biodiversity considerations is therefore a major challenge addressed in the National Biodiversity Plan. At Government level, this means all Government Departments must ensure not only that their policies and actions do not damage biodiversity, but that they take a proactive role in enhancing biodiversity. Indeed, the Irish National Biodiversity Plan has an overall objective to secure the conservation, including where possible the enhancement, and sustainable use of biological diversity in Ireland and to contribute to conservation and sustainable use of biodiversity globally (National Biodiversity Plan).



Upland heathland and grassland in Glensoulan at Maulin mountain, Co. Wicklow

10. Recommendations in regard to legislation and procedural change in Ireland

1. To differentiate between 'hedgerows' and 'ground cover vegetation' and between ground cover below 700 feet (210 m) and those above, in terms of vegetation management season as follows:
 - Hedgerows management to be permitted between 1st September and last day of February.
 - Ground cover vegetation management to be permitted in uplands (above 700 feet (210 m) above sea level) between 1st September and 15th April. This may be extended in individual cases to 30th April on the authority of the Department of the Environment, Heritage & Local Government.

Because:

** The vegetation management season for 'hedgerows' and 'ground cover' should be distinguished on the basis of habitat differences, nesting season and climate. Both habitats differ in vegetation management needs; specifically hedgerows are managed by cutting; and ground cover by combination of burning, grazing and mowing. Burning can only be practiced during prolonged periods of dry weather. However, it is almost impossible to practice burning before 1st of March due to wet weather conditions especially in upland areas. In addition to this the nesting season in uplands under severe weather conditions can be delayed and not begin until the middle of April.*

** In terms of vegetation management 'uplands' (areas over 700 feet (210 m)) should be differentiated from 'lowlands' (areas below 700 feet (210 m)) due to different seasonality of dry weather and bird nesting to enable burning of vegetation in uplands.*

2. To adopt a viable vegetation management model based on The Muirburn Code - the Scottish management model and to ensure that best practice for the Irish uplands is in line with that operated in Scotland, Wales and Northern Ireland. (See The Muirburn Code as appendix).
3. To provide vegetation management training and instruction for landowners etc. and to re-introduce instruction for ground cover vegetation management for the uplands based on muirburn, grazing, mowing and spraying.
4. To allocate funding and support for vegetation management on upland areas. In areas which do not have the labour force required for appropriate management provide manpower reserves to help landowners in controlled burning practice on the uplands (e.g. trained volunteers, fire brigades, FAS trainees etc.).
5. To establish a training course within FÁS to provide a trained workforce for vegetation management in uplands as a career opportunity.
6. To work in co-operation with Wales through INTERREG to research after care and exit strategies.

7. To ensure that vegetation management aims to improve biodiversity* in the Irish upland heathlands by establishing vegetation management plans.

Because:

**Good quality heathland should consist of heather layer of varying heights and structures, plus some of the additional features: scattered trees and scrub; areas of bare ground; areas of acid grassland; gorse; wet heaths, bogs and open water. The presence and numbers of characteristic birds, reptiles, invertebrates, vascular plants, bryophytes and lichens are important indicators of habitat quality.*

** Uncontrolled vegetation is a health and safety matter, e.g. risk of uncontrolled fire.*

** To restore habitats in terms of EU Habitat Directive, e.g. heaths.*

** To enhance habitats in terms of EU Bird Directive, e.g. red grouse population re-establishment.*

** Hills become restricted as areas for tourism and recreation.*

8. To commission Department of Agriculture & Food / Teagasc to develop a guide on appropriate vegetation management techniques for landowners (as part of the REPS programme).
9. To propose to the Department of Agriculture & Food / Teagasc that they introduce an incentive scheme for the retention of native breeds of mountain sheep.
10. To establish a policy on controlled vegetation management in the uplands in compliance with Good Agriculture and Environmental Condition Guidelines and to introduce deterrents against improper proliferation of invasive plant species (e.g. gorse (furze), bracken, purple moor-grass) in 5 years from the date of implementation of the policy.

11. Proposal in regard to legislation change in Ireland

On behalf of its landowner, recreation and tourism members, the Wicklow Uplands Council and the Wicklow Dublin Mountains Board appeal to the Minister for the Environment, Heritage and Local Government for a review of the current vegetation management regime that allows for the lengthening of the vegetation burning season and enables the reintroduction of best practice in the uplands of Ireland.

Wicklow County Irish Farmers Association is joined with this proposal.

The Irish Peatland Conservation Council (IPCC) recognises that heathlands left unmanaged degrade and eventually become no longer worth protecting. Therefore the IPCC welcomes this initiative taken by the Wicklow Uplands Council and the Wicklow Dublin Mountains Board.

Birdwatch Ireland does not commend extending the burning season beyond March 17th at latest given the number of ground nesting species that could be starting to breed in late March. Birdwatch Ireland feels that September is the best month for burning as the ground is driest and heather that is burned has a chance for new growth in the spring prior to breeding season of grouse.

However, this recommendation is not acceptable by the Wicklow Uplands Council and Wicklow Dublin Mountains Board. Burning in September is not feasible because:

- Vegetation is fresh which represents problem for sufficient burning.
- Burning of heaths on peaty soils which are driest in September can burn the soil, roots and seeds and can cause a permanent damage resulting in elimination of vegetation and wildlife, heath fragmentation and habitat loss.
- Traditionally farmers stock the open hills with mountain sheep from mid April to October.

There should be a balance between the dates for burning and nesting season, but there is no point providing for the defence of the nesting birds if the habitat that they need to survive is deteriorating through lack of management which will drive them away in the long term. Traditionally burning of heather took place in late March and first half of April, when vegetation on heaths was dry and soil was wet enough and resistant to possible damage by burning.



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Appendix 1

A response to the questionnaire distributed to Wicklow Uplands Council's members

The questionnaire response is based on a small sample of respondents (20 people) from the Wicklow Uplands Council members group. The majority of respondents are landowners in Wicklow / Dublin uplands (15 members). The remaining respondents live and recreate in the Wicklow / Dublin uplands (5 members).

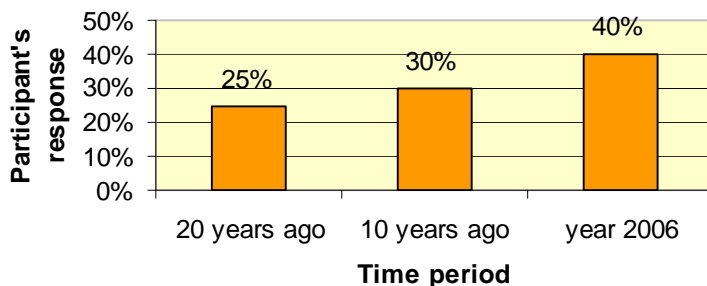
Question 1:

What, in your opinion, are the negative environmental effects of uncontrolled heather growth over the last 20 year period?

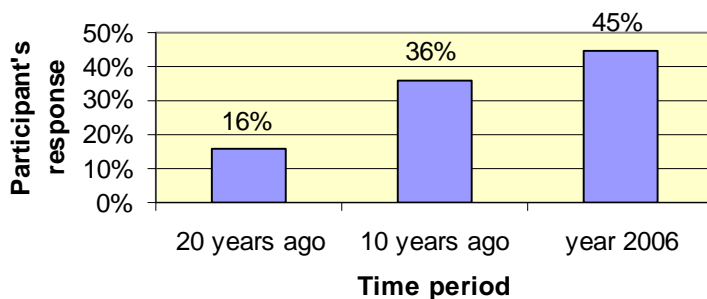
- A huge negative impact on the wild character of the uplands and deteriorated walking quality.
- Loss of aesthetic appeal for walkers as heather is 'looking leggy and unkempt'. Leggy heather is considered by walkers to be more hazardous.
- Difficult hiking in the uplands area. Routes that seem straight forward on the maps have to be abandoned.
- Lack of feeding for grouse.
- Fire hazard.
- Reduction in suitability of uplands as a wildlife habitat.
- Uncontrolled heather growth restricts grazing for sheep and cattle and has a bad effect on the grouse and wildlife in general.
- Old heather is of no use for forage for animals and has limited use as habitat for hill birds, unmanaged heather creates a major fire hazard in the event of accidental or malicious fire outbreak in mid summer months as it would be impossible to bring such a fire under control. The damage of a mid summer fire would be permanent to the biodiversity of the moor land.

Question 2:

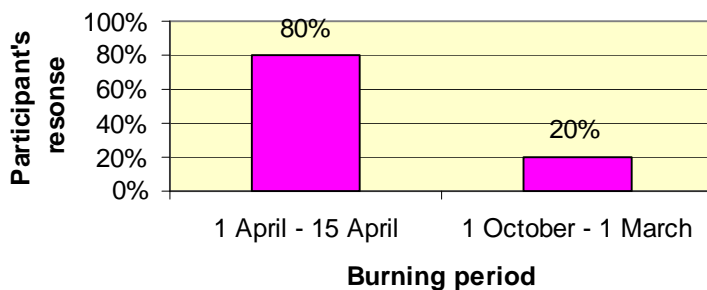
In your opinion, what % of the Wicklow uplands was covered by overgrown heather?



Question 3:
In your opinion, what % of
commonage area was covered by
overgrown heather?

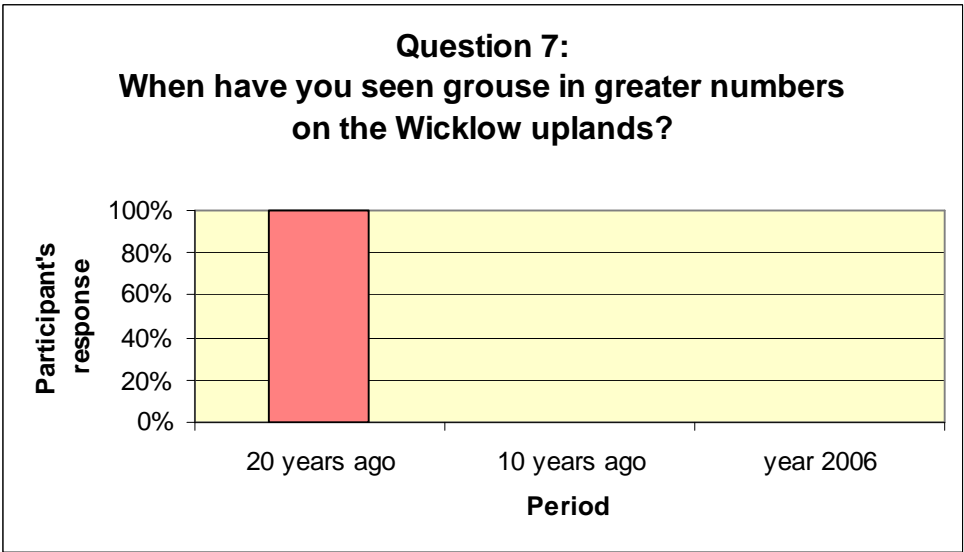
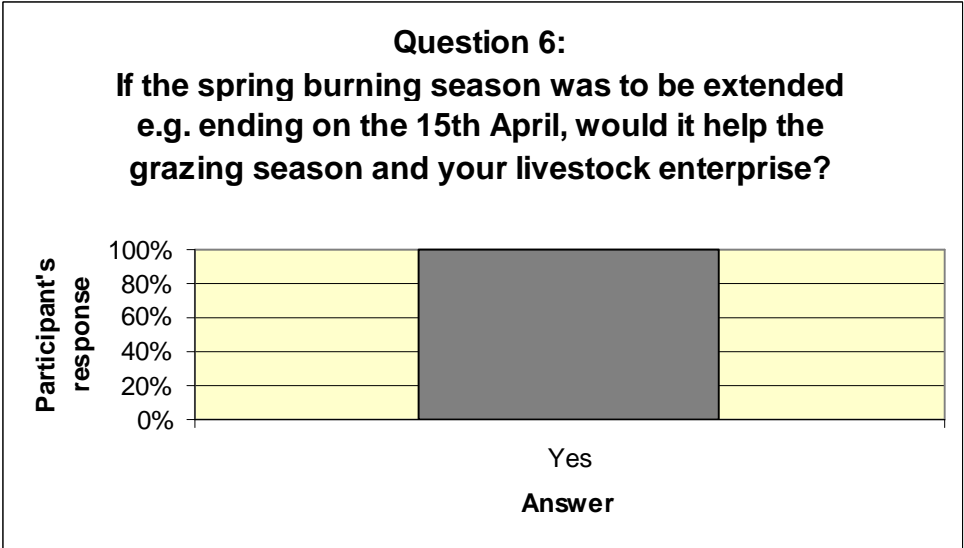


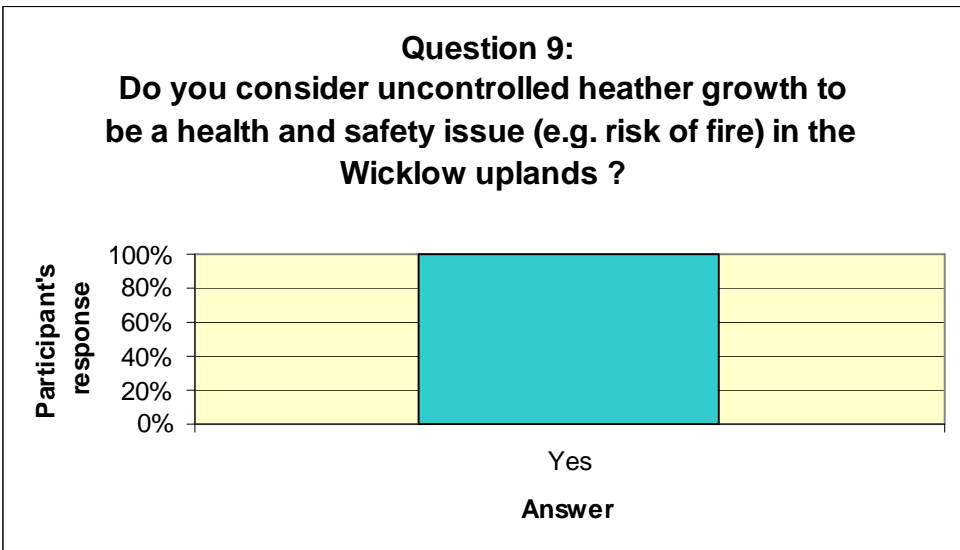
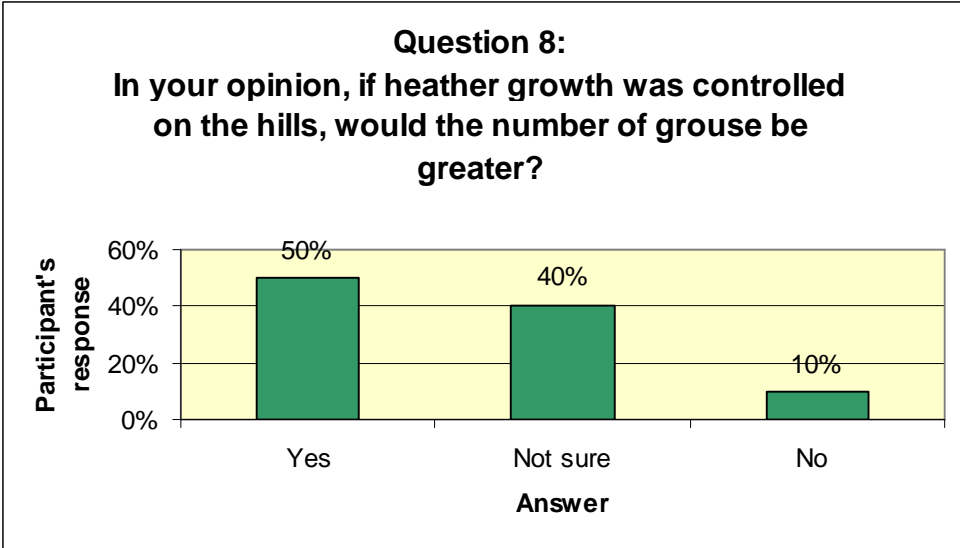
Question 4:
In your opinion, when is the best time
of the year to control heather by
burning?

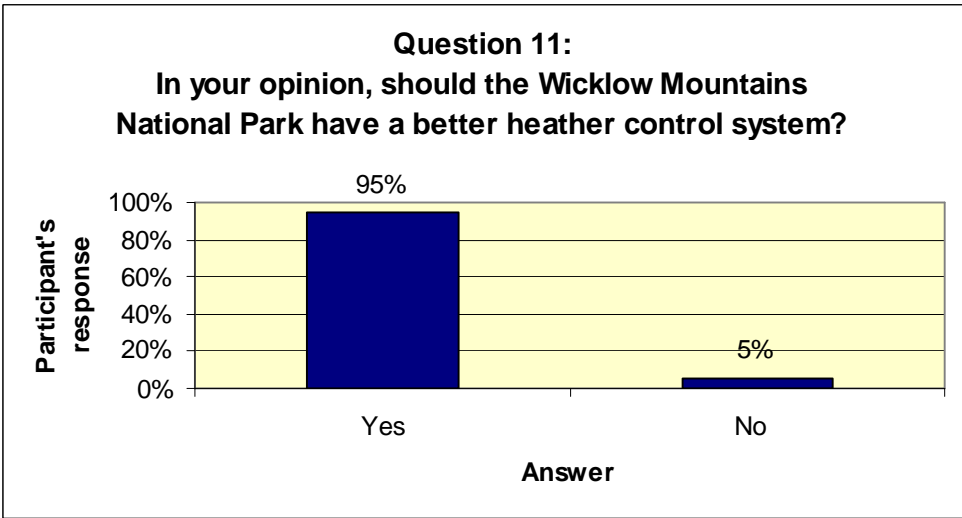
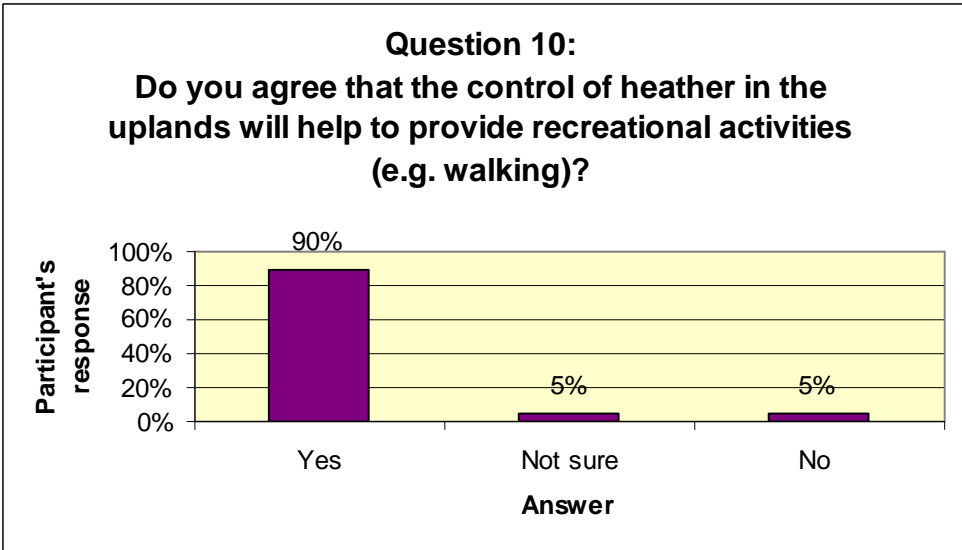


Question 5:
How the current heather burning dates 1st September to 1st March effect your sheep/ cattle enterprises?

- Impossible to burn in this period most years.
- It is almost impossible to burn heather during these dates because of weather conditions. Heather needs to be dry to get a good burn.
- No burning is taking place irrespective of the dates.

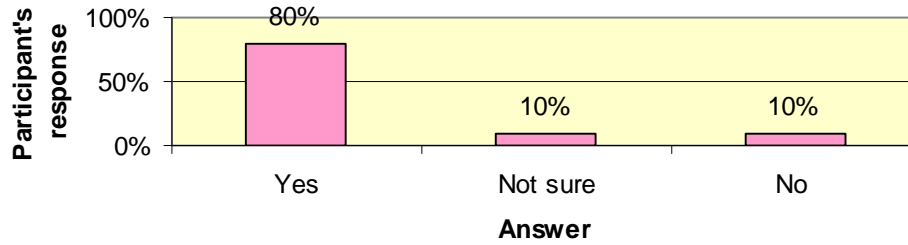






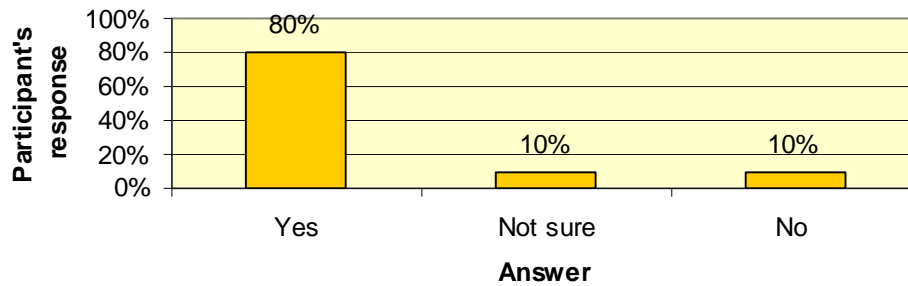
Question 12:

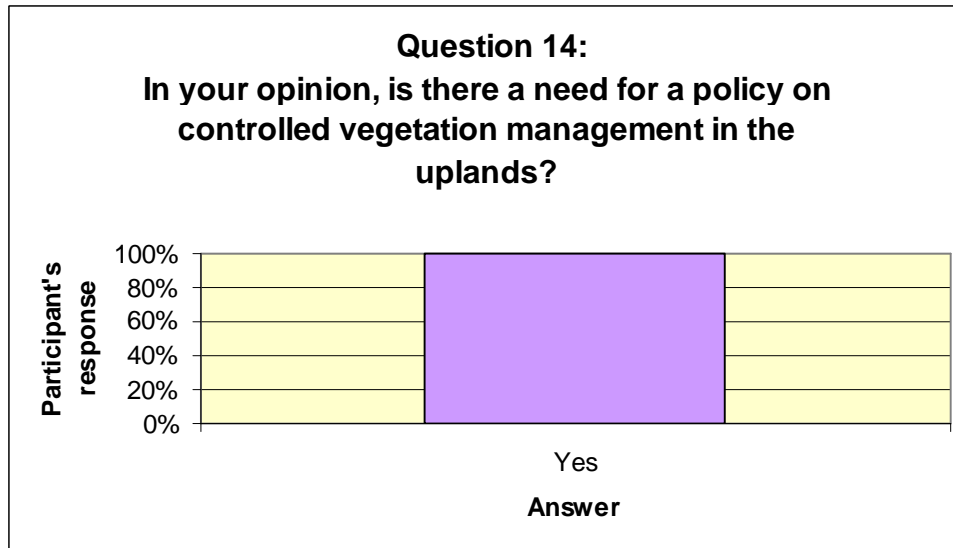
In your opinion, should uncontrolled heather growth on the hills be addressed by Teagasc e.g. to develop a guide on vegetation management for landowners?



Question 13:

In your opinion, if heather growth was controlled on the hills, would this keep the deer population away from grazing lower level fields?





Question 15:
Please indicate if there are any other issues related to vegetation management, which should be considered:

- The need for a policy planned vegetation management is paramount in 2007.
- The uplands is in greater danger now from the increase in hill walkers, the high incidence of quad users, scrambling bikes and the fact that more of the urban population is within easy reach of the uplands and adding greatly to problems of erosion.
- From a hill walking point of view, uncontrolled gorse is the hardest vegetation to work with.
- Controlled burning of old heather.
- There is a huge risk of fire breaking out on the mountains in dry weather in the height of summer and causing thousands of acres to be burned, destroying the landscape for animals both wildlife and sheep or cattle and for recreational users.
- The expertise of local farmers who have been using the mountains for generations should be used in the management of the mountain in the control of vegetation.

Appendix 2

Hill Farming Act 1946 (relevant section)

ARRANGEMENT OF SECTIONS.

Section.

Rehabilitation of Hill Farming Land.

Burning of Heather and Grass (England and Wales).

20. Power to regulate heather and grass burning in England and Wales.

21. Avoidance or relaxation of covenants against heather and grass burning in England and Wales.

Muirburn (Scotland).

22. Repeal of 16 & 17 Geo. 5. c. 30.

23. Prohibition of muirburn at certain times.

24. Right of tenant to make muirburn notwithstanding terms of lease.

25. Regulation of muirburn.

26. Notices as to muirburn.

27. Offences as to muirburn.

Be it enacted by the King's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual
and Temporal, and Commons in this present Parliament
assembled, and by the authority of the same, as follows:--

Burning of Heather and Grass (England and Wales).

20. (1) The Minister of Agriculture and Fisheries may by regulations make provision for regulating or prohibiting the burning of heather and grass on land in England or Wales, and any such regulations may be made so as to extend to the whole of England and Wales or to any specified area therein, may regulate or prohibit the burning of heather and grass at all times or during such period as may be specified in the regulations and may contain different provisions with respect to land in different parts of England and Wales and to different periods.

(2) If any person contravenes any provision of regulations made under this section, he shall be liable on summary conviction to a fine not exceeding five pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

21. (1) Where a lease of land in England and Wales contains a covenant, condition or agreement whereby the burning of heather or grass by the tenant is prohibited or restricted, the Minister of Agriculture and Fisheries, after affording to the landlord and to

any other person who appears to him to be concerned an opportunity of making representations and, if so required by the landlord or that other person, of being heard, may, if it appears to the Minister that the covenant, condition or agreement is preventing or impeding the proper use for agricultural purposes of the land comprised in the lease or any of that land and that it is expedient in all the circumstances so to do, give such directions for avoiding or relaxing the covenant, condition or agreement, as he thinks fit.

(2) This section applies to leases made before or after the commencement of this Act and shall have effect notwithstanding any stipulation to the contrary.

(3) In this section the expressions "landlord", "tenant" and "lease" have the meanings assigned to them respectively by the Landlord and Tenant Act, 1927.
Muirburn (Scotland).

22. The Heather Burning (Scotland) Act, 1926, is hereby repealed and in relation to Scotland, the provisions of the five next succeeding sections shall have effect in lieu thereof.

23. (1) Subject to the provisions of this section it shall not be lawful to make muirburn except before the sixteenth day of April or after the thirtieth day of September in any year; Provided that it shall be lawful for the proprietor or of his factor or commissioner, to make muirburn thereon during the period from the sixteenth day to the thirtieth day of April both days inclusive.

(2) In the case of lands more than fifteen hundred feet above sea level the preceding subsection shall have effect as if for the thirtieth day of April there were substituted the fifteenth day of May.

(3) The Secretary of State may in any year, if it appears to him necessary or expedient so to do for the purpose of facilitating the making of muirburn, direct that subsection (1) of this section shall have effect as respects such lands as may be specified in the direction as if for the sixteenth day of April there were substituted such day thereafter as he may deem proper, being a day not later than the first day of May or, in the case of lands a day not later than fifteen hundred feet above sea level, the sixteenth day of May.

Any such direction may be given as respects all lands in Scotland or as respects the lands in any county or any part of a county, or as respects any particular lands or classes of lands.

Notice of the giving of any direction under this subsection (other than a direction given only as respects any particular lands) shall be published in one or more newspapers circulating in the locality in which the lands to which the direction relates are situated.

(4) Any person who makes muirburn or causes or procures the making of muirburn on any lands in contravention of this section shall be guilty of an offence.

24. (1) Where the tenant of any land is of the opinion that it is necessary or expedient for the purposes of conserving or improving that land to make muirburn thereon, it shall, subject to the provisions of this Act, be lawful for him to make muirburn thereon notwithstanding any provision in the lease of such land prohibiting, whether absolutely or subject to conditions, or restricting in any way, the making of muirburn.

(2) Not less than twenty-eight days before so making muirburn the tenant shall give notice to the proprietor of the land of the places at which, and the approximate extent to which he proposes to make muirburn; and if the proprietor is dissatisfied as to the at which, or the extent to which the tenant proposes to make muirburn, he shall, within seven days after the receipt of the intimation from the tenant, give notice to the tenant stating the grounds of his dissatisfaction and shall refer the matter to the Secretary of State for his decision, and pending such decision the tenant shall not proceed with the operation of muirburn with respect to which reference has been so made.

(3) On any reference under the foregoing subsection the Secretary of State, after such enquiry as he may think fit, and after considering any representations made by the parties interested, shall give such directions as he may deem proper regulating the muirburn, and it shall thereupon be lawful for the tenant to make muirburn in accordance with the direction. Any direction given by the Secretary of State under this subsection shall be final.

(4) It shall subject to the provisions of this Act be lawful for the tenant of any land, notwithstanding any provision in the lease of such land prohibiting, whether absolutely or subject to conditions, or restricting in any way, the making of muirburn, to make muirburn thereon if the work is done in accordance with an approved hill farm land improvement scheme; and the provisions of subsections (2) and (3) of this section shall not apply to the making of such muirburn.

25. Any person who—

(a) commences to make muirburn between one hour after sunset and one hour before sunrise; or

(b) fails to provide at the place where he is about to make muirburn, or to maintain there while he is making muirburn, a sufficient staff and equipment to control and regulate the burning operations so as to prevent damage to any woodlands on or adjoining the land where the operations are taking place or to any adjoining lands, march fences or other subjects; or

(c) makes muirburn on any land without having given to the proprietors of the lands or woodlands adjoining the land and, if he is a tenant, to the proprietor of the land, not less than twenty-four hours' notice of his intention to make muirburn and of the day on which, the places at which and the approximate extent to which, he intends to make muirburn; or

(d) makes muirburn on any land without due care so as to

cause damage to any woodlands on or adjoining the land or any adjoining lands, woodlands, march fences or other subjects, shall be guilty of an offence.

26. (1) Any notice required to be given under either of the two last preceding sections shall be given in writing.

(2) Any notice so required to be given to a proprietor shall be deemed to be given to the proprietor if it is given to his factor, commissioner or other local representative.

27. Any person guilty of an offence against section twenty- three or section twenty-five of this Act shall be liable to a fine not exceeding five pounds or to imprisonment for a term not exceeding thirty days or to both such fine and such imprisonment.

Appendix 3

The Muirburn Code & Prescribed Burning on Moorland

Please download:

<http://www.scotland.gov.uk/Resource/Doc/158521/0042977.pdf>

<http://www.scotland.gov.uk/Resource/Doc/158517/0042975.pdf>