



Hedge Laying Association of Ireland  
Miskaun  
Ballinamore  
Co. Leitrim

[hlai@eircom.net](mailto:hlai@eircom.net)

086 3028790  
[www.hedgelaying.ie](http://www.hedgelaying.ie)

## **Hedge Laying Association of Ireland submission on the Hedgecut Pilot Project**

**Prepared by N. Foulkes on behalf of the HLAI. 20<sup>th</sup> April 2016**

The Hedge Laying Association of Ireland (HLAI) is a not-for-profit organisation established in 2004 with the aim of encouraging and facilitating the conservation, protection and appropriate management of hedgerows. HLAI is a member of the Irish Environmental Network.

The HLAI welcomes the opportunity to contribute to the Hedgecut Pilot Project

Comments in relation to the project are based on the document *Request for Tenders for the Provision of Consultancy Services for the Development and Implementation of a Roadside Hedge Cutting Pilot Project* 23rd October 2015

### **Background**

In late 2015 the Hedge Laying Association of Ireland were awarded a small amount of funding through the Irish Environmental Network Biodiversity Work Package funding for a project entitled *Reconciling Hedgerow Conservation & Road Safety*

The overall objective of the work package is to try to better reconcile biodiversity needs with public health and safety requirements in terms of the management of roadside hedges, verges and trees.

As part of the project two Questionnaires were produced and circulated one for Road Engineers and the other for Hedge-Cutting Contractors, The purpose of the Questionnaires was to

- establish current protocols, practices and methods
- identify areas of contention
- seek ideas for changed protocols, practices and methods to achieve the objective

### **Context**

The Tender document for the Hedgecut Pilot project referred to Wildlife Act (hedge cutting dates) and Sections 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations 2011 (dispersal and spread of invasive plant species). I would respectfully point out that, in terms of the management of roadside vegetation, there are other elements of National, European and International Legislation and Policy that need to be considered in the context of this project. These include:

### **International**

- The Paris Agreement on Climate Change (2015)

This deals with greenhouse gases emissions mitigation and adaptation. In the process of photosynthesis, hedgerow trees and shrubs take in Carbon Dioxide and release oxygen. Carbon Dioxide is a major greenhouse gas.

## European Union

- EU Biodiversity Strategy - notably  
Protect species and habitats - Target 1  
Maintain and restore ecosystems – Target 2

### (EC) Council Regulations

- 1257/1999 (Good Farming Practice)  
  
Since 2009 under Cross Compliance measures of Good Agricultural and Environmental Condition (GAEC) hedgerows, ditches and open drains have been designated as Landscape Features. This means that in general they cannot be removed. Where, in exceptional circumstances, a hedgerow must be removed a replacement hedge of similar length must be planted at a suitable location on the holding in advance of the removal of the existing hedgerow.
- Water Framework Directive (2000)  
  
Hedges and their associated drainage features play a role in regulating the movement of water through the landscape. Hedgerows also act as nutrient buffers.
- Nitrates Directive (1991)  
  
In order to reduce or prevent pollution of watercourses one of the objectives of the Nitrates Directive is to limit the losses of nitrates linked to agricultural activities. To this end the Nitrates Directive promotes the "Buffer" effect of non-fertilised grass strips and hedges along watercourses and ditches.

## National

- Planning and Development Act, (2000)  
  
Architectural Conservation Areas (ACA's) are designated under the Planning and Development Act. Development plans for ACA's may contain objectives and policies for any hedgerows within the ACA. Local Authorities can also make Tree Preservation Orders (TPO's).
- National Biodiversity Plan (2002)  
  
Produced in response to the Convention on Biological Diversity (CBD, Rio de Janeiro, 1992), the plan has a number of actions that are relevant to hedgerow conservation. These include;  
Action 32: "Review options on Regulation of Hedgerow Removal and Produce guidelines on Hedgerows and Biodiversity."  
This should be taken in the context of paragraph 2.27 of the plan which states:  
"Field boundaries, mainly hedgerows, are a particularly prominent feature of the Irish countryside and provide important habitats for a variety of species. Hedgerows have suffered significant losses. Current legal controls for their protection are limited. For the future, the overall goal should be to have no net loss of the hedgerow resource."  
Action 10 states, under "Integrating Biodiversity into Sectors",  
"Each Local Authority to prepare a Local Biodiversity Plan in consultation with relevant stakeholders."

Further actions will also have an impact of hedgerow conservation. Examples include: Action 34: “The Department of Arts, Heritage, Gaeltacht and the Islands will develop Guides to Best Practice with Local Authorities and other relevant bodies to safeguard biodiversity. These will, inter alia, normally require such bodies to use native species and seed stock in their tree planting programmes and to employ other environmentally beneficial management practices (e.g. cease using herbicides).”

- National Heritage Plan (2002)

The National Heritage Plan recognises hedgerows as prominent and important features in terms of their ecological, archaeological and landscape values. Action 32 (Heritage in the Countryside) ensures the “protection and enhancement of hedgerows as a natural and archaeological heritage resource through the use of regulatory, educational and financial measures, as appropriate.”

- Electricity Supply Act, (1927)

Article 98 of the above Acts permits any “authorised operator” to “lop or cut any tree, shrub or hedge which obstructs or interferes” with electric wires.

- Communications Regulations Act, (2002)

Article 58 of the above Acts permit any “authorised operator” to “lop or cut any tree, shrub or hedge which obstructs or interferes” with the physical infrastructure of the network.

- The Forestry Act, (1946)

Section 37 deals with the issue of the “Notice of intention to uproot or cut down trees”.

- All-Ireland Pollinator Plan, (2015-2020)

This Plan has been signed up to by a number of Government Departments, Statutory Agencies, Local Authorities, Environmental and Representative Groups including Transport Infrastructure Ireland, DAFM, DoAHG, EPA and Teagasc.

- Local Authority Heritage / Biodiversity Plans

South Tipperary Heritage Plan 2012-2016  
South Tipperary Biodiversity Plan

North Tipperary Heritage Plan 2013-2018  
North Tipperary Biodiversity Plan

*A key action of this Biodiversity Plan is the provision of demonstration projects for positive land management to enhance biodiversity. This will include showcase sites exhibiting best practice in hedgerow managements as well as different aspects of conservation management.*

*The provision of hedgerow conservation management training to council personnel is a key Action of the Action Plan.*

How roadside hedges are cut will impact on their long-term viability and sustainability. Any methodology for monitoring and evaluating the effectiveness of the interventions proposed by the Hedgecut Pilot Project should take the above in to account.

Hedgerow loss is not just a result of hedgerow removal. The most significant cause of hedgerow loss is degradation through aging and / or inappropriate management.

The overall objective of the Hedgecut Pilot initiative should be to meet multiple objectives in a balanced and cost effective way. The result should be a safe local road system, cost effectively managed, that protects roadside nature. Solutions need to be devised that meet all three objectives and care needs to be taken not to compromise biodiversity by concentrating solely on meeting road safety objectives.

The significance, quality and condition of hedgerows should be assessed using the Hedgerow Appraisal System\*.

## **Recommendations / Suggestions**

### **Reporting**

Aside from the usual mechanisms for the public to report safety issues – direct to the Local Authority or Elected Representative by phone or email – mapping technologies should be investigated, including a phone app where people can photograph an issue which can be immediately reported to the appropriate Local Authority Engineer including GPS co-ordinates. Identifying issues on web-based maps is also an option similar to that done by Transport NI <https://www.nidirect.gov.uk/services/roadside-grass-cutting>

### **Awareness Raising**

#### **Media**

In our experience local radio is a more effective means of getting a message across to the agricultural community than print media.

L.A.'s should annually make a point of thanking compliant landowners for their co-operation.

#### **Best Practice Sites**

As part of the Implementation Plan a number of demonstration sites of best practice should be established on Local Authority owned roadside land across Counties Tipperary and Donegal. These can be used to promote and illustrate the appropriate management of roadside vegetation to meet safety and biodiversity objectives.

Projects like Wexford County Council's 'Life Lives On The Edge' and Irish Wildlife Trust's 'Networks For Nature' Campaign should be consulted.

### **Identifying aspects of roadside vegetation that are beneficial or complimentary to road safety**

Not everything about roadside vegetation is unfavourable to road safety.

In answer to our Questionnaire 80% of Road Engineers responded positively to the statement

- Roadside vegetation creates some road safety problems but also offers some benefits to road safety

A number of Road Engineers Agreed or Strongly Agreed with the following statements:

- Roadside vegetation can act as a physical barrier / safety barrier preventing vehicles leaving the road
- Tall roadside vegetation can reduce the glare from low angle sunlight aiding evening and morning driving.
- Roadside vegetation can prevent snow drift building up on roads
- Roadside trees can influence microclimate reducing frost on road surface

- Roadside trees can intercept rainfall keeping the road surface drier
- Tall roadside vegetation can reflect light from oncoming vehicles aiding night driving

Responses were not unanimous and some Engineers indicated a neutral or opposite position on some of these statements. However this does suggest the need for some discussion on this subject.

Other positive aspects of roadside vegetation that should be considered in respect of road safety are:

- Strong dense hedges improve the stock containing capacity of fields reducing the potential for livestock to stray on to roads.
- Appropriately managed hedgerows can give some protection to cyclists and pedestrians from winds and driving rain. Their impact on the micro-climate of the road can also help drivers when driving conditions are poor.

## **Increasing compliance rates**

### **Identifying Landowners**

20% of respondents to our Road Engineers Questionnaire indicated that an inability to identify the owner / occupier of land was a factor affecting their ability to address safety issues to do with roadside vegetation. In situations of non-compliance where a landowner cannot be identified a system should be established where the contact information held by DAFM in relation to the land-parcel identification system (LPIS) database should be made available to the Local Authority.

### **GAEC**

One aspect that should be (sensitively) investigated to promote greater compliance is the inclusion of the management of roadside vegetation under Cross Compliance measures of Good Agricultural and Environmental Condition under the Basic Payment Scheme element of Rural Development Plan operated by the Department of Agriculture (DAFM). Under Cross Compliance land owners in receipt of farm payments must adhere to certain environmental standards. Breaches of these standards can result in partial loss of payments. Inclusion of a Cross Compliance Measure related to the management of roadside vegetation would put the potential threat of a financial penalty on a non-compliant land owner. I believe that this could be used as a means of putting pressure on where there is a history of non-compliance. Protocols would need to be established and I would recommend that this approach would need the engagement and support of the farming organisations.

### **Community Initiatives**

Community initiatives that raise awareness and encourage a community approach to the management of roadside vegetation should be encouraged. Examples include Clare County Council's Community Hedge Cutting Grant Scheme and the Golden Way, Golden / Pure Mile initiatives run by a number of Local Authorities. It should be borne in mind when considering schemes like that in County Clare that management efficiency and ecological efficiency are often at odds.

Local Authorities could join with Environmental Groups to promote an annual award for well kept roadside hedges and verges. Assessment would be based on safety and environmental criteria.

### **Neatness**

Care needs to be taken to differentiate between safety and neatness. Safe does not have to be neat and neat is not necessarily safe. Excessive neatness can be contrary to the needs of nature.

## Section 40 of the Wildlife Act

In response to our Questionnaire only 20% of Road Engineer respondents indicated that their '*understanding of the legislative provisions for wildlife protection under the Wildlife Act in respect of the maintenance of roadside vegetation*' was '*Clear and Precise*'. 60% of respondents indicated that they required clarification of certain aspects. This lack of clarity needs to be addressed.

The implications for road safety of the proposed changes to Section 40 of the Wildlife Act to include the month of August in the open season need to be assessed. Set against the benefit of having encroaching vegetation, like brambles, cut back a little earlier, is the impact of an extra month of disruption on roads at a peak period for road traffic. Farming organisations and contractors have sought this change citing benefits for road safety but a counter argument can be made. The peak period for roadside work would shift to a time when roads are most busy. More dangerous machinery operating on roads carrying higher traffic volumes including pedestrians and cyclists brings increased safety risks to road users.

## Roads Act - Section 70 (Notices)

The procedure and details for notices served to landowners under Section 70 of the Roads Act should be reviewed. Prior to notification photographic evidence should be recorded of the safety issue. In order to adequately address the safety issue, but ensuring as much protection of biodiversity as is possible, notifications should

- Indicate the precise location of the issue to be addressed (ideally a map should be supplied). In most cases current notifications generally only stipulate the road number or townland name not the precise sections of hedge. It may be that only 50m of a 300m length of hedge is the problem.
- Indicate the precise nature of the issue to be addressed. In most cases current notifications indicate that vegetation is a potential hazard without giving details as to how. Vertical growth / lateral growth / overhanging tree limb / brambles & briars, etc.
- Indicate precisely what remedial work needs to be carried out. In most cases current notifications are quite general – 'cut hedges'
- Include guidance on biodiversity considerations.

These details are particularly important if the notice is served at a time that will require cutting during the closed period (March – September).

Where cutting of roadside vegetation is needed for safety purposes during the closed period a protocol should be established along the lines of

1. A suitable visual record should be made of the area precisely identifying the safety issue (photographs or video).
2. The minimum amount of work required to rectify the safety issue should be identified and specified by an Engineer. This should be sufficient to ensure continued safety until the commencement of the open season for hedge-cutting.
3. Work to be carried out by appropriately qualified contractors / operators.
4. Machinery used should be that which has the least impact on biodiversity.  
(The flail is very damaging to the wildlife in a hedge during the growing season. Reciprocating bar cutters or Multi-Disc Saw Blades are more benign but involve clearing up. Making work during the closed period more expensive may act as an incentive for work to be carried out at the appropriate time.)
5. On completion of works a suitable visual record should be made of the area.

## Forward Planning

Timing of the issue of Section 70 notices should be done, where at all possible, in a way that allows owner / occupiers to address the problem during the open period for hedge cutting. It is my contention that this, currently, is not given sufficient priority in many Local Authorities. Nature should not be compromised by lack of forethought or planning.

## **Enforcement**

If a safety issue has been identified (through a Section 70 Notice) the Local Authority is legally bound to address that issue whether through ensuring compliance from the land owner / occupier or by taking matters in to their own hands. Failure to address the issue would leave the Authority in a vulnerable legal position.

The main option open to Local Authorities in terms of direct enforcement of Sections 70 Notices is to carry out remedial work themselves and recover *any reasonable costs incurred by it from the owner or occupier as a simple contract*. The work needs to be carried out; the Local Authority then needs to decide if it is worth pursuing the land owner / occupier for the costs.

## **Contractor & Staff Training**

In our opinion very few hedge cutting contractors have a thorough appreciation of the principles of hedgerow management. It is rare to see a really well managed hedge in good condition.

Teagasc offer accredited training to hedge cutting contractors. This training covers health & safety requirements, machine maintenance and best practice management. This unit should be reviewed and updated to include the identification of, and appropriate procedures in dealing with, invasive alien species.

Local Authorities should commit to employing or contracting only suitably qualified hedgerow / verge management contractors. In order to give contractors adequate time to become accredited a deadline should be set after which accreditation becomes a requirement for any LA contract involving the management of roadside vegetation.

Engineers should be given training in the principles of hedgerow and verge management and in related issues connected with biodiversity and nature conservation.

## **Longer Term**

### **Initiate multi-stakeholder forum**

I recommend that a national task force be initiated including Road Safety Authority, Environmental Groups, Hedge Cutting Contractors, Landowners / Farming Organisations and LA personnel to produce a jointly agreed best practice strategy for the management of roadside hedgerows including research, incentives, legislative protection and enforcement.

Some of the issues that can be tackled through this task force could be;

### **Machinery Safety**

It is my contention that, in the interests of safety and appropriate management, all operators using machinery to manage roadside vegetation should be appropriately accredited.

In the interest of the safety of road users there should be a mandatory requirement for tractor-powered hedge-cutting and verge-cutting equipment used on (and close to) public roads to be independently inspected and approved as a safe for use on an annual basis. Motor vehicles have to be tested to ensure that meet minimum safety requirement. Hedge-cutting equipment is dangerous enough without any complications from mechanical defects.

### **New Roadside Hedgerow Planting**

Most agricultural breeding programmes are designed to produce greater growth or vitality. In the case of roadside hedgerows the opposite is needed, reduced vigour is preferable in most cases. A programme is needed for the selection of strains of hedgerow shrub species that are slow-growing and have a compact habit. This will result in new hedges that require lower levels of maintenance. This will be beneficial from a cost effectiveness perspective but will also mean fewer requirements to disturb the hedge for management purposes.

Reducing the fertility of roadside verges will not only reduce the vigour of vegetative growth it also has the potential to result in greater species diversity. Nutrient rich environments tend to favour a limited number of dominant species (certain grasses, docks, nettles and cleavers) at the expense of some of the more delicate and diverse plants of hedges and verges.

### **Hedge Cutting Technologies**

Alternative technologies for hedge-cutting need to be investigated: Heavy duty finger bar cutters and Multi-Disc Saw Blades may be preferable to the flail from a sustainable management perspective. On anything but the lightest growth the flail is a tool of convenience rather than of appropriate management.

I am aware of examples in France where hedgerows are cut with multi-disc saw blades; the resulting debris is then collected by a second machine which chips and bales the brush ready for transporting to a local bio-mass plant. Integrated strategies like this need to become part of a long-term sustainable approach to hedgerow management. Removal of woody brush would help in reducing the fertility of the hedgerow base and margin with consequent benefits for ground flora diversity.

### **Chalara (Ash Die-Back Disease)**

Although it may not fall within the remit of this project I feel that this is an issue that needs to be discussed. Current projections in the UK indicate that 95% of woodland ash will be affected. The percentage for non-woodland trees will be lower but still significant. Ash is the dominant hedgerow tree in Ireland and serious infestation of roadside ash trees will have implications for road safety. Dealing with this disease will not be best served in an ad hoc manner. A strategic approach is needed, one that

- Ensures safety of road users
- Minimises the spread of the disease
- Prevents the removal of healthy trees
- Provides mitigation for lost trees
- Does not put an unfair burden on landowners in terms of liability and cost

Other diseases with the potential to impact on roadside vegetation need to be monitored.

I trust that the above will be taken in to consideration in the implementation of this project.

**Hedgerows and roadside vegetation are a resource to be managed not a problem to be dealt with.**

### **Reference**

\*Foulkes, N., Fuller, J., Little D., McCourt, S., & Murphy, P. (2010) Hedgerow Appraisal System: Best Practise Guidance on Hedgerow Surveying, Data Collation and Appraisal, *Heritage Council*

<http://www.heritagecouncil.ie/wildlife/our-initiatives/hedgerow-appraisal-system-and-national-hedgerow-database/>