



The Anglo-Celt

An Roinn
Ealaíon, Oidhreacht agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht

Convicted for cutting hedges

A COOTEHILL farmer has been found guilty of wildlife offences pertaining to the cutting of vegetation outside the legislated time frame. Sixty-herd suckler farmer Patrick Reburn (49) of Cashel, Cootehill, contested the charge against him, brought at the suit of the Department of Arts, Heritage and Gaeltacht before Judge Denis McLoughlin at Cavan District Court.

It was alleged that Reburn had allowed the cutting of vegetation on his land at Cashel, Maudabawn, Cootehill, on April 24, 2015, after the March 1 deadline contrary to law.

A charge against contractor Ivan Johnston of Knocknasammer, Canningstown, Bailieborough, of cutting vegetation, arising from the same incident, was struck out during the hearing.

David McDonagh, **National Parks & Wildlife Service** officer, gave evidence that he was on duty on April 24, 2015, on foot of information that trees had been pulled up in the area some days before.

Driving through the townland of Maudabawn, he observed damage to shrubbery by the side of the road and a silver 4x4 jeep in the field. He approached the driver of the jeep and, after identifying himself as a ranger, the driver told him his name was Patrick Reburn, the owner of the land in question.

Cautioning the defendant, Mr McDonagh said he explained his concern to Reburn regarding damage to the bushes, who told him the work had been done "over a week ago".

Reburn told Mr McDonagh that he had hired Mr Johnston to carry out the work "about a month ago or so". When the ranger entered the land he discovered "freshly pulled whin" upon which the flowers were still evident but had faded to a green colour.

Mr McDonagh, who has a qualification in forestry, took photographic evidence of his findings

that day, which was handed into court. He gave his professional opinion when asked by prosecution for the State, solicitor Rory Hayden, that the vegetation had been cut "very recently" to his arrival.

On May 22, Mr McDonagh spoke with Mr Johnston, meeting him by appointment in Shercock. Officially cautioning the contractor, Mr McDonagh said that Mr Johnston told him he had started work on Reburn's field in February but wet and wintry weather set in and conditions became too dangerous to carry on. The contractor said he had not engaged in the removal of any further vegetation.

Judge McLoughlin directed that the charge be dismissed against Mr Johnston, satisfied there was not enough evidence before the court to convict.

Continuing the case, Garrett Fortune, representing Reburn, cross-examined Mr McDonagh querying whether the ranger's evidence was strong enough to convict his client also.

He asked how it was possible to bring criminal proceedings on the admission that work had been done "about a month ago or so" and asked why the official had not ascertained exact dates of when the work was done.

Mr McDonagh told the court, based on his observations on the site on that date, April 24, he felt there was enough evidence to secure a conviction.

Mr Johnston meanwhile gave evidence, producing a 'jobs-card' for the work carried out on February 20, 2015; while Reburn also gave evidence telling the court the work had been carried out, with the clearing up completed at a later date.

He stated that he was well aware that to carry out such work beyond the March 1 deadline was an offence - one that he would not commit.

But Judge McLoughlin accepted the evidence of the ranger and ordered that Reburn

pay costs in the case of €735.54. The judge also directed that he pay €500 to charity, adjourning the case to September 22.

He noted, based on Reburn's record of no previous convictions, that if the monies were paid, he would deal with the matter "in a certain way".

"I'll put this down as a once off," he clarified.