



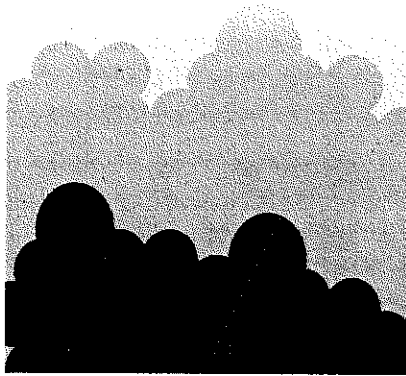
THE HEDGEROWS REGULATIONS

YOUR QUESTIONS ANSWERED

Please note that these materials were produced before the recent creation of the *Department for Environment, Food & Rural Affairs*.



We have not reprinted them as it would not be cost effective to do so, but when we reprint in future, they will be branded *Department for Environment, Food & Rural Affairs*. Your legal rights are not affected by this position.



New rules on hedgerows came into force on 1 June 1997.

Under the Hedgerows Regulations 1997 (SI No. 1160):

- ◆ *It is against the law to remove most countryside hedgerows without permission.*
- ◆ *To get permission to remove a hedgerow, you must write to your local planning authority.*
- ◆ *If the authority decide to prohibit removal of an important hedgerow, it must let you know within 6 weeks.*
- ◆ *If you remove a hedgerow without permission (whether it is important or not) you may face an unlimited fine. You may also have to replace the hedgerow.*

This leaflet can only provide limited information and is simply a brief summary, with no legal force.

The way in which the Regulations apply to individual hedgerows is quite complex. It is advisable, therefore, to discuss informally with your local planning authority at an early stage any plans to remove hedgerows - before you formally seek permission. They will, on request, provide a written explanation of what action is necessary and why.

1. Do I need permission to remove my hedgerow, either in whole or in part?

YES, if your hedgerow is on, or runs alongside:

- ◆ agricultural land;
- ◆ common land, including town or village greens;
- ◆ land used for forestry or the breeding or keeping of horses, ponies or donkeys; or
- ◆ a Local Nature Reserve or Site of Special Scientific Interest.

NO, if it:

- ◆ is shorter than 20 metres (unless both ends join up with other hedgerows or it is part of a longer hedgerow); or
- ◆ is in, or borders, your garden.

Gaps of 20 metres or less are counted as part of the hedgerow. A gap may be a break in the vegetation or it may be filled by, for example, a gate.

You also do **NOT** need permission to remove your hedgerows:

- ◆ to get access-
either in place of an existing opening, provided that you plant a new stretch of hedgerow to fill the original entrance, *or*
when another means of entry is not available, except at disproportionate cost;
- ◆ to gain temporary entry to help in an emergency;
- ◆ to comply with a statutory plant or forestry health order;
- ◆ to comply with a statutory notice, for preventing interference with electric lines and apparatus;
- ◆ in connection with statutory drainage or flood defence work; or
- ◆ to implement a planning permission (but in the case of permitted development rights, most hedgerow removal **WILL** require prior permission).

There are further exceptions for reasons of national defence and for removal by the Highways Agency in England or the Secretary of State for Wales as the Highways Agency in Wales.

Normal management of your hedgerow does not require prior permission.

2. Does removing a hedgerow just mean grubbing it up?

NO. Removal also includes other actions that result in the hedgerow being destroyed, but coppicing, laying and the removal of dead or diseased shrubs or trees are treated as normal management.

3. Who can seek permission to remove a hedgerow?

Only the landowner, agricultural tenant, farm business tenant or certain utilities, such as gas companies.

4. How do I ask for permission to remove a hedgerow?

You have to send the local planning authority a hedgerow removal notice. There is no charge for this. The local planning authority is usually the local district or borough council in England, or the county borough council in Wales. If you live in a National Park or the Broads, the authority is your National Park Authority or the Broads Authority. You can get a form from the authority.

5. What happens after the authority have received the notice?

They visit the site to see if the hedgerow is “important” and may enter your land. To be “important” the hedgerow must (i) be at least 30 years old, **and** (ii) meet at least one of 8 set criteria summarised on the back of this leaflet. The criteria identify hedgerows of particular archaeological, historical, wildlife or landscape value.

The authority must also consult the local parish council in England or community council in Wales.

6. What if the hedgerow is not “important”?

The authority cannot refuse you permission to remove the hedgerow. They should write to say that the hedgerow can be removed. This permission does not override any requirements to notify or obtain consent under other legislation, or any contractual obligations.

7. What if the hedgerow is “important”?

The authority will decide if the circumstances justify removal of an important hedgerow. The strong presumption is that important hedgerows will be protected. Unless satisfied that removal is justified, the authority must refuse permission. They will write to say that removal of the hedgerow is prohibited. This is known as a **hedgerow retention notice**.

8. What if I hear nothing from the authority?

You can remove the hedgerow, if you have not heard, 6 weeks after the authority received your hedgerow removal notice - unless you have agreed a longer timescale.

9. How long does a permission last?

2 years from either the date of the authority's written permission or the ending of the 6 week period. The permission is for the work set out in your proposal, and no more. You must seek fresh permission for anything else.

10. What if the authority refuse permission? Can I challenge the hedgerow retention notice?

Yes, you can appeal to the Secretary of State in writing within 28 days of being given the authority's decision. The hedgerow retention notice will explain how.

11. How long does a hedgerow retention notice last?

A hedgerow retention notice is permanent. But, if circumstances change, you may submit a fresh removal notice.

12. What if I remove a hedgerow without asking for permission?

It is a criminal offence, unless one of the exceptions in Q1 applies, to deliberately remove a hedgerow without permission. If you are found guilty by a magistrates' court you could face a fine of up to £5,000. If tried in the crown court, the fine is unlimited.

13. Do I have to replace a hedgerow if I remove it without permission?

The authority could say you must plant another hedgerow. They have legal powers to ensure this happens. The replacement hedgerow is automatically "important" for 30 years after it has been planted.

14. Are there grants and advice available for restoring or maintaining hedgerows?

Grants may be payable under some Government schemes. Some local authorities may also provide funding and the British Trust for Conservation Volunteers may be able to help with practical restoration. Free initial on-farm conservation advice is available in England from ADAS and FWAG, who can also advise on grants and the management of hedgerows. In Wales, advice can be obtained through the Countryside Advice and Information Service (CAIS) by telephoning 0345 125 744.

IMPORTANT HEDGEROWS: THE CRITERIA

The Regulations specify in detail how the criteria are met. This is a simplified guide.

1. Marks a pre-1850 parish or township boundary.
2. Incorporates an archaeological feature.
3. Is part of, or associated with, an archaeological site.
4. Marks the boundary of, or is associated with, a pre-1600 estate or manor.
5. Forms an integral part of a pre-Parliamentary enclosure field system.
6. Contains certain categories of species of birds, animals or plants listed in the Wildlife and Countryside Act or Joint Nature Conservation Committee (JNCC) publications.
7. Includes:
 - (a) at least 7 woody species, on average, in a 30 metre length;
 - (b) at least 6 woody species, on average, in a 30 metre length and has at least 3 associated features;
 - (c) at least 6 woody species, on average, in a 30 metre length, including a black-poplar tree, or large-leaved lime, or small-leaved lime, or wild service-tree; or
 - (d) at least 5 woody species, on average, in a 30 metre length and has at least 4 associated features.

The number of woody species is reduced by one in northern counties. The list of 56 woody species comprises mainly shrubs and trees. It generally excludes climbers (such as clematis, honeysuckle and bramble) but includes wild roses.

8. Runs alongside a bridleway, footpath, road used as a public path, or a byway open to all traffic and includes at least 4 woody species, on average, in a 30 metre length and has at least 2 of the associated features listed at (i) to (v) below.

The associated features are:

- (i) a bank or wall supporting the hedgerow;
- (ii) less than 10% gaps;
- (iii) on average, at least one tree per 50 metres;
- (iv) at least 3 species from a list of 57 woodland plants;
- (v) a ditch;
- (vi) a number of connections with other hedgerows, ponds or woodland; and
- (vii) a parallel hedge within 15 metres.