

Hedgerows Regulations



Title: Hedgerows Regulations

Category: UK Regulations

Date: 1997

Reference: SI 1997/1160 [[Full text](#)]

General Description:

These regulations, enforced under the [Environment Act 1995](#), restrict the removal of hedgerows, or parts of hedgerows which are over 20m in length. In this case, removal includes digging up and replanting elsewhere, as well as removing from the land completely or destroying in the course of other actions. This includes developments or activities which destroy the roots, causing the vegetation to die.

The legislation does not give a clear definition of the term 'hedgerow'. Guidance documents on the subject however, define hedgerow as the presence of a row of bushes, with or without trees. This legislation only applies to country hedgerows, which includes hedge next to common land, Nature Reserve, Site of Special Scientific Interest ([SSSIs](#)) or land used for agriculture, forestry, or land used for the breeding/keeping of horses, ponies or donkeys. Domestic (e.g. garden) hedges are excluded from this legislation. To be included in the regulation, a hedgerow must be over 20m long, but gaps of less than 20m do not count as gaps therefore 15m hedge plus 10m gap plus 15m hedge technically is classed as a 40m hedgerow. Shorter hedges which are linked at the end to another hedgerow are also included in the restrictions which follow.

Enforcement is planned through the obligation of farmers to give notice when planning to change hedgerow structure on a holding. For removal, a hedgerow removal licence must be applied for to the local planning authority. Important hedgerows will be protected by the issue of a hedgerow retention notice (these will also be issued by the local planning authority). To be defined as important, a hedgerow must be at least thirty years old, and must fulfil one of a number of criteria set out in the legislation. For example, one criterion is that the hedge is next to a public footpath, and contains a certain number of different species. Another is concerned with habitats of rare or protected birds and animals. Other criteria relate to the existence of a hedge as an ancient (pre 1850) border or boundary. For a comprehensive list of criteria, consult the schedules at the rear of the official document.

Removal of hedgerow in contravention of the regulations can lead to fines of up to 5000 in a Magistrates Court or unlimited amounts in Higher Courts.

As of July 1998 a new consultation document has been released by the [DETR](#) to tighten the rules on hedgerows still further. It is proposed that the six week notification period to the local authority prior hedgerow removal is increased to eight weeks.

Pertinence to Agriculture: Conservation, Biodiversity



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