

The Hedgerows Regulations 1997

On the 1st June 1997, Central Government introduced legislation to protect rural hedgerows making it against the law to remove most countryside hedgerows without permission from the Local Planning Authority (LPA).

To get permission, you must first contact the Borough Council and give 6-weeks notice prior of your intention to remove the hedgerow, using our Hedgerow Removal Notification Form.

Normal management of the hedgerow such as a trimming, coppicing, laying and the removal of dead or diseased shrubs and trees does not require prior permission. Please note however that any actions that result in the hedgerow being destroyed, such as 'grubbing out' will require 6-weeks prior notice.

On receipt of a Hedgerow Removal Notice, we will decide within the 6-week period whether to prohibit the removal of a hedgerow. If we consider that the hedgerow is not 'important', we will write to you within the 6-weeks to say that the hedge can be removed.

If we consider that the hedgerow is 'important', then an assessment will decide whether the circumstances justify its removal (further information on what is an important hedgerow is found below).

Unless satisfied that removal is justified, we may refuse permission and will write to tell you that the removal of the hedgerow is prohibited. This is known as a 'Hedgerow Retention Notice'.

Caution:

If you remove or destroy a hedgerow without permission (whether it is important or not) you may face prosecution and an unlimited fine. You may also be required to replace the hedgerow.

Important Hedgerows: The Criteria

The Regulations specify in detail how the criteria are met in what is an 'Important' hedgerow. 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 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 species.
 - (c) at least 6 woody species, on average in a 30 metre length, including a black-poplar tree, large-leaved lime, small-leaved lime or wild service-tree.
 - (d) at least 5 woody species, on average, in a 30 metre length and has at least 4 associated features.
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 (vii) 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

(vii) a parallel hedge within 15 metres

Please note that the list of 56 woody species comprises mainly shrubs and trees. It generally excludes climbing plants (such as clematis, honeysuckle and bramble) but includes wild roses.

Contact us to determine whether a Hedgerow Removal Notice is required.