

The Hedgerow Regulations 1997: A Brief Guide to the Hedgerow Protection System.

Aim

To protect important hedgerows in the countryside by controlling their removal through a system of notification.

Coverage

The system applies to most countryside hedgerows in England and Wales. In particular, it affects hedgerows which are 20 metres or more long, or which meet another hedgerow at each end. All these hedgerows must be on, or adjoining, land used for agriculture or forestry, the breeding or keeping of horses, ponies or donkeys; common land, village greens; Sites of Special Scientific Interest or Local Nature Reserves. Garden hedges are not affected.

Removal

The system is concerned with the removal of these hedgerows, either in whole or in part. 'Removal' includes not only grubbing up, but also acts which result in the destruction of a hedgerow.

Notification System

The procedure in the Regulations is triggered only when land managers (the freehold owner and, in the case of agricultural holdings or farm business tenancies, the tenant) or utility operators want to remove a hedgerow. They must first notify North Kesteven District Council (NKDC), the local planning authority, setting out their reasons for wanting to remove the hedgerow. (Form of hedgerow removal notice is available from NKDC Planning Department).

Certain removals, such as to allow necessary access, do not have to be notified. Please contact NKDC to clarify.

NKDC generally has 42 calendar days from receipt of notification in which to give or refuse consent to the notified work, taking account not only of whether the hedgerow is important but also of the reasons given for removing it. If the authority does not respond within this period, the hedgerow may be removed.

The presumption is in favour of protecting and retaining important hedgerows, though NKDC cannot refuse consent if the hedgerows are not important.

Important Hedgerows

Regulations set out criteria that must be used by NKDC in determining which hedgerows are important. The criteria relate to the value of hedgerows from an archaeological, historical, landscape or wildlife perspective. They exclude hedgerows that are less than 30 years old. If a

hedgerow is at least 30 years old and qualifies under any one of the criteria, then it is important.

Appeal Rights

Applicants who have been refused consent by NKDC have a right of appeal, to the Secretary of State for the Environment.

Enforcement

Removal of a hedgerow in contravention of the Regulations is a criminal offence, punishable in some cases in the Magistrates' Court by a fine of up to £5,000. For anyone convicted on indictment in the Crown Court, the fine is unlimited.

NKDC may require replacement of a hedgerow removed in contravention of the Regulations. An appeal may be made against this.