

Guidance Notes for:

Application for Hedgerow Removal Notice

The Environment Act 1995

The Hedgerows Regulations 1997 Schedule 4

What is a Hedgerow Removal Notice?

The Application for Hedgerow Removal Notice form should be used by anyone proposing to remove a hedgerow, or part of a hedgerow, covered by the Hedgerows Regulations 1997.

The regulations are designed to protect important hedgerows in England and Wales. Anyone proposing to remove a hedgerow, or part of a hedgerow, covered by the regulations, must first notify the local planning authority by submitting a Hedgerow Removal Notice.

Definitions

Hedgerow: is not separately defined in section 97 of the Environment Act 1995 or in the Regulations. The Oxford English Dictionary definition (2nd edition, 1989) however states that it is *"a row of bushes forming a hedge, with the trees, etc growing in it"*.

Remove: the term is defined in section 97(8) of the 1995 Act as *"uproot or otherwise destroy"*. A judgment on whether the proposed work or other activity constitutes 'removal' will have to be made according to the circumstances of the individual case.

Who should submit the hedgerow removal notice?

Responsibility to notify the local planning authority rests on the owner or, in the case of an agricultural holding or a farm business tenancy, a tenant of the land on which the hedgerow(s) concerned are located.

It is a criminal offence to remove a protected hedgerow in contravention of the regulations.

If you are uncertain about whether your proposed works are affected by the regulations, you are advised to submit a Hedgerow Removal Notice to the local planning authority for determination.

Which hedgerows are covered by the legislation?

The regulations apply to any hedgerow which:

- grows in, or adjacent to any common land, local nature reserve, Site of Special Scientific Interest (SSSI), or land used for agriculture, forestry of the breeding or keeping of horses, ponies or donkeys and
- has a continuous length of at least 20 metres, or if less than 20 metres, meets another hedgerow at each end

When working out the total length of a hedgerow, any gap resulting from a breaking these regulations and any gap less than 20 metres should be treated as part of the hedgerow.

A hedgerow, which meets another hedgerow, is to be treated as ending at the point of intersection or junction. The regulations do not apply to any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling house.

The local planning authority may refuse consent only if the hedgerow is important. For these purposes, an important hedgerow is one which is 30 years old or more and meets at least one of the archaeological and ecological criteria set out in the regulations.

Permitted Works

Removal of protected hedgerows is permitted without prior notification to the local planning authority in the circumstances summarised below. However, these exemptions are complicated and varied – it is best to refer to the regulations or consult your local planning authority for more information and advice before you start work.

The removal of any hedgerow is permitted if it is required for:

- making a new opening to replace an existing access to land, provided that the existing gap is replanted within eight months
- obtaining temporary access to any land to assist in an emergency
- obtaining access to land where another means of access is not available or is available only at disproportionate cost for the purposes of national defence
- carrying out development for which planning permission has been granted or, in some cases, is deemed to have been granted
- carrying out work under the relevant acts for the purpose of flood defence or land drainage
- preventing the spread of, or ensuring the eradication of plant or tree pests notifiable under plant health legislation
- carrying out by the Secretary of State of his highway functions
- carrying out any felling, lopping or cutting back required or permitted under the relevant act to prevent the obstruction of or interference with electric lines and plant or to prevent danger
- the proper management of the hedgerow

It is often helpful to discuss your proposal with your local authority before you send in your application – this is known as 'pre-application advice'. Your local authority will normally have details of how to go about this on their website.

Further information can be found in The Hedgerows Regulations 1997 (<http://www.opsi.gov.uk/si/si1997/19971160.htm>)