

GUIDANCE NOTE:

Hedgerow Removal Notices - Advice for Applicants



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Introduction

This advice note has been produced by Bath and North East Somerset Council to assist applicants of Hedgerow Removal Notices.

The document intends to set out the Council's recommended procedure for Hedgerow Removal Notices submitted under The Hedgerow Regulations 1997 and the key points that applicants should consider before submitting a notification.

Key Pieces of Government Legislation and Guidance:

- [The Hedgerows Regulations 1997](#)
- [The Hedgerow Regulations 1997 - A Guide to the Law and Good Practice \(DEFRA: 1997\)](#)
- [The Environment Act 1995](#)

The document is not intended to replace other Government guidance issued in respect of The Hedgerow Regulations (e.g., DEFRA:1997), which should still be read in conjunction with this advice note.

Further guidance about The Hedgerow Regulations can be found on the GOV.UK website (section: "Countryside hedgerows: protection and management).

Frequently asked questions

What are ‘The Hedgerow Regulations’?

The Hedgerow Regulations were made under Section 97 of the Environment Act 1995 and came into operation in England and Wales on 1 June 1997. The regulations afford protection to hedgerows in the countryside by controlling their removal through a system of notification.

What is a ‘Hedgerow Removal Notice’?

A Hedgerow Removal Notice is an application submitted to the Local Planning Authority under The Hedgerow Regulations. The application notifies the Local Planning Authority of the intended removal of a countryside hedgerow. Notification of the intention to remove a hedgerow triggers a six-week consultation and assessment period with the Local Planning Authority. Within this timeframe, the Local Planning Authority are required to establish whether the hedgerow qualifies as “important” under the criteria as set out within The Hedgerow Regulations.

What is an “important” hedgerow?

The criteria for determining whether a hedgerow is “important” is set by The Hedgerow Regulations and relates to the value of the hedgerow from an archaeological, historical, landscape, and / or wildlife perspective.

An “important” hedgerow will be one which is at least 30 years old or more and meets at least one of the additional criteria set out in the Hedgerow Regulations.

Whilst the presumption is in favour of protection and retention of “important” hedgerows, the Local Planning Authority cannot refuse consent if the hedgerow is not deemed to be important.

What is the definition of a hedgerow?

A hedgerow is defined as any boundary line of trees or shrubs over 20m long and less than 5m wide, and where any gaps between the trees or shrub species are less than 20m wide. Any bank, wall, ditch or tree within 2m of the centre of the hedgerow is considered to be part of the hedgerow habitat, as is the herbaceous vegetation within 2m of the centre of the hedgerow.

Which hedgerow are covered by the Hedgerow Regulations?

The Hedgerow 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 or 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.

Which hedgerow are not covered by the Hedgerow Regulations?

The Hedgerow Regulations do not apply to any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling house.

Who is required to submit a Hedgerow Removal Notice?

Responsibility to notify the Local Planning Authority of an intended hedgerow removal rests with the owner or tenant of the land on which the hedgerow(s) concerned are located (public or private) or the company or organisation wishing to carry out the works.

What is a 'hedgerow retention notice'?

A hedgerow retention notice is a formal notification issued by the Local Planning Authority to the applicant of a Hedgerow Removal Notice that the hedgerow proposed for removal should not be removed and must be retained.

What works are exempt from the requirement to notify?

The following works to countryside hedgerows are permitted and do not require notification:

- 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
- Appropriate management of the hedgerow (including traditional laying, coppicing, and pollarding where this has previously formed a regular part of the management and maintenance of the hedgerow)

If you are uncertain about whether your proposed works are affected by the Hedgerow Regulations, you are advised to submit a Hedgerow Removal Notice to the Local Planning Authority for determination or else contact Bath and North East Somerset Council Planning Services team for further advice.

What happens if I remove a hedgerow without submitting a notification?

Unauthorised removal of a countryside hedgerow is considered a criminal offence. This is regardless of whether the hedgerow would have qualified as “important” under The Hedgerow Regulations. The removal of hedgerow, if permitted, should only be carried out after a notification has been determined. For the purposes of The Hedgerow Regulations, ‘removal’ is considered to include not only grubbing up, but also other acts which result in wilful destruction of a hedgerow. This might include severe coppicing where this has not traditionally formed part of the management of the hedgerow.

What is a ‘hedgerow replacement notice’?

A hedgerow replacement notice is a notice that may be issued by the Local Planning Authority on a landowner in response to the unauthorised removal of any countryside hedgerow to which the Hedgerow Regulations apply. The hedgerow replacement notice provides automatic protection to the replacement hedgerow, preventing its future removal.

The importance of hedgerows

Hedgerows are a vital part of the UK countryside. They are important to landscape character and offer an invaluable resource to people and wildlife.

Hedgerows offer an essential habitat for many wildlife species of conservation concern in the UK, including globally threatened and declining ones. They are especially important for invertebrates such as butterflies and moths, farmland birds, bats, and dormice, as well as hedgehogs and other small mammals.

Food and Shelter

Most people will know that hedgerows provide a vital source of food for insects, birds, and a variety of other wildlife in the form of their nectar, leaves, pollen, and fruit. In fact, a native mixed hedgerow can sustain many different species of wildlife over the spring and summer, as well as during the autumn and winter when other food sources might be scarce.

The native plants that grow at the bases and banks of hedgerows also provide a key source of food for numerous species. The caterpillars of some moths and butterflies will only eat one type of plant, or a limited range of plants, therefore increasing the importance of hedgerow habitat to these species.



Corn bunting.



The caterpillar of the Orange Tip butterfly prefers cuckooflower and garlic mustard, both of which can be found at the base of hedgerows.

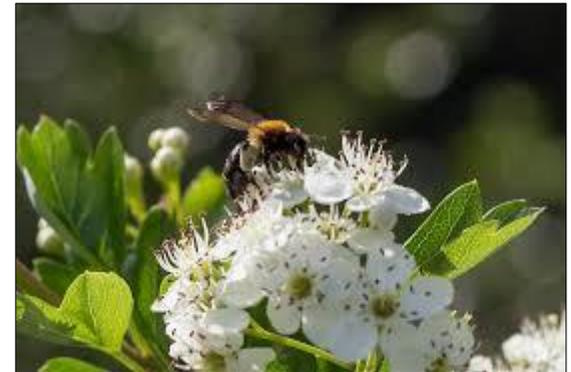
Hedgerows also offer much needed shelter and nesting sites for birds in the summer, as well as hibernation sites for small mammals such as hedgehogs and hazel dormice in the autumn and winter. Hedgerow trees can also offer valuable rooting sites for certain species of bats, whilst a large hedgerow might provide a home for rabbits, foxes or badgers.

Green 'Highways'

As well as providing food and shelter, hedgerows (including associated hedgerow trees and hedgerow ditches) create 'green highways' for small mammals, bats, and invertebrates to navigate through our busy countryside, cities and towns. Bats often rely on linear habitats such as hedgerow to navigate their way through the landscape. Species such as the hazel dormice will also only travel through the protective canopy of hedgerows and trees. The loss of connective hedgerow can therefore have a significant impact on these species.

Ecosystem Services

Hedgerows offer valuable ecosystem services, for example by offering protection against flooding and soil erosion from fields and by capturing carbon from the atmosphere. Like trees, hedgerows can soak up CO₂ and store the carbon in their roots and woody branches whilst at the same time releasing more oxygen back into the atmosphere. Hedgerows are also important for absorbing air and noise pollution; creating healthier, safer, and more peaceful places for us to live and work.



Landscape Character and History

Hedgerows are a distinctive feature in the UK landscape. They can be very influential in determining the character of a landscape, and a landscape can be particularly distinctive because of its hedge pattern. Each UK country has a list of hedgerow shrubs and plants which are native to their respective country and region. There are also different styles of management and approaches to planting. For example, you will often find hedgerows in Devon planted on top of stone-faced banks.

Certain hedgerows may also be considered culturally important to people and places, being of historical or archaeological interest. This is particularly true where they mark parish boundaries, ancient monuments, or other heritage features. In some cases, a hedgerow, like woodland, can be classed as ancient if it is demonstrated to have been planted hundreds of years ago.

Priority Habitats

Priority habitats cover a wide range of semi-natural habitat types and were those that were identified by government as being the most threatened and requiring conservation action under the [UK Biodiversity Action Plan \(UK BAP\)](#). The UK BAP has since been succeeded by the [Post-2010 Biodiversity Framework](#) (published July 2012), however the inclusion of hedgerows on the list of UK priority habitats remains the same.

Most hedgerows that would qualify as “important” under The Hedgerow Regulations would be classified a **UK Priority Habitat** and listed in Schedule 41 of the Natural Environment and Rural Communities (NERC) Act 2006. All hedgerows consisting predominantly (i.e., 80% or more cover) of at least one woody UK native species will also be covered by this priority habitat.

How to submit a notice

Hedgerow Removal Notices can be submitted online via the Planning Portal website – [Complete an online application for a Hedgerow Removal](#)

For help completing the form, [read the guidance notes for application for Hedgerow Removal](#) on the Planning Portal website or visit the relevant pages on the GOV.UK website (““Countryside hedgerows: protection and management”).

Notification of the intention to remove a hedgerow will trigger a six-week consultation and assessment period with the Local Planning Authority. Within this timeframe, the Local Planning Authority are required to establish whether the hedgerow qualifies as “important” under the criteria as set out within The Hedgerow Regulations. The six-week determination period can be extended by agreement of both parties where necessary.

In considering whether to approve removal of a hedgerow that qualifies as “important”, the Local Planning Authority may request additional measures or mitigation. These measures must be adhered to sufficiently for the scheme to be considered acceptable and for the removal of an important hedgerow to be permitted. These measures may be secured by condition or through the submission of additional details prior to determination of the notice.

If conditions are attached to a consented Hedgerow Removal Notice, the details of these conditions will require discharging before the hedgerow can be removed. There is no fee to discharge conditions for Hedgerow Removal Notices, however an application must be formally registered with the Local Authority through the Planning Portal.

Information checklist

It is recommended that the following information is submitted for Hedgerow Removal Notices:

- **Description of the proposed works**, including the reasons why the proposed removal of the hedgerow is considered necessary
- **Existing Site Plan** at a recognised scale
- **Proposed Site Plan** at a recognised scale
- A statement advising if you are the owner, tenant or manager of the hedgerow, or relevant utility company eligible to remove it

The following information may also be helpful, but is not mandatory in all cases:

- **Justification Statement**

A justification statement may be required where a hedgerow proposed for removal is deemed to be “important” under the Hedgerow Regulations criteria. The justification for the removal of the important hedgerow should be linked to public benefit. The applicant must demonstrate that there is an overriding public interest in removing the hedgerow and that alternative options to removal have been explored but are unviable.

➤ **Ecological Survey and Report**

The Local Planning Authority will carry out their own field survey and assessment of the full length of the affected hedgerow/s in accordance with the Hedgerow Regulations using a suitably experienced ecologist. However, some applicants may wish to provide their own ecological survey to assist the assessment process. In such cases, it can be helpful for surveys to provide photographs of the hedgerow, mapped survey findings, details of the character, condition and species composition of the hedgerow, presence / absence of protected and notable species and any requirement for licenses and mitigation in respect of protected species.

Applicants should not attempt to assess whether the hedgerow may be classified as ‘important’ under the Hedgerow Regulations unless it can be demonstrated that the survey and assessment was carried out fully in accordance with the requirements of the methodology and criteria defined within the Hedgerow Regulations.

➤ **Replacement Planting Plan**

Where a hedgerow proposed for removal qualifies as “important” the Local Planning Authority may request additional measures in relation to ecological mitigation, including a replacement planting scheme.

Replacement planting should comprise mixed native species of the same composition of the hedgerow that is being removed (including replacement of hedgerow trees) and / or species appropriate for local conditions and common to the area. The replacement hedgerow should maintain local distinctiveness and character and be beneficial to wildlife. Further advice on hedgerow planting can be found on the Bath and North East Somerset website - [‘Guidance for planting and establishing hedges’](#)

Important factors to consider before submitting a Hedgerow Removal Notice

➤ **Timing of Works**

Hedgerow Removal Notices should be submitted to Local Planning Authority for consideration at the earliest opportunity, ideally at the beginning stages of a project or planned scheme of works. Timely submission of notices will help to avoid unnecessary delays and costs for applicants. It will also ensure that the hedgerow removal (if permitted) can be carried out at the appropriate time of year.

➤ **Wildlife**

Applicants of Hedgerow Removal Notices will be expected to demonstrate that the proposed removal of hedgerow will avoid harm to wildlife (fauna and flora) in accordance with the relevant legislation.

Measures to avoid harm to wildlife might include (for example) pre-commencement site checks to help identify whether there is any wildlife located within the hedgerow that requires protection. During the spring and summer, this might include checking the hedgerow for the presence of nesting birds, hedgehog and dormouse. In the autumn and winter, hedgerow can be checked for the presence of hibernating animals, such as hedgehog and dormice (a UK protected species).



Hibernating dormouse.

➤ Bird Nesting

If nesting birds are found to be present in a hedgerow proposed for removal, then works would temporarily need to be delayed. This includes birds forming a nest and / or with eggs not yet hatched. Wilful disturbance of a nesting bird is considered an offence under the Wildlife & Countryside Act 1981 and offenders will be liable to prosecution.

If protected or notable species are found to be present in the hedgerow, the applicant should seek the advice of an ecologist and ensure that the appropriate licenses are obtained before carrying out any permitted works.

Applicants should note that the netting of hedgerow prior to removal (to exclude nesting birds) is no longer considered to be an effective or acceptable approach to ecological mitigation. To avoid harm to any nesting wildlife, works would need to be delayed until the young have left the nest.

In the UK, the bird nesting season is typically considered to occur between 1st March and 31st August although nesting can often begin and extend after this time depending on weather conditions such as favourable weather conditions.



Further advice and guidance

- [The Hedgerow Regulations 1997 - A Guide to the Law and Good Practice \(DEFRA: 1997\)](#)
- [GOV.UK website \(section: "Countryside hedgerows: protection and management\)](#)
- Bath and North East Somerset Council - [Guidance for planting and establishing hedges](#)
- [Hedgeline](#)
- [CPRE](#)

Credits:

<https://www.bathnes.gov.uk>

<https://hedgelink.org.uk/hedgerows/importance-of-hedgerows>

Biodiversity: The UK Steering Group Report - Volume II: Action Plans (December 1995, Tranche 1, Vol 2)

<https://jncc.gov.uk/>

Hedgerows (UK BAP Priority Habitat description)

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Hedgehog and bumblebee: <https://www.bathnes.gov.uk>