

<p>Why is England's hedgerow network valuable for biodiversity?</p>	<p>Hedgerows act as wildlife corridors. They are valuable in their own right and valuable in linking adjacent habitats, enabling species to move from place to place and breed. Hedgerows provide sites for shelter and nesting and they provide food for insects, birds, bats and small mammals. Hedgerow trees, with holes and cavities, provide nesting sites for birds and summer roosts for bats.</p>
<p>Are hedgerows protected?</p>	<p>Hedgerows have a certain amount of protection, as follows -</p> <ul style="list-style-type: none"> • hedgerows which qualify as Habitats of Principal Importance for conserving biodiversity, are covered by national policy in the National Planning Policy Framework (NPPF) • hedgerows with nesting birds, and bats and dormice, have indirect protection under the Wildlife and Countryside Act • hedgerows which qualify as 'important' hedgerows, have protection under the Hedgerow Regulations 1997
<p>What is NPPF¹ policy regarding hedgerows?</p>	<p>Certain hedgerows qualify as a Habitat of Principal Importance for conserving biodiversity (under section 41 of the Natural Environment and Rural Communities Act 2006). These same hedgerows are also known, confusingly, as 'priority habitat'.</p> <p>The NPPF states that, in order to protect and enhance biodiversity, plans (including Local Plans) should –</p> <p><i>promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</i> (NPPF 179b)</p> <p>The potential effects of a development on a Habitat of Principal Importance are a material consideration in the making of planning decisions.</p> <p>The hedgerows which qualify as Habitats of Principal Importance for conserving biodiversity must meet the following criteria -</p> <ul style="list-style-type: none"> • any boundary line of trees or shrubs over 20m long and less than 5m wide (banks or walls without woody shrubs on top of them are excluded); and • any gaps are less than 20m wide; and • any bank, wall, ditch, tree or herbaceous vegetation within 2m of the centre of the hedgerow is considered to be part of the hedgerow habitat; and • consist predominantly (i.e. 80% or more cover) of at least one woody UK native species. (climbers such as honeysuckle and bramble are not included as woody species).

¹ NPPF = National Planning Policy Framework

<p>What protection is provided by the Wildlife and Countryside Act?</p>	<p>The clearance of hedgerows and construction disturbance has the potential to cause criminal offences under the Wildlife and Countryside Act to –</p> <ul style="list-style-type: none"> • any wild bird – by killing or injuring the bird; destroying or damaging its nest while in use or being built; destroying its eggs (section 1(1)). The clearance and disturbance of hedgerows has the potential to cause such offences in the bird breeding season (1 March to 31 August). • a Schedule 1 wild bird (including curlew, bunting, harriers, purple heron, kingfisher, barn owl, peregrine, Dartford warbler, woodlark) – by intentionally or recklessly disturbing the bird while in or near a nest containing eggs or young, or while building its nest, or disturbing its dependent young. (section 1(5)) • a Schedule 5 animal (including bats (all species), dormouse) – to intentionally kill or injure the animal (section 9(1)), to intentionally or recklessly disturb it while occupying a structure or place it uses for shelter or protection, or obstruct access to this structure or place (section 9(4)). For more details on bat protection see the separate FAQs for this species. <p>If you have good reasons to suspect a criminal offence, above, you can report it to your local police force’s Wildlife Crime Officer. Please see the wildlife crime FAQ sheet for more information.</p>
<p>What protection is provided by the Hedgerow Regulations 1997?</p>	<p>Removal of certain kinds of hedgerows in contravention of the Hedgerow Regulations (1997) is a criminal offence.</p> <p>The Hedgerow Regulations enable local planning authorities (LPAs) to protect “important hedgerows” in the countryside by requiring an application to remove a hedgerow (called a Hedgerow Removal Notice) to be submitted to the LPA.</p> <p>The qualifying criteria for an “important hedgerow” are complex. Our understanding is as follows.</p> <p>The removal of a hedgerow does not require an application under the Hedgerow Regulations if it –</p> <ul style="list-style-type: none"> • has planning permission, as part of a proposed development • is in, or borders, the garden of a domestic dwelling • is shorter than 20 metres (and it has at least one end which adjoins a gap of 20 metres or more • is needed to complete legally permitted road, drainage and flood defence work • is needed to get access, or replace an existing access, to the land. (The previous access gap must be filled by planting a hedge within 8 months of making the new opening).

The removal of a hedgerow other than the above **does require an application** under the Hedgerow Regulations. The procedure is as follows –

- an application to remove a hedgerow should be sent to the LPA (in the form of a Hedgerow Removal Notice), giving details and reasons for removal
- the LPA has 42 days to respond
- there's no legal duty for the LPA to consult the public, but the LPA must consider any objections they receive
- the LPA must consider whether the hedge is **'important'**, as measured against criteria in the Hedgerow Regulations
- **if the LPA consider that it is an 'important' hedgerow**, the LPA will proceed on the presumption that it should be protected unless there are circumstances strong enough to justify removal. Where the case for removal is not strong enough, the LPA will issue a Hedgerow Retention Notice, saying that the hedge cannot be removed
- **if the LPA consider that the hedgerow is not 'important'**, the LPA will give written notice that it can be removed
- if a response isn't given by the LPA within 42 days, the hedge can be removed

Is the hedgerow 'important'?

A hedgerow is deemed to be 'important' under the Hedgerow Regulations if it -

- **is at least 30 years old and it meets one (or more) of the following criteria –**
- marks a parish boundary that existed before 1850
- contains an archaeological feature, such as a scheduled monument
- is associated with an estate or manor that existed before 1600
- is associated with a field system that existed before the 1845
- contains protected species listed in the Wildlife and Countryside Act
- contains endangered and rare species in the British Red Data books
- includes at least 5 to 7 woody native species in a 30m length and has at least 3 or 4 associated features. (This is a simplification and you will need to delve into the details of the Hedgerow Regulations if you need precise information).

The *'associated features'* are –

- a bank or wall that supports the hedgerow for at least half its length
- gaps that in total don't exceed 10% of the hedgerow length
- standard trees, where they are an average at least 1 per 50 metres of hedgerow
- at least 3 woodland species within 1 metre in any direction from the outermost edges of the hedgerow
- a ditch along at least half the length of the hedgerow
- a number of connections with other hedgerows, ponds or woodland

Frequently asked questions: Hedgerows

- a parallel hedge within 15 metres of the hedgerow

If you have concerns about the legality of a hedge removal, you should discuss these with the local planning authority, who will have records of decisions on Hedgerow Regulation applications and planning applications for development.

You can find **the government's own guidance** on this subject by searching online using the words –
gov uk countryside hedgerows protection and management