



Planning: Hedgerows

Hedgerows are one of the characteristic features of the British countryside. They are an important source of food and shelter for many species of wildlife. They are also valuable as nesting sites for birds and as wildlife corridors for species to move between different habitats.

Many hedgerows have existed for hundreds of years. They were created during forest clearance or as a result of the [Enclosure Acts](#) which led to landowners planting hedges around the boundaries of their property.

Ancient hedges are home to a wide variety of species and as a result have some legal protection. The [Hedgerows Regulations 1997](#) provide important protection by prohibiting the removal of most countryside hedgerows (or parts of them) without first notifying the local planning authority (LPA). 'Removal' includes acts which could result in the destruction of a hedgerow. Although no legal definition of a hedgerow is given in the Hedgerows Regulations, hedgerows are commonly considered to be 'a row of bushes forming a hedge, with or without the trees growing in it'. If the hedgerow is 'important', the LPA may prohibit its removal by issuing a retention notice. The LPA can also require replacement of a hedgerow that has been removed in contravention of the Regulations. A guide to the [Hedgerows Regulations 1997](#) has been written by Natural England.

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.

Important hedgerows

The Regulations set out criteria for the LPA to use in assessing whether a hedgerow is 'important'. The

criteria relate to the value of the hedgerows from an archaeological, historical, landscape or wildlife perspective. Hedgerows less than 30 years old are excluded, but if a hedgerow is 30 years old or more and qualifies under any of the criteria, it is deemed to be important. There is considerable local variation, but research suggests that, nationally, greater than 70% of hedgerows are estimated to be 'important'. The [Hedgerow Survey Handbook](#) provides a guide to the assessment of the importance of hedgerows.

Tree Preservation Orders

Trees growing in hedgerows may also be protected by [Tree Preservation Orders \(TPO\)](#).

A TPO is an Order made by a Council if a tree brings amenity value to the surrounding area. The order makes it an offence to cut down, uproot, prune, lop or damage the tree without first obtaining the Council's consent.

A TPO can apply to a single tree, a group of trees, or a woodland. The Council must give notice before making a TPO and will consider objections before confirming the Order.



Hawthorn - Credit Richard Burkhart



Anyone who wishes to fell or carry out work to a tree protected by a TPO must apply to the Council stating their reasons for the application. The Town and Country Planning (Tree Preservation England) Regulations 2012 provide the legal basis for Tree Preservation Orders.

Trimming of hedges

There are no set timescales for trimming hedges in the Hedgerows Regulations. To avoid disturbance to nesting birds people are advised not to trim hedges between 1st March and 31st July. Under the Wildlife and Countryside Act 1981, it is an offence to disturb a bird's nest whilst it is in use. 'In use' is usually interpreted as a nest under construction, or with eggs in it, or used regularly by birds or chicks even if they are not actually in the nest at the time of disturbance. It is possible to trim hedges during spring and summer without contravening the law if the hedge has been inspected to ensure it is not in use.

Hedgerows covered by legislation

Hedgerows bordering common land, village greens, SSSIs, local nature reserves, farmland, forests and



Yellowhammer - Credit Harry Hogg

woodland, and land used for keeping or breeding horses, ponies or donkeys are covered by the Hedgerows Regulations. Hedgerows along the boundaries of dwellings are not covered. To qualify for protection under the Regulations a hedgerow must be 20 metres or more in length or connected at both ends to another hedgerow of any length. Any stretch within such a hedgerow also counts. Gaps of up to 20 metres are counted as a part of the hedgerow.

To uproot or otherwise destroy a hedgerow counts as removal, for example, the digging of a trench alongside a hedgerow which kills the roots would be equal to its removal. The pruning or coppicing back of a hedgerow, down to the roots would not be 'removal' if the hedgerow grows back.

Further information

For further Information about hedgerows see: Hedgelink and Naturenet.

For more planning documents visit www.ywt.org.uk/we-defend-wildlife or call the Trust on 01904 659570.



Linnet - Credit Carl Watts