

Hedgerows: Laws, rules and regulations

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Q1: Can I trim, cut, lay or coppice a hedge at any time of year?

Answer: All wild birds are protected. This includes their nests (whilst in use or being built) as well as any eggs the nest may contain. Under the [Wildlife & Countryside Act 1981](#) (as amended), it is an offence to:

1. intentionally kill, injure or take any wild bird;¹
2. intentionally damage, destroy or take the nest of any wild bird while it is in use or being built (nests of golden eagle, white tailed eagle and osprey are protected all year round);
3. intentionally destroy an egg of any wild bird;
4. intentionally or recklessly disturb certain wild birds² or their dependent young while they are nesting (including disturbance of nesting young);

Although within the Wildlife and Countryside Act (WCA) no dates are legally stated between which hedges cannot be trimmed, cut, laid or coppiced, the main bird breeding season is recognised as being between 1 March and 31 August. Therefore the risk of committing any of the above offences is increased between these dates. It is recommended that if you undertake any work within these dates you should check the hedge for any signs of breeding activity first (such as observation from a distance using binoculars and direct searching of the hedge for nests).

If you suspect an offence is/has been committed in relation to wild birds then contact your local Police Force and report the incident to them. Ask for the case to be investigated by a Wildlife Crime Officer (WCO) if possible and ask for an incident number so you can go back to them if needed. If the offence is on-going report it to the Police on the 999 system.

¹ Any bird shown to have been bred in captivity is not classed as a 'wild bird' unless it has been lawfully released into the wild as part of a repopulation or reintroduction programme. ² The list of wild birds that you must not disturb while nesting is contained in [Schedule 1](#) to the Wildlife and Countryside Act 1981.

As well as nesting birds, other protected species of animal (such as badgers, common dormice and great crested newts) and plant may live in or close to hedgerows. Licences might be required in relation to these species when carrying out works to hedges. For information about these species and Licensing requirements see:

<https://www.gov.uk/environmental-management/wildlife-habitat-conservation> for

European Protected Species of animal and plant -
<https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence>

Q2: Are there any additional requirements if I am in the [Basic Payment Scheme \(BPS\)](#)?

Answer: Yes the cross-compliance requirement GAEC 7a: Boundaries states that you must not cut or trim any hedgerow on your farm between 1 March and 31 August (inclusive) – the main breeding season for birds – each year unless such work is necessary because any of the following apply:

- the hedgerow overhangs a highway, road or footpath over which there is a public or private right of way and the overhanging hedgerow obstructs the passage of, or is a danger to, vehicles, pedestrians or horse riders;
- the hedgerow is dead, diseased, damaged or insecurely rooted and because of its condition, it or part of it, is likely to cause danger by falling on to a highway, road or footpath; or obstructs the view of drivers or the light from a public lamp;
- to carry out hedge-laying or coppicing during the period 1 March to 30 April (inclusive);
- to trim a newly laid hedgerow by hand, within 6 months of it being laid;
- you have received written permission from the Secretary of State for the Environment to cut or trim during the month of August for the purposes of sowing oil seed rape or temporary grassland during the same August.

See [The Guide to Cross Compliance in England 2015](#) for full details.

If you wish to undertake works between the stated dates for any purpose which is not listed above, you must apply to the RPA in writing for a derogation and wait for written permission before carrying out any work. Clearly mark any written correspondence with 'Cross compliance derogation' and quote the relevant SBI number.

Contact the RPA on 0845 603 7777 or e-mail: csc@rpa.gsi.gov.uk

Q3: Are there any additional requirements if I have an agri-environment scheme agreement?

Answer: If a hedge is entered into an agri-environment scheme (Entry Level Stewardship (ELS), Higher Level Stewardship (HLS), Organic Entry Level Stewardship (OELS), Uplands Entry Level Stewardship (UELS), Countryside Stewardship Scheme (CSS) or Environmentally Sensitive Area scheme (ESA) you must not cut hedgerows during the main bird nesting season which is taken to be from 1 March to 31 July (inclusive).

However, some agreements might further restrict these dates, in particular ELS agreements starting on or after 1 October 2008 which state that hedgerows must not cut between 1 March and 31 August (inclusive).

Check your agreement documentation to find out which specific dates apply to you. If you are still unsure call your local NE Customer Services team or 0845 600 3078 or enquiries@naturalengland.org.uk.

It should be noted that BPS claimants do not need to request a derogation from the RPA where Natural England (NE) have already issued an ES derogation to allow trimming between 1 March and 31 August. If claimants are unsure, they should contact the RPA's Customer Service Centre.

Under ELS hedgerow management options hedge laying and coppicing are permitted in a style customary to the local landscape, but should be completed before 1 March. However, in exceptional circumstances, work may continue up to 1 April, provided you conduct a survey to ensure there are no nesting birds present. A [derogation notice \(EN-DN\) form](#) needs to be completed and returned to NE before work can begin. Any derogation does not override the legal requirements relating to protected species as detailed above.

CSS, ESA, and HLS agreement holders should refer to individual agreement documentation with regard to dates between which trimming, coppicing and laying are permitted.

Q4: What if someone is doing work on a hedgerow which is against the rules of an agri-environment scheme or the [Basic Payment Scheme \(BPS\)](#)?

Answer: You should approach the person doing the work or the landowner/occupier to discuss your concerns and confirm if the hedge is on land which is subject to a scheme. If the land is entered in to a scheme and you still have concerns you should report the matter to;

- Rural Payments Agency on 0345 603 7777 or email: csc@rpa.gsi.gov.uk if the person has a BPS agreement
- Natural England on 0300 060 3900 or email: enquiries@naturalengland.org.uk if the person has an agri-environment scheme agreement

Q5: Do felling licences and Tree Preservation Order (TPO) consents apply to hedgerow works?

Answer: When felling more than 5 m³ of timber in a calendar quarter, you may need a [felling licence](#). Contact the Forestry Commission for advice.

You may also need permission for work on trees that are subject to a [Tree Preservation Order \(TPO\)](#). Contact your local authority for advice.

Q6: I have heard there is a piece of legislation called the [Hedgerow Regulations](#). What are they and what do they do?

Answer: The Hedgerows Regulations 1997 protect most hedgerows from being removed (including being uprooted or otherwise destroyed) and apply to any hedgerow which is:

- more than 20 metres long (or any part of such a length)
- less than 20 metres long, but meets another hedge at each end
- located on or next to:
 - land used for agriculture or forestry
 - land used for keeping horses, ponies or donkeys
 - common land
 - a village green
 - a site of special scientific interest
 - a local nature reserve
 - a public right of way

The regulations **do not** apply to hedgerows within the curtilage of, or marking a boundary of the curtilage of, a dwelling house.

The definition of a Hedgerow is curiously omitted from the Regulations and the enabling act (Environment Act 1995). It is taken however, to be a “line of bushes forming a hedge”.

Anybody wishing to remove or destroy a hedge must apply to their Local Planning Authority (LPA) for consent (or if in the National Parks or Broads Authority areas to their offices). The LPA has six weeks to determine the application and can either issue a Hedgerow Removal Notice (if the hedge is not considered “important” or if there are grounds for allowing the removal of an “important” hedge), or a Hedgerow Retention Notice (issued if the hedge is important and should be retained). Hedgerow Removal Notices are only normally valid for two years after their issue. There is a presumption against hedgerow removal in the legislation.

For more information see [Countryside hedgerows: regulation and management](#).

Q7: What if someone is removing/has removed a hedgerow and I want to check if the necessary permissions have been granted?

Answer: Contact the local planning authority (LPA) as they are the body who administer the regulations.

Q8: What about hedgerows within a [Site of Special Scientific Interest \(SSSI\)](#)?

Answer: You must not intentionally or recklessly destroy or damage the special interest features of the area¹ or disturb any fauna that are a special interest feature or, cause or permit the act. (This requirement can apply to actions that take place other than on the SSSI itself but which have the same consequences.)

¹‘Special interest features’ of an area are interpreted as the notified interest features of the Site of Special Scientific Interest.

The above applies unless you have written consent from Natural England to carry out the works. Contact your local Natural England Adviser. If you are not sure who your local adviser is contact 0845 600 3078 or e-mail: enquiries@naturalengland.org.uk

Q9: What about hedgerows within a [Special Protection Area \(SPA\)](#)?

Answer: For land classed as a Special Protection Area (SPA): You must

- notify Natural England in writing of any proposal to carry out, cause or permit any specified operation¹ or where a special nature conservation order applies (unless covered by the terms of a management agreement, scheme or notice) **and** obtain consent before starting that operation;
- comply with all management notices served by Natural England or the terms of any restoration order served by a court.²

If you are claiming [Basic Payment Scheme](#) failure to do the above may place you in breach of the rules.

You must not:

- intentionally or recklessly destroy or damage the special interest features of the area³ or disturb any fauna that are a special interest feature or, cause or permit the act. (This requirement can apply to actions that take place other than on the SPA itself but which have the same consequences.)

If you are claiming [Basic Payment Scheme](#) failure to do the above may place you in breach of the rules.

¹ A specified operation means one which has been identified as likely to damage the special interest features of the area. This information forms part of the notification package for Sites of Special Scientific Interest. ² Where the purpose of the notice or restoration order is the protection or restoration of the special interest features of the area or otherwise restore the land to its former condition as may be so specified. ³ 'Special interest features' of an area are interpreted as the notified interest features of the Site of Special Scientific Interest that are also relevant to the Special Protection Area. ⁴ Reasonable excuse may include the following: you have planning permission to carry out the work; you have consent from a public body or statutory authority that has complied with its duty to consult Natural England before giving the consent; it was an emergency operation (provided that Natural England is notified as soon as possible after the emergency).

Q10: Are hedgerows protected by any other legislation?

Answer: Some hedges are protected by old Inclosure Acts. These may require that hedges are retained and managed forever more.

People wishing to remove hedgerows should therefore seek professional legal advice before doing so to determine whether the hedgerow might be protected by an Inclosure Act. Many Inclosure Acts are deposited in Local Records Offices.

Some planning permissions may require the retention of hedgerows on development sites and their removal would be a breach of that planning consent. Breaches of planning consent are enforced by local planning authorities.

**Originally written by Paul Cantwell and Emily Ledder, Natural England May 2010.
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