



Campaign to Protect
Rural England

England's hedgerows: don't cut them out!

Making the case for better
hedgerow protection

“

*For well over a thousand years
hedgerows have been a defining
attribute of rural England, the
stitching that holds the fabric of
the countryside together.*

Bill Bryson, CPRE President

”

Contents

Summary	2
About our survey	3
Hedgerows: CPRE's view	5
How do the Hedgerows Regulations work?	9
Why protect hedgerows?	11
Survey results and analysis	15
Case study: Illegal hedgerow removal in Norfolk	21
Case study: Why the Hedgerows Regulations should include a local landscape criterion	27
Conclusion	34
Recommendations	35
Appendix: CPRE Hedgerows Regulations survey questions	36

Summary

The Hedgerows Regulations were introduced in 1997. The following year, CPRE surveyed local authorities to see how the Regulations were being implemented in England.

We wanted to find out whether the situation had improved over ten years on and carried out a survey in early 2010. This report outlines the findings of our latest survey.

Almost 40%, or 133, local authorities took part across all English regions. Our survey found that hedgerow protection has increased since 1998, and that local authorities are keen for improvements to be made to the Regulations. The survey also reveals significant variation across the country in how the Hedgerows Regulations are working on the ground.

The key findings – based on the responses of the 133 authorities – show that:

- hedgerow protection under the Regulations has increased to 41.8% across England, compared to 23.8% in our original survey in 1998;
- the lack of a landscape criterion means that locally distinctive hedgerows are not being protected and that local authorities are often powerless to retain them; and
- local authorities think that the Regulations should be simplified but that hedgerow protection should not be weakened.

The main conclusions of the report are that the Government should:

- improve the Hedgerows Regulations to make them easier for local authorities to implement;
- introduce a landscape criterion to the Regulations which would give local authorities more discretion to protect hedgerows that are locally important;
- safeguard agri-environment funding for hedgerow management options to allow more land managers to maintain and plant hedgerows;
- continue support for Department for Environment, Food and Rural Affairs funded hedgerow surveys as exemplars of good practice that other local groups may follow; and
- ensure that the value of conserving hedgerows is recognised in the Natural Environment White Paper and that, as the Government explores a conservation credits scheme, it considers the opportunities this will present to strengthen England's hedgerow network.

About our survey

In early 2010, CPRE carried out a survey of English local authorities to examine how they are implementing the Hedgerows Regulations. We sent a questionnaire to all district, borough, unitary, city and National Park local authorities in England with detailed questions about their approach to hedgerow protection.

This follows on from a similar survey that we carried out in 1998 and published in 1999 as *Hedging your bets*. The earlier survey took place after the Regulations had been in place for just one year. The 2010 survey draws on data over a broader timeframe, determined by each local authority depending on the information they had available.

We expanded the survey this time to find out more about the views of the people in local authorities who are applying the Regulations. We asked how the Regulations could be improved, what documentation was referred to when dealing with a request to remove a hedgerow, what other landscape features were characteristic of the area and what funding was available for hedgerow management in their area (see survey in the appendix).

In total 133 local authorities responded, a response rate of almost 40%, with every English region represented. The widespread participation in our survey has enabled us to build up a detailed picture of how effective the Hedgerows Regulations are across the country. The majority of local authorities that responded (92%) supplied data about how they had used the Regulations in their areas. This information has helped to illustrate regional variation in how the Hedgerows Regulations are applied in practice.

The results of this survey give a detailed view of the relationship between a nationally determined set of criteria for a hedgerow to be deemed important and how this works in practice to protect the diversity of hedgerows across England.

Since the Hedgerows Regulations were enacted, a review of the Regulations was announced by the incoming Labour Government in 1997, which was followed by a Government consultation about the review recommendations. In 2006, a working group of stakeholders was formed to discuss changes to how the Regulations work and a supplementary consultation followed.

Despite these consultations no improvements have been made to the Regulations. CPRE's survey provides evidence that the Hedgerows Regulations are effective in protecting many valuable hedgerows.

We continue to believe, however, that they could be strengthened so that they are simpler for local authorities to apply and give them more discretion to protect hedgerows of importance to the local landscape.



CPRE believes that our hedgerows must be protected for the future

Hedgerows: CPRE's view

CPRE believes that hedgerows are the vital stitching in the patchwork quilt of the English countryside. They lend beauty and character to the landscape and provide a wide range of benefits to wildlife and the wider environment. They provide tangible, and widely appreciated, signs of the changing seasons, while at the same time giving a strong sense of continuity. They also make a significant contribution to local distinctiveness and a sense of place. CPRE is committed to working to protect these important and iconic landscape features.

We began our campaign for hedgerow protection in the 1970s and welcomed the introduction of the Hedgerows Regulations in 1997. The new Regulations afforded the first statutory protection for important hedgerows. They require local authorities to be notified by the owner if the removal of any countryside hedgerow over 20 metres in length, or which joins another hedgerow, is proposed.

However, garden hedgerows and removals associated with built development are exempt from the Regulations, and the local authority may only refuse consent for removal if the hedgerow is classed as 'important' under a relatively limited set of nationally-determined criteria. Broadly, a hedgerow is considered important if it is over 20 metres long, at least 30 years old and meets criteria based around the number of plant or animal species it supports, historical significance and associated hedge features, such as a hedge bank, ditch or tree.

“

Hedgerows are the vital stitching in the patchwork quilt of the English countryside

”

**Important hedgerows criteria:
a simplified guide**

1. Marks a pre-1850 parish or township boundary.
2. Incorporates an archaeological feature.
3. Is part of, or associated with, an archaeological site.
4. Marks the boundary of, or is associated with, a pre-1600 estate or manor.
5. Forms an integral part of a pre-parliamentary enclosure field system.
6. Contains certain categories of species of birds, animals or plants listed in the Wildlife and Countryside Act or Joint Nature Conservation Committee publications.
7. Includes:
 - a) at least seven woody species, on average, in a 30 metre length;
 - b) at least six woody species, on average, in a 30 metre length and has at least three associated features;
 - c) at least six woody species, on average, in a 30 metre length, including a black poplar tree, or large-leaved lime, or small-leaved lime, or wild service tree; or
 - d) at least five woody species, on average, in a 30 metre length and has at least four associated features.

The number of woody species is reduced by one in northern counties. The list of 56 woody species comprises mainly shrubs and trees. It generally excludes climbers (such as clematis, honeysuckle and bramble) but includes wild roses.

8. Runs alongside a bridleway, footpath, road used as a public path, or a byway open to all traffic and includes at least four woody species, on average, in a 30 metre length and has at least two of the associated features listed below.

The associated features are:

- i) a bank or wall supporting the hedgerow;
- ii) less than 10% gaps;
- iii) on average, at least one tree per 50 metres;
- iv) at least three species from a list of 57 woodland plants;
- v) a ditch;
- vi) a number of connections with other hedgerows, ponds or woodland; and
- vii) a parallel hedge within 15 metres.

“

We would like to see a local, plan-based approach to strengthen the Regulations”

Problems with these definitions have arisen firstly because the criteria for determining a hedgerow's importance are complicated and demanding in terms of the expertise required to assess them. These assessments are also often difficult to carry out in the 42 day turnaround time allowed by the Regulations. For example, it can be hard to carry out a survey of a hedgerow during the winter months when there may be no leaves on the hedge, and less biodiversity associated with it.

Secondly, because the importance criteria apply across the country, local authorities have no flexibility in determining what types of hedgerow are important in their area. The lack of any regard to local distinctiveness is heightened by the fact that there are no criteria relating to the contribution hedgerows make to the character of the local landscape. This means that many valuable hedgerows continue to be lost, and local authorities are often powerless to prevent their removal.

We would like to see a local, plan-based approach to strengthen the Hedgerows Regulations. This approach should begin with local landscape character assessments, which describe what makes a place distinctive and which can be used to identify locally important hedgerows. The use of these assessments would give more flexibility to the hedgerow protection process and could allow local people a greater voice in identifying and protecting locally important hedgerows.

CPRE recognises that the landscape is subject to a continual process of change which reflects the varying economic and social influences of the present as well as the past, and that hedgerows are both destroyed and created in that process. We agree that not all hedgerows are sacrosanct, but we believe that robust protection should be available for those considered most valuable for their environmental, landscape, cultural or historic interest, and that the public should have the chance to express their views when hedgerows are under threat.

“

The landscape value of hedgerows is not adequately addressed

”

CPRE is therefore concerned that the Regulations are not a sufficient means of assessing and protecting hedgerows. The landscape value of hedgerows is not adequately addressed. Locally distinctive hedgerows with significance in the landscape – such as the beech hedges of Exmoor in Devon and Somerset, and the damson hedges of the Lyth Valley in Cumbria – do not necessarily meet the importance criteria set out in the Regulations. The definition of a hedgerow under the Regulations also does not currently include features known locally as hedges, such as Cornish hedge-banks. These features are therefore excluded from protection, despite being vital to local distinctiveness and important to local people and wildlife.



Hedgerows provide a wide range of benefits

How do the Hedgerows Regulations work?

A land manager wishing to remove a hedgerow has to notify the local planning authority. If the hedgerow is considered important (in line with the established criteria outlined above), the planning authority is able to protect it by issuing a hedgerow retention notice. The authority must also consult the local parish council.

But if the landowner does not receive a response within 42 days of notifying the local authority then the hedgerow can be removed. Under the Regulations, planning authorities are required to keep a public register of every hedgerow removal notice received, every notice given by the authority to allow the hedgerow to be removed, every hedgerow retention notice and documentation relating to appeals against the local authority decision.

It is a criminal offence to remove an important hedgerow without permission. In these circumstances, if the landowner is found guilty by a magistrate's court, they could be fined up to £5,000. If tried in a Crown Court, the fine is unlimited. The landowner may also be required to plant a replacement hedgerow and the local authority has legal powers to ensure this happens. The replacement hedgerow is automatically considered important for 30 years after it has been planted.

“

***It is a criminal offence
to remove an important
hedgerow without permission***

”



Many of Devon's hedgerows are more than 800 years old

Why protect hedgerows?

Hedgerows are of great benefit to the landscape and biodiversity and provide environmental and cultural services. CPRE believes that the landscape and cultural importance of hedgerows lies at the heart of why people value them so highly. Hedgerows tell us about the history of a place and its people. They show us how the land was divided and managed in the past, demarcate historic public rights of way and protect archaeological treasures. The beauty of hedgerows in the landscape should be retained for future generations to enjoy, so that they can discover their own history and appreciate the local identity of the place in which they live.

Hedgerows are the most widespread semi-natural habitat in England. Over large parts of the lowlands they are the main surviving habitat of this kind and are critical to the existence of numerous plants and animals. They are particularly important within areas of intensive farming, and for the survival of widespread yet declining species which are dependent on woodland edge, scrub or rough grassland habitats.

From 1870 until 1945 there was very little change in the extent of hedges. Aerial photographs from 1940 show an almost complete network of hedges across much of the country, even in arable areas. Between 1950 and 1975, the loss of hedges became, for many people, the most familiar and visible aspect of damage to the English countryside.¹

The Countryside Survey, which includes data about hedgerows, has been carried out by the Natural Environment Research Council at regular intervals since 1978. The Survey reveals the changes that have happened to hedgerows in the United Kingdom and reports on the state of hedgerows in England, Wales and Scotland specifically. The Countryside Survey distinguishes between 'managed' hedgerows and lines of trees, shrubs and relict (remnants of a previously managed hedgerow) hedge (figure 1). The most recent data set for 2007 was published in early 2009 (CS2007²).

Figure 1
Countryside Survey statistics for England 1984–2007

	1984 (km)	Change	1990 (km)	Change	1998 (km)	Change	2007 (km)
Hedges (managed) ⁱ	511,000	-16.6%	426,000	+0.5%	428,000	-6.1%	402,000
Line of trees/shrubs/ relict hedge ⁱⁱ	43,000	+8.5%	47,000	+38.2	76,000	+7.3%	82,000
Line of trees/shrubs/ relict hedge and fence ⁱⁱⁱ	19,000	+42.4%	33,000	+45%	60,000	+16.7	72,000

ⁱ A line of woody vegetation that has been subject to management so that trees no longer take their natural shape

ⁱⁱ Lines of trees or shrubs, in which trees/shrubs take their natural shape, including those originally planted as hedges.
Includes avenues of trees

ⁱⁱⁱ Lines of trees or shrubs, in which trees/shrubs take their natural shape, including those originally planted as hedges with a fence

¹ Rackham, O, *The Illustrated History of the Countryside*, George Weidenfield and Nicholson Ltd., 1994

² Countryside Survey (2007) England, Chapter 5: Boundary and Linear Features Broad Habitat

As the length of managed hedgerows has declined, the length of relict hedgerows and lines of trees has increased. This reflects a gradual decline in management intensity.

The 2007 Countryside Survey suggests that, through the 1990s, increasing attention was given to supporting hedgerows through legislative protection (including the Hedgerows Regulations), and by financial support for restoration and management. Over the 20 year period 1991 to 2012, the Department for Environment, Food and Rural Affairs has funded or will fund Countryside Stewardship Scheme restoration works or new planting on some 27,000 kilometres of hedgerow, while the Environmentally Sensitive Areas Scheme funded some 8,600 kilometres for a shorter period from 1998 to 2004. On an average annual basis, the extent of restoration works was similar (Countryside Stewardship Scheme: 1,350 kilometres per year; Environmentally Sensitive Areas Scheme: 1,433 kilometres per year).³



Hedgerows provide environmental and cultural services



Since 2005, hedgerow management options have been a popular part of the Government's Environmental Stewardship, an agri-environment scheme for farmers and land managers. By 2009, 41% of hedgerows in England were actively managed under such schemes, with 6% having been restored.⁴ CPRE believes that it is vital the Government continues to fund these agri-environment schemes. A reduction in funding for Environmental Stewardship, in particular the Higher Level part of the scheme, could mean fewer hedgerows are replanted or restored, so undoing the investment that has been made in improving the character of the English countryside.

History in our hedgerows

There is a popular belief that most hedgerows are recent additions to the countryside following the Enclosure Acts between 1750 and 1850. In fact, at least half our hedges are older than this, and many are hundreds of years old.

Indeed, two-thirds of England has had a continuously hedged landscape for a thousand years or more. Some hedgerow systems date back to prehistoric times, and most were well established by the Anglo-Saxon period. It is only in the Midlands and part of the North East that the majority of these early hedgerows were removed in the Middle Ages to create open field systems, and new hedgerows subsequently planted under the Enclosure Acts.

In Devon, for example, it is thought that over a quarter of hedges are more than 800 years old – older than many parish churches – and some are underlaid by banks built in Bronze Age times 4,000 years ago. The oldest known surviving hedgerow in England is 'Judith's Hedge' in Cambridgeshire, which is over 900 years old.

So, a great many of our hedgerows are ancient and of historical interest in their own right. This is particularly true where they mark parish boundaries, ancient monuments and other similar features. Often beautiful veteran hedgerow trees, their lives prolonged by repeated pollarding over the years, reveal the great age of hedgerows and their importance to our ancestors.

³ Catherine Bickmore & Associates, *Hedgerow management and restoration in agri environment schemes: Executive summary 2004*. Report to the Department for Environment, Food and Rural Affairs

⁴ Natural England, *Agri-environment schemes in England: A review of results and effectiveness*, 2009

Benefits of hedgerows to the environment

1. A review of the environmental services provided by Environmental Stewardship in England has revealed that hedgerow options provide a greater number of services, 21 in all, than any other group of options that are available in the scheme. For comparison, other high ranking option groups include woodland and moorland (19 services each) and species-rich grassland (16 services).⁵

2. Hedgerows are of particular importance for the conservation of farmland and woodland birds, and for mammals.

As many as 16 out of the 19 birds included in the Farmland Bird Index (used by the Government to assess the state of farmland wildlife) are associated with hedgerows, with ten using them as a primary habitat. All 35 woodland indicator species frequently occur in hedgerows or associated trees, and there is evidence that woodland birds use hedgerows as 'corridors' to move from one wooded area to another.

In addition, ten out of 18 terrestrial mammals listed as priority species in the UK Biodiversity Action Plan make significant use of hedgerows, either for food or to enable them to move through the landscape.

3. Hedgerows help to prevent loss of soil from fields, either through reducing wind erosion or through acting as a barrier to water-borne run-off. This is particularly so in arable areas, both where the land is flat and prone to wind-blow as in the fens of East Anglia, and in hilly areas where loss of soil following heavy rain can be a major problem.^{5, 7}

4. Hedgerows reduce the amount of polluting fertilisers, pesticides and sediment that reach watercourses by acting as a physical barrier,

increasing infiltration into the ground, and through nutrients being recycled by the trees, shrubs and other plants within the hedge.^{5, 7}

5. Hedgerows regulate water supply for crops in three ways. Firstly, they decrease wind speed over the surface of the ground, so reducing water loss through evaporation in areas prone to drought.

Secondly, they can help to store water for later use – a 50 metre hedgerow at the edge of a one hectare field can store 150-375 cubic metres of water during rainy periods for slow release down the slope during dry periods. This effect is greatest in soils rich in clay or organic matter.

Thirdly, because of their deep roots, hedgerows remove water faster from the soil than crops during periods of excessive rainfall, through increased evapotranspiration.^{5, 7}

6. Hedgerows regulate the rate of flow of water within catchments, reducing peak flows and increasing minimum flows. They are thus effective at reducing the risk of flooding and are increasingly planted for this purpose.⁸

7. Hedgerows may play a role in reducing the rate of climate change, through carbon storage, and through the provision of firewood, a renewable fuel. A new hedgerow may store 600-800 kilograms of carbon dioxide equivalent per year per kilometre, for up to 20 years.

8. In urban areas hedgerows contribute to services such as climate regulation, sustainable urban drainage, reducing airborne particulates and atmospheric pollution, and providing wildlife habitat. They also improve the aesthetic appearance of the built environment.

⁵ Land Use Consultants/GHK Consulting Ltd, *Provision of environmental services through the Environmental Stewardship Scheme*, report to the Department for Environment, Food and Rural Affairs, 2009

⁶ Wolton, R., J., *Priority BAP species associated with hedgerows*, 2009. Paper in preparation for UK Hedgerow Habitat Action Plan Steering Group (Hedgelink)

⁷ *Trees, Hedges and Water*, 2000. Document produced jointly by Solagro, Rural Development Department of Lower Austria, An Taisce and The European Natural Heritage Fund

⁸ Based on figures provided in 2008 by Dr Doug Warner, Agriculture and the Environment Research Unit, Science and Technology Research Institute, University of Hertfordshire

⁹ Professor John Dover, Staffordshire University, detailed in Hedgelink key facts paper September 2009



Hedgerows tell us about the history of a place and its people



*If the Regulations were better known
there would be fewer breaches*



Survey results and analysis

In February 2010, CPRE contacted 336 local planning authorities across England to invite them to tell us how they implement the Hedgerows Regulations in their areas. We received 133 responses, which is a response rate of 39.6%, and with representation from all of the English regions (figure 2). Coincidentally, our survey in 1998 attracted the same number of responses.

Figure 2
Regional responses to 2010 survey, compared to 1998

Region	Data response 2010 ⁱ	Including non data response 2010 ⁱⁱ	In 1998
North East	0	4	6
North West	13	13	14
Yorkshire and Humber	12	12	6
East Midlands	16	17	20
West Midlands	15	15	13
East of England	27	27	15
South East	25	27	37
South West	15	15	22
London	0	3	No data
Total	123	133	133

i Data response indicates local authorities who submitted data on how they had used the Hedgerows Regulations. These were questions 2-13 in the survey (appendix)

ii Indicates the total number of local authorities who responded to the survey in each region

Sections of the data have been investigated at a regional level in order to build up a picture of how the Hedgerows Regulations are working on the ground in different parts of the country. Some of the questions in our survey were designed to gain views and information from local authorities which could be presented statistically at a national level. The questions are about hedgerow surveys and grants for hedgerow management in local authority areas.

Hedgerows Regulations in practice

Awareness of the Hedgerows Regulations

We asked local authorities whether, from their experience, land managers and the general public are aware of the Hedgerows Regulations. The results showed that, at a national level, the local authorities thought that 61% of landowners were aware of the Regulations, compared to 17% who thought landowners were unaware. The remaining 22% of authorities said they did not know whether landowners knew about the Regulations. Local authorities thought that only 22% of the general public were aware of the Hedgerows Regulations, compared to 61% who thought the public were unaware. The remaining 17% did not know about the awareness of the general public.

A local authority in the East of England said: *'There does not seem to be a general awareness of the Hedgerows Regulations, unlike the public's awareness of the need to apply for tree works when trees are protected by Tree Preservation Order or in a Conservation Area.'*

In the East Midlands, a local authority mentioned that members of the public often report hedgerow removal: *'Most tip-offs of unauthorised removal come from the public using countryside footpaths.'*

A local authority in the South East commented: *'In my own experience it is the smaller landowners who are unaware of the Regulations. This would refer to owners of smallholdings, or extra land appended to a property (not garden curtilage), rather than a traditional farmer, for example. If the Regulations were better known, and particularly what can be done under the Regulations without the need for a notice, then there would be fewer breaches, i.e. the hedgerow would be managed rather than removed.'*

The responses suggest that much more needs to be done to make the general public aware of the Hedgerows Regulations and attention also needs to be given to ensuring that knowledge of the Regulations is better among land managers.

Hedgerows protected by the Hedgerows Regulations

Our survey asked how many applications for hedgerow removal had been received by the local authority and the estimated total length of hedgerow (in kilometres) to which those requests applied. Other information requested included how many hedgerow retention notices had been issued and the length (again in kilometres) to which they applied.

Comparing the two figures for the length of hedgerow that was tested against the Hedgerows Regulations and the length that was permitted to be removed, we are able to work out the percentage of hedgerows protected by the Hedgerows Regulations in each region. These figures are based on the responses from local authorities in each region and represent how they have responded to hedgerow removal requests under the Regulations.

For example, combining the statistics from each local authority who took part in our survey in the East of England shows that the length of hedgerow subjected to the Hedgerows Regulations was 20.67 kilometres and 19.96 kilometres was retained under the Regulations. Permission to remove the remaining 0.71 kilometres was given. So 96.6% of hedgerows notified were protected by the Regulations (figure 3).

It should be noted that the figures in figure 3 only show the hedgerows landowners request permission to remove and how the local authority applies the criteria set out in the Regulations. The figures illustrate the wide variation across England in the way hedgerow protection is applied under the Regulations (see map opposite).

The data submitted by local authorities ranged from when the Hedgerows Regulations came into force in 1997, up until data from the last year. It is representative of all the information that the local authorities were able to gather for the survey. The figures are compared to our 1998 survey, when the Regulations had only been in place for a year.

“

96.6% of hedgerows notified were protected by the Regulations

”

Map of England showing change in hedgerow protection in 2010, compared to 1998

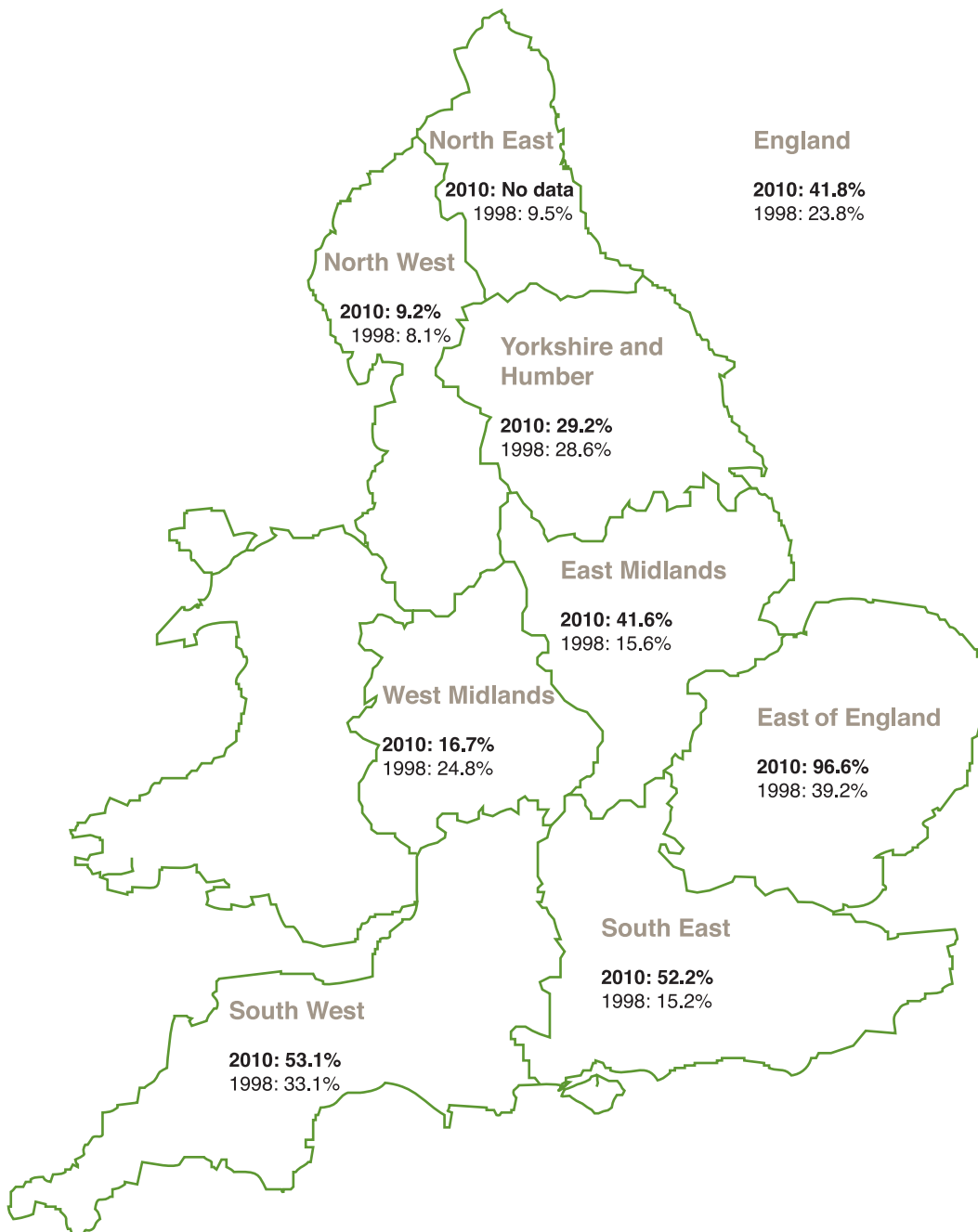


Figure 3

Percentage of hedgerows subject to hedgerow removal notice that are consequently protected by the Hedgerows Regulations

Area	2010 %	1998 %	Change %	Direction of change
England	41.8%	23.8%	+18%	Significant improvement
North East	No data	9.5%	N/A	
North West	9.2%	8.1%	+1.1%	Improvement
Yorkshire and Humber	29.2%	28.6%	+0.6%	Improvement
East Midlands	41.6%	15.6%	+26%	Significant improvement
West Midlands	16.7%	24.8%	-8.1%	Decline
East of England	96.6%	39.2%	+57.4%	Significant improvement
South East	52.2%	15.2%	+37%	Significant improvement
South West	53.1%	33.1%	+20%	Significant improvement
London	No data	No data	N/A	

N.B. In the North East, no data about implementation of the Hedgerows Regulations was supplied by local authorities who took part in our 2010 survey. Data has not been submitted by local authorities in London to either our 1998 or 2010 survey. Local authorities in both regions took part in the other sections of our survey

Climatic and topographical conditions partially explain the regional variation and highlight the difficulties for local authorities of adapting centrally determined criteria for local situations. For example, in the north of England, where altitudes are typically higher and temperatures on average lower than in the south, hedgerows tend to be composed of fewer woody species. In these areas, the hedgerows may therefore not be deemed important under the standard national criteria for species diversity (and only 9.2% of proposed removals are prevented in the North West, with data gathered for the North East in 1998 showing that only 9.5% were prevented).

Conversely, in the East of England and the South West, with a milder climate and greater species diversity, the hedges more generally meet the criteria set out in the Regulations. In the East of England, 96.6% of proposed removals are prevented and in the South West 53.1% are prevented.

The only region that showed a decline in hedgerow protection under the Regulations is the West Midlands. Reasons for this decline may be explained by comments from local authorities in the region; one said: *'Most hedges around our borough only have three to four species per 30 metre length. Therefore a lot of good quality hedgerows which are not adjacent to a footpath, bridleway or road are being lost even though they form important landscape and habitat features.'* This local authority also commented: *'It is frustrating giving permission to remove hedgerow which on the face of it form valuable landscape/habitat features but do not meet any of the criteria purely because of lack of species etc.'* Another West Midlands authority explained: *'The domestic curtilage exemption leads to much hedgerow loss especially in rural/semi rural boundaries.'*



In the East of England and the South West hedges more generally meet the criteria set out in the Regulations

Known illegal hedgerow removals and local authority action

We asked local authorities to tell us about cases of illegal hedgerow removal that they knew of in their area. Many local authorities dealt with illegal removal by issuing a hedgerow replanting notice to the owner. A local authority in the West Midlands said: *‘No prosecutions but two hedgerow replacement notices issued – one complied with, one awaiting Planning Inspectorate appeal by hearing.’*

Some local authorities explained that it was very difficult to put together a case to prosecute a landowner for illegally removing a hedgerow, and therefore preferred to negotiate with the owner to have a new hedgerow planted (with consideration of legal action if that route fails).

Despite the Regulations, illegal removal continues, with 38.6 kilometres of hedgerow loss of this kind known of by the local authorities that took part in our survey (figure 4). Of these illegal removals on average, across England, only 9.9% of cases have been or are in the process of being prosecuted, although there is significant regional variation.

Figure 4
Percentage of known illegal hedgerow removal cases in 2010 subject to prosecution

Area	Illegal removal (km)	Successful and pending prosecutions (km)	Percentage subject to prosecution
England	38.6	3.84	9.9
North East	No data	No data	No data
North West	11.6	1.5	13
Yorkshire and Humber	3.64	0.9	25
East Midlands	11.01	0	0
West Midlands	1.54	0.2	13
East of England	4.67	0.74	16
South East	2.47	0	0
South West	3.67	0.5	14
London	No data	No data	No data



A landowner progressively removed an entire hedgerow of 44 metres



Case study

Illegal hedgerow removal in Norfolk

Breckland Council and North Norfolk District Council have recently investigated hedgerow removal that they believed breached the Hedgerows Regulations.

Breckland Council

In 2004 and 2007, a landowner progressively removed an entire hedgerow of 44 metres with its associated plants, wildlife and ditch, from beside a public footpath, without giving the required notice to the council.

The matter was reported to the development control committee of Breckland Council in June 2007 who resolved that prosecution proceedings should be instigated. Further investigation determined that the hedgerow qualified as important in the context of the regulations by virtue of the historical record. As a consequence, had a hedgerow removal notice been submitted in accordance with the Regulations there would have been a presumption in favour of its retention.

A prosecution was brought under Section 5(1) of the Regulations in that a hedgerow to which the regulations applied was removed without prior submission of a hedgerow removal notice to the local planning authority.

The landowner argued that they were exempt from the requirement to submit notification because they had removed a poor hedgerow in order to improve access between adjoining fields and were intending to replant it. They further claimed that this constituted 'proper management' and was thus exempt from the need to notify the council.

The court was not persuaded by their argument and found the farmers guilty of the offence as charged. The farmers were fined a total of £750 and ordered to pay £2,515 in costs. A notice requiring the replanting of the hedgerow in the same location has been issued by the council – the work has yet to be carried out.

North Norfolk District Council

In June 2009, concerned members of the public contacted the council about the removal of 150 metres of hedgerow. After site visits by the council landscape officer, and an ecological assessment of where the hedge had been, the council concluded that the lost hedge would have been classed as a hedgerow under the Hedgerows Regulations. A hedgerow replanting notice was issued in November 2009.

The landowner appealed against the order and stated that the vegetation was actually unmanaged scrub and so he did not need to seek permission from the local authority to remove it.

The appeal triggered a public inquiry which took place in July 2010. The dispute hinged on the management of the vegetation over the 20 years since the owner bought a strip of railway line land next to his field, and whether they could be classed as a field boundary.

The council landscape officer told the inquiry that he believed rows of bushes at the edge of the field had been maintained as a boundary hedge through regular cutting and was visibly different to vegetation next to it which had been left as scrub.

In August this year, the Planning Inspector found in favour of the landowner that the vegetation was unmanaged scrub and therefore not subject to the Hedgerows Regulations.

The council is disappointed with the result of the appeal but was pleased that the Planning Inspectorate recognised that they were doing their utmost to uphold the Hedgerows Regulations.

Figure 5
Overall, how effective do you feel the Hedgerows Regulations have been in controlling hedgerow removal?

Area	Very effective	Effective	Ineffective	Not at all effective
England	2%	47%	36%	15%
North East	0%	75%	25%	0%
North West	0%	42%	33%	25%
Yorkshire and Humber	0%	40%	50%	10%
East Midlands	0%	67%	27%	7%
West Midlands	0%	42%	50%	8%
East of England	14%	33%	48%	5%
South East	5%	38%	43%	14%
South West	0%	83%	17%	0%
London	0%	0%	33%	67%

In Yorkshire and Humber, 60% of local authorities believe the Regulations are ineffective, as do 58% in the North West.

The South West, with a warmer climate and more species-rich hedges, saw 83% of respondents believing the Hedgerows Regulations are effective in controlling hedgerow removal.

However, in the South East, only 43% of authorities feel the Regulations are effective, compared with 57% who think the Regulations are ineffective.

No local authority respondents in London believed the Regulations controlled hedgerow removal in their areas, with 67% stating they are not at all effective. However, the additional comments from London respondents suggest that this is due to the urban setting of their authorities, with one commenting that there is '*inadequate protection for hedges in urban areas*' and another pointing out that they are an inner city authority.

Local authority views on the Hedgerows Regulations

Effectiveness of the Hedgerows Regulations

We asked local authorities how effective they felt the Hedgerows Regulations had been in controlling hedgerow removal. At a national level, there is an almost equal split between those that think the Regulations are not working (51%) and those that think they are effective (49%) (figure 5). However, the views vary greatly across the English regions.

In the East Midlands, 67% of local authorities think the Hedgerows Regulations are effective, along with 75% in the North East. Of local authorities in the East of England, only 47% felt the Regulations were effective, despite the region coming out top in the list of hedgerows protected by the Regulations (figure 3, 96.6%). A local authority in the East of England explained: '*The criteria for determining "important" hedgerows are too narrowly drawn, and have so far failed to prevent the removal of any hedges in our district.*'

“

Simplifying the criteria would be beneficial

”

“

Only 43% of respondents think the Regulations are easy to use

”

Figure 6
How easy do you think it is to implement the Hedgerows Regulations?

Area	Very easy	Quite easy	Difficult	Very difficult
England	1%	35%	41%	22%
North East	0%	33%	33%	33%
North West	0%	42%	42%	17%
Yorkshire and Humber	0%	60%	40%	0%
East Midlands	0%	38%	23%	38%
West Midlands	0%	25%	67%	8%
East of England	4%	39%	48%	9%
South East	5%	30%	45%	20%
South West	0%	50%	42%	8%
London	0%	0%	33%	67%

Ease of using the Hedgerows Regulations

Across England, 63% of local authorities found the Regulations difficult to use (figure 6). The remaining 36% found the Regulations easy to use. Our 1998 survey found that only 19% of local authorities deemed the Regulations easy to use, so the situation has improved since then.

In the West Midlands, 75% of local authorities find the Regulations difficult to use and there is a similar view in the East Midlands where 61% believe they are difficult to implement. Even in the East of England, where hedgerow protection under the Regulations is highest, only 43% of respondents think the Regulations are easy to use.

These results, we believe, highlight the complexity of the definitions of importance within the current regulations and suggest that simplifying the criteria would be beneficial to those in local authorities who are implementing the Hedgerows Regulations.

However, simplification should not result in reduced protection for hedgerows, but in better, more effective criteria which take full account of the landscape as well as the historical, archaeological and ecological importance of hedgerows



Hedgerows are an important feature of the English landscape

Improving the Regulations

We asked local authorities what change to the Regulations they would most like to see. Across England, a large number of authorities (42%) felt that the most important change was for the hedgerow protection criteria to be simplified.

This was the most popular proposed change in all the regions except for the West Midlands, where respondents felt the most important change (46%) would be to introduce a local landscape criterion to the importance criteria set out in the Regulations.

A local landscape criterion would help protect hedgerows for their aesthetic value or role in connecting landscape features and wildlife areas. This would allow local authorities discretion to implement the Regulations for the benefit of hedgerows currently excluded from the nationally determined set of importance criteria.

A local authority in the North West commented: *'The heritage criteria and mix of species are ridiculously pedantic. If a hedgerow has importance in landscape and ecological terms then it should be protected from removal.'* In Yorkshire and Humber, an authority observed that *'a landscape criterion would be a huge step forward although care would need to be taken to ensure that it is not too subjective.'*

In addition, 18% of English local authorities felt that it would be beneficial to include domestic and urban hedgerows under the Hedgerows Regulations, with a local authority in the South West saying: *'The inclusion of domestic and urban hedgerows is important where planning permission is given for development on green field sites on the edge of urban areas. Field boundaries become residential property boundaries and thus not included in the Regulations. Whilst planning conditions can be used to ensure retention of the hedge these are generally difficult to enforce and are often time limited. These "retained" field/property boundaries are*

generally removed by householders over a period of time because of the maintenance/mess "problems" they create. It is important to retain these hedgerows as valuable wildlife habitats and corridors.'

A West Midlands local authority also supports the inclusion of domestic and urban hedgerows in the Regulations: *'Protection for hedgerows in residential areas would be of great benefit especially in maintaining the character of an area. As noted previously, hedgerows that bound a residential site are not covered and this should be essential. The landscape character of an area is defined by many aspects and hedgerows are a key one. Tree Preservation Orders relate to aesthetic value so why not hedges? Given the present emphasis on ecological aspects treating hedges in a more holistic way would have a greater benefit.'*

However, there were many who thought it was not practical (for example, due to increasing workload) and would be unpopular with home owners if garden hedges were also included. Some local authorities suggested that a compromise position would be to include hedgerows that formed the boundary to a domestic property that abuts agricultural land.

“

Treating hedges in a more holistic way would have a greater benefit

”

“

42% of local authorities want hedgerow protection criteria simplified

”

Nationally, only 4% of local authorities said that they felt an extension to the 42 day consultation period (once a hedgerow removal notice is received) was the most important change they would like to see, although 16% of authorities in the South East felt this was the biggest issue.

A local authority in the South East commented: *'The 42 day limit causes problems if an application includes many hedgerows e.g. for a pipeline so we have had to negotiate extra time with the applicant in some cases. Also the 42 day time limit can cause a problem with consulting parish councils if we just miss a meeting.'* Another local authority in the South East suggested that *'the consultation period should be eight weeks as for a planning application. This will give local planning authorities more time to undertake surveys.'*

A local authority in the South West cited the difficulty of assessing a hedgerow when it was not in leaf, commenting: *'There should be a closed period over the winter months when applications cannot be made. The application should include a cut-off date prior to winter and a start date in the spring, thereby allowing the hedgerow to be assessed at a time of year when the woody and herbaceous species are more clearly visible.'* This view was supported by a local authority in the East of England that said: *'I think it is silly to expect a thorough hedgerow assessment to be done during midwinter when there will be no indication of many protected or important species under the hedgerow. Hedgerow applications should be restricted to months when a survey would be worthwhile.'*



Devon hedgebank with mature trees



A local landscape criterion would help protect hedgerows for their aesthetic value

Case study



England's hedgerows: don't cut them out!

We found ourselves in a bizarre situation where we were powerless to protect the younger hedgerow, despite the visual benefits to the local landscape



Why the Hedgerows Regulations should include a local landscape criterion

A third (32%) of local authorities said that the most important change they wish to see to the Hedgerows Regulations is for a landscape criterion to be added to the list of importance criteria (figure 7). This would mean that hedges that are valued in the local landscape, but do not meet the current importance criteria, could be retained on aesthetic grounds.

Anne Westover, Landscape Officer at Suffolk Coastal District Council, believes that this would be a huge improvement to the regulations.

In 2003, a large estate submitted a request to remove two lengths of hedgerow in a bid to create a parkland. One of the hedgerows was 220 metres long and met several of the importance criteria: it was visibly related to an estate building; was shown on historical maps; included seven woody species; had an associated ditch and hedgerow trees and was also adjacent to a public footpath. The other hedgerow, which was 250 metres in length, appeared to have been planted in the 1970s

to replace the original hedgerow that had been removed some time before. The hedgerow did not meet the importance criteria set out in the Hedgerows Regulations.

Anne felt that both hedgerows were of value to the local landscape but could only issue a hedgerow retention notice for the hedgerow that met several of the criteria.

'We found ourselves in a bizarre situation where we were powerless to protect the younger hedgerow, despite the visual benefits to the local landscape.'

After considering the hedgerow retention notice, the landowner decided to withdraw their request to remove the hedgerows. Anne considers that it could only be a matter of time before the estate seeks permission to remove the hedgerows again as part of their parkland restoration project. It may then be difficult to achieve a sensitive balance between retaining hedgerows with high landscape value and creating a newer form of landscape.

Anne concluded: 'If the Hedgerows Regulations included a landscape criterion then this would enable the planning authority, and other local authorities across the country, to protect hedgerows that are important in the local landscape and to local people.'



32% of local authorities said the most important change they wish to see to the Regulations is for a landscape criterion to be added



Figure 7
What, if any, of the following changes to the Regulations would you like to see?

Area	Simplify the criteria	Introduce landscape criterion	Include all hedgerows (domestic and urban)	Extend consultation period from 42 days	Other
England	42%	32%	18%	4%	4%
North East	50%	25%	25%	0%	0%
North West	42%	33%	25%	0%	0%
Yorkshire and Humber	36%	27%	18%	9%	9%
East Midlands	38%	31%	15%	8%	8%
West Midlands	38%	46%	8%	0%	8%
East of England	45%	36%	14%	0%	5%
South East	42%	26%	16%	16%	0%
South West	50%	33%	8%	0%	8%
London	33%	33%	33%	0%	0%

N.B. Our survey asked local authorities to rank the changes in order of importance to them. For comparison, the issue they chose as being the most important change has been used to create the statistics in this table

Hedgerows in the local landscape

We asked local authorities to tell us whether they thought the Regulations gave adequate flexibility to protecting hedgerows that are locally distinctive and important to local people. The overwhelming majority, 64%, did not believe that there was enough flexibility in this respect. A quarter of authorities were unsure.

Only 11% of English authorities felt that the Regulations provided enough protection for hedgerows of importance to the local landscape (figure 8). A local authority in the East Midlands commented: *‘Often some very good hedgerows in terms of visual amenity and wildlife corridors do not meet the criteria. Many local people see them as a precedent to the area being developed or pasture being lost.’* An authority in the South West also explained: *‘Some distinctive hedgerows cannot be classified as important and therefore cannot be effectively protected.’*

Figure 8
Do you think that the Hedgerows Regulations give adequate flexibility to protecting hedgerows that are distinctive in the local landscape and important to local people?

Area	Yes	No	Don’t know
England	11%	64%	25%
North East	0%	25%	75%
North West	0%	83%	17%
Yorkshire and Humber	9%	82%	9%
East Midlands	27%	73%	0%
West Midlands	9%	91%	0%
East of England	17%	70%	13%
South East	13%	52%	35%
South West	25%	33%	42%
London	0%	67%	33%

Hedgerows and development

Hedgerow removal in the course of carrying out development for which planning permission has been granted may normally proceed without prior notification under the Hedgerows Regulations. Our survey asked local authorities for their view on hedgerow losses to development and found that, nationwide, 71% of authorities believed that development frequently or occasionally led to hedgerow loss (figure 9). The remaining authorities felt it happened rarely or not at all.

However, the majority of authorities (57%) said that hedgerow loss that was unacceptable or avoidable happened occasionally. *'We try to ensure retention where possible, but frequently require new or replacement hedges to be planted as a planning condition,'* explained a local authority from the East of England. A South East authority commented: *'Hedgerow loss has occasionally happened on sites that are intended by the landowner to be developed. It is possible for a private landowner to remove a hedgerow bounding a non-agricultural plot and apply for planning permission within current law. It also appears that if a previously agricultural hedge is then surrounded by development or built next to, it no longer qualifies.'*

Concerns were also raised by another authority from the South East, which said: *'Intensification of development sites often leads to upgrading of accesses and widening of vision splays to meet highway requirements. Roadside, front boundary hedgerows [are] often lost/reduced this way, leading to [a] change in character of roads and lanes as well as biodiversity loss.'*

An authority in the East Midlands described how it had adapted its local planning policies: *'Hedgerows that are covered by Hedgerows Regulations, but exempted for built development, generally occur within the green wedge of the city. This is a predominantly natural green space and protection against loss of hedgerows in this circumstance relies on planning policy at a local level rather than national legislation.'*

Figure 9

Do existing exemptions from Hedgerows Regulations for built development lead to unacceptable or avoidable hedgerow losses?

Area	Frequently	Occasionally	Rarely	Not at all
England	14%	57%	21%	9%
North East	0%	100%	0%	0%
North West	18%	64%	18%	0%
Yorkshire and Humber	30%	30%	40%	0%
East Midlands	7%	47%	40%	7%
West Midlands	27%	27%	45%	0%
East of England	27%	45%	23%	5%
South East	19%	48%	19%	14%
South West	0%	100%	0%	0%
London	0%	50%	0%	50%

“

71% of authorities believed that development frequently or occasionally led to hedgerow loss

”

“
51% of local authorities want better
protection for dry stone walls”

Other characteristic field boundaries

Hedgerows are not the only important boundary feature in local areas (figure 10). Stone walls, ditches, dykes and earthbanks form an important part of various landscapes. They are also important habitats for wildlife and contain a wealth of historical and archaeological information. Their distribution throughout the country depends on the locality, its topography, climate and predominant land use.

We asked local authorities about other kinds of field boundary that are a characteristic landscape feature of their area. Our survey showed that dry stone walls are the predominant ‘other’ field boundary in the North West (82%) and in the Yorkshire and Humber (78%). A local authority in the North West is concerned about the future: *‘Dry stone walls are characteristic of the moorland fringe. Many are not maintained and falling into disrepair due to cost of maintenance. Some stone is being stolen or robbed for repairs elsewhere. Landscape character is beginning to change.’*

Ditches were the most often cited field boundary across the country, with 84% of local authorities across England saying that they were features in their area. The only exception was in the North West where only 36% stated that ditches were a landscape feature of their area.



Dry stone walls are a characteristic landscape feature in Yorkshire

Figure 10
Which of the following other kinds of field boundary are a characteristic landscape feature in your area?

Area	Ditches	Dykes	Stone walls	Earthbanks	Other
England	84%	16%	36%	30%	15%
North East	100%	0%	50%	50%	0%
North West	36%	9%	82%	9%	9%
Yorkshire and Humber	78%	22%	78%	11%	11%
East Midlands	100%	33%	56%	33%	22%
West Midlands	100%	13%	0%	50%	0%
East of England	91%	27%	9%	36%	32%
South East	74%	0%	5%	21%	32%
South West	91%	27%	9%	36%	32%
London	No data				

Following on from the question about other boundary features, we asked authorities whether they felt the feature should have protection similar to that provided by the Hedgerows Regulations (figure 11).

Nationwide, there is support from 54% of local authorities to have better protection for ditches, although this varies from only 17% in the East Midlands to 100% of authorities in the North East.

At a national level, 51% want better protection for dry stone walls. Again, there is significant regional variation in the responses with 100% of authorities in Yorkshire and Humber and the South West wanting protection for dry stone walls compared to 18% in the East of England, 25% in the West Midlands and 29% in the South East. This is perhaps unsurprising given the regional distribution of stone walls and illustrates how local distinctiveness and land management traditions shape priorities in different regions.

“

Stone walls, ditches, dykes and earthbanks form an important part of various landscapes

”

Figure 11

Are any of these features in need of protection similar to that provided by the Hedgerows Regulations?

Area	Ditches	Dykes	Stone walls	Earthbanks	Other
England	54%	17%	51%	30%	15%
North East	100%	0%	0%	0%	0%
North West	43%	14%	71%	14%	0%
Yorkshire and Humber	50%	25%	100%	0%	0%
East Midlands	17%	17%	67%	17%	0%
West Midlands	75%	25%	25%	50%	0%
East of England	64%	36%	18%	64%	9%
South East	43%	0%	29%	14%	29%
South West	40%	20%	100%	80%	20%
London	No data				

National level statistics from survey

Sections of the questions in our survey were designed to gain views and information from local authorities which could be presented statistically at a national level. The questions are about hedgerow surveys and grants for hedgerow management in local authorities’ areas.

The extra information provided by authorities, such as links to hedgerow surveys, will be made available to the Department for Environment, Food and Rural Affairs and Hedgelink members where permission has been given by the authority.

Hedgerow surveys

Has your local authority conducted a hedgerow survey?

Yes 14% No 86%

(116 responses)

Does your local authority refer to surveys carried out by other local organisations or other information when implementing the Hedgerows Regulations?

Yes 27% No 73%

(113 responses)

Has your local authority carried out a landscape assessment which refers to hedges?

Yes 32% No 44% Don't know 24%

(114 responses)

Local authority responses on hedgerow surveys suggest that not enough hedgerow survey information is available, and that there is not the capacity within some authorities to carry out a survey. A local authority in the East Midlands asked: *‘Who would carry out a survey? No-one is allocated the time.’*

Some local authorities mentioned working with their local Wildlife Trust to carry out surveys and using information gathered in student projects. A local authority in the East of England said: *‘We are carrying out a parish by parish survey with volunteers through the county Wildlife Trust. The surveys will be useful as a record to check alleged hedge removals. The surveys are held on paper files which can be viewed by all, we hope to get them logged onto our county biological records centre database in time.’*

CPRE volunteers in Herefordshire, Oxfordshire, Warwickshire and Worcestershire are carrying out hedgerow surveys, alongside others such as the local Wildlife Trust and local conservation groups. The survey information will be passed to the relevant local authority and to the relevant county biological records centre.

Grants for hedgerow work

Does your local authority offer or administer any grants for the management or planting of hedgerows?

Yes 13% No 77% Don't know 10%

(115 responses)

If so, how popular is the grant scheme?

The funding is always used	42%
There is occasionally a surplus of money	0%
There are not many applications for funds	4%
Don't know	54%

(24 responses)

Are you able to meet demand?

Yes **44%** No **56%**

(23 responses)

Is there a demand for greater availability of management and planting grants for other field boundaries in your area that are not covered by the Hedgerows Regulations?

Yes **27%** No **15%** Don't know **58%**

(97 responses)

The results suggest that if more grant funding for hedgerow management was available to local authorities it would be used to benefit hedges.

The financial constraints on local authority budgets in the last few years are a major reason why more grants are not available. The situation is unlikely to get any better. Many local authorities commented about local interest in grants, two authorities from the East of England explained: *'We receive enquiries for hedgerow planting and maintenance grants regularly and pass on information of the agencies providing opportunities for grant aid.'* *'Particularly for those otherwise not eligible for the Higher Level Stewardship, Entry Level Stewardship or other countryside stewardship options i.e. small landowners, parish councils etc.'*

In the East Midlands an authority commented: *'Hedgerows in and around the city are generally not covered by the Hedgerows Regulations due to their locality or being species-poor. They do continue to function as a wildlife corridor and habitat in their own right – for which grants should be available for their upkeep and maintenance.'*

'We are often approached by landowners who are not in agri-environment schemes about grants for restoring and managing hedgerows, but we are currently unable to offer any financial support. We will help with advice and a site visit if they wish,' explained an authority from Yorkshire and Humber.

There is also support for grants for dry stone wall management. In the North West an authority commented: *'Landowners have expressed an interest in dry stone wall repairs but have been unable to afford the current costs of hiring a professional waller.'*



Grass field margin alongside hedgerow in Devon

Conclusion

The results of the CPRE survey of local authorities show that, nationally, the Hedgerows Regulations are protecting 41.8% of hedgerows when a request is made to remove them.

This has improved by almost half since our original survey in 1998 which found that 23.8% of hedgerows subject to such requests were being protected. The likely explanation is that, over time, local authorities have become more knowledgeable about using the Regulations and are therefore able to apply them more effectively.

It is evident from the considerable regional variation in the level of hedgerow protection that centrally determined criteria for importance are not the ideal way to ensure that valuable hedgerows are conserved. Indeed, 32% of local authorities in England felt that the addition of a local landscape criterion would mean more hedgerows of importance in the local landscape could be protected. Such a change would be in line with the Government's growing emphasis on localism.

Many local authorities (42%) believed that the Regulations could be improved by simplifying the importance criteria for a hedgerow. This would mean they are more effective in protecting local landscapes as well as the historical, archaeological and ecological importance of hedgerows.

Some local authority respondents (18%) felt that protection should be extended to domestic and urban hedgerows but many believed this would be unpopular and unworkable, given existing pressures on the staff in authorities. Instead, it was suggested to include domestic hedgerows only where they abut farmland or a green space.

Local authorities would welcome funding to be available for hedgerow management and planting grants at a local level, although many recognise that the current financial climate does not make this likely.

There is potential for the Government to consider how conservation credits could be used to replant and restore hedgerows at a local level. Agri-environment schemes are providing funding to manage hedgerows and this continues to benefit landscapes at a local scale.

“

Hedgerows Regulations are proving an effective means of protecting important hedgerows but could be even more effective

”

Some local authorities observe that hedgerows on smallholdings may not be eligible for funding under agri-environment schemes and so they would like to be in a position to give grants for hedgerow management projects.

The decline of 6.1% in the length of managed hedgerows between 2000 and 2007 (CS2007) highlights the need for more incentives to be made available to land managers, so that they can continue to manage hedgerows effectively.

In conclusion, on the basis of the evidence from this survey, we believe that the Hedgerows Regulations are proving an effective means of protecting important hedgerows, but with a few minor improvements they could be even more effective in future.

Recommendations

CPRE calls on the **Government** to:

- improve the Hedgerows Regulations so that they are easier for local authorities to implement. Any simplification should strengthen not weaken hedgerow protection;
- introduce a landscape criterion to the Regulations to give local authorities more discretion to protect hedgerows that are important to local landscape character, but may not meet the current criteria for importance;
- introduce a requirement for all hedgerow removal notices to be subject to the same public notification as undertaken for planning applications;
- consider a 'closed season' over winter for when hedgerow removal notices can be submitted to local authorities. This would allow comprehensive surveys of the hedgerow to take place as required before removal is permitted;
- Extend the length of time a local authority has to act on receipt of a hedgerow removal notice from 42 days to 56 days (eight weeks), to bring it in line with most other planning cases.¹⁰ Instead of the owner being able to remove the hedgerow once the consultation period has ended, they should await a letter of confirmation from the local authority;
- safeguard agri-environment funding for hedgerow management options to allow more land managers to maintain and plant hedgerows;
- continue support for Department for Environment, Food and Rural Affairs-funded hedgerow surveys, as exemplars of good practice that other local groups may follow; and

- ensure that the value of conserving hedgerows is recognised in the Natural Environment White Paper and that, as the Government explores a conservation credits scheme, it considers the opportunities this will present to strengthen England's hedgerow network.

CPRE suggests that **local authorities** should:

- ensure access to specialist hedgerow and landscape expertise remains a priority;
- include information about locally distinct hedgerows in local plans and landscape character statements;
- ensure efficient systems are in place to meet deadlines for decisions on hedgerow removal notices; and
- take effective action to tackle illegal hedgerow removal.

¹⁰Town & Country Planning (General Development Procedure) Order 1995, Article 20

Appendix: CPRE Hedgerows Regulations survey questions

- 1) Respondent details

How the Hedgerows Regulations are working for you

- 2) Hedgerow removal applications
Options: Fewer than 10/Between 10 and 50/More than 50
Please state actual number if known
- 3) Hedgerow removal applications, estimated total length of hedgerows (km)
- 4) Retention notices
Options: Fewer than 10/Between 10 and 50/More than 50
Please state actual number if known
- 5) Retention notices, estimated total length of hedgerows (km)
- 6) Appeals
Options: Fewer than 10/Between 10 and 50/More than 50
Please state actual number if known
- 7) Appeals, estimated total length of hedgerows (km)
- 8) Illegal removals
Options: Fewer than 10/Between 10 and 50/More than 50
Please state actual number if known
- 9) Illegal removals, estimated total length of hedgerows (km)
- 10) Successful and pending prosecutions
Options: Fewer than 10/Between 10 and 50/More than 50
Please state actual number if known
- 11) Successful and pending prosecutions, estimated total length of hedgerow (km)

- 12) Successful and pending prosecutions, please provide details of any cases
- 13) Time period covered by this data

Using the Hedgerows Regulations

- 14) Overall, how effective do you feel the Hedgerows Regulations have been in controlling hedgerow removal?
Options: Very effective/Effective/Ineffective/Not at all effective
Please outline your reasons
- 15) In your experience, do you think land managers and the general public are aware of the Hedgerows Regulations?
Land managers: Yes/No
General public: Yes/No
Please add any further comments
- 16) How easy do you think it is to implement the Hedgerows Regulations?
Options: Very easy/Quite easy/Difficult/Very difficult
Please add any further comments
- 17) What, if any, of the following changes to the Regulations would you like to see? Rank in order of importance for you, 1 being most important.
- a) Simplify the criteria for a hedgerow to be protected by Regulations
 - b) Introduce a landscape criterion, e.g. aesthetic value or role in connecting landscape features and wildlife areas
 - c) Include all hedgerows (domestic and urban)

d) Extend consultation period from 42 days between application for removal by hedgerow owner to decision by local authority

e) Other

Please add any further comments

Hedgerows and landscape character in your area

18) Has your local authority conducted a hedgerow survey?

Options: Yes/No

If yes, please describe how this has been used in implementing the Regulations and tell us where CPRE could view a copy

19) Does your local authority refer to surveys carried out by other local organisations or other information when implementing the Hedgerows Regulations?

Options: Yes/No

If yes, what information is used? Please tell us where CPRE can access this information

20) Has your local authority carried out a landscape assessment which refers to hedges?

Options: Yes/No/Don't know

If yes, where could CPRE view a copy?

21) Do you think that the Hedgerows Regulations give adequate flexibility to protecting the hedgerows which are characteristic landscape features in your area?

Options: Yes/No/Don't know

Please add any further comments

22) Which of the following other kinds of field boundary are characteristic landscape features in your area?

Options: Ditches/Dykes/Stone walls/Earthbanks/Other (please specify)

23) Please add any further comments about other kinds of field boundary which are characteristic landscape features in your area

24) Are any of these features in need of protection similar to that provided by the Hedgerows Regulations? *Please check box to indicate yes*

Options: Ditches/Dykes/Stone walls/Earthbanks/Other (please specify)

25) Please add any further comments about features in need of protection similar to that provided by the Hedgerows Regulations

Funding for hedgerows in your area

26) Does your local authority offer or administer any grants for the management or planting of hedgerows?

Options: Yes/No/Don't know

27) If so, how popular is the grant scheme?

Options: The funding is always used/There is occasionally surplus money that is not used/There are not many applications for funds/Don't know

Please add any further comments

28) Are you able to meet demand?

Options: Yes/No

Please add any further comments

29) Is there a demand for greater availability of management and planting grants for other field boundaries in your area that are not covered by the Hedgerows Regulations?

Options: Yes/No/Don't know

Please add any further comments

Hedgerows and development

30) Do existing exemptions from Hedgerows Regulations for built development lead to unacceptable or avoidable hedgerow loss?

Options: Frequently/Occasionally/Rarely/Not at all

Please provide details about hedgerow loss and development in your area

31) Please add any further comments you may have

Further research and keeping up-to-date

32) Would you be willing to take part in any further research by CPRE on the Hedgerows Regulations?

Options: Yes/No

33) Would you be willing to allow CPRE to share information with Hedgelink for future research?

Options: Yes/No

34) Would you like a copy of the survey report when it is available?

Options: Yes/No



Campaign to Protect Rural England

The Campaign to Protect Rural England (CPRE) is an environmental charity campaigning to ensure future generations have tranquil landscapes and beautiful countryside to enjoy.

Formed in 1926, CPRE is a powerful combination of effective local action and strong national campaigning. We have over 57,000 members and supporters and a network of over 200 local groups. There's a branch of CPRE in every county and a group in every region, as well as a national office in London. Our patron is Her Majesty the Queen; our president is Bill Bryson.

Much of what CPRE has achieved has only been possible due to financial support from people who care about our natural environment and quality of life in town and country. To find out how to support CPRE, including information on donating, becoming a member, leaving a legacy or volunteering, please contact our supporter services team: 020 7981 2870, supporterservices@cpre.org.uk.

Campaign to Protect Rural England
128 Southwark Street
London SE1 0SW

Tel: 020 7981 2800
Fax: 020 7981 2899
info@cpre.org.uk
www.cpre.org.uk

CPRE is a company limited by guarantee, registered in England, number 4302973.

Registered charity number: 1089685.

All photos Rob Wolton except: page 4, 19, 30 Derry Brabbs; page 14 CPRE/Hilliam; page 25 Tree Council

August 2010