

Appendix F – Landscape Officer response regarding hedge removal dated 11.11.2020

Hi Rose,

You asked whether the hedgerow on the lane was covered by the ‘Hedgerow Regulations’ 1997 (SI No.1160).

Under these regulations it is against the law to remove most countryside hedgerows without permission. To get permission to remove a hedgerow, the owners need to write to the LPA. If a hedgerow is removed without permission (whether it is important or not) the owners can face unlimited fines and they may have to replace the hedgerow.

Permission is not needed if the hedgerow in question is shorter than 20m. Permission is also not needed to get access, either in place of an existing opening, provided a new hedge is planted to fill the original entrance, or when another means of entry is not available, except at disproportionate cost.

Where an owner has sought permission to remove a hedgerow, the LPA must decide whether the hedgerow is ‘important’. If the hedgerow is not 30 years old and doesn’t meet at least one of 8 set criteria involving archaeological, historical, wildlife or landscape value, then the LPA cannot refuse removal of the hedgerow.

But if the LPA, after carrying out the required consultations, decide the hedgerow is important, then they must refuse permission for the hedgerow to be removed and issue a ‘hedgerow retention notice’.

(source: DoE ‘The Hedgerow Regulations – Your questions answered’).

In conclusion, yes, the ‘Hedgerow Regulations’ do apply here. Section 97(8) of the Environment Act 1995 defines “hedgerow” as including any stretch of hedgerow and the owners have therefore committed a criminal offence by removing a hedgerow without permission.

Stuart.

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