
DRAFT STATUTORY INSTRUMENTS

2024 No.

The Management of Hedgerows (England) Regulations 2024

PART 2

Management of hedgerows

Hedgerows to which these Regulations apply

3.—(1) These Regulations apply to any hedgerow growing on land used for agriculture if that hedgerow has—

- (a) a continuous length of 20 metres or more; or
- (b) a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow,

except where the hedgerow is a hedgerow of a kind described in paragraph (2).

(2) A hedgerow described in this paragraph is any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling house.

(3) These Regulations also apply to a stretch of hedgerow forming part of a hedgerow described in paragraph (1).

(4) Where a hedgerow meets (whether by intersection or junction) another hedgerow, it is to be treated as ending at the point of intersection or junction.

(5) When ascertaining the length of a hedgerow for the purposes of these Regulations, any gap—

- (a) resulting from a contravention of the Hedgerows Regulations 1997⁽¹⁾; or
- (b) not exceeding 20 metres,

is to be treated as part of the hedgerow.

(6) For the purposes of this regulation—

“a hedgerow growing on land used for agriculture” includes any hedgerow growing on land adjacent to land used for agriculture which is owned by the owner of the hedgerow; and

“gap”, in relation to a hedgerow, means any opening (whether or not it is filled).

Prescribed criteria for “important” hedgerows

4. For the purposes of section 97 of the Environment Act 1995 (hedgerows) and of these Regulations, an “important” hedgerow is one to which, by virtue of regulation 3, these Regulations apply.

(1) S.I. 1997/1160; as amended by the Countryside Rights of Way Act 2000 (c. 37) and by S.I. 2003/2155, 2006/1177, 2009/1307, 2013/755 and 2015/377.

General maintenance requirements for important hedgerows

5.—(1) An owner of an important hedgerow or any person employed or engaged by an owner or otherwise acting on an owner's behalf must, in relation to an important hedgerow or the owner's agricultural land, comply with the general maintenance requirements set out in paragraphs (2) and (3).

(2) The requirements set out in this paragraph are to take all reasonable steps to establish and thereafter maintain green cover on land within two metres of the centre of an important hedgerow.

(3) The requirements set out in this paragraph are to not cultivate or apply fertilisers or pesticides to land within two metres of the centre of an important hedgerow unless—

(a) using pesticides, by way of spot application, to control the spread of any of the following weeds—

- (i) broad-leaved dock (*Rumex obtusifolius*);
- (ii) creeping or field thistle (*Cirsium arvense*);
- (iii) curled dock (*Rumex crispus*);
- (iv) giant hogweed (*Heracleum mantegazzianum*);
- (v) Himalayan balsam (*Impatiens glandulifera*);
- (vi) Japanese knotweed (*Reynoutria japonica*);
- (vii) ragwort (*Senecio jacobaea*);
- (viii) rhododendron (*Rhododendron ponticum*);
- (ix) spear thistle (*Cirsium vulgare*); and

(b) the land is being cultivated for one or more of the reasons specified in paragraph (4).

(4) The reasons specified in this paragraph are that—

- (a) the land is being cultivated to establish a green cover where a green cover does not exist;
- (b) written permission from the Regulator has been given to cultivate the land in order to—
 - (i) enhance the environment;
 - (ii) improve public or agricultural access; or
 - (iii) for reasons relating to livestock or crop production;
- (c) the land is being cultivated because there is otherwise a risk to human or animal health and safety;
- (d) the land is being cultivated or, as the case may be, fertilisers are being applied or pesticides are being used to—
 - (i) enable the treatment of a serious cause of harm to plant health or a serious infestation of any pest or weed; or
 - (ii) to permit measures to be taken to prevent the development of any such cause of harm or infestation.

(5) The requirements of this regulation do not apply to—

- (a) land either side of an important hedgerow where it can be demonstrated that the hedgerow is less than five years old;
- (b) land forming part of a parcel of two hectares or less, as measured within permanent boundary features;
- (c) the casting up of a traditional hedgerow bank during the period beginning 1st September in any year and ending on 28th or, as the case may be, 29th February in the following year, inclusive of those dates;

- (d) land on the side of an important hedgerow which is facing a dwelling house where the hedgerow marks a boundary of the curtilage of the dwelling house;
 - (e) land used for an allotment within the meaning given by section 1 of the Allotments Act 1925(2) (interpretation).
- (6) In paragraph (5)(c), a “traditional hedgerow bank” means an earth bank faced with turf or stone and topped with hedge plants.
- (7) This regulation applies—
- (a) as regards agricultural land next to an important hedgerow that is not used for crop production, from 1st July 2024; or
 - (b) as regards agricultural land next to an important hedgerow that is used for crop production, from the end of the first harvest of that crop that takes place after 1st July 2024.

Cutting and trimming of important hedgerows

6.—(1) The cutting and trimming of an important hedgerow is prohibited during the period beginning with 1st March in any year and ending on 31st August in that year, inclusive of those dates, except in the circumstances described in paragraphs (2) and (3).

(2) The circumstances described in this paragraph are where the cutting or trimming is of an important hedgerow which—

- (a) 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 users;
- (b) obstructs the view of such users or the light from a public lamp; or
- (c) is dead, diseased, damaged or insecurely rooted and, because of its condition, the hedgerow, or part of it, is likely to cause danger by falling on to a highway, road or footpath.

(3) The circumstances described in this paragraph are where—

- (a) the cutting or trimming—
 - (i) takes place during the period beginning with 1st March in any year and ending on 30th April in that year, inclusive of those dates, and is for the purposes of carrying out hedge-laying or coppicing;
 - (ii) is in order to trim a newly laid hedgerow by hand, within six months of it being laid;
 - (iii) takes place during the month of August and is for the purposes of sowing oilseed rape or temporary grassland during that month, and the owner has notified the Regulator in writing before any cutting or trimming is undertaken; or
 - (iv) is in the interests of human or animal health and safety;
- (b) the cutting or trimming is to—
 - (i) enable the treatment of a serious cause of harm to plant health or a serious infestation of any pest or weed; or
 - (ii) permit measures to be taken to prevent the development of any such cause of harm or infestation;
- (c) the cutting or trimming is carried out on land by virtue of, or in connection with, any statutory activity and is reasonably necessary for that purpose;
- (d) written permission from the Regulator has been given to cut or trim the hedgerow—
 - (i) for the purposes of enhancing the environment;
 - (ii) for the purposes of improving public or agricultural access; or

(2) 1925 c. 61. Section 1 was amended by the Statute Law Repeals Act 1993 (c. 50), Schedule 1, Part 3.

(iii) for reasons relating to livestock or crop production.

(4) In paragraph (3)(c), “statutory activity” means an activity undertaken under or by virtue of any enactment (including any authorisation granted under any enactment).