

Hedgerow summary

A public consultation on protecting hedgerows ran for 12 weeks from 28 June to 20 September 2023 in England.

The consultation paper noted that hedgerows are the very essence of our countryside, they are important boundary features and help farmers manage livestock, slow soil erosion and water run-off, and support crop pollinators for food production. They are crucial for climate adaptation and storing carbon and are a key part of our Net Zero commitment. Hedgerows also provide vital resources for mammals, birds and other species. They act as wildlife corridors – allowing species to move between isolated habitats. They can also harbour beneficial insects that predate crop pests, supporting an integrated pest management approach for farmers. And, of course, they add to the beauty of our countryside.

The consultation also noted existing programmes funded by government to protect and promote hedgerows. Through Countryside Stewardship the government pays for some management of hedgerows and offer capital grants to plant and restore hedgerows or plant trees within a hedgerow. The government has supported farmers to create or restore 8,450 miles of hedgerow through these, and through our new schemes we want to do even more. The Sustainable Farming Incentive will reward farmers for increasing hedgerow length and optimising existing hedgerows to improve the offer to wildlife, water quality and carbon sequestration.

As well as rewarding those who are actively improving hedgerows, the government wants to ensure it has the appropriate level of protection for hedgerows. This consultation sought views on how best to protect hedgerows. Some 8,841 responses were received to the consultation.

Response to public consultation

After careful consideration of consultation responses and the overwhelming support for action to protect hedgerows from both the farming and non-farming community, the government stated its intention to bring forward new legislation to protect hedgerows in England as soon as Parliamentary time allows.

The government noted its intention for the Rural Payments Agency (RPA) to be the regulator to protect hedgerows. It also intends to introduce a range of Civil Sanctions through the Regulation and Sanctions Act 2008 (RES Act), which RPA will use as part of its enforcement approach to help landowners come into compliance. In summary the government will establish the new rules aimed to:

Buffer strips

- replicate the 2m requirement for buffer strips and not increase the required width
- continue to offer payment for buffer strips wider than 2m
- continue to allow the spot application of pesticides within buffer strips to control the spread of invasive and injurious weeds
- continue to measure the 2m buffer strip from the centre of a hedgerow as this takes into account hedgerows of all densities
- replicate the exemption for the 2 m buffer strip requirement for hedgerows under 5 years old

- replicate the exemption for field sizes under 2 hectares

Cutting ban and related exemptions

- maintain a cutting ban period and maintain the dates from 1 March to 31 August
- permit cutting or trimming during the cutting ban period:
 - if the hedge overhangs a highway, road or footpath over which there is a public or private right of way and the overhanging hedge obstructs the passage of, or is a danger to, vehicles, pedestrians or horse riders
 - if the hedge 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
 - if the hedge obstructs or interferes with the view of drivers or the light from a public lamp
 - if it is to carry out hedge-laying or coppicing during the period 1 March to 30 April (inclusive)
 - if it is to trim a newly laid hedge by hand, within 6 months of it being laid
 - if the Secretary of State has, in order to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production, given the beneficiary written permission to do so
 - in the interests of human or animal health or safety
- permit cutting or trimming a hedgerow, or a tree growing in a hedgerow, in August for the purposes of sowing oilseed rape or temporary grassland during the same August provided that the RPA has been notified.

Enforcement

In the legislation the government proposes to:

- introduce an enforcement mechanism to support the new regulation which will look very different from that seen under previous regimes
- advice and guidance will be the default to help farmers and land managers adopt the best hedgerow management practices, become compliant with the new legislation, and focus on outcomes
- introduce some Civil Sanctions, namely Stop Notices, Compliance Notices, Restoration Notices and Variable Monetary Penalties – these will allow the RPA, as the regulator, to take proportionate and effective actions where necessary in more serious cases to ensure that hedgerows continue to be protected
- include criminal sanctions to enable the RPA to take appropriate actions against anyone causing serious or repeated damage
- in view of the need for proportionality, we have decided on balance not to include Fixed Monetary Penalties in the new legislation