



Hedge Policy

April 2008

1. Background

1.1. The Council is committed to making the environment cleaner, safer and greener. Hedgerows play an important role in the environment by helping prevent soil erosion, providing shelter for livestock and crops, assisting in boundary control, providing an essential habitat and food source for birds and wildlife, support biodiversity, as well as providing a key aesthetic feature of the English countryside.

1.2. Ashfield District Council's (ADC's) responsibility is to ensure that hedges bordering the public highway, footpaths and bridleways are maintained to the required specification by the land owner, occupier or tenant to ensure that they do not pose a physical or visual obstruction to road users and the public. The Council are also responsible for ensuring the integrity and health of the hedge it maintains which is an asset to birds and wildlife and that it remains a viable boundary.

2. Hedgerows in Ashfield District

2.1. Most of the hedgerows within Ashfield are mixed and deciduous, the most common species being:

- *Crataegus monogyna* - Hawthorn
- *Ligustrum ovalifolium* - Privet
- *Ilex aquifolium* - Holly
- *Fagus sylvatica*; - Beech

2.2. The Council maintains 3,846 linear metres of hedgerows which predominantly borders council owned land. We also maintain 28,809 square metres of shrub beds which are within the public domain.

3. Privately owned hedges

3.1. The vast majority of hedges bordering the public highway are privately owned or occupied, typically by farmers, who maintain them themselves. Their activity is regulated by the Council's Highways Services Section, to ensure compliance with the relevant legislation.

4. Relevant Legislation

4.1. The Council will maintain hedgerows in accordance the following legislation and will also seek compliance for those maintaining privately owned hedges:

4.2. Hedgerows Regulations 1997

It is against the law to remove or destroy certain hedgerows without securing permission from the local planning authority. Permission is required before removing hedges that are at least 20 metres in length, over 30 years old and contain certain species of plant. Hedges contained within private residential properties do not require planning permission for removal.

4.3. Section 154 of the Highways Act 1980

The Council is responsible for ensuring the maintenance of hedgerows adjacent to the public highway. Land owners, occupiers or tenants who are responsible for a hedge which borders the public highway are obliged to ensure that it is not overgrowing the pavement, obstructing a driver's vision, or obstructing the light from a street lamp. If a privately owned hedge causes this problem, the Highways Services section may serve a notice on the land owner requiring it to be pruned. If the landowner, occupier or tenant fails to act, the Council may undertake the work on their behalf and re-charge for the cost of the work.

4.4. Wildlife and Countryside Act 1981

Birds will often nest in hedges, shrubs and trees. The main nesting season is March to August inclusively; however, nesting may occur outside this period depending on prevailing weather conditions. Nesting birds are protected under this legislation, which makes it an offence to intentionally or recklessly

- Kill, injure or take any wild bird
- Take, damage or destroy its nest whilst in use or being built
- Take or destroy its eggs

A person is not guilty on an offence if the act was the incidental result of a lawful operation and could not reasonably have been avoided.

5. Maintenance Policy

With due regard to the legislation above, the Council will:

- 5.1. Undertake a programme of maintenance to the hedgerows it is responsible for from September to October and then from January to the end of February, in line with guidance from the RSPB. It is also the Council's policy to limit hedge cutting during the nesting season from March to August unless there is an immediate risk to public safety.

In exceptional circumstances hedge maintenance may be undertaken during these restricted periods, if for instance a hedge is registering a high number of requests for trimming due to it being unsightly even though it is safe; or for reasons of antisocial behaviour where the hedge may be used as cover; or environmental health reasons such as nesting rats. In such cases, hand trimming of "whip growth" and scrub clearance may be undertaken using powered hand tools, but only after completion of a permit to work risk assessment. (see appendix 1)

- 5.2. Typically for Council maintained highway hedges, we will utilise a tractor with mounted side-arm flail cutters to undertake the maintenance. Clippings will not routinely be removed as they usually fall beneath the hedge and provide refuge for small animals and suppress weed growth. If however, clippings from a thorny hedge fall on a foot or cycle path, the council will sweep these away. For smaller hedges, handheld mechanical equipment will be used and clippings collected and disposed of.

- 5.3. For hedges maintained by the land owner, occupier or tenant, it is their responsibility to maintain the hedges and remove hazardous clippings from footpaths and cycle paths. The Highways Services Section will enforce this

- 5.4. Where a hedgerow presents an immediate risk to public safety (e.g. overhangs a public highway, public footpath, or by obstructing a driver's vision), it may be necessary to undertake emergency maintenance within the nesting season to comply with the Council's obligations under section 154 of the Highways Act.
- 5.5. Where emergency maintenance is required during the nesting season, the hedge or shrub will then be thoroughly checked for nests by a Team Leader, but the work will not proceed without prior authorisation from the Environmental Services Manager. During the nesting season, hand tools (inc powered) will only be used to undertake the most limited cut necessary to achieve the required objective.
- 5.6. If nests are identified as present by the Team Leader, maintenance will only proceed if there is an immediate road safety issue as determined by the Environmental Services Manager.
- 5.7. If nesting birds are discovered and/or disturbed while hedge cutting, all operations will cease and the Environmental Services Manager must be contacted.
- 5.8. This maintenance policy will apply irrespective of whether the Council is undertaking work on public or private hedges and shrubs.
- 5.9. The Council will not remove protected hedgerows unless approved to do so by the correct authorities, which are ADC's Planning Department or the Highways Authority, Nottinghamshire County Council.
- 5.10. The Council will not routinely spray hedges with fertilizer or pesticides. This will only be done in exceptional circumstances, where a hedge is afflicted with a pest and requires treatment to maintain public safety.

6. Use of Contractors

- 6.1. Where the Council engages a contractor to undertake work on hedges, the contractor will be issued with this policy prior to commencing any work. They will be bound by the stipulations in this policy and will be required to sign that they have received and understood its contents.

7. New Developments

- 7.1. The council will endeavour to retain hedgerows within any new development where possible. Examples of this approach can be seen within the Calladine Estate development and within Brierley Park.

Appendix 1: Permit to Work Risk Assessment

Before hedge trimming can be undertaken during the months **March to August** and **November and December** the following must be completed.

Exact Hedge Location

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Date of work

- Have you walked and visually inspected the full length of the hedge to be trimmed?
- Is the hedge clear of all nesting birds?
- Are you using hand tools only (including powered ones) to undertake the work?
- Are you trained to use this equipment and undertake this work?
- Are you using the correct Personnel Protection Equipment?
- Is the reason for undertaking this work for health and safety or another exceptional reason?

Please Tick

Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No

Please detail the reason below:

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If you have answered YES to all of the above question you may proceed with the work.

If you answered NO to any question you must NOT proceed. Please contact your team leader to advise him of the reason why the work can not take place and for further instructions.

Operatives Signature Date

Team Leader Signature Date

Appendix 2: General Good Practice Guidance

Ideally, hedgerows should be trimmed no more frequently than every other year, or preferably every third year for slow growing thorn hedges.

Trimming all hedges on the same farm or area in a single year should be avoided.

Ideally the adoption of a rotational cutting regime so no more than one third of the hedges are trimmed within the same 12 months should be undertaken. This is because some species only flower on second year growth, so annual cutting reduces the subsequent berry crop.

There are, however, exceptions as hedgerows alongside roads and farm access tracks may need to be trimmed annually to avoid a physical and visual obstruction which can pose a serious hazard to motorists and road users.

Young hedgerows (newly planted, coppiced or laid) also need a light annual trim for about 10 years to train them into a good shape and any gaps should be filled with local provenance stock of mixed species.

It should also be noted that over-management – or trimming a hedge too severely – can have a detrimental effect on conservation. In general, taller, bushier hedgerows provide more wildlife potential than smaller, thinner hedges.

If conditions are such that you need to trim hedges when berries are still present, only the hedge sides should be trimmed as this will leave some fruit.

Particular attention should be made to avoid spray and fertiliser drift into hedges, hedge verges and hedge bottoms.

Contact Details

For further information or to speak to a grounds maintenance supervisor about the issues raised in this policy document please contact the department via the following:-

Grounds Maintenance

Email - groundsadmin@ashfield-dc.gov.uk

Telephone - 01623 450 000

Planning Department

Telephone - 01623 457 284

Email - info@ashfield-dc.gov.uk

Website - www.ashfield-dc.gov.uk/ccm/navigation/environment/planning/

Useful Links/Contacts

Defra Hedgerows - Helpline 08459 33 55 77

<http://www.defra.gov.uk/farm/environment/landscape/hedgerows.htm>

Farming and Wildlife Advisory Group - Tel: 02476 696 699

<http://www.fwag.org.uk/>

RSPB - Tel: 01767 680551

<http://www.rspb.org.uk/>

Game Conservancy Trust - Tel: 01425 652381

<http://www.gct.org.uk/>

National Hedgelaying Society : <http://www.hedgelaying.org.uk/>

Devon's hedgerows - Devon has more hedges remaining than any other county in the UK :

http://www.devon.gov.uk/index/environment/natural_environment/biodiversity/devon_hedges.htm

Health and Safety Executive : <http://www.hse.org.uk/>

RSPB: Farm Hedges and their Management :

<http://www.rspb.org.uk/ourwork/farming/advice/farmhabitats/uk/hedge/index.asp>

Safe Use of Rotary Flail Hedge Cutters (HSE AIS21 :

<http://www.hse.gov.uk/pubns/ais21.htm>