

## Response ID ANON-EXVA-T6S1-2

Submitted to Consultation on Protecting Hedgerows  
Submitted on 2023-09-18 13:28:30

### Introduction

1 Would you like your response to be confidential?

No

If you answered Yes to this question, please give your reason.:

2 What is your name?

Name:  
Catherine Bell

3 What is your email address?

Email:  
catherinebell@archaeologyuk.org

4 Which of these sectors do you most align yourself or your organisation with?

Non-governmental organisation

Please specify, if needed :

5 If you are responding on behalf of an organisation, what is its name?

Organisation :  
Council for British Archaeology (CBA) and Chartered Institute for Archaeologists (CIfA) (joint response)

6 In which part of the United Kingdom are you based?

England, Wales, Scotland, Northern Ireland

If other, please state :

7 If you are a farmer or a land manager, what enterprises do you have on your farm (if applicable)?

8 Are you happy to be contacted in the future for further research?

Yes

### Consultation Questions

9 Should we maintain the requirement for buffer strips that are 2m from the centre of the hedgerow?

Yes

Please use this space for any additional comments:

10 If we maintain the 2m buffer strip requirement, should we also replicate an exemption for field sizes under 2 hectares?

No

Please use this space for any additional comments:

It's very common across the country for historic field systems to be composed of smaller fields with historically important hedgerows and other types of field boundaries (e.g. dry stone walls), which make an important contribution to the landscape character of the area. In many areas fields over 2 hectares are the result of 20th century removal of historic hedgerows to increase food productivity.

An exemption from the 2m margin requirements would impact historically significant hedgerows where significant roots would then be within the plough zone. Exempting fields under 2 hectares would therefore undermine the intention of protecting 'important hedgerows'. 2m from the centre of a hedge is not a large buffer strip. The impact on agricultural production from requiring a 2m margin is minimal, whilst the benefit to wildlife, biodiversity and protecting the roots of historic hedgerows is considerable.

The size of the field does not determine the importance of the hedge either for its historical, archaeological or landscape significance, as currently defined in The Hedgerows Regulations 1997, or its potential for biodiversity. Creating an exemption for smaller fields will undermine the positive impact of these hedgerow regulations to support the natural and historical environment.

11 If we maintain the 2m buffer strip requirement, should we also replicate an exemption for hedgerows under 5 years old?

No

Please use this space for any additional comments:

Hedgerows under 5 years old are the mature hedges of the future that are becoming established. In many instances they will be reinforcing a historic hedge line or filling in gaps to historic hedgerows. As such they contribute to the historic landscape character of an area as well as providing habitat for wildlife species. Many hedgerows under 5 years old will have been planted with grants / subsidies / as part of environmental schemes. On what grounds would it then be acceptable to remove hedges that have been planted for their public benefit (to the natural and historic environment) if they have been paid for with public money? If there is clear and convincing justification for removing young hedgerows this action should be subject to BNG regulations to contra this harm with habitat creation elsewhere.

12 Should we maintain a no cutting period to ensure hedgerows are managed in a way which protects important bird species?

Yes

Please use this space for any additional comments:

13 Should the no cutting period remain as 1 March to 31 August, or be amended to an alternative?

Not Answered

Please set out your reasoning or evidence below :

No comment.

Cutting date evidence :

No file uploaded

14 If we maintain a no cutting period, should we also replicate exemptions to the regulations?

Not Answered

Please use this space for any additional comments:

No comment.

15 If you answered yes to the previous question, should there be a requirement to apply to the relevant authority for an exemption?

Not Answered

Please use this space for any additional comments:

No comment.

16 Should we introduce a new exemption to the hedgerow management requirements for farms under 5 hectares?

No

Please use this space for any additional comments:

According to current policy (The Hedgerows Regulations 1997; Schedule 1; part 2; Criteria; 1-5) important hedgerows may be located on a site of any size. Determining the importance of hedgerows and undertaking historic hedgerow management by the size of the site would be in violation of this policy and could enable harm to field boundaries with historical, archaeological and landscape value.

Historically, agricultural holdings were often smaller. Remaining small holdings may contribute to the landscape character of their area. An important component of this character is their field boundaries, which may be hedgerows or dry-stone walls depending on their geographical area / period of enclosure. Appropriate hedgerow and dry-stone wall management in such locations should not be exempt from best practice for wildlife, biodiversity or management of the historic / natural environment.

We are concerned that the Government has not brought forward regulations for field boundaries such as dry-stone walls within this instrument, and we are very worried that there are no current plans to do so elsewhere. This essentially means that existing GAEC regulations will be subject to backsliding on historic field boundaries and historic features for at least the medium term future. We urge government to respond with an explanation of its plans in respect of the wider issue of field boundaries, and particularly, why it would not be possible to include coverage for this aspect of GAEC 7a within revised Hedgerows Regulations, which already deal with the historic environment in other respects.

17 If we amend the Hedgerows Regulations 1997 to include additional management measures, we will require an additional definition of what constitutes an important hedgerow for the proposed measures. Do you agree with the below definition of an 'important hedgerow' for hedgerow management activities only?

No

Please use this space for any additional comments:

We do not support the introduction of a definition of an 'important hedgerow' simply by its length. This definition doesn't capture the historical and archaeological importance of hedgerows. At present the criteria for important hedgerows relate to their value from historical, landscape, archaeological AND wildlife perspectives. They also exclude hedgerows that are less than 30 years old.

In this consultation, it is not clear that existing reference to the historical and archaeological importance of hedgerows is to be retained. It is vital that it is, and we would welcome a confirmation from Government that it does not intend to lose these important elements of existing Hedgerows regulation. Furthermore, we would welcome this opportunity to update the existing section of the Regulations (Schedule 1, Part I and II) to take account of current provision of Historic Environment Records.

We are concerned that, with the loss of GAEC7, guidance for managing hedgerows may no longer be defined in the same place as guidance on the appropriate management of other types of historical field boundaries (stone walls, earth banks and stone banks). We therefore recommend that it would also be helpful to append a further section dealing with other historic field boundaries within this section, or at another appropriate point of the document.

We support the removal of the age consideration (for benefits to wildlife and biodiversity) but believe the archaeological, historical and landscape criteria MUST remain to avoid the resultant harm to the archaeological, historical & landscape values of a place from omitting these considerations.

18 Where should we focus our ambitions for future hedgerows policy?

Answer::

Future policy needs to consider how historic features protected in GAEC 7a will be protected in future. At present this is not covered in this consultation. Appropriate policy should cover all field boundary types including dry stone walls, dykes, and ditch and bank systems. These field boundaries merit inclusion because of the similar influences that they have to hedgerows on BNG, landscape and historic environment outcomes.

Between 1998 and 2004, grants delivered through agri-environment schemes secured the restoration of 517 farm buildings and 191km of drystone walls. A study carried out by ADAS on behalf of Defra examined the range of public benefits that flowed as a result of this investment. The study concluded that the schemes had resulted in a total injection of between £7 million and £9 million into the local economy. Therefore, it makes economic sense to ensure that all of GAEC 7a and wider GAEC 7 is carefully considered in future policy.

Strengthening existing policy around hedgerows and historic/important hedgerows and boundaries will be beneficial for both the climate and heritage. We also believe a better understanding of protecting hedgerows in the historic landscape is needed.

19 If we develop further protections, should we consider extending them to hedgerows outside of agricultural land?

Yes

Please use this space for any additional comments:

Hedgerows (and other boundaries such as dry-stone walls and dykes) are an important component of the historic landscape. The position of hedgerows and field boundaries shows how land was used in the past, and the position and siting of access points, tracks and footpaths often indicate the way people would have accessed and travelled through the landscape over hundreds of years.

This is not restricted to agricultural land, so management of hedgerows should not be restricted to agricultural land either, so long as regulation is not more sensibly served via alternative provision, for example with the NPPF for land where the major opportunity to seek outcomes is through the planning system. An example of where Hedgerows Regulations could be helpfully extended would be historic estate or manor grounds, and parkland..

Hedgerows delineate historic routes across the country. They form an intrinsic part of the wider historic landscape and overlie older, sometimes prehistoric, boundaries such as ditches and eroded banks. Such routes often join up old settlements beyond agricultural areas into more urban areas. Although not often a standalone heritage asset, hedgerows can be an important element in the setting of heritage assets, as such, ensuring that the regulations adequately covers hedgerows adjacent to scheduled monuments would be appropriate.

As well as contributing to the historic character of non-agricultural areas by delineating historic boundaries, hedgerows (when well managed) support wildlife and biodiversity in more urban areas. It is known that people value wildlife locally to their homes. We would welcome NPPF provisions which replicated good management regulations on hedgerows in agricultural environments into planning policy, in order to deliver tangible public benefits in all places where hedgerows may deliver positive outcomes for biodiversity.

## Delivery questions

20 Do you agree stop notices should be introduced, prohibiting a person from continuing a harmful activity? Stop notices can be used on their own or in conjunction with a monetary penalty.

Yes

Please use this space for any additional comments:

The removal of historic hedgerows can negatively impact below ground heritage assets of archaeological interest and the setting of heritage assets. Stop notices and prior approval processes can be helpful tools to ensure that such impacts are minimised or avoided.

21 Do you agree compliance notices should be introduced, requiring a non-compliant person to undertake certain actions to bring themselves back into compliance?

Not Answered

Please use this space for any additional comments :

Compliance with the terms of any environmental land management is an essential part of delivering the public benefit required from receiving public money. Ensuring compliance ensures the delivery of historic environment management, habitat restoration and biodiversity net gains which the public money is intended to secure.

It should be noted that not all negative impacts can be simply rectified, for example, a destroyed historic asset cannot be replaced. This can potentially include the historic hedgerow itself or an associated heritage asset.

22 Do you agree restoration notices should be introduced to rectify any harms resulting from non-compliance?

Yes

Please use this space for any additional comments:

Yes, in line with the 'nature first' requirements of the Environment Act. When reinstatement is required as a result of damage undertaken to a hedgerow of historic importance or an associated heritage asset, the historic environment teams at the Local Planning Authority should be consulted on the most appropriate form of mitigation.

23 Do you agree variable monetary penalties should be introduced, increasing in value relative to the severity of actual harm?

Yes

Please use this space for any additional comments:

The Environmental Land Management (ELM) schemes will reward farmers and land managers with public money for providing public benefits, such as clean air, clean and plentiful water, flood protection and thriving wildlife. It is appropriate that harmful acts which counteract these public benefits should be penalised in a proportionate way..

24 Do you agree fixed monetary penalties should be introduced, and used at the discretion of the regulator?

Yes

Please use this space for any additional comments:

The regulator's discretion is an important part of responding to any variables within a given situation.

### Consultee Feedback on the Online Survey

25 Overall, how satisfied are you with our online consultation tool?

Satisfied

26 Please give us any comments you have on the tool, including suggestions on how we could improve it.

Comments:

An option to add additional comments that are relevant to this consultation, but are not relevant to the direct focus of any of the questions that are asked, would be good.