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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the protection of important hedgerows in England and Wales. To facilitate the protection of those hedgerows, the Regulations apply to a wider class of hedgerows, described in regulation 3 (in particular to hedgerows which are 20 metres or more long or which meet another hedgerow at each end and which, in each case, are on or adjacent to land used for certain specified purposes).

Before removing any hedgerow, including a stretch of hedgerow, to which these Regulations apply the owner (or in certain cases a relevant utility operator) must notify the local planning authority (regulation 5). The hedgerow may then not be removed if the local planning authority serves a hedgerow retention notice, which may be done only if the hedgerow is important according to the criteria set out in regulation 4 and Schedules 1 to 3. The requirement for the owner (or utility operator) to notify the local planning authority does not apply to the permitted work described in regulation 6.

There are provisions for criminal offences (regulation 7), replacement of hedgerows removed in contravention of the regulations (regulation 8), appeals against hedgerow retention and other notices (regulation 9), record-keeping by the local planning authority (regulation 10), enforcement by injunction (regulation 11) and rights of entry (regulations 12 to 14). There are also provisions for hedgerows owned by the local planning authority (regulation 15) and ecclesiastical property (regulation 16(1)). Some of these further provisions apply provisions of planning legislation and others make provision comparable to that to be found in the planning legislation in connection with appeals or with the preservation of trees.

The criterion for determining important hedgerows set out in paragraph 6 of Part II of Schedule 1 refers to publications known as Red Data Books. Copies of those publications are available from specialist bookshops and are available for inspection between the hours of 9 a.m. and 5 p.m. Monday to Friday at the offices of the Department of the Environment, Eland House, Bressenden Place, London SW1 and of the Welsh Office at Cathay's Park, Cardiff.