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STATUTORY INSTRUMENTS

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**1997 No. 1160**

**The Hedgerows Regulations 1997**

**Permitted work**

6.—(1) The removal of any hedgerow to which these Regulations apply is permitted if it is required—

- (a) for making a new opening in substitution for an existing opening which gives access to land, but subject to paragraph (2);
- (b) for obtaining temporary access to any land in order to give assistance in an emergency;
- (c) for obtaining access to land where another means of access is not available or is available only at disproportionate cost;
- (d) for the purposes of national defence;
- (e) for carrying out development for which planning permission has been granted or is deemed to have been granted, except development for which permission is granted by article 3 of the Town and Country Planning General Permitted Development Order 1995(1) in respect of development of any of the descriptions contained in Schedule 2 to that Order other than Parts 11 (development under local or private Acts or orders) and 30 (toll road facilities);
- (f) for carrying out, pursuant to, or under, the Land Drainage Act 1991(2), the Water Resources Act 1991(3) or the Environment Act 1995(4), work for the purpose of flood defence or land drainage;
- (g) for preventing the spread of, or ensuring the eradication of—
  - (i) any plant pest, within the meaning of the Plant Health (Great Britain) Order 1993(5), in respect of which any action is being, or is to be, taken under Article 22 or 23 of that Order, or
  - (ii) any tree pest, within the meaning of the Plant Health (Forestry) (Great Britain) Order 1993(6), in respect of which any action is being, or is to be, taken under Article 21 or 22 of that Order;
- (h) for the carrying out by the Secretary of State of his functions in respect of any highway for which he is the highway authority(7) or in relation to which, by virtue of section 4(2) of the Highways Act 1980, he has the same powers under that Act as the local highway authority;
- (i) for carrying out any felling, lopping or cutting back required or permitted as a consequence of any notice given or order made under paragraph 9 of Schedule 4 to the Electricity Act 1989(8) (felling, lopping or cutting back to prevent obstruction of or interference with electric lines and plant or to prevent danger); or

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(1) S.I. 1995/418.

(2) 1991 c. 59. See the definition of “drainage” in section 72(1), as substituted by the Environment Act 1995 (c. 25), section 100(2).

(3) 1991 c. 57. See the definition of “drainage” in section 113(1), as amended by the Environment Act 1995, section 100(1).

(4) 1995 c. 25. See, in particular, section 2(1)(a)(iii).

(5) S.I. 1993/1320; a relevant amending instrument is S.I. 1995/1358. The definition of “plant pest” is contained in article 2(1) of the Order.

(6) S.I. 1993/1283. The definition of “tree pest” is contained in article 2(1) of the Order.

(7) See Part I of the Highways Act 1980 (c. 66).

(8) 1989 c. 29.

- (j) for the proper management of the hedgerow.
- (2) Where the removal of a hedgerow to which these Regulations apply is permitted by these Regulations only by paragraph (1)(a), the person removing it shall fill the existing opening by planting a hedge within 8 months of the making of the new opening.
- (3) The fact that work is permitted under these Regulations does not affect any prohibition or restriction imposed by or under any other enactment or by any agreement.