

Legal protections for hedgerows

Westminster Hall debate briefing

24th January 2024



Background

- Hedgerows are a vital part of farmland nature. They act as wildlife corridors, provide a home for insects that predate on crop pests, clean the air, capture carbon and reduce flooding.
- Hedge numbers have declined rapidly in the last century. Around 118,000 miles of hedgerows have disappeared since 1950, largely due to intensification of agriculture, [according to Woodland Trust figures](#). The loss has slowed since the 1990s, but neglect, damage and removal remain significant threats.
- Previously, hedgerows on farms were protected by regulations carried over from the EU's Common Agricultural Policy (CAP), known as "cross-compliance". Farmers receiving CAP payments were required to maintain a buffer strip within two metres of the centre of a hedge, where cultivation of land was prohibited and fertilisers or pesticides could not be applied. It was also stipulated that a hedge must not be cut between 1 March and 31 August, when birds are nesting.
- These cross-compliance protections for hedgerows ended on 1st January 2024 with the repeal of EU derived legislation.
- Whilst the 1997 Hedgerow Regulations offer a limited degree of legal protection, these rules only apply to narrowly defined "important" hedges.
- There should be no weakening of longstanding hedgerow protections if we are to meet legally binding carbon and nature targets. This gap must be filled with protections of at least equivalent strength as a matter of urgency.

Is this a live issue in Westminster?

- Defra published a [consultation in June](#) proposing to transpose cross-compliance protections into the existing Hedgerow Regulations. However, as the consultation was published late, it was acknowledged that the earliest this can be done is summer 2024, leaving a gap in protections.
- Peers [debated](#) the statutory instrument which removed cross compliance in December, with a number raising concern about the loss of protection for hedgerows.
- 85 MPs and peers are [CPRE Hedgerow Heroes](#), calling on the government to commit to significant hedgerow planting and restoration.

What impact would damage to farmland hedgerows have on nature?

- Hedgerows are a beloved feature of the British countryside, [home to species like](#) hedgehogs, bank voles, blue tits, honeysuckle, whitethroats, common lizards and tree sparrows.
- RSPB figures find that in the last five years farmland bird species have [declined by 8%](#). Red-listed species threatened with extinction, such as the Yellowhammer and Linnet, depend upon agricultural hedgerows for habitat, resources and shelter.
- Hedgerows are also a crucial carbon store. [Research from the University of Leeds](#) found that soil beneath hedgerows stored on average 30% more carbon than the adjacent intensively managed grass fields, whilst the hedge itself is also a carbon store.

- Hedgerows can support farm businesses in becoming more resilient to climate change by providing natural pest control, boosting pollination, sheltering livestock and crops, and regulating the flow of water.
- Many hedgerow trees are [ancient or veteran trees](#) (or could be ancient trees of the future, if protected).

Why are buffer strips important for nature?

- [2m buffer strips are essential](#) for maintaining the quality, resilience and retention of hedgerows and hedgerow trees.
- Buffer strips are vital resources for many threatened species, including farmland birds, invertebrates, rare plants and mammals. They provide connectivity and safe corridors for travel in fragmented landscapes and protect watercourses from pesticide drift and fertiliser runoff.
- Buffers protect hedgerows and hedgerow trees financed through Environmental Land Management (ELM), protecting the value of public investment in public goods.
- All hedgerows require buffers of at least two meters to thrive; even very high uptake of buffer strip options through ELM will not come close to protecting all hedgerows.

Why is a no cutting period important?

- A no cutting period ensures that hedgerows are not cut back during the important bird nesting season from early spring to late summer. Any reduction or loss of the no cutting period would place severe additional pressures upon farmland bird species which are already facing spiraling declines.
- There is [evidence for extending](#) the no cutting period to 15 September, particularly in areas where there are significant populations of critically threatened, late-nesting species, like the Linnet, Turtle Dove, Cirl Bunting and Yellowhammer.

What can government do?

- Protections for hedgerows must be reinstated in law, including a no cutting period and mandatory buffer strips. This has been [called for](#) by RSPB, the National Trust and The Wildlife Trusts.
- Defra should take the approach outlined in their [consultation](#) on hedgerow protections and replicate the hedgerow protections within cross compliance into domestic law, as soon as possible.
- Hedgerow protection should not be paid for within the Environmental Land Management schemes, just as they were not paid for under CAP schemes. Paying for what was once regulatory would be very poor value for public money and would not achieve the same level of compliance.

Suggested interventions

- When will the government publish its response to Defra's June consultation on protecting hedgerows?
- Will the Minister commit to bringing in legal protections for hedgerows as soon as possible, to ensure that cutting does not take place in the bird nesting season?