

Amendment to the Hedgerows Regulations 1997: A guide to the Law and Good Practice (page 27)

PARAGRAPH 5: The hedgerow:

- (a) is recorded in a document held at the relevant date (24th March 1997) at a Record Office as an integral part of a field system pre-dating the Inclosure Acts; or**
- (b) is part of, or visibly related to, any building or other feature associated with such a system, and that system:**
 - (i) is substantially complete; or**
 - (ii) is of a pattern which is recorded in a document prepared before the relevant date (24th March 1997) by a local planning authority, within the meaning of the Town and Country Planning Act 1990, for the purposes of development control within the authority's area, as a key landscape characteristic.**

7.22 The phrase 'pre-dating the Inclosure Acts' should be taken to mean before 1845 (whether or not Inclosure Acts exist for the area in question), that being the earliest of the Acts known by the collective title given by the Short Titles Act 1896.

7.23 Under paragraph 5(a) a hedgerow is "important" if it was recorded as of 24th March 1997 in a Record Office document as forming an integral part of the pre-1845 field system. The completeness of the field pattern at the present date is irrelevant. A hedgerow so recorded would still be important if it is now the only remaining part of the pre-1845 field system.

7.23a Under paragraph 5(b)(i), a hedgerow is "important" only if it is part of, or visibly related to, an existing building or feature associated with a pre-1845 field system, and that system remains substantially complete. This means the field system must be still discernible.

7.23b Under paragraph 5(b)(ii), a hedgerow is "important" only if it is part of, or visibly related to, an existing building or feature associated with a pre-1845 field system that was recorded by the local planning authority before 24th March 1997 as 'a key landscape characteristic' for the purposes of the 1990 Act.