

- ◆ The requirement for a pre-1845 field system to be substantially complete – meaning still discernible – relates only to paragraph 5(b)(i) in Part II of Schedule 1. Under that criterion, a hedgerow would be “important” if it is part of, or visibly related to, any building or other feature associated with the substantially complete field system.

The above does not accord with the current\* version of the Hedgerows Regulations 1997: A Guide to the Law and Good Practice. Since we expect to be consulting shortly on proposals to amend the 1997 Regulations, and on a draft Guide which reflects our proposals, we do not propose to revise the full Guide to reflect the outcome of the Judicial Review case. But we have re-written the section on paragraph 5 in chapter 7 of the Guide (page 27). Our revised section is enclosed.

We would be grateful if you could ensure that your staff are made aware of the change to the Guide as quickly as possible. We have written in similar terms to the Planning Inspectorate so that their decisions reflect the change. A copy is also being sent to Brian Beasley at the Local Government Association.

Simon Allday (020 7238 5662) or I would be happy to answer any queries.

*Yours faithfully,*

***Stephen Cane***

Conservation Management Division

\* the current version (the amended reprint dated August 1998) contains one extensive change, in its chapter 7 paragraph 5, to the original (May 1997) edition of the Guide