



South Hams
District Council

Hedgerow Removal Notice

**Under The Environment Act 1995 and
The Hedgerows Regulations 1997**

Landscape and Leisure Service

Parish

Decision date

Plan included

for office use only

Please refer to attached notes for details on how to complete this form.

1 Applicant's Details	Applicant's Agent (if you have one)
Name:	Name:
Address:	Address:
.....
.....
.....
.....
Daytime Telephone Number:	Daytime Telephone Number:

2 The Notification

Please tick appropriate box

I hereby notify South Hams District Council that I propose to remove the hedgerow(s) indicated on the attached plan

or

I am seeking exemption as Permitted Works for the removal of the hedgerow(s) indicated on the attached plan

The Council is not entitled to require the retention of hedges under 30 years old. If you are claiming that any of the hedges are less than 30 years old please mark them on the plan and forward evidence of their age.

3 The Site

Address or location of the site

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Grid reference:

Please provide a plan ideally to a scale of 1:2500. A different scale can be used so long as it shows clearly the location and length of the hedgerow or hedgerows that you wish to remove.

4 Reasons for Removal or Grounds for Exemption

The reasons I propose to remove the hedgerows/claim exemption as permitted works are *(please delete as appropriate)*.

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5 The Hedgerows and The Applicant's Interest in Them

Please tick appropriate box

I am/we are the owner(s) of the freehold of the land concerned *or*

I am/we are the tenant(s) of the agricultural holding concerned *or*

I am/we are the tenant(s) under a farm business tenancy *or*

I am/act for the utility operator concerned

6 Submitting the Notification

Signed: Date:

Please return to the:-

Tree Officer

***Landscape and Leisure Service,
South Hams District Council,
Follaton House, Plymouth Road,
Totnes TQ9 5NE***

Please cut off application form and keep the notes across for your reference.

Have you:- **Included a suitable plan clearly showing the hedgerows?**
 Included any supporting documents?
 Kept a copy of this completed form for your future reference?

Hedgerow Removal Notice

Under The Environment Act 1995 and
The Hedgerows Regulations 1997

Notes to help you complete the form if you intend to remove a hedgerow

General guidance on the protection afforded to hedgerows under the Hedgerows Regulations is given over the page. If you are unclear on whether you need to serve notice, please contact

The Tree Officer

by phoning

01803 861382

You don't have to use this standard form but it's been prepared to ensure that all relevant information is submitted. You may use one form to apply for removal of multiple hedgerows.

You need to submit only **one** copy of your notification form but are strongly recommended to retain a copy yourself for future reference, as the Council's response will refer to details you give in the form and on the plan. The form **must** be accompanied by a map which is of sufficient scale and accuracy to clearly show the location of the hedge(s), preferably at 1:2500.

You may wish to seek specialist advice in relation to your notification. Any written advice can be submitted as a supporting document.

The following refer to the numbered questions on the notification form.

- 1 **An agent** is anyone, such as a contractor or land agent, working on your behalf. All correspondence and the decision notice will be sent to your agent if you have one.
- 2 Use this section to clarify whether you are serving notification or seeking an exemption.
 - a. **A notification** goes through the normal process of assessment by the Council.
 - b. **An exemption** can be granted for certain *Permitted Works* detailed as exempt in the Hedgerows Regulations and as summarised in the leaflet "The Hedgerow Regulations – Your Questions Answered".

You may wish to seek specialist advice on this matter.

- 3 The **location** must be clearly identifiable and refer to the map.
- 4 The **reasons** you give for removal of the hedge are significant. If the Council considers a hedge to be "important" it can still consider allowing removal, but must have particular regard to those reasons given on the notification. You may wish to consult the Regulations, or seek specialist advice, prior to completing this section.

If you're claiming exemption as *Permitted Works* please use this section to explain the grounds for this claim.

Certain *Permitted Works* require the creation of new stretches of hedgerows. If you are claiming such an exemption please describe where the new stretches are to be and ensure they are marked on the plan.

- 5 Please state your **interest** in the property.
 - 6 When you have completed the form please **sign and date** it and return to the address given.
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Summary of the Hedgerows Regulations

*These notes are for guidance only and give a brief summary of the Regulations.
The notes have no legal force.*

Scope of the Regulations

The Regulations make provision for the protection of 'important' hedgerows in England and Wales. The Regulations apply to a wide range of hedgerows, primarily those on, or adjoining, agricultural land.

The Need to Notify

Before removing any hedgerow, including a part of a hedgerow, the owner (or in certain cases a relevant utility operator) must notify the local planning authority (the Council) by means of a 'Hedgerow Removal Notice'. There are certain exemptions allowing *Permitted Works*, but you are advised to contact the Council before carrying out any work, and to obtain written confirmation that the works are exempt.

Decisions

The criteria for determining important hedgerows are set out in paragraph 6 of part II of schedule 1 of the Regulations. A summary is to be found in the DETR leaflet "The Hedgerow Regulations: Your Questions Answered". Copies are available from the Council.

If a hedge is deemed to be important then there is a presumption in favour of its retention unless the Council consider there to be overriding reasons justifying its removal. Where the Council require a hedgerow to be retained, they will serve a 'Hedgerow Retention Notice' on you.

Under the provisions of the Regulations, the Council have to serve the Hedgerow Retention Notice within 42 days of receipt of your Hedgerow Removal Notice, otherwise works can commence, unless both you and the Council agree in writing to an extension of time.

Where a Hedgerow Retention Notice is served you have a right of appeal to the Secretary of State which must be made within 28 days.

Replanting

If a hedgerow is removed without consent the Council can consider enforcing replanting as well as prosecution.

In the case of certain *Permitted Works* replacement planting is required.

Contravention

It is a criminal offence to deliberately remove a hedge to which the Regulations apply, without written permission from the Council. Anyone found guilty of an offence is liable, on conviction, to a fine.