

Protection of hedgerows and watercourses

The aim of these rules is to protect sensitive field boundaries and their associated habitats. They apply to you if you have hedgerows or watercourses on, or adjoining, your land.

A. You must not



1. cultivate or apply fertilisers¹ or pesticides² to land within 2 metres of the centre of a hedgerow³, watercourse⁴ or field ditch;
2. cultivate or apply fertilisers or pesticides to land between the edge of the watercourse or field ditch and 1 metre on the landward side of the top of the bank.

You will not break these rules if you have used pesticides for spot application only so that you can meet the GAEC standard on the control of weeds (GAEC 11), or you have cultivated land for one of the following reasons:

- to establish a green cover where one does not exist and the land is part of a field which is being newly created (whether by merger or division);
- to establish a green cover where one does not exist and the land was previously outside the scope of cross compliance.



(photo credit: Nigel Adams, Countryside Management)

- 1 'Fertilisers' includes: inorganic fertiliser, organic fertiliser, organic manures, lime, slurry, sewage sludge, slag, trace elements, calcified seaweed and human waste. (This is not an exhaustive list.)
- 2 'Pesticides' means anything used for destroying pests and includes herbicides, fungicides, insecticides and other biocides.
- 3 For the purposes of this requirement, 'hedgerow' means any hedgerow growing in, or adjacent to, any land that forms part of your holding and that has: a continuous length of at least 20 metres, or is part of any such length, or a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedgerow at each end. Any gap resulting from a breach of the Hedgerows Regulations 1997, and any gap of 20 metres or less, will be treated as part of the hedgerow. Traditional hedgebanks (earth banks faced with turf or stone) fall within the scope of GAEC 14 if topped with a hedgerow.
- 4 'Watercourses' are defined within the Code of Good Agricultural Practice as all surface waters, including coastal water, estuaries, lakes, ponds, rivers, streams, canals and field ditches. Temporarily dry watercourses are included.

B. You must

1. take all reasonable steps to maintain a green cover on land within 2 metres of the centre of a hedgerow, watercourse or field ditch;
2. take all reasonable steps to maintain a green cover on land between the edge of the watercourse or field ditch and 1 metre on the landward side of the top of the bank.

The rules of this standard (GAEC 14) do not apply in any of the following circumstances:

- to land either side of a hedgerow which was planted on or after 1 January 2005 and which is less than 5 years old (you will need to keep documentary evidence to prove this);
- to land forming part of a parcel of 2 hectares or less;
- to hedgerows within the curtilage of a dwelling-house;
- to the side of any hedgerow facing a dwelling-house when the hedgerow marks the boundary of the curtilage of the dwelling-house;
- to casting up a traditional hedgebank between 1 August and the last day of February.

Public rights of way may form part of the 1 metre or 2 metre 'protection zone' margins along hedges and watercourses. When they do, the rules of this GAEC standard (GAEC 14) will apply as far as practical but should not restrict public access.

The rules of this GAEC standard (GAEC 14) do not apply if a derogation has been granted. Information on under what circumstances RPA can grant derogations can be found in the introduction to this guide. You must apply to RPA in writing for this derogation and wait for written permission before carrying out any work.

**Further advice and guidance**

The Hedgerows Regulations 1997: A Guide to the Law and Good Practice is published by Defra and you can get a copy, free of charge, by e-mailing farmland.conservaion@defra.gsi.gov.uk

Guidance for Cross Compliance in England: Management of Habitats and Landscape Features (rpa176) is available on our website at rpa.defra.gov.uk/crosscompliance/farmerguidance

www.hedgelinek.org.uk