

# ENVIRONMENT

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## Hedges – rules and regulations

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The immense value of hedges on Irish farmland to biodiversity, carbon and landscape is increasingly being recognised under legislation and cross compliance. So what does this mean to you? The latest requirement applies only if you are availing of the Nitrates Derogation, but all farmers need to be aware of rules and regulations when cutting hedges and if planning to remove hedges. If you are thinking of removing hedges, there are two important and separate considerations: cross compliance and Environmental Impact Assessment (EIA) (Agriculture) Regulations 2011.



*Hedgerow Week 2020 will run from Monday to Sunday, December 7-13, and will feature video clips and print articles in partnership with a wide range of specialists from many organisations, on all aspects of hedges.*

### Hedge management on derogation farms

This year for the first time, farmers on derogation farms, who are availing of the Nitrates Derogation, have committed to undertake a biodiversity option. This relates to hedge management and farmers must undertake at least one of two options where hedge cutting is being carried out. There may be some hedges on farms which are not cut and that is acceptable, provided they do not encroach into fields.

The first option is to retain at least one thorn tree in every 300m of hedge. This can be a whitethorn or blackthorn, either of which are present in practically every farm hedge in Ireland. It can be an existing mature thorn tree, although these are rare in topped hedges, where other trees such as ash are retained if any, or a new thorn sapling can be retained from within the hedge. It may be easier to retain a bunch in the first year, which can be thinned to a single stem later.

## Know your derogation commitments

### Adopt at least one measure:

1. Leave at least one mature whitethorn or blackthorn tree within each 300 metres of hedgerow.



2. Maintain hedgerows on a minimum three-year cycle.



**Cutting annually  
stops flowering  
and fruiting.**

**Farmers and contractors must have a conversation before cutting.**

Thorn trees provide many benefits. The flowering May bush is a beautiful landscape feature around first-cut silage time. The trees provide flowers for bees and their haws provide food for birds. Birds such as the blackbird, thrush and robin, who nest in the body of the hedge, need small trees to provide a perching post to sing and hold their territory. Birds do not sit on top of a flat-topped hedge. While one thorn tree in 300m may appear low, it is better to allow another new thorn develop in future years, giving a diversity of height and structure with developing thorn trees at

different stages, rather than all at one height. Option 1 is automatically attained in “escaped” or “relict” hedges or lines of trees which are never topped, as they contain numerous thorn trees with a full canopy providing flowers and fruit. Annual side trimming – little and often is allowed in Option 1. Option 2 is to cut hedges on a three-year cycle, where it is recommended to cut one-third of hedges each year to benefit the environment as much as possible. Where all hedges were cut in 2019, cut one-third in each of 2020, 2021 and 2022.

Best practice for biodiversity on all farms is to have a variety of hedge types. This includes some escaped hedges, which remain untopped but can be side-trimmed, and some topped hedges trimmed to a triangular profile from a wide base, cutting the growing point except to retain occasional trees including thorns at irregular intervals.

### Timing of hedge cutting

Hedges can be cut from September 1 until the end of February. The Wildlife Act, 1976 (2000) prohibits hedge cutting during the bird nesting season. Under cross compliance, the following question is asked for Good Agricultural and Environmental Conditions 7B: "Is there evidence of the cutting of hedges and/or trees during the bird nesting and breeding season (March 1 to August 31)?"

### Cross compliance

Under cross compliance, hedges and drains have been designated as landscape features. Since 2009, they cannot be removed/piped and closed in unless a replacement hedge/drain of similar length is planted/dug at a suitable location on the holding in advance of the removal of the hedge or drain. If farmers have removed hedges since 2009, they can be penalised at any stage. To avoid a penalty, they should have replaced any removed hedges. With the greater emphasis on biodiversity including hedges, the preferred option is not to remove hedges in the first place. Where, in exceptional circumstances, it is necessary to remove a hedge, line of trees or fill in a drain for good reasons such as farmyard expansion,

farmers may do so provided a like for like new hedge, line of trees or drain of equal length is incorporated in advance of the removal. Hedge species used must be traditional to the area and cannot include amenity species, such as laurel or conifers. Ornamental hedges around a house site will not suffice as a replacement hedge. New hedges must contain native species, anything else wouldn't be traditional to the area. A hedge or line of trees planted in front of another hedge, or a line or grove of trees planted, are not considered a suitable replacement. Failure to abide by these rules will result in a cross compliance penalty. Where it has been detected that a landscape feature has been removed/damaged in previous years, a sanction may be applied in the current year, i.e., the year of the finding. In addition to the application of the sanction, a new hedge, line of trees or drain of equal length to the feature removed, must be planted or dug within 12 months; otherwise, a further cross compliance sanction will be applied. See: [www.agriculture.gov.ie/farmerschemespayments/crosscompliance/landscapefeatures/](http://www.agriculture.gov.ie/farmerschemespayments/crosscompliance/landscapefeatures/).

### EIA (Agriculture) Regulations 2011

Since 2011, farmers must apply to the Department of Agriculture, Food and the Marine (DAFM) for permission to remove hedges, if the proposed newly created field will be over five hectares or if proposing to remove more than 500 metres. An EIA summary information leaflet for farmers is available at: [www.agriculture.gov.ie/media/migration/ruralenvironment/environment/environmentalimpactassessment/EIASummaryInformationLeaflet201518.pdf](http://www.agriculture.gov.ie/media/migration/ruralenvironment/environment/environmentalimpactassessment/EIASummaryInformationLeaflet201518.pdf).

MESSAGE FROM ASSAP

## How hedges protect water quality



*A well-placed hedge can help prevent nutrient and sediment loss to water bodies.*

You spend money and effort building up soil fertility to grow grass and crops, so don't waste these valuable nutrients by losing them to watercourses. Currently, water quality in about half of our rivers needs some improvement to meet the required good status. Phosphorus (P) and sediment loss to water needs to be tackled to solve this problem. When soil is saturated and rain can't soak in, sediment and nutrients are washed off land through overland flow into open drains and rivers, causing major issues for water quality. A well-placed hedge acts as a barrier, slowing the flow of water over land, reducing the force of overland flow. It filters sediment and mops up nutrients as it intercepts the flow. Stock-proof hedges along watercourses prevent livestock access, avoiding animal waste and pathogens such as *E. coli* being deposited in rivers. Hedges

along watercourses can stabilise banks, reducing erosion. Some shading of rivers benefits fish and other biodiversity by lowering water temperatures.

Many farms have areas that are more prone to nutrient and sediment losses through overland flow. Targeting these critical source areas or pathways with a well-placed hedge can break the pathway to the watercourse and improve water quality on your farm.

A well-placed hedge can improve water quality by:

- reducing sediment and nutrient loss to water;
- slowing down overland flow;
- preventing livestock access to water; and,
- reducing riverbank erosion.