

# Hedgerow Retention Rules and Regulations

This document will help you understand the rules, responsibilities, and legal requirements around hedgerow retention, including compliance with conditionality, replacement obligations, and environmental assessment regulations.

## Hedgerows

Hedgerows are vital for biodiversity, providing essential habitats and travel corridors for numerous species, supporting a rich array of plant and animal life.

## Hedgerow Definition

A hedgerow is a line of shrubs and/or tree species, maintained to form a barrier for controlling animals or marking land boundaries. They can vary from dense barriers to individual trees. Briars on an earthen bank are also considered as a Landscape Feature; however earthen banks on their own are not. A gappy hedge, where there is at least 20% of hedgerow species (including briars, gorse etc.) dispersed along the length of the hedge is considered a hedgerow and is classified as a Landscape Feature. A hedge starts and ends at the nodes or intersection with another hedge.

## Conditionality

Conditionality sets the baseline requirements for farmers in receipt of CAP payments and replaces the “cross compliance” requirements in the previous CAP.

## Retention of designated landscape features

Retention of designated landscape features is a requirement of conditionality, a baseline requirement for all BISS applicants.

## Responsibility

Responsibility lies with the **BISS applicant** for the entire calendar year.

## Designated Features

Hedgerows, trees in a line, and drains/ditches are recognised as landscape features under Good Agricultural and Environmental Condition (GAEC) since 2009. DAFM will check satellite and ortho imagery from 2009 to the date of inspection.

## Hedgerow Removal

### General Rule

Removal of landscape features is not permitted except in defined exceptional circumstances (see table 1, page 2).

### Replacement Requirement

From 2023, if removal is permitted, the original feature must be replaced, **prior to its removal**, by twice the length of the original feature to be removed, in a like-for-like manner i.e., only a hedge can replace a hedge.

### Restricted Period

Hedgerows cannot be removed **between March 1st and August 31st**.

### Approval Needed

In designated areas (SAC, SPA or NHA), prior approval from the National Parks and Wildlife Service (NPWS) is required for any removal.

**Must also comply with EIA Requirements**

# Exceptional Circumstances

Table 1. Exceptional circumstances for the removal of hedges, line of trees, ditches or drains.

Exceptional Circumstance	Conditions
Building work	<ul style="list-style-type: none"> <li>• Farmyard expansion.</li> <li>• Widening gaps to facilitate access for larger machinery.</li> </ul>
Road Safety issues	<ul style="list-style-type: none"> <li>• Where an unacceptable level of risk has been identified by the Local Authority, the National Roads Authority, or the Gardaí etc., e.g., laneway is too narrow for modern machinery/commercial vehicles.</li> </ul>
Farm Safety issues	<ul style="list-style-type: none"> <li>• Machinery access.</li> <li>• A hedgerow in a field with a gradient in excess of <b>15% in arable land, or 20% in grassland</b>, as flagged on the BISS map layer can be demonstrated to cause an unacceptable level of risk to current farming practice. E.g., farmer wants to plough a field to put into tillage for the first time and it would necessitate turning on a steep hill. This must take account of whether the hedgerow lies with or across the contour.</li> </ul>

In all circumstances above, the exemption is limited to the minimum length necessary.

## Replacement Details

### Replacement Length

As of January 1st 2023, if 10m of hedgerow is removed, 20m must be planted. For previous years, the requirement is to plant the same length as that removed. This must be planted in the vicinity of the removal i.e., within the farm/holding where the feature was removed.

### Funding

The replacement hedgerow cannot be funded under an agri-environment measure such as ACRES or the Eco-scheme.

### Native Species

Replacement hedgerows must consist of traditional local species and cannot include amenity species (e.g., laurel, conifers).

### Ecological Connectivity

New hedgerows should ideally connect with existing hedgerows or woodlands.

### Location

A hedgerow or line of trees planted in front/alongside of another hedgerow or planting a line of trees, or planting a grove of trees, is not considered fulfilling the replacement requirement. Planting within the curtilage of a dwelling house is not permitted.

# Compliance and Sanctions under conditionality

## Penalties

Non-compliance with removal and replacement rules may result in Conditionality penalties, requiring remedial actions such as replanting.

In addition to the application of the sanction (Penalty on all direct payments), a new hedgerow, line of trees or drain/ditch of the appropriate length to the feature removed (X2), must be planted or dug within 12 months. Otherwise, a further Conditionality sanction will be applied.

## Detection of Non-Compliance

If a landscape feature is removed or damaged before 2025, sanctions may apply in the year of non-compliance.

**Non-intentional non-compliance** (Negligence): 1-3%.

**Intentional non-compliances** (Intent): At least 15% and can be increased up to 100%.

# Environmental Impact Assessment (EIA) Agriculture

Apply to all projects even if there is no BISS application.

## Type of on-farm activity:

Restructuring by removal of field boundaries.

## Screening by DAFM required:

- Over 5 hectares affected or over 500 metres of field boundary being removed, whichever is the lesser.
- Sub-thresholds:
  1. Where the proposed works are to be carried out within (or may affect) a proposed NHA or a nature reserve.
  2. The proposed works may have a significant effect on the environment.
- Thresholds refer to cumulative total over any 5 year period.
- For uncertainties regarding screening requirements, consult DAFM/NPWS.
- [EIA Screening application form and details can be found here.](#)

## Reinstatement notices and Penalties under EIAs

- EIA penalties are in addition to conditionality penalties and are generally on foot of prosecution.
- May require that land is reinstated to its previous condition, or some mitigating works undertaken.
- Fines of up to €5000.