

## **Appendix 11.7**

### **The Hedgerows Regulations: Archaeology and History**

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- 1) In regard to the Historic Environment 'Important' hedgerows are determined according to the following criteria:
- 2) For the purposes of Section 96 (hedgerows) of the Environment Act 1995 and these Regulations, a hedgerow is 'important' if it, or the hedgerow of which it is a stretch,
  - (a) has existed for 30 years or more; and
  - (b) satisfies at least one of the criteria listed in Part II of Schedule 1.
- 3) Archaeology and history
  1. The hedgerow marks the boundary, or part of the boundary, of at least one historic parish township; and for this purpose 'historic' means existing before 1850.
  2. The hedgerow incorporates an archaeological feature which is:
    - (a) is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and
    - (b) recorded at the relevant date in a Sites and Monuments Record.
3. The hedgerow:
  - (c) is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and
  - (d) is associated with any monument or feature on that site.
4. The hedgerow:
  - (e) marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office; or
  - (f) is visibly related to any building or feature of such an estate or manor.
5. The hedgerow:
  - (a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts: or
  - (b) is part of, or visibly related to, any building or other feature associated with such a system and that system:
    - (i) is substantially complete; or
    - (ii) is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act(37), for the purpose of development control within the authority's areas, as a key landscape characteristic.
- 4) In addition to the above, the Department for Environment, Food and Rural Affairs (DEFRA) issued guidance on the application of The Hedgerows Regulations 1997 on 23 May 2002. This guidance stated that the above paragraph 5 (a) should be considered to refer to the earliest Inclosure Act referred to in the Short Titles Act 1896, giving a date of 1845.