

GOOD PRACTICE GUIDE FOR MANAGEMENT OF NORTH SOMERSET HEDGEROWS AND SCRUB

Roadside and amenity hedge cutting

The aim of this guidance note is to highlight best practice and legal requirements for local authority roadside and amenity hedge-management regimes, to include highways, rights of way, parks and other public open space, school grounds and housing estates.

There are two main issues: the adoption of best practice for managing hedgerows to support wildlife and the legal protection of nesting birds and bats.

Managing hedgerows for wildlife

The aim is to create tall, thick hedgerows, where possible, to provide habitats for small mammals, birds and insects.

The Department for Environment, Food and Rural Affairs (DEFRA) and the Farming and Wildlife Advisory Group (FWAG) best practice recommends that hedges are cut during **late January early February, and NOT every year.**

It is recommended that hedges are cut, at most, once every 3 years or, preferably, on a longer rotation. Where feasible, hedgerows should be allowed to grow tall to create bat navigation flight lines, and to benefit birds and insects. These cutting regimes will also save on costs.

Adjacent hedges, or sections thereof, should be cut in different years (ie on rotation) to avoid drastically reducing the over-wintering birds food supply.

Legal Requirements – Protection of nesting birds

Nesting birds are protected by law.¹ The Wildlife and Countryside Act (WCA)1981 (as amended), gives protection to all wild birds and makes it an offence to intentionally:

- kill, injure or take any wild bird;

- take, damage or destroy the nest of any wild bird, whilst it is in use or being built;
- or take or destroy the egg of any wild bird (subject to certain exceptions).

Bird nesting season:

It is impossible to give exact dates, but the main breeding season for North Somerset is regarded as running from mid February to the end of August (for instance blackbirds have been reported nesting locally in February and bullfinches can nest to the end of August).

January			Manage hedgerow
February	Nesting birds		
March			
April			
May			
June			
July			
August			
September			Birds feeding on berries
October			
November			
December		Manage hedgerow	

Local authority (LA) responsibility:

North Somerset Council has an obligation to control the growth of trees and shrubs that encroach onto the public highway that are likely to cause a highways safety issue and also an obligation to manage trees on Council-owned land.

Wherever possible, routine maintenance work should be timed outside of the bird-nesting season. However, where it is not feasible to programme a large volume of work; or where works are essential and cannot reasonably be carried out within the winter months, trees and shrubs must be checked thoroughly by a suitably experienced person. If nests are found that area of hedge scrub should not be touched to allow birds to rear their young

and disperse. If there is an urgent issue of public safety, contact English Nature.

Landowner responsibility:

Maintenance of hedges along public rights of way and highways boundaries is almost always the responsibility of the adjacent landowner. It is recommended that landowners adopt the following practices:

Routine maintenance (winter):

Inspect hedges by highway or right of way in autumn and trim as near to the ideal time (December to mid February) as practicable.

Urgent maintenance (summer):

Where landowners are advised or instructed to undertake urgent maintenance on health and safety grounds, thorough checks for nests must be made. If nests are present, or you are in doubt, contact the local authority, so that a decision can be made to determine if there is an immediate safety issue. In all cases of summer maintenance, undertake the minimal trim to achieve the desired outcome.

Management of trees and bats

North Somerset is an important area for bats, with 11 of the 17 UK species present in the area.

Legal requirements: All British bats and their roosts/resting/sheltering places are legally protected under the WCA 1981; the Countryside and Rights of Way Act 2000 (CROW) and the Habitat Regulations 1994. All bats are listed as 'European protected species of animals'².

It is an offence for any person to:

- intentionally kill, injure or take a bat;
- intentionally or recklessly damage or obstruct access to any place that a bat uses for shelter or protection;
- intentionally or recklessly disturb a bat while it is occupying a place that it uses for shelter or protection.

Where work needs to be carried where bats are present, English Nature³ will need to be notified about the proposed action and allowed reasonable time to advise as to whether it should be carried out, and if so, how.

Local authority obligations and best practice: the LA must ensure that tree surgeons acting on their behalf are aware of bats when carrying out any work to trees, and that a suitably experienced person can make the necessary checks.

Bats rest, breed and hibernate in holes, crevices, under loose bark, and other sheltered spaces in trees. Such spaces occur often in old trees, notably, oak, ash, beech and Scots pine.

The Bat Conservation Trust recommends that, ideally, work on older trees should be carried out in spring (March to May) or autumn (September to November). This avoids periods when bats are particularly vulnerable: when non-flying young are present or during hibernation.

As lowering the height of tree lines or hedgerows to below 3-4m over a length of as little as 10m can force bats to have to find an alternative route or change roosts, this should be avoided if possible.

¹ W&C Act 1981 (with amendments) and Countryside and Rights of Way Act 2000. For further details on legal requirements (to include Schedule 1 species, consult English Nature's Birds Network Information Note.

² For further information on the law, refer to the Bat Conservation Trust website www.bats.org.uk

³ **English Nature will be incorporated into Natural England from 2006.**

References/suggested reading:

Action for Nature - The North Somerset Biodiversity Action Plan; www.n-somerset.gov.uk
Bats and trees – A guide to the management of trees. The Bat Conservation Trust, 1997.
Hedgerow management, biodiversity and dormice, English Nature Report 454, www.english-nature.org.uk