

**COUNCIL FOR NATURE CONSERVATION  
AND THE COUNTRYSIDE**  
**An Advisory Council to the Department of the Environment**  
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03 March 2010

Anthony Courtney  
High Hedges Team  
Department of the Environment (NI)  
Planning and Natural Resources Division  
Calvert House  
23 Castle Place  
Belfast  
BT1 1FY  
**Via Email**

Dear Mr Courtney

**DRAFT HIGH HEDGES BILL**

CNCC welcomes the opportunity to comment on this proposed legislation. We are a Statutory Advisory Council to the Department of the Environment, with the remit of providing advice on matters relating to Nature Conservation and the Countryside. This Bill covers urban gardens and as such is largely outside of our remit. However we have a few general points to make which are outlined below.

The Introduction to the Bill states in Para 2 that there is currently no legislation in Northern Ireland governing the height or maintenance of a hedge. There are however clear rules set out by the Department of Agriculture and Rural Development on the maintenance of rural hedges, covering the times of year when these may be cut. This is in order to avoid disturbance to birds and other wildlife breeding in hedges and the destruction of nests during the spring and summer months. We believe that the same considerations and guidelines should be introduced with respect to remedial notices under this legislation. This is particularly important in view of the increasing importance of gardens as a reservoir of biodiversity, reflected by recent findings that suggest that many gardens are supporting a wider diversity of wildlife than much of our farmland.

Given that the Department of the Environment is currently introducing the Wildlife and Environment Bill, which introduces as Clause 1(1) the duty to conserve biodiversity, it would seem obvious that there should be some reference to that duty within this Bill.

CNCC is also concerned that this legislation has been given priority over other extremely urgent legislative work that was underway at the Department of the Environment, particularly the Marine

Bill and the revision of PPS2 Planning and Nature Conservation. The Marine Bill should have been available for consultation at this point, but shows no sign of emerging, in spite of being months behind equivalent legislation in Great Britain, and the fact that it transposes important European legislation into Northern Ireland law. It seems extremely odd that domestic hedges should take precedence over regulation of all our marine affairs.

Yours sincerely

A handwritten signature in black ink, appearing to read "Patrick Casement". The signature is written in a cursive style with a horizontal line underneath.

**PATRICK CASEMENT**  
**CHAIRMAN**