

AN BILLE UM CHOSAINN FÁLTA SCEACH 2023  
PROTECTION OF HEDGEROWS BILL 2023

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AN BILLE UM CHOSAINT FÁLTA SCEACH 2023  
PROTECTION OF HEDGEROWS BILL 2023

BILL  
entitled

An Act to make provision for the protection of hedgerows, to confer power on the Minister for the Environment, Climate and Communications to make regulations for the protection of significant hedgerows and for the establishment of a register of significant hedgerows, to prohibit the removal of significant hedgerows except in specified circumstances, to make provision for an appeals procedure and for offences for infringement of this Act and regulations made thereunder, to amend the Roads Act 1993, the Forestry Act 2014, the Communications Regulation Act 2002, the Electricity Supply Act 1927, the Transport (Railway and Infrastructure) Act 2001, Transport (Dublin Light Rail) Act 1996 and to make provision for a notification mechanism to local authorities regarding potential or actual infringements of this Act and regulations made thereunder and to provide for related matters.

PART 1

**Preliminary and General**

**Short title, citation and commencement**

**Be it enacted by the Oireachtas as follows:**

1. (1) This Act may be cited as the Protection of Hedgerows Act 2023.  
  
(2) This Act shall come into operation on such day or days as the Minister for the Environment, Climate and Communications may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

**Definitions**

2. In this Act—

“Act of 1927” means the Electricity Supply Act 1927;

“authorised person” shall be construed in accordance with section 12;

“hedgerow” includes any section of a hedgerow;

“historic map” means a map in the first series of 25 inch maps published by the Ordnance Survey Ireland;

“length” in relation to a hedgerow includes the combined length of a hedgerow and another hedgerow which it joins, whether in linear manner or by way of a junction at an angle, and in which there is no gap in excess of 3 metres;

“local authority” has the same meaning as it has in the Local Government Act 2001;

“Minister” means the Minister for the Environment, Climate and Communications;

“owner”, in relation to a hedgerow growing on any land, means—

- (a) the freehold owner,
- (b) the leasehold owner (if any), or
- (c) the occupier for the time being,

of the lands concerned and includes Coillte Teoranta and all State and Semi-state bodies;

“potentially significant hedgerow” shall be construed in accordance with *section 3(4)*;

“relevant authority” means the local authority in whose functional area the hedgerow, or, where the hedgerow is situated in the area of more than one local authority, the local authority in which the greater part of the hedgerow, is situated;

“Regulations of 2011” means the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 (S.I. No. 456 of 2011);

“remove”, in relation to a hedgerow, includes uprooting all or any part of a hedgerow or damaging a hedgerow, whether by any treatment or action, so as to have the effect of removing it or causing its demise;

“significant hedgerow” shall be construed in accordance with *section 3(3)*.

## PART 2

### Restriction on removal of significant hedgerows

#### Scope

3. (1) This Act applies to a hedgerow that has a continuous length of, or exceeds, 10 metres or, has a continuous length of less than 10 metres and meets another hedgerow at either end, whether by intersection or junction, with a total length of at least 10 metres.

(2) For the purposes of ascertaining the length of any hedgerow—

(a) any gap resulting from a contravention of this Act or regulations made thereunder,

(b) gateways or other access points,

and

(c) any other gap not exceeding three metres,

shall be treated as part of the hedgerow.

(3) Subject to *subsection (5)*, a significant hedgerow is a hedgerow which, whether because of its contribution to one of the factors listed below, or its cumulative contribution in relation to a number of such factors, contributes significantly to –

(a) the protection, maintenance or improvement of the ecosystem of a local area,

(b) the value or integrity of an archaeological, historic, heritage or cultural site or feature,

(c) the value of agricultural systems, or

(d) the protection, maintenance or improvement of biodiversity whether by virtue of its length, structure, age, species composition or location.

(4) Subject to *subsection (5)*, a potentially significant hedgerow is a hedgerow that contributes to one or more of the elements listed in *subsection (3)* above and falls within the parameters set out in regulations made by the Minister under *subsection (5)*.

(5) The Minister may make regulations –

(a) specifying how the significance of a hedgerow in respect of each of the elements, or elements cumulatively, listed in *subsection (3)*, shall be measured;

(b) for the purposes of giving effect to *subsection (4)*.

## Prohibition

4. (1) Subject to the exceptions specified in *section 9*,

- (a) no person shall remove a significant hedgerow without a permission from the relevant authority;
- (b) no person shall remove a potentially significant hedgerow unless the person has a certificate from the relevant authority certifying that the hedgerow is not a significant hedgerow.

(2) For the avoidance of doubt, *subsection (1)* applies where the owner of a significant, or potentially significant hedgerow does not require consent for an activity within the meaning of the Regulations of 2011 where that activity involves the removal of a significant or potentially significant hedgerow.

## Application for a permission

5. (1) An owner of land seeking a permission referred to in *subsection (1)* of *section 4* (hereinafter the “applicant”) shall make an application to the relevant authority.

(2) The applicant shall include with the application –

- (a) the prescribed information about the prescribed matters,
- (b) a declaration that the applicant will facilitate inspection of the hedgerow in question by an authorised officer,
- (c) any other information which the relevant authority reasonably requires the applicant to include, and
- (d) the prescribed application fee, if any.

## Grant of a permission

6. (1) A relevant authority may, upon receipt of an application under *section 5*, grant a permission for the removal of a significant hedgerow or part of a significant hedgerow where it is satisfied that -

- (a) the removal of the hedgerow, or part of the hedgerow is necessary –
  - (i) for making a new opening in substitution for an existing opening which gives access to land, but subject to *subsection (2)*,
  - (ii) for obtaining access to land where another means of access is not available or is available only at disproportionate cost,

- (iii) for carrying out development for which planning permission has been granted or is deemed to have been granted pursuant to the Planning and Development Act 2000 and any regulations thereunder, subject to any conditions contained in such permission,
- (iv) for carrying out an activity in respect of which consent has been given under the Regulations of 2011,
- (v) for carrying out works for the purpose of flood defence or land drainage, or
- (vi) for preventing the spread of, or ensuring the eradication of any plant or tree pest or disease posing a threat to the environment, and

(b) there is no other means of achieving that purpose, or any other means of achieving that purpose would be disproportionate to the intended result or involve a disproportionate cost.

(2) Where the removal of a hedgerow is permitted by paragraph (a)(i) of *subsection (1)*, the person removing it shall fill the existing opening by replanting a hedgerow within 8 months of the making of the new opening and in accordance with the conditions set out in the grant of permission to remove.

(3) The grant of a permission under this section shall not be construed as preventing or prejudicing the application of a provision under any other enactment.

(4) When granting a permission referred to in *subsection (1)*, the relevant authority shall specify the hedgerow or part of the hedgerow that may be removed by reference to the measurement of the significant hedgerow, or the specific part of the significant hedgerow, to which the permission relates.

(5) Where a local authority is the owner (whether alone or jointly with others) of a significant or potentially significant hedgerow, an application for a grant of a permission or a certificate referred to in *section 4* may not be considered—

(a) by a committee or sub-committee of the authority concerned if that committee or sub-committee is responsible (wholly or partly) for the management of the land in which is situated the hedgerow to which the application relates; or

(b) by an officer of the authority concerned if his or her responsibilities include any aspect of the management of the land in which is situated the hedgerow to which the application relates.

(6) The Minister may, by regulations, provide for

- (a) the establishment and maintenance of a register of significant hedgerows,
- (b) the persons by whom the register shall be established and maintained,

- (c) the form of such register,
- (d) the particulars to be entered on such register, and
- (e) the manner in which the information in the register shall be made available to the public.

### **Application for a certificate**

7. (1) An owner of land seeking a certificate referred to in *subsection (1) of section 8* shall make an application to the relevant authority.

(2) The applicant shall include with the application –

- (a) the prescribed information about the prescribed matters,
- (b) a declaration that the applicant will facilitate inspection of the hedgerow in question by an authorised officer,
- (c) any other information which the relevant authority reasonably requires the applicant to include, and
- (d) the prescribed application fee, if any.

### **Grant of a certificate**

8. (1) A relevant authority may, upon receipt of an application under *section 7*, grant a certificate stating that a potentially significant hedgerow is not a significant hedgerow where it is satisfied that in the particular circumstances of the hedgerow concerned, the hedgerow does not make a significant contribution to –

- (a) the protection, maintenance or improvement of the ecosystem of a local area,
- (b) the value or integrity of an archaeological, historic, heritage or cultural site or feature,
- (c) the value of agricultural systems, or
- (d) the protection, maintenance or improvement of biodiversity whether by virtue of its length, structure, age, species composition or location.

(2) When granting a certificate referred to in *subsection (1)*, the relevant authority shall specify the hedgerow or part of the hedgerow that is not a significant hedgerow by reference to the measurement of the hedgerow, or the specific part of the hedgerow, to which the certificate relates.



(3) A certificate shall be valid for a period of 10 years.

### **Permitted work**

9. (1) The removal of a significant or potentially significant hedgerow or part of a significant or potentially significant hedgerow is permitted if it is required—

(a) for obtaining temporary access to any land in order to give assistance in an emergency,

(b) for the purpose of road safety pursuant to the Roads Act 1993 in accordance with section 70 of that Act,

(c) for the control or prevention of the spread of fire, or

(d) for carrying out any felling, lopping or cutting back required or permitted as a consequence of any notice given under section 58 of the Communications Regulation Act 2002, section 98 of the Act of 1927, section 49 of the the Transport (Railway and Infrastructure) Act 2001 or section 15 of the Transport (Dublin Light Rail) Act 1996.

(2) The fact that work is permitted under this section does not affect any prohibition or restriction imposed by or under any other enactment or by any agreement.

### **Regulations**

10. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed or to be made the subject of regulations.

(2) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after the regulation is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything done thereunder.

(4) The Minister, in making regulations for the purposes of measuring the significance of the contribution by hedgerows to the elements set out in *section 3(3)* shall, following consultation with the Minister for Agriculture, Food and the Marine or the Minister of Housing, Local Government and Heritage, as appropriate, have regard to the following –

(a) as regards the protection, maintenance or improvement of the ecosystem of a local area, the capacity of the hedgerow to –

- (i) sequester and store atmospheric carbon,
- (ii) buffer waterbodies from deleterious nutrients or pollutants,
- (iii) attenuate the movement of water across the landscape, thereby reducing the risk of flooding,
- (iv) protect soils from degradation or erosion;

(b) as regards the value or integrity of an archaeological, historical, heritage or cultural site or feature, whether -

- (i) it forms part of a boundary of cultural significance, including one that is identified on an historic map, or
- (ii) it falls within the buffer zone of a feature recorded on the Sites and Monuments Record issued by the Archaeological Survey of Ireland unit of the National Monuments Service;

(c) as regards the value to agricultural systems, whether it performs a beneficial function in -

- (i) the control of movement of livestock,
- (ii) the reduction in the spread of airborne disease,
- (iii) the maintenance of animal welfare,
- (iv) the control of plant disease or insect infestation;

(d) as regards the protection, maintenance or improvement of biodiversity, whether by virtue of its length, structure, species composition or location it provides a benefit of value to -

- (i) the protection of natural or semi-natural ecosystems,
- (ii) the protection of the breeding, resting or roosting places of wild animals, particularly protected species,
- (iii) the connectivity of natural or semi-natural features in the landscape.

## Appeals

11. (1) Subject to *subsection (2)*, a person (in this section referred to as an “appellant”) may, by notice in writing to the relevant authority, appeal to the District Court against –

- (a) a refusal of a permission under *section 6*;
- (b) a refusal of a certificate under *section 8*.

(2) An appeal under *subsection (1)* shall be made within 42 days from the date of service of the notice of refusal of the permission or certificate.

(3) On the hearing of an appeal under this section, the District Court may –

(a) dismiss the appeal, or

(b) allow the appeal and direct the relevant authority to grant the permission or the certificate,

and the decision of the District Court shall be final save that, by leave of that Court, an appeal shall lie to the High Court on a point of law.

(4) On the hearing of an appeal under this section, the onus of establishing that the provisions of this Act in relation to the grant of a permission or a certificate have been complied with shall lie on the appellant.

(5) The jurisdiction conferred on the District Court by this section shall be exercised by the judge for the time being assigned to the District Court district in which the notice of a refusal of a permission, or of a certificate, as the case may be, was served.

## PART 3

### Compliance and enforcement

#### Authorised person

12. (1) (a) A relevant authority may authorise in writing a person (known as an “authorised person”) for the purpose of this Act.

(b) Save in the case of *subsection (2)*, a member of An Garda Síochána is also an authorised person for the purposes of this Act.

(2) A person is not bound to comply with a request of an authorised person under this Act unless the authorised person produces, if requested by the person, evidence of appointment as an authorised person for the purpose of this Part.

#### Entry on land

13. (1) An authorised person may enter on any land, including the curtilage of a dwelling, at all reasonable times between the hours of 8 a.m. and 6 p.m. and there make such inquiries, investigations and examinations as he or she thinks proper for the purposes of the performance of the functions of the relevant authority under this Act.

(2) An authorised officer shall not, other than with the consent of the occupier, enter on land including the curtilage of a dwelling, unless he or she has obtained a warrant from the District Court under *subsection (6)* authorising such entry.

(3) Where an authorised officer, in exercise of his or her powers under this section, is prevented from entering any land, an application may be made under *subsection (6)* authorising such entry.

(4) For the purposes of the exercise or performance of any of the functions conferred on a relevant authority under this Act, an authorised person entering on land may place or cause to be placed survey markings on land, make plans of the land, take photographs, take levels, make excavations, and examine the depth and nature of the subsoil.

(5) An authorised officer, where he or she considers it necessary, may be accompanied by a member of An Garda Síochána when performing a function conferred on him or her under this Act.

(6) If a judge of the District Court is satisfied on the information provided on oath and in writing of an authorised officer that there are reasonable grounds for believing that a significant hedgerow or a potentially significant hedgerow is growing on any land, including the curtilage of any dwelling, and is in danger of being removed, the judge may issue a warrant authorising an authorised officer, accompanied by a member of An Garda Síochána and a suitably qualified expert, as the officer considers appropriate in the circumstances of the case, at any reasonable time, within one month from the date of issue of the warrant, on production of the warrant if so requested, to enter the land and carry out such inquiries, investigations and examinations as are reasonably necessary.

(7) An application under *subsection (6)* shall be made to a judge of the District Court for the district court area in which the land is situate.

### **Prohibition order**

14. (1) If the relevant authority believes on reasonable grounds that there is a risk that a significant hedgerow or potentially significant hedgerow may be removed because of any act, failure to act or negligence on the part of any person, the relevant authority may apply to the District Court for an order prohibiting the removal of the significant hedgerow or potentially significant hedgerow, as appropriate.

(2) An application for an order under *subsection (1)* may be made *ex parte* in the first instance.

(3) The application for such an order shall be grounded on an affidavit sworn by or on behalf of the relevant authority.

(4) The court may make an order under this section –

(a) in the terms sought by the relevant authority in the application, or

(b) in other terms as the court considers appropriate.

(5) Where an order under this section is made, a copy of the order and the affidavit referred to shall be served on the owner of the land on which the significant hedgerow or potentially significant hedgerow is situate as soon as is practicable or as directed by the court.

(6) Where the relevant authority applies to the District Court for a prohibition order, the court may not require the relevant authority or any other person to give an undertaking as to damages as a requirement of granting the order.

(7) The court may amend or revoke an order made under this section including an order under this subsection.

(8) An application under *subsection (1)* shall be made to a District Court judge assigned to the district in which the significant hedgerow or potentially significant hedgerow is situate.

(9) The decision of the District Court judge either granting or refusing a prohibition order shall be final save that, by leave of the Court, an appeal shall lie to the High Court on a point of law.

(10) Where an appeal is made to the High Court pursuant to *subsection (9)* or *section 11(3)*, such an appeal shall not stay the operation of an order unless the High Court, on an application made to it by the appellant, suspends the operation of the order pending the determination of the appeal and on such terms, if any, as may be imposed by the court making the determination.

## Offences

15. (1) A person who, without the permission of the relevant authority, removes a significant hedgerow or a potentially significant hedgerow in contravention of *section 4* shall be guilty of an offence and shall be liable –

(i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or

(ii) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) A person who makes any false or misleading statement in any application under this Act or in any document required thereunder or otherwise gives false or misleading information to the relevant authority or an authorised officer shall be guilty of an offence and shall be liable –

(a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment to a fine not exceeding €25,000 or imprisonment for a term not exceeding 2 years or to both.

(3) A person who –

(a) obstructs or impedes an authorised officer in the exercise of his or her powers under this Act, or

(b) intentionally destroys or removes a survey mark of the relevant authority,

shall be guilty of an offence and shall be liable –

(i) on summary conviction, to a Class A fine, or

(ii) on conviction on indictment, to a fine not exceeding €25,000 or imprisonment for a term not exceeding 2 years or to both.

(4) An owner who fails to notify the local authority of the destruction or removal of a hedgerow in accordance with *section 18* shall be guilty of an offence and shall be liable –

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €25,000 or imprisonment for a term not exceeding 2 years or to both.

(5) Proceedings for an offence under this Act may be brought summarily by the relevant authority concerned or by a member of An Garda Síochána.

### **Offence by corporate body**

16. (1) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

### **Costs of prosecution**

17. (1) Where a person is convicted of an offence under this Act, the court may, where it is satisfied that there are good reasons for so doing, order the person to pay to the prosecution the costs and expenses, measured by the court, incurred by the prosecutor in relation to the investigation, detection and prosecution of the offence, including the costs and expenses of and incidental to an examination of any information provided to the local authority.

(2) An order for costs and expenses referred to in *subsection (1)* shall be in addition to and not instead of any fine or penalty the court may impose.

## PART 4

### **Remedies**

#### **Notification of removal of a hedgerow**

18. Where a hedgerow is destroyed or removed, in whole or in part, otherwise than in accordance with this Act, the owner shall notify the local authority in whose area the hedgerow is situated in writing of the destruction or removal, including particulars of the area, location and extent of the destruction or removal, within 6 months of the occurrence.

#### **Replacement of hedgerow**

19. (1) Where it appears to the local authority that a hedgerow has been removed in contravention of this Act, the authority may give a notice to the owner, requiring the owner to plant another hedgerow or, where the hedgerow has been removed by or on behalf of a relevant utility operator, give a notice to that operator requiring it to plant another hedgerow.

(2) A notice under *subsection (1)* shall specify the species, position, type of construction where applicable, and number of shrubs, or trees and shrubs, to be planted and the period within which the planting is to be carried out.

(3) Until the expiration of a period of 10 years from the date of substantial completion of the planting, a hedgerow planted in compliance with a notice under *subsection (1)* shall be preserved and maintained such as to enable it to become established, and for that purpose the owner or utility operator upon whom the notice was served shall maintain in good repair and effective condition all fences and other protection necessary to protect the new hedgerow from being injured or destroyed.

(4) A hedgerow planted in compliance with a notice under *subsection (1)* shall be treated, for the purposes of this Act and any regulations made thereunder for the period of 25 years beginning with the date of substantial completion of the planting, as if it were a significant hedgerow.

### **Remedial payment**

20 (1) Where a person has been convicted of the offence of removing a significant hedgerow and the court is satisfied, on the balance of probabilities, that the consequences of that removal are to adversely affect the ecosystem of a local area by reducing the sequestration or storage of atmospheric carbon, the court shall, on application to it by the local authority, provide by order for the payment by the person who has removed the significant hedgerow of a remedial payment to the local authority.

(2) A remedial payment is in addition to, and not in substitution of, a requirement to plant a replacement hedgerow under *section 19*.

(3) In this section, “remedial payment” means an amount calculated by multiplying for each square metre of significant hedgerow removed the amount that the Minister may by regulation prescribe.

(4) A local authority shall apply the monies received pursuant to a remedial payment to mitigation measures or adaptation measures or other action to be taken by the local authority in accordance with section 14B of the Climate Action and Low Carbon Development Act 2015.

### **Notification to Tailte Éireann**

21. (1) Where a notice is served on any person pursuant to *section 19*, the local authority may, as soon as may be after so serving the notice, send a copy thereof to Tailte Éireann, which shall—

(a) in the case of registered land, register the replanting notice as a burden affecting the land, or

(b) in the case of unregistered land, register the replanting notice as a deed within the meaning of Part 3 of the Registration of Deeds and Title Act 2006.

(2) Where—

(a) *subsection (1)* applies, and

(b) in whole or in part, the burden has been discharged or modified,

the local authority shall, upon application by the owner, issue to Tailte Éireann a certificate stating the extent to which the burden has been discharged, or modified.



- (3) Tailte Éireann shall, on receipt of the certificate, register it as proof of the discharge, partial discharge, or modification (according to the terms of the certificate) of the burden.
- (4) The local authority shall send a copy of the certificate to the owner.
- (5) No fees shall be payable to Tailte Éireann in respect of any steps taken under this section.

## PART 5

### Amendments

#### Amendment of section 70 of Roads Act 1993

22. (1) Section 70 of the Roads Act 1993 is amended -

(a) by the insertion of the following paragraph after *subsection (2) (b)*:

“(c) In considering whether or not to serve such a notice, a road authority shall have due regard to nature conservation.”

(b) by the insertion of the following subparagraph after *subsection (3) (a) (v)*:

“(vi) That the road authority failed to have due regard to nature conservation.”

(c) by the substitution of the following subsection for *subsection (8)*:

“Where an owner or occupier fails to comply with a notice under this section, the road authority may take the action specified in the notice or such other action as it thinks fit, having due regard to nature conservation.”

(d) by the insertion of the following subsection for *subsection (9)*:

“(a) Where a road authority considers that a structure (or the use of such structure), tree, shrub, hedge or other vegetation presents an immediate and serious hazard to persons using a public road it may, notwithstanding the provisions of *subsections (1) to (8)*, take immediate action to reduce or remove the hazard.

(b) Where the hazard identified in *subsection (a)* involves a tree, shrub, hedge or other vegetation which forms part of a hedgerow to which the Protection of Hedgerows Act 2023 applies, any action taken by the road authority shall be carried out in a manner which causes the least amount of alteration to the hedgerow, or part thereof, necessary to remove the hazard, and consideration shall be given in the first instance to whether trimming of the hedgerow, or part thereof, is sufficient to remove the hazard.”

(e) By the insertion of the following paragraph after *subsection (12) (a)*:

“(aa) A person taking any such action as specified in *paragraph (a) (ii)* shall have due regard to nature conservation .”

(2) By the insertion after *subsection (13)* of the following subsection:

“(14) In this section where a road authority or person is required to have regard to nature conservation before making a notice or taking action, nature conservation shall be taken to mean that -

(a) where felling, cutting, lopping, trimming or removal of a tree, shrub, hedge or other vegetation is required to remove a hazard or potential hazard, obstruction or interference with safe use or maintenance of the road this shall be the minimum amount of any such action necessary to remove the hazard or potential hazard, obstruction or interference and consideration shall be given in the first instance to whether trimming is sufficient; and

(b) where the tree, shrub, hedge or other vegetation forms part of a hedgerow to which the Protection of Hedgerows Act 2023 applies, due regard is had to its role and function in –

(i) the protection, maintenance or improvement of the ecosystem of a local area, including the sequestration and storage of atmospheric carbon, buffering of waterbodies from deleterious nutrients or pollutants, flood and soil protection;

(ii) the protection, maintenance or improvement of biodiversity including the protection of the breeding, resting or roosting places of wild animals, particularly protected species and the connectivity of natural or semi-natural features in the landscape;

(iii) the protection, maintenance or improvement of archaeological, cultural or historical heritage;

(iv) agricultural systems including the control of movement of livestock, reduction in spread of airborne disease, maintenance of animal welfare and control of plant disease or insect infestation.”

#### **Amendment to Forestry Act 2014**

23. The Forestry Act 2014 is amended –

(1) In *section 2*, by the insertion after the definition of “planning authority” of the following definition:

“‘potentially significant hedgerow’ means a hedgerow referred to in *section 3(4)* of the Protection of Hedgerows Act 2023”

After the definition of “replanting order” the following definition:

“‘significant hedgerow’ means a hedgerow referred to in *section 3(3)* of the Protection of Hedgerows Act 2023”

(2) In *section 19*,

(a) in *subsection (1)(m)* by the deletion of subparagraph (v);

(b) in subparagraph (ii) of *subsection (2) (f)* by the -

deletion of ‘or (v)’ and

the substitution of ‘(ii) or (iv)’ for ‘(ii), (iv)’;

(c) by the insertion of the following subsection after *subsection (2)*:

“(2A) A tree which forms part of a significant hedgerow or a potentially significant hedgerow shall not be an exempted tree, unless it is a tree to which any of paragraphs (c), (f), (g), (k), (l), (m) (i) to (ii), or paragraph (n) of *subsection (1)* applies.”

## **Amendment to Communications Regulation Act 2002**

24. Section 58 of the Communications Regulation Act 2002 is amended by the insertion of the following subsection after *subsection (7)*:-

“(8) Where any tree, shrub or hedge referred to in this section forms part of a hedgerow to which the Protection of Hedgerows Act 2023 applies, any lopping or cutting of such tree, shrub, or hedge shall be carried out in a manner which causes the least amount of alteration to the hedgerow, or part thereof, necessary to remove the obstruction or interference with the physical infrastructure of the network operator, and consideration shall be given in the first instance to whether trimming of the hedgerow is sufficient to remove the obstruction or interference.

### **Amendment to Electricity Supply Act 1927**

25. Section 98 of the Act of 1927 is amended by the insertion of the following subsection after *subsection (3)*:-

“(4) Where any tree, shrub or hedge referred to in this section forms part of a hedgerow to which the Protection of Hedgerows Act 2023 applies, any lopping or cutting of such tree, shrub, or hedge shall be carried out in a manner which causes the least amount of alteration to the hedgerow, or part thereof, necessary to remove the obstruction or interference with the electrical wires, or with the erection or laying of such electrical wires or with the survey of the proposed route of any transmission or distribution lines of the Board or such authorised undertaker of any electric wire or a holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or holder of a direct line permission under section 37 of the Electricity Regulation Act 1999, and consideration shall be given in the first instance to whether trimming of the hedgerow is sufficient.”

### **Amendment to Transport (Railway and Infrastructure) Act 2001**

26. Section 49 of the Transport (Railway and Infrastructure) Act 2001 is amended by the insertion of the following subsection after *subsection (4)*:-

“(5) (a) Where any tree, shrub or hedge referred to in this section forms part of a hedgerow to which the Protection of Hedgerows Act 2023 applies, any lopping, removing or cutting of such tree, shrub, or hedge shall be carried out in a manner which causes the least amount of alteration to the hedgerow, or part thereof, necessary to remove the obstruction or interference with the activities listed at (a) to (f) of *subsection (1)* and consideration shall be given in the first instance to whether trimming of the hedgerow is sufficient to remove the obstruction or interference.

(b) Where it is deemed necessary pursuant to *subsection (4)* to fell or lop any tree, shrub or hedge for reasons of safety, and such tree, shrub or hedge forms part of a hedgerow to which the Protection of Hedgerows Act 2023 applies, the railway operator shall take all necessary steps to maintain the integrity of the hedgerow and shall only fell or lop the minimum amount of any tree, shrub or hedge necessary to remove the risks to safety which have been identified.”

### **Amendment to the Transport (Dublin Light Rail) Act 1996**

27. Section 15 of the Transport (Dublin Light Rail) Act 1996 is amended by the insertion of the following subsection after *subsection (3)*:-

“(4) Where any tree, shrub or hedge referred to in this section forms part of a hedgerow to which the Protection of Hedgerows Act 2023 applies, any lopping, removing or cutting of such tree, shrub, or hedge shall be carried out in a manner which causes the least amount of alteration to the hedgerow, or part thereof, necessary to remove the obstruction or interference with the activities listed at (a) to (f) of *subsection (1)* and consideration shall be given in the first instance to whether trimming of the hedgerow is sufficient to remove the obstruction or interference.”

## PART 6

### Miscellaneous

#### Records

28. (1) Each local authority shall compile and make available for public inspection on a website, a record containing a copy of—

- (a) every application for a permission received by it under *section 5* until such time as the application is accepted or rejected;
- (b) every grant of permission issued by it under *section 6*;
- (c) every certificate given by it under *section 8*;
- (d) every prohibition order applied for, and every order granted, under *section 14*, until such time as the local authority considers that information about the making of the order is sufficiently disseminated or there is no longer a risk of the removal of the significant or potentially significant hedgerow to which the order relates.

(2) A local authority shall maintain records in accordance with this section for such period as the local authority requires for the purposes of ensuring compliance with this Act and its obligations.

#### Notification mechanism

29. (1) Each local authority shall put an accessible mechanism in place to –

- (a) record notifications to it of information suggesting an infringement or potential infringement of this Act;
- (b) subject to *subsection (2)*, without undue delay, assess and determine what action, if any, it is required to take pursuant to the information provided to it.

(2) A local authority shall not be required to assess and determine a notification under *subsection (1)* if it is satisfied that the notification is –

- (a) not made in good faith, or
- (b) is frivolous, vexatious or without substance or foundation.

(3) A local authority shall maintain a record of all notifications received under *subsection (1)* and the outcome of the determination referred to at *subsection (2)* and shall retain that record for such period as the local authority requires for the purposes of ensuring compliance with this Act.

(4) The Minister may by regulation provide for the details of a notification mechanism under this section.