

# Retention of landscape features (GAEC 7)

**This is an old version of the page**

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For recent changes to this guidance, please see the [bottom of the page](#).

## Retention of landscape features

**The aim of these rules is to protect landscape features.**

**You must not:**

1. remove or destroy drystone or flagstone dykes, turf and stone-faced banks, walls, hedges, ponds, watercourses or trees (in line, in a group or isolated) without the prior written consent of the Scottish Ministers. Consent is not required to:

- widen field entrances to enable access for livestock or farm machinery
- fell trees which are exempt from or are covered by a 'Felling Licence'\* issued by Forestry Commission Scotland
- fell trees that are dead, diseased, damaged or insecurely rooted and because of its condition it poses a risk to human safety

2. trim hedges or lop branches off trees during the bird nesting and rearing season starting on 1 March and ending on 31 August, unless one of the following exemptions applies:-

**(1)** A hedge or tree may be trimmed/cut from 1 August if the hedge or tree is in a field which will be sown with one of the following crops in that month:-

- oilseed rape
- temporary grass
- another crop subject to prior written consent of Scottish Ministers

This exemption only applies to trimming/cutting the side of the hedge or tree which is adjacent to the oilseed rape, grass, or other crop.

Some birds continue breeding into August and all wild birds, their young, their eggs and active nests are protected by law (Wildlife & Countryside Act 1981). Full information can be found at: [Protected species birds](#).

It is an offence to intentionally or recklessly damage a nest while it is in use or being built and hedge cutting is highly likely to damage nests or cause them to be deserted.

For this reason, before undertaking trimming in August under this exemption, you must check the full length of the hedge for nesting birds. If active nests are found, trimming must be delayed until all birds have fledged.

**(2)** for road safety\* reasons

Hedgelaying\* can be carried out up to and including 31 March

3. cultivate land within two metres of the centre line of a hedge unless one of the following exemptions apply:

- cultivating to establish a green cover where one doesn't already exist. A green cover excludes crops that are grown for a commercial purpose, for example arable crops including crops that are under sown with grass
- cultivating to establish a new hedge

4. apply fertilisers (organic manure, chemical or nitrogen) or pesticides within two meters of the centre line of a hedge unless one of the following exemptions apply:

- applications of fertilisers or pesticides to establish a new hedge. This applies from the time the land is prepared for planting the new hedge to the end of the hedge's third growing season
- spot application of pesticides to control injurious weeds\*, invasive species\* and, after prior written consent of the Scottish Ministers and / or other statutory bodies, certain other weed species.

5. alter, damage or destroy a Scheduled Ancient Monument\* without prior written consent of the Scottish Ministers (known as Scheduled Monument Consent (SMC))

## Further information

'Topping' is permissible within the two meter buffer strip, however Greening rules may apply if this land is also part of your Ecological Focus Area (EFA). Further details on the greening requirements can be found [here](#).

Historic Environment Scotland is responsible for safeguarding Scotland's historic environment and promoting its understanding and enjoyment.

To find out whether there are any Scheduled Ancient Monuments on your land, contact Historic Environment Scotland or search their online register.

Tel: 0131 668 8600

[Historic Environment Scotland](#)

### Explanation of terms

*'Remove or destroy'* does not include trimming a hedge or lopping branches off a tree.

*'Drystone or flagstone dykes, turf and stone-faced banks, walls'* this requirement applies to these features in all states of repair from excellent condition to remnants – see Image 1 below as an example in relation to drystone dykes.

*'Hedges'* means any hedge which has a length of at least 20 metres or a length of less than 20 metres where it meets another hedge at each end. Any gap of less than 20 metres is treated as being part of the hedge.

*'Pond'* means a small body of still water formed naturally or by artificial means. This excludes lochs, lochans, lakes or reservoirs.

*'Trees'* means trees with a crown diameter greater than four metres.

*'Felling Licence'* as provided for under section 9 of the Forestry Act 1967.

*'Road safety'* means where a hedge or tree:

- overhangs a road, surfaced track or footpath to which the public have access so as to endanger or obstruct the passage of vehicles, pedestrians or horse riders; or
- obstructs or interferes with the view of drivers of vehicles or the light from a public lamp

*'Hedgelaying'* means a traditional method of cultivating hedges where tall saplings are partly cut through near the base and then bent over so that they lie horizontally to make a thick barrier.

*'Injurious weeds'* are species specified in the Weeds Act 1959: Spear Thistle (*Cirsium vulgare* (Savi) Ten.), Creeping or Field thistle (*Cirsium arvense* (L.) Scop.), Curled dock (*Rumex crispus* L.), Broad-leaved dock (*Rumex obtusifolius* L.) and Common Ragwort (*Senecio jacobaea* L.).

*'Invasive species'* means giant hogweed (*Heracleum mantegazzianum*), Japanese Knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*) and rhododendron (*Rhododendron ponticum*).



Excellent condition, fully stock proof with no gaps



Stock proof and intact with minor defects



Major signs of advancing or potential deterioration



Not stock proof / in early stages dereliction



Derelict



Remnants

|

□

'Scheduled Ancient Monument' means a monument listed in the Schedule of monuments compiled and maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(b).

## Recent changes

Section	Change
<a href="#">Retention of landscape features</a>	Guidance updated to add reference to the Wildlife and Countryside Act 1981.

## Previous versions

[Previous versions of this page](#)

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