



Rural Payments  
Agency

# Regulatory approach and use of civil sanctions for the Management of Hedgerows (England) Regulations 2024

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We are the Department for Environment, Food and Rural Affairs. We are responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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## Introduction

The Rural Payments Agency (RPA) acts as the regulator in respect of the management of hedgerows on behalf of the Secretary of State for the Department for Environment, Food and Rural Affairs (Defra) as set out in the Management of Hedgerows (England) 2024 ('the Regulations'). These Regulations apply to **England** only. The Regulations aim to protect hedgerows on agricultural land as these are important ecological building blocks across our landscapes. Hedgerows provide habitat, act as wildlife corridors, slow soil erosion and water run-off. They also support crop pollinators and sequester carbon as well as enriching the landscape.

This guidance does not cover the removal of hedgerows which is governed separately by the Hedgerows Regulations 1997. If you wish to remove an important hedgerow as defined by the Hedgerows Regulations 1997, you should check with your Local Planning Authority

whether you need permission to do so.

This statutory guidance explains the regulatory approach and the use of civil sanctions policy which will apply in relation to the Regulations. In this guidance, 'we' refers to the RPA or another party acting on behalf of the Secretary of State in relation to the Regulations.

The examples provided in this guidance are for illustrative purposes only; they describe the way in which the RPA might use the powers available, but each case will be judged on its own merits.

## Regulations

The Management of Hedgerows (England) Regulations 2024 apply to hedgerows that are defined as:

- on or next to land used for agriculture

and

- is 20m long or more

or

- less than 20m long but meeting another hedgerow at each end

'Agriculture' is defined as the use of land for:

- horticulture, fruit growing, seed growing, dairy farming, breeding and keeping of livestock (including horses, ponies and any creature kept to produce food, wool, skins or fur, or for the purposes of its use in the farming of land)
- grazing, meadow land, osier land, market gardens and nursery grounds
- woodlands where that use is ancillary to the farming of land for other agricultural purposes

For the avoidance of doubt, the definition encompasses allotments as they are used for horticulture, fruit growing, food production etc, and are therefore subject to the no cutting period. However, they are exempt from the general maintenance requirements as set out in Regulation 5(5)(e) which includes an exemption to the requirement to maintain a buffer strip.

This statutory guidance applies to:

- any person who carries out actions in breach to the requirements of the Regulations regarding cutting or trimming hedgerows
- any person who causes or permits another person to carry out such actions

- any person responsible for maintaining the buffer strips requirement of the Regulations where a breach has occurred

This guidance applies to the following (this list is not exhaustive):

- landowners
- farmers
- land managers
- landlords
- tenants
- employees
- family members
- contractors
- members of the public

There are 3 requirements of the Regulations.

1. You must not cut or trim hedgerows on or next to agricultural land between 1 March and 31 August inclusive, subject to certain exceptions set out in regulations 6(2) and (3) of these Regulations.
2. You must take reasonable steps to establish and maintain green cover on land within 2 metres of the centre of a hedgerow, known as a buffer strip.
3. You must not cultivate a buffer strip or apply fertilisers or pesticides to land within 2 metres of the centre of a hedgerow subject to certain exceptions set out in regulations 5(3)(a), 5(3)(b), 5(4) and 5(5) of these Regulations.

## Regulatory approach policy

RPA adopts the regulatory principle that prevention is better than cure. Our approach in the first instance is to advise, guide and educate those who manage hedgerows where appropriate, to:

- enable compliance
- prevent harm to the environment

Where providing advice and guidance does not result in compliance, we will use the legal powers available to us to enforce the regulations. There may be some cases where advice and guidance first is not appropriate.

Our regulatory approach and the use of civil sanctions will align with the Regulators' Code and the Better Regulation Principles. We will focus on:

- proportionality

- consistency
- risk-based activity
- supporting responsible persons to comply

[The Regulators' Code](#) is a framework for how regulators should engage with those they regulate.

[RPA Regulators' Code](#) shows how RPA meets the 6 standards of the code to make sure we are open and fair with those we regulate.

The [Better Regulation guidance](#) explains how officials are required to comply with the Better Regulation Framework to ensure that regulatory provisions are appropriately considered and scrutinised.

We will operate in line with the [Defra enforcement policy statement](#).

## Outcome focused regulatory approach

RPA will work with and support those we regulate to do the right thing by using an outcome focused approach. This means that, except in cases of serious harm, we will look to provide advice and guidance in the first instance before taking enforcement action. We will use appropriate interventions aimed at helping those responsible for managing hedgerows on agricultural land to comply with the regulations including:

- targeted communications such as timely reminders, hints and tips, and advice, offering proactive and supportive guidance where it is needed
- regular evaluation of the effectiveness of our approach to allow us to continuously improve the help we're able to provide
- the use of risk selection for regulatory visits to minimise the regulatory burden

We will take an evidence and risk-based approach for decisions on any further action. We may still escalate and seek to impose civil or criminal sanctions, but only if appropriate. To ensure consistency, any use of sanctions will be considered by a regulatory oversight panel, independent of any RPA field officer, before any sanctions are applied. This is an established process within RPA for other regulations and will model good practice from other existing regulators.

## Advice and Guidance

We will advise, guide and support those we regulate to become compliant with the Regulations.

If you have committed an offence determined to be less serious, you will get advice at the time which will also be confirmed in writing to remind you of the requirements. This will give you the opportunity to remedy the offence at the time with no civil sanction being imposed.

Mitigating factors, not in order of priority and not exhaustive, which may make the consequences of an offence less serious include:

- first offence or good compliance record
- scale or impact of offence
- minor level of responsibility or culpability
- admission of responsibility or readiness to co-operate with RPA

If later evidence shows the offence to be more serious, there is a possibility that civil sanctions and/or criminal proceedings may be utilised.

We will keep official records of your compliance history as evidence. This includes any advice given orally or in writing.

Advice and guidance may also be offered where no offences are identified, has been asked for, or if we feel it may be helpful or prevent an offence in the future.

In all cases, verbal advice provided will be confirmed in writing explaining any actions necessary to encourage good practice.

## Civil sanctions

There are 4 civil sanctions available to RPA under these Regulations:

1. Stop Notice
2. Compliance Notice
3. Restoration Notice
4. Variable Monetary Penalty up to a maximum of £250,000

These sanctions cover any of the offences under the Management of Hedgerows (England) Regulations 2024.

The flexibility of these civil sanctions allows us to take steps to ensure future compliance, to halt damaging activities, and restore any environmental features.

They will allow us to distinguish more effectively between those with a good general approach to compliance and those who tend to disregard the law. This means that those who have saved costs through non-compliance do not gain an unfair economic advantage over those who have complied. We must be satisfied 'beyond reasonable doubt' that an offence has been committed before using civil sanctions.



We may at any time in writing:

- withdraw a Variable Monetary Penalty Notice, a Non-compliance Penalty Notice, an Enforcement Cost Recovery Notice, or reduce the amount specified in a Variable Monetary Penalty Notice
- withdraw a Compliance Notice, Restoration Notice or Stop Notice, or amend the steps that are required to be taken to reduce the amount of work necessary to comply with the notice

These abilities do not prevent us from withdrawing a notice and issuing a replacement notice.

### **Proportionate use of sanctions**

Regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent. Regulatory activities should be targeted only at cases in which action is needed. To ensure the sanctions that we issue are proportionate and consistent we will assess each case on its own merits and facts. This includes consideration of the seriousness, circumstances, nature (type, intent, and scale) and impact of the offence and what can be done to rectify it.

We will consider a range of potential mitigating or aggravating factors including but not limited to:

- the extent of any damage
- if any steps have been taken to remedy the issue
- if you have acted on previous advice and guidance
- if you have reported the relevant offence to us
- your previous compliance history and the frequency of offences
- no intent to deceive
- how culpable you are
- any poor conduct after the relevant offence is drawn to your attention
- any threatening or abusive behaviour towards our officers
- any mental health or physical health issues

Civil sanctions will be proportionate to the offence and are intended to:

- address the non-compliance in good time
- deter the continuation of non-compliance and the likelihood of future non-compliance
- reduce any harm associated with the non-compliance
- allow escalating actions to secure compliance

In some cases, there may be 2 or more people involved in the commission of an offence. For example, if a contractor was to cut a hedge on behalf of a landowner. We will consider separately each person's involvement in the offence. We may take different approaches for each person, reflecting their role in committing the offence, as well as any relevant aggravating/mitigating factors relating to each person.

Where you may have relied on advice from a third party, we will also consider their role in any offence committed.

We may use a combination of civil sanctions to bring about compliance.

## Stop Notices

A Stop Notice prevents a person from carrying on with an activity until they have taken the steps specified in the notice to come back into compliance. They can only be used where we reasonably believe that an unlawful activity is causing, or presents a significant risk of causing, serious damage to an important hedgerow.

A Stop Notice may be issued for the following reasons, this list is not in order of priority and is not exhaustive:

- when advice and guidance has been given but not followed
- when it is reasonably believed that the activity is likely to continue and is causing, or presents a significant risk of causing serious damage
- opportunities to self-correct are not taken up, and either the activity is continuing or in anticipation of it continuing based on previous history

### For example

On a farm visit by an RPA field officer a landowner is found to be cutting hedgerows during the no cutting period. There has been previous history of cutting hedges in the no cut period by the landowner and advice and guidance has also previously been given. Discussions with the landowner indicate that this behaviour will continue. As this potentially poses a risk of serious damage to the hedgerows, the field officer recommends to the regulatory panel that a Stop Notice is appropriate. This notice is issued instructing the landowner to stop cutting the hedgerows in the no cutting period. The landowner complies with the Stop Notice and a follow up visit after the no cutting period has ended shows no further cutting has taken place. A completion certificate is issued.

## When a Stop Notice is issued

We will serve you with a Stop Notice in writing with the aim of immediately stopping an action that is being or is about to be carried out.

A Stop Notice will set out:

- the grounds for serving the Stop Notice
- any steps you must take to comply with the Stop Notice
- your rights to appeal
- the consequences of non-compliance with the Stop Notice

We may not serve a Stop Notice if you have already:

- taken appropriate steps to address the non-compliance
- received a monetary penalty for the same offence

If the offence is a continuing one, we may serve a Stop Notice in relation to the continuation of the offence after you have received a monetary penalty.

If you are issued a Stop Notice you have the right to appeal to The General Regulatory Chamber of the First-tier Tribunal if you disagree with the notice. Read the Representations, Objections and Appeals section about how to appeal.

If the Stop Notice is upheld following any appeal, the RPA will undertake a follow up visit. A decision will then be made whether to issue a Completion Certificate. (See Completion Certificate Section)

If the RPA refuse to provide a Completion Certificate, you have the right to appeal to The General Regulatory Chamber of the First-tier Tribunal.

A Stop Notice will stay in place until you've completed all the required action and you have applied for and been issued with a Completion Certificate.

If you do not comply with a Stop Notice within the time specified in the notice, it can result in criminal prosecution.

## Completion Certificates

A Completion Certificate is written confirmation that we are satisfied that you have taken the relevant steps specified in the Stop Notice.

After you have completed the actions specified in the Stop Notice, you can apply for a Completion Certificate at any time. You should do this using the Stop Notice Completion Certificate application form which will be sent to you as part of your Stop Notice.

We will inform you in writing of our decision within 14 days from the date we receive your application form. If we are satisfied that you have complied with the Stop Notice, we will issue a Completion Certificate.

It is an offence to make a false representation to get a Completion Certificate and you could be liable to a financial penalty.

If you fail to stop the non-compliance or repeat or recommence the illegal activity, we will consider further civil sanctions or criminal prosecutions. This applies even if you initially complied and received a Completion Certificate.

### **When a Completion Certificate is declined**

If we decide not to issue a Completion Certificate, we will write to you to explain our reasons for this and explain your rights to appeal to The General Regulatory Chamber of the First-tier Tribunal. You have the right to appeal on the grounds that the decision was:

- based on an error of fact
- wrong in law
- unfair or unreasonable
- wrong for any other reason

Read the Representations, Objections, Undertakings and Appeals section about how to appeal.

### **When compensation is paid**

RPA must compensate a person for loss suffered due to the Stop Notice or refusal of a Completion Certificate in relation to a Stop Notice and where:

- a Stop Notice is subsequently withdrawn or amended by the regulator because the decision to serve it was unreasonable or any step specified in the notice was unreasonable
- the person successfully appeals against the Stop Notice and The General Regulatory Chamber of the First-tier Tribunal finds that the service of the notice was unreasonable
- the person successfully appeals against the refusal of a Completion Certificate for a Stop Notice and The General Regulatory Chamber of the First-tier Tribunal finds that the refusal was unreasonable

# Compliance & Restoration Notices

## Compliance Notice

A Compliance Notice requires the person responsible to take specified steps, within a defined time period, to make sure that an offence does not continue and to become compliant with the Regulations.

A Compliance Notice may be issued for the following reasons, this list is not in order of priority and is not exhaustive:

- advice and guidance is not followed or opportunities to self-correct are not taken up
- persons responsible are aware of the rules
- there is a likelihood that the activity will continue, and that advice and guidance alone will not be sufficient to secure compliance

### For example

A farmer has cut hedges in the no cut period. This same offence occurred during the previous no cutting period and advice and guidance given at the time had not been followed. Discussions with the farmer by an RPA Field Officer show they understand the rules. The Field Officer recommends to the regulatory panel, who agree and a notice of intent is issued, there is no objection from the farmer, and the Compliance Notice is issued. The notice requires the farmer to not cut any hedges until 1 September. The Field Officer returns on 31 August and confirms no further cutting of hedges has taken place. No further action is required.

## When a Compliance Notice is issued

We may issue a Compliance Notice where a breach of the Regulations is identified. Where a Compliance Notice is deemed appropriate, we will firstly issue a Notice of Intent.

This must include:

- the grounds for the proposed Compliance Notice
- the requirement of the proposed Compliance Notice
- your right to make written representations, objections or offers of undertaking to us within 28 days (beginning on the day the Notice of Intent was received)
- the circumstances in which we may not impose the Compliance Notice (including any defences relating to the offence for which the notice is served)

You will then have 28 days from the receipt of the Notice of Intent to make any written representations or objections to us.

When we receive your representations or objections, we will review your case considering any new relevant information you have provided. We will also consider any offers of an undertaking you have made and inform you of our decision.

After considering this new information, we may decide to withdraw the original Notice of Intent and serve a new one. Our decision will be based on:

- circumstances such as illness or events outside of your control
- relevant information not being made available to us before we served you with the first Notice of Intent

The new Notice of Intent may reduce or increase the severity of the sanction based on the information you provide.

If no representations or objections are received or they are not accepted, a Compliance Notice will then be issued. The aim of this notice is to put an end to a continuing offence or to prevent future offending.

A Compliance Notice will set out:

- why the notice was issued
- any steps you must take to comply with the notice
- the expected timeframe for compliance with the Compliance Notice
- your rights to appeal
- the consequences of non-compliance with the Compliance Notice

You can appeal against the Compliance Notice to The General Regulatory Chamber of the First-tier Tribunal. Read the Representations, Objections and Appeals section about how to appeal.

If you do not comply with a Compliance Notice, we may issue a notice imposing a monetary penalty for non-compliance.

A Notice of Monetary Penalty for non-compliance will set out:

- why the notice was issued
- the amount to be paid
- how payment must be made
- the timeframe in which payment must be made
- the right to appeal
- the consequences of not making the payment within the required timeframe

- any circumstances where we may reduce the penalty amount

Non-compliance with the original Compliance Notice can also result in criminal prosecution.

## Restoration Notice

A Restoration Notice requires the person responsible to take specified steps within a defined time period to ensure that the position is restored, so far as possible, to what it would have been had no offence been committed. We will consider the facts and circumstances of each individual case.

A Restoration Notice may be issued for the following reasons, this list is not in order of priority and is not exhaustive:

- advice and guidance have been given and not followed
- opportunities to self-correct are not taken up
- serious damage has occurred and recovery will take more than a growing period
- the extent of damage caused by activity is such that the buffer strip is no longer protecting the hedgerow or the hedgerow has been damaged as a consequence, or both

### For example

An RPA Field Officer on a farm visit has found a number of hedges where the buffer strip had been ploughed up. A similar offence was discovered the previous year and advice and guidance given at the time had not been followed. The Field Officer discussed the situation with the farmer to understand any aggravating or mitigating factors. The Field Officer recommends to the regulatory panel a Restoration Notice should be issued. The panel agree and issue a Notice of Intent. There are no objections raised by the farmer and a Restoration Notice is issued requiring the farmer to reinstate the buffer strips. The Field Officer returns after an agreed time and the buffer strips have been restored. In this example a Restoration Notice is appropriate as the buffer strip is to be restored to what it would have been if no offence had occurred.

## When a Restoration Notice is issued

We may issue a Restoration Notice where a breach of the Regulations is identified. Where a Restoration Notice is deemed appropriate, we will firstly issue a Notice of Intent.

This must include:

- the grounds for the proposed Restoration Notice
- the requirement of the proposed Restoration Notice

- your right to make written representations, objections and offers of undertaking to us within 28 days (beginning on the day the Notice of Intent was received)
- the circumstances in which we may not impose the Restoration Notice (including any defences relating to the offence for which the notice is served)

You will then have 28 days from the receipt of the Notice of Intent to make any written representations or objections to us.

When we receive your representations or objections, we will review your case considering any new relevant information you have provided. We will also consider any offers of an undertaking you have made and inform you of our decision.

After considering this new information, we may decide to withdraw the original Notice of Intent and serve a new one. Our decision will be based on:

- circumstances such as illness or events outside of your control
- relevant information not being made available to us before we served you with the first Notice of Intent

The new Notice of Intent may reduce or increase the severity of the sanction based on the information you provide.

If no representations or objections are received or if an offered undertaking is not accepted, a Restoration Notice will then be issued.

A Restoration Notice will set out:

- why the notice was issued
- any steps you must take to comply with the notice
- the expected timeframe for compliance with the Restoration Notice
- your rights to appeal
- the consequences of non-compliance with the Restoration Notice

You can appeal against the Restoration Notice to The General Regulatory Chamber of the First-tier Tribunal. Read the Representations, Objections, Undertakings and Appeals section about how to appeal.

If you do not comply with a Restoration Notice, we may issue a notice imposing a monetary penalty for non-compliance.

A Notice of Monetary Penalty for non-compliance will set out:

- why the notice was issued
- the amount to be paid
- how payment must be made



- the timeframe in which payment must be made
- the right to appeal
- the consequences of not making the payment within the required timeframe
- any circumstances where we may reduce the penalty amount

Non-compliance with the original Restoration Notice can also result in criminal prosecution.

## Variable Monetary Penalties

In more serious cases, a Variable Monetary Penalty (VMP) allows the RPA to set the level of financial penalty to offset any financial benefit of non-compliance.

A VMP may also be used as an alternative to criminal sanctions for significant offences where there are strong mitigating factors.

They may also be appropriate where previous civil sanctions have failed to secure compliance. All monies from VMPs goes into the Government's consolidated fund.

Under the Management of Hedgerows (England) Regulations 2024, a VMP could be up to a maximum of £250,000, but the amount will depend on the circumstances in each case.

A Variable Monetary Penalty may be issued where advice and guidance has not been followed and/or there is a likelihood of financial gain by the responsible persons involved. For example, contracting business or the landowner or both.

### For example

A contractor has been trimming multiple landowners' hedges in late March. They are fully aware that this is in breach of the Regulations but had a lot of contracting work and decided to carry out the hedge trimming regardless of the law. While driving to a farm visit an RPA field officer notices a number of freshly cut hedges in the area. They enquire at the farm they are visiting who the local hedge cutting contractor is and the farmer confirms the contractor that has been working in the area. The nature of the offence is severe and the RPA issues a Notice of Intent to the contractor. The contractor contacts the RPA about the Notice of Intent to explain the situation, but the RPA doesn't agree that these are mitigating circumstances and request financial information from the contractor. The contractor agrees and sends the information over for the RPA to calculate a VMP. A final VMP Notice is issued and the contractor pays the penalty within the time given.

### When a Variable Monetary Penalty is issued

If a breach is identified and a VMP is deemed appropriate, we will issue a Notice of Intent.

This must include:

- the grounds for the proposed VMP
- the requirement of the proposed VMP
- the amount of the penalty
- your right to make written representations, objections and offers of undertaking to us within 28 days (beginning on the day the Notice of Intent was received)
- the circumstances when we may not impose the Notice (including any defence relating to the offence in relation to which the notice is served)

You will then have 28 days from the receipt of the Notice of Intent to make any written representations or objections to us.

When we receive your representations or objections, we will review your case considering any new relevant information you have provided. We will also consider any offers of an undertaking you have made and inform you of our decision.

After considering this new information, we may decide to withdraw the original Notice of Intent and serve a new one. Our decision will be based on:

- circumstances such as illness or events outside of your control
- relevant information not being made available to us before we served you with the first Notice of Intent

The new Notice of Intent may reduce or increase the severity of the sanction based on the information you provide.

If no representations or objections are received or if an undertaking offered is not accepted, a VMP will then be issued.

We will review any new information provided in your response. A VMP will not be applied if:

- we are no longer satisfied beyond reasonable doubt that you committed the offence
- we think the proposed monetary penalty amount does not appropriately reflect the financial benefit you gained from the offence

Alternatively, we may cancel the first monetary penalty and serve a replacement notice for higher or lower amount if we believe the original penalty does not appropriately reflect the financial benefit you gained from the offence.

A VMP Notice will set out:

- why the notice was issued
- information about the penalty
  - amount to be paid

- how payment may be made
- the period to make payment
- any early payment discounts
- any late payment penalties
- your rights to appeal
- the consequences of non-compliance with the VMP

You can appeal against the VMP to The General Regulatory Chamber of the First-tier Tribunal. Read the Representations, Objections and Appeals section about how to appeal.

## What reasonable and proportionate means

We will calculate what level of monetary penalty is reasonable and proportionate, based on the nature, seriousness, and circumstances of the offence.

‘Reasonable’ means an ordinary person would think the proposed monetary penalty amount is appropriate for the offence committed.

‘Proportionate’ means there is a clear relationship between the proposed monetary penalty amount and:

- how much you are likely to have gained financially from the offence
- how seriously your offence undermined the Management of Hedgerows (England) Regulations 2024
- what is needed to deter you and others from future offending

## When evidence and information is required

We may ask for information on your financial situation so we can decide whether it is appropriate to impose a Variable Monetary Penalty. We may also consider any financial benefit you may have gained from the offence.

If we think there is not enough information to calculate any financial benefit, we could ask you to provide further documents. If you cannot or will not assist, we will calculate the penalty amount based on the information already available to us.

If we are considering imposing monetary penalties for two or more people for the same offence, we will consider each person separately. If we are considering imposing penalties on a corporation and an officer working for that corporation, we will consider the corporate body and the officer separately.

To decide the VMP amount, we must take into account the voluntary reporting by any person of their own non-compliance.

To decide the monetary penalty amount, we may consider:

- any early action to remedy the non-compliance and its effects
- culpability (blame) and harm factors, when determining the seriousness of the offence
- any intention to deceive or conceal activity
- the scale of the offending
- whether there are multiple offences
- compliance history, in particular frequency of offending
- whether the offence was committed by an individual or a corporation
- the duration of the offence
- any financial benefit unlawfully gained as a result of the offence
- the financial position of an individual or a business and their ability to pay the monetary penalty
- whether the total monetary penalty is reasonable and proportionate to the offending behaviour

## Criminal prosecutions

In some circumstances, you may face a criminal prosecution. For example, if the offence is too serious for a civil sanction or if you dispute the offence and your part in it.

Factors that could make an offence more serious might include, but are not limited to:

- large scale offending
- multiple offences
- offences continuing over a longer time period
- making a profit because of the offence
- trying to hide the offence or your illegal activity
- you continued to break the law after facing other enforcement actions
- not complying with a Stop Notice
- obstructing a field officer or RPA Official

We may consider any of the following before deciding whether to start criminal proceedings:

- the impact, or potential impact, the offence has on the hedgerow
- your response to previous advice and guidance
- how much you have benefitted, financially or in any other way from the offence

This list is not exhaustive and other relevant factors will be considered when the appropriate penalty is decided.

If you are convicted of an offence following a prosecution, you could face a fine.

Criminal prosecutions are conducted by the [Crown Prosecution Service \(CPS\)](#). We will follow their prosecution procedures when we decide whether to refer a case to the CPS.

## Enforcement Cost Recovery Notices

An Enforcement Cost Recovery Notice (ECRN) allows us to charge for the costs we incur in relation to enforcing these Regulations. We do not intend to serve ECRNs initially, but this will be kept under review. As and when we decide to bring into force the relevant provisions of the regulations, we will issue further guidance.

## Representations, Objections, Undertakings and Appeals

### Stop Notices

If you have been issued with a Stop Notice and you disagree with it, you have the right to appeal to The General Regulatory Chamber of the First-tier Tribunal within the timeframe specified in the Notice.

The Stop Notice remains in effect unless the Tribunal directs otherwise.

### Completion Certificate

If we have decided not to issue you a Completion Certificate, you have the right to appeal to The General Regulatory Chamber of the First-tier Tribunal within the timeframe specified in the decision notice.

### Compliance Notice, Restoration Notice or VMP

If you have been issued with a Notice of Intent for a Compliance Notice, Restoration Notice or VMP you have the right to make written representations, or objections, or offer any undertaking to benefit any person affected by the offence. This means you may write to us (details below) within 28 days of the notice being received to tell us anything you think is relevant to the alleged offence.

Email at [ruralpayments@defra.gov.uk](mailto:ruralpayments@defra.gov.uk)

Write to us at:

Rural Payments Agency  
PO Box 352  
Worksop  
S80 9FG

When we receive your representations or objections or any undertaking offered, we will review your case considering any new relevant information you have provided.

After considering this new information, we may decide to withdraw the original Notice of Intent and serve a new one. Our decision will be based on:

- circumstances such as illness or events outside of your control
- relevant information not being made available to us before we served you with the first Notice of Intent

The new Notice of Intent may reduce or increase the severity of the sanction based on the information you provide.

If we decide to issue the Compliance Notice, Restoration Notice or VMP and you disagree with it, you will have the right to appeal to The General Regulatory Chamber of the First-tier Tribunal within the timeframe specified in the notice.

If you are appealing a VMP you are not required to pay the penalty until the Tribunal has made a decision.

The Tribunal only deals with appeals against civil sanctions and not criminal offences.

## First-tier Tribunals

A First-Tier Tribunal comprises of seven chambers that deal with disputes in several diverse areas of the law. The General Regulatory Chamber within the First-tier tribunal hears appeals against decisions made by government regulatory bodies.

The First-tier Tribunal is independent. They will listen to both the person making the appeal and RPA's representations before they reach a decision.

[The Tribunal Procedure \(First-tier Tribunal\) \(General Regulatory Chamber\) Rules \(2009\) \(SI 2009/1976\)](#) set out many aspects of the tribunal procedure. This includes:

- how you can lodge an appeal with the First-tier Tribunal
- how affected parties will be notified of the appeal
- specific documents the First-tier Tribunal needs

- the deadline for making an appeal to the First-tier Tribunal

To appeal, you must send a notice of appeal to the General Regulatory Chamber of the First-tier Tribunal. You can appeal against the:

- notice of the civil sanction
- written decision not to issue a Completion Certificate

You must appeal within 28 days from the date you receive our notice or decision.

The First-tier Tribunal only deals with appeals against civil sanctions and not criminal offences.

### **First-tier Tribunal: outcomes**

For appeals against civil sanctions The General Regulatory Chamber of the First-tier Tribunal may:

- refuse an application to suspend the notice
- direct RPA to suspend the notice until the appeal has been determined
- direct RPA to suspend the notice for as long as specified by the First-tier Tribunal or withdraw or confirm the notice
- vary any activities specified in the notice
- vary any steps you need to take that are specified in the notice
- vary the amount of a monetary penalty you must pay
- vary the terms for making the payment, such as extending the deadline to make payment or allowing you to pay by instalments
- substitute the civil sanction for a different civil sanction
- refer back to us the decision whether to confirm the penalty
- refer back to us on any other matter relating to the original decision

We will consider the decision of the First-tier Tribunal. If the matter is referred back to us by the First-tier Tribunal for a decision, we will be entitled to impose the same sanction, or we may decide to impose a different sanction. In rare cases we may decide to appeal the decision.

### **First-tier Tribunal: certificates**

For appeals against a refusal to issue a Completion Certificate, the First-tier Tribunal may:

- require us to issue a Completion Certificate
- confirm our decision not to issue a Completion Certificate

- refer back to us the decision whether to issue a Completion Certificate, or any matter relating to that decision

We will consider the decision of the First-tier Tribunal. If the matter is referred back to us by the First-tier Tribunal for a decision, we will be entitled to impose the same sanction, or we may decide to impose a different sanction.

## Publication

Under the Regulations we must publish a report about the use of civil sanctions. The report must include cases where a:

- civil sanction has been imposed
- Variable Monetary Penalty, Restoration or Compliance Notice has been accepted

We do not have to include any information in the report that we think:

- would be inappropriate
- would be unlawful
- might adversely affect current investigations or proceedings

We may include information from the police and the CPS if appropriate. We may also publish criminal prosecution information.

The report will be published as a list that will be updated on a periodic basis, at least annually.

We will report whether a Completion Certificate has been issued after people have complied with a Stop Notice. If a Completion Certificate is issued after the Stop Notice is first reported on, the details of the Completion Certificate will be added the next time the publication is updated.



# Annex

## Investigation powers

### Right of entry

The Management of Hedgerows (England) Regulations 2024 give RPA officers the right to enter any land or premises, at any reasonable hour, to:

- find out if there is or has been any breach of the management requirements
- determine how any such power should be exercised in relation to the land or premises or any other land or premises
- check if there has been compliance with any requirement imposed at an earlier time in relation to the land or premises or any other land or premises

Officers will produce evidence of their authority if required and state the reason for their entry. You can verify who they are by calling RPA's Customer Service Centre on 03000 200 301.

### Powers of entry

We may bring any equipment or materials to gather evidence and to carry out the following investigations and actions:

- observe and view
- require explanations
- seek or require information or records
- take copies of documents
- direct other public bodies to investigate as appropriate
- take possession of and detain substances or articles found

We may make measurements, take samples and photographs and make recordings as we consider necessary for the purpose of any examination or investigation.

On leaving the land, if the owner or occupier is not present, the officer must leave the land as effectively secured against trespassers as it was at the time of entry.

Any person who wilfully obstructs a person acting in the exercise of right of entry shall be guilty of an offence, and liable on summary conviction to a level 3 fine. You can find the fine levels on the [Sentencing Council](#) page.

## **What to expect on a site visit**

In a typical hedgerow visit an RPA Officer will:

- visit your land and check compliance with these Regulations
- discuss their findings with you before leaving (where possible)
- send you written confirmation of their findings and include any advice and guidance

## **The outcome of a visit**

Where non-compliance is found, RPA have the option to provide advice and guidance, or to impose civil or criminal sanctions dependant on their findings at a site visit.

## **Relevant legislation**

The Management of Hedgerows (England) Regulations 2024  
Environment Act 1995

Regulation and Sanctions Act (RES) 2008