

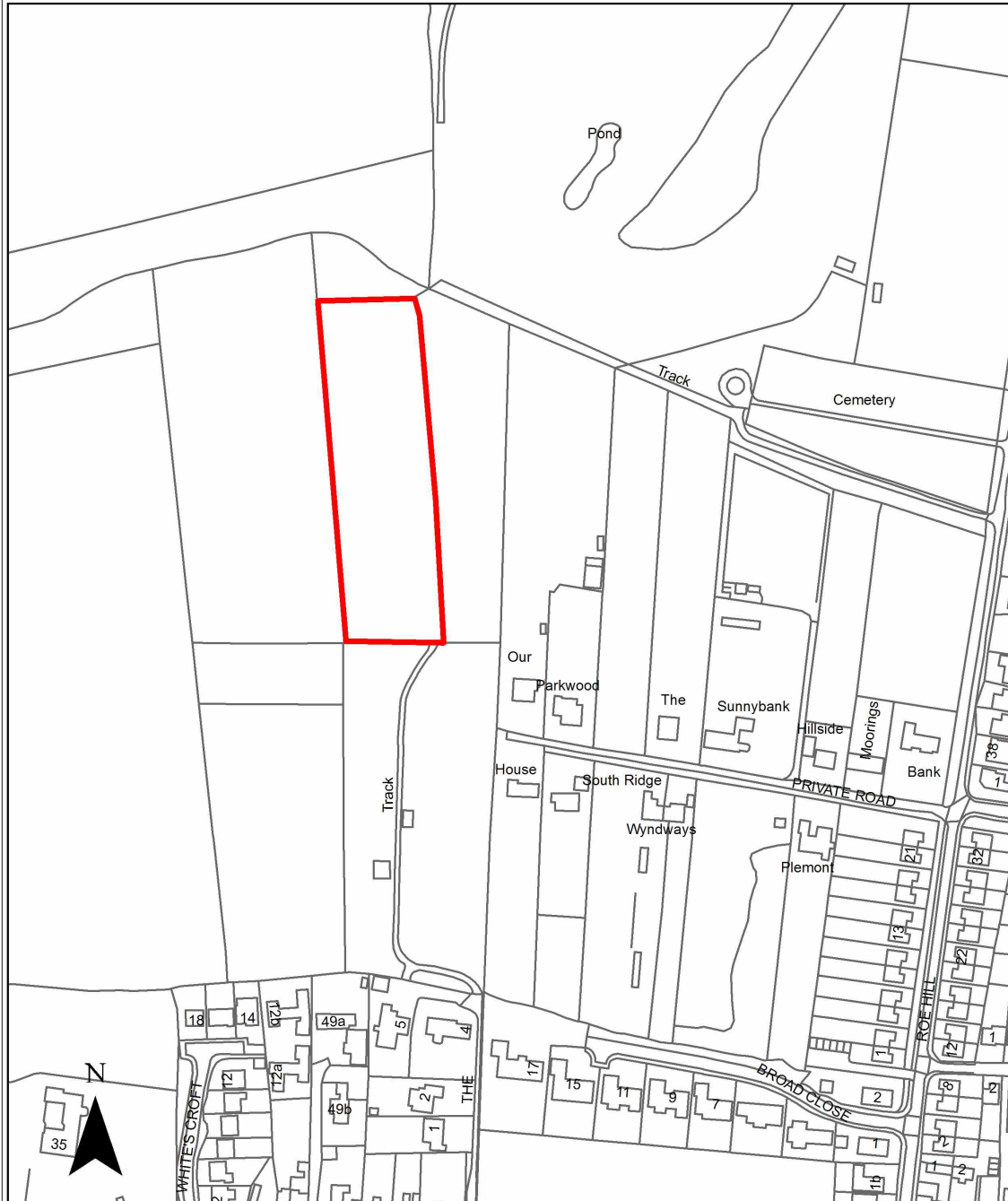
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Application Number 2017/0716

Location

The Meadows

Woodborough, Nottinghamshire



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2017/0716

Location: The Meadows, Woodborough, Nottinghamshire.

Proposal: Removal of hedgerow approx. 150 metres in length.

Applicant: Mr Charles Holehouse

Agent:

Case Officer: Lewis Widdowson

Site Description

This application proposes the removal of approximately 150 metres of hedgerow located within arable fields north of Woodborough. The hedgerow has been identified in red on an attached plan, with grid references Eastings 462819 and Northings 348175.

The nearest residential dwellings are situated approx. 80 metres to the southeast whilst Springwater Golf Club is located approx. 100 metres to the northeast.

Relevant Planning History

On the 21st October 2015 Gedling Borough Council received a complaint that a hedgerow and sycamore tree directly to the south of the application site had allegedly been removed without authorisation.

The Enforcement Officer attended site and discussed the works which had been carried out with the land owner. The landowner explained that works were carried out to clear drainage ditches throughout the site. The Enforcement Officer advised the landowner not to remove any more hedgerows without first obtaining the appropriate permission from Gedling Borough Council.

Proposed Development

This application notifies the Borough Council that the applicant intends to remove a section of hedgerow measuring approx. 150 metres in length. The hedgerow comprises of a mixture of species including hawthorn (*Crataegus monogyna*), elder (*Sambucus nigra*) and field maple (*Acer campestre*) amongst others.

There is a shallow ditch which runs along the length of the hedgerow that the applicant intends to dredge following the removal of the hedgerow.

As part of the proposal a significant amount of tree planting is proposed to the northern end of the field in which the hedgerow is located. This includes the planting

of a new hedgerow which would be orientated from west to east along the southern edge of the new tree planting area.

A Protected Species Survey was submitted on the 28th July 2017 in response to the comments made by the Nottinghamshire County Councils Senior Nature Conservation Officer.

Consultations

Nottinghamshire County Council (Forestry Officer)

- Satisfied that subject to there being no Scheduled Monuments or Archaeological Features present on site, the hedgerow does not meet the criteria for an 'important' hedgerow.

Nottinghamshire County Council (Nature Conservation Officer)

- Initially the Nature Conservation Officer stated that it would not be possible to categorically say if the hedgerow supports protected, endangered or vulnerable species. The applicant was therefore advised to carry out an ecological assessment. Subsequently a Protected Species Survey was carried out by EMEC Ecology.

Further comments were received by the Nature Conservation Officer confirming that the survey showed no evidence and little potential for protected species. It was also noted that the species of trees to be planted to the north of the hedgerow should be selected with reference to section 6.2.1 of the EMEC report. The new proposed hedgerow should be at least 60% hawthorn and contain other species within the list provided by EMEC, excluding hornbeam.

Comments were received by Woodborough Parish Council.

- Members of the Parish Council were concerned the hedgerow existed prior to the Enclosures Act 1795 and as such should be considered 'important'.
- The application form refers to a hedgerow measuring approx. 75 metres however this does not appear correct.
- Should permission be granted, a condition should be attached to retain the existing ditch.

The following comments were received by a neighbouring resident.

- The hedgerow appears to be a hedge which pre-existed the Enclosures Act 1795.

Planning Considerations

Under the Hedgerow Regulations 1997 a countryside hedgerow is protected if it is on or next to:

- Land used for agriculture or forestry
- Land used for keeping horses, ponies or donkeys
- Common land

- A village green
- A site of special scientific interest
- A protected European site such as a special area of conservation or special protection area
- A national nature reserve
- A local nature reserve
- A public right of way
- Crown land.

In this instance, the hedgerow is situated on land currently used for agriculture and is therefore deemed protected. Subsequently, the Regulations require the importance of any protected hedgerow to be determined against the following criteria:

Criterion 1 - The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose “historic” means existing before 1850.

Criterion 2 - The hedgerow incorporates an archaeological feature which is -

- a. included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979(g);

or

- b. recorded at the relevant date in a Sites and Monuments Record.

Criterion 3 - The hedgerow –

- a. is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site ; and
- b. is associated with any monument or feature on that site.

Criterion 4 - The hedgerow -

- a. marks the boundary of a pre-1600 estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office ; or
- b. is visibly related to any building or other feature of such an estate or manor.

Criterion 5 - The hedgerow is part of a field system or looks to be related to any building or other feature associated with the field system that existed before the Inclosure Acts.

Criterion 6 - There is evidence the hedgerow contains protected species as listed in the Wildlife and Countryside Act 1981.

Criterion 7 - It is evident the hedgerow contains species that are endangered, vulnerable and rare and identified in the British Red Data books.

Criterion 8 - The hedgerow contains a certain number of woody species (<http://www.legislation.gov.uk/ukxi/1997/1160/schedule/3/made>) and associated features

(<http://www.legislation.gov.uk/ukxi/1997/1160/schedule/1/made>) as specified within the regulations.

In order to be considered 'important' a protected hedgerow must be a minimum of 30 years old and meet at least one of the above criteria.

With regards to the hedgerow identified in this application, I am satisfied the hedgerow is over 30 years old and have made the following assessment against each of the above criteria:

Criterion 1 - Having assessed historical maps I am satisfied that the hedgerow does not mark the boundary of a parish or township which existed pre-1850. I therefore consider the hedgerow does not meet Criterion 1.

Criteria 2 and 3 - There are no archaeological sites or scheduled monuments to be found within the application site. As such I am satisfied the hedgerow does not meet Criteria 2 and 3.

Criterion 4 - Whilst assessing the application it was, in my opinion clear, through the use of historic maps that the hedgerow did not exist prior to 1600. I am also of the opinion that the hedgerow is not clearly related to any estate or manor feature. In light of the above I am satisfied that the hedgerow does not meet Criterion 4.

Criterion 5 - Despite being satisfied the hedgerow did not exist prior to 1600 it was slightly less evident whether or not the hedgerow pre-dated the Inclosures Act. An Inclosure award was granted in Woodborough between 1795-1798. Concerns were raised by the Parish Council and a neighbouring resident that the hedgerow might pre-date this act, however, after comparing maps which detail Inclosure fields from 1795 and historical maps from 1880 it is considered that the hedgerow did not exist prior to 1795. The hedgerow referred to in this application was clearly evident on the map dated 1880, yet when assessing the earlier map from 1795 the same hedgerow is not visible. To this end I am satisfied the hedgerow did not pre-date the Inclosures Act and therefore does not meet Criterion 5.

Criteria 6 and 7 - In terms of Criteria 6 and 7 further information was requested by the Nature Conservation Officer. An ecological survey prepared by EMEC Ecology was submitted on the 28th July 2017. As well as carrying out a Protected Species Survey, a Hedgerow Evaluation and Grading System (HEGS) was also undertaken. The report concludes that there was no evidence of amphibians, badgers, bats, nesting birds, and / or reptiles within the hedgerow and I am therefore satisfied that the hedgerow does not meet Criteria 6 and 7, a view supported by the NCC Nature Conservations Officer.

Criterion 8 – In this instance, in order to be considered important, the hedgerow would require six woody species and at least 3 associated features. Whilst the survey states the hedgerow comprises of six woody species it contained only 2 associated features; a ditch which is present along the length of the hedgerow, and gaps over no more than 10% of the hedgerows length. As such it did not demonstrate the required number of associated features to qualify as an important hedgerow. I am therefore satisfied the hedgerow does not meet Criterion 8.

In conclusion, whilst the hedgerow is protected and is older than 30 years, it is my opinion that it does not qualify as an important hedgerow as it does not meet any of

the aforementioned criteria. This decision confirms the results of the HEGS assessment carried out within the applicants Protected Species Survey. As such, it is determined that a Hedgerow Retention Notice should not be issued in this instance.

Recommendation:

Grant consent for the Removal of Hedgerow.

Reasons for Decision

In the opinion of the Borough Council the proposed development does not qualify as an important hedgerow as outlined in the Hedgerow Regulations 1997. As such the proposed removal of the hedgerow is considered acceptable and a Hedgerow Retention Notice shall not be issued.

Notes to Applicant

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

Your attention is drawn to the attached comments from the Nottinghamshire County Council's Senior Practitioner for Nature Conservation with regards to the proposed replacement hedgerow and tree planting.