

PLANNING COMMITTEE - 3 JULY 2018

Application No:	18/00868/HRN	
Proposal:	Removal of 36m of hedgerow in connection with development of second cricket pitch	
Location:	Land Adjacent To, Newark R And M Cricket Club, Sports Ground, Kelham Road, Newark On Trent, Nottinghamshire	
Applicant:	Newark And Sherwood District Council – Mr Andy Hardy	
Registered:	04.05.2018	Target Date: 15.06.2018 Extended until 04.07.2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the applicant is Newark and Sherwood District Council.

Description of Site and Surrounding Area

The application relates to a 36m length of hedgerow comprising hawthorn and overgrown scrub. The hedgerow sits within a wider area of land to the west of the A46 accessed from Kelham Road. The adjacent site to the east of the site is the existing Newark R & M Cricket Club.

Description of Proposal

The proposal seeks to remove the 36m length of hedgerow to facilitate the use of the land to the south of the hedge which was granted approval under 16/02163/FULM for the Change of use of the land from Agricultural/grazing land to a cricket pitch which will be used in association with the existing club and pitch to the north. The hedge forms the northern boundary of this development site.

Site History

16/02163/FULM - Change of use of Agricultural/grazing land to cricket pitch – Approved 05.04.2018

Consultations

Newark Town Council – No objection was raised to this application.

NSDC appointed Archaeology consultee – “Many thanks for consulting the Lincolnshire County Council Archaeology Section regarding the above Hedgerow Removal Notice. The Notice has now been appraised against the Nottinghamshire County Historic Environment Record (HER).

From information within the HER I am able to say that this hedgerow does not mark the boundary, or part of the boundary, of any historic parish or township.

This hedgerow does not incorporate 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; or

(b) recorded at the relevant date in the HER.

This hedgerow is not:

(a) situated wholly or partly within an archaeological site included, or recorded as mentioned above or on land adjacent to and associated with such a site; nor is it

(b) associated with any monument or feature on that site.

Although I am able to respond to your consultation with regard to those criteria listed in Part 2 of Schedule 1 (Paragraphs 1-5) of the Hedgerow Regulations that make reference to HER information, I am unable to comment on those criteria that depend upon information from documents in a Record Office. For a more thorough search it is advised that the archives office is consulted.”

Nottinghamshire Wildlife Trust – No comments received at the time of writing this report

Nottinghamshire County Council Ecology section – No comments received at the time of writing this report

Planning Policy Framework

The Hedgerow Regulations 1997.

Appraisal

The Hedgerow Regulations 1997 apply to a hedgerow that grows in, or adjacent to any common land, local nature reserve, Site of Special Scientific Interest (SSSI), or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys, if:

a. It has a continuous length of, or exceeding, 20 metres;

b. It has a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow.

As the part of the hedgerow that is proposed to be removed grows adjacent to fields used for either agricultural or horticultural purposes and exceeds 20 metres in length, The Hedgerow Regulations 1997 are applicable to its removal.

The main issue relating to this application is whether the hedgerow is an ‘important’ hedgerow according to the criteria contained within Schedule 1 of the Hedgerow Regulations 1997, and if so, whether a hedgerow retention notice should be served having regard to the particular reasons given for its removal.

For the purposes of section 97 (hedgerows) of the Environment Act 1995 and these Regulations, a hedgerow is ‘important’ if it, or the hedgerow of which it is a stretch,—

(a) has existed for 30 years or more; and

(b) satisfies at least one of the criteria listed in Part II of Schedule 1.

Part II of Schedule 1 divides criteria into two sections being 'Archaeology and history' and 'Wildlife and landscape'.

Archaeology and history

The comments of the archaeological consultant noted above have concluded that the hedge is not considered important based on the hedge not forming a historic boundary as detailed in the regulations. Furthermore I have conducted a desk based study of the Anderson 1835 Map which, in my opinion, confirms the hedge is not historic as it is not shown as a boundary on this map. On this basis I am satisfied that the boundary hedging that when assessed against the criteria of The Hedgerow Removal Regulations 1997 of the schedule, the hedging is not classed as archeologically or historically 'important'.

Wildlife and Landscape

I am mindful that the application has not been accompanied by an Ecology Appraisal but I note that the Regulations do not put the onus of providing this information on the applicant. Nottinghamshire Wildlife Trust has unfortunately not provided any comment. However having visited the site I consider that given the location of the hedge in close proximity to the A46 and existing the cricket club that the wildlife value of is likely to be low. Furthermore I am mindful that other legislation (namely the Wildlife and Countryside Act 1981) must be adhered to when removing trees and hedges where protected species are identified. Having consideration of the above points with the information available to me, I cannot conclude that the wildlife and landscape characteristics of the hedge satisfy any of the relevant parts of part II of schedule 1 of the regulations and as such I cannot conclude that the hedge is 'important' in this regard.

Conclusion

I am mindful that the Regulations state that a local planning authority shall issue hedgerow retention notice in respect of an 'important' hedgerow unless satisfied, having regard in particular to the reasons given for its proposed removal in the hedgerow removal notice, that there are circumstances which justify the hedgerow's removal.

I am satisfied that there is no evidence before me to suggest that the hedging can be classed as historically or ecologically important and the reason for removal is justified. As such I cannot identify any material reason as to why the hedge should not be removed.

Recommendation

Grant consent for the removal of the hedge subject to those conditions outlined in the Regulations.

Notes to applicant

01

The consent hereby granted is only valid for 2 years from 4th July 2018. Any work which is carried out beyond this period shall require a further consent from the Local Planning Authority.

02

The hedgerow to be removed and shall be carried out in accordance with the location plan (which labels the hedge in question as Hedge 1) submitted with the application

03

In taking the action specified in the Hedgerow Removal Notice, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act 1981.

04

Please note hedgerow sections should be removed outside of the bird breeding season (March-September inclusive). Under the Wildlife and Countryside Act (1981) it is an offence to disturb any wild bird whilst they are building a nest or are in, on or near a nest containing eggs or young.

Background Papers

Application Case File

For further information, please contact Sukhjinder Chohan 5828

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager Growth & Regeneration

Committee Plan - 18/00868/HRN

