DELEGATED REPORT

Recommendation Made:

Reference:- 11/00692/HEDGE **Parish:- Stoke Golding Parish Council**

Applicant:- Mr K Waring
C/o Agent
Fox Bennett
6 Lewis Court
Thorpe Way

Location:- Highfields Farm Wykin Lane Stoke Golding Nuneaton Leicestershire

Proposal:- REMOVAL OF HEDGEROW

Introduction:-

This application is for a hedgerow removal notice to remove a hedge at Highfields Farm, Wykin Lane, Stoke Golding. The hedge runs 485 Metres in length from east to west and is south of Millfield Farm extending. It is the applicants intention to replace the hedge at the earliest opportunity with quick thorn.

Site history :-

None relevant

Consultations:-

The Parish Council has outlined concerns that parts of the hedge have been cut down already and that there has been no sign of any attempt to coppice.

Directorate of Chief Executive (Ecology) has commented that the neither the northern or southern parts of the hedge can be considered as "important" under ecological criteria of the Hedgerow Regulations 1997.

Directorate of Chief Executive (Archaeology) has commented that the hedgerows are illustrated on the Ordnance Surveyors maps for the 19th century however it is not thought that the hedgerows fulfil any of the other criteria for determining important hedgerows. A recommendation has also been put forward that's suggests a consultation should be sent to English Heritage given the proximity of the Scheduled Monument on the south west corner of Stoke Golding.

Development Plan Policies:-

The Hedgerow Regulations 1997

Appraisal:-

The Local Planning Authority is required to consider whether the hedgerows which are intended for removal are considered to be important when assessed against the criteria for determining important hedgerows (schedule 1 to the regulations) under the Hedgerow Regulations 1997.

Taking account of the consultation responses received the hedgerow has been assess against the criteria of the Hedgerow Regulations 1997;

Paragraph 1: The subject hedgerow does not form part of a an historic parish of township boundary.

Paragraph 2: The hedgerow does not incorporate an archaeological feature.

Paragraph 3: The hedgerow is not situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 (Schedule 1) or on land adjacent to and associated with such a site.

Paragraph 4: The Hedgerow does not mark the boundary of a pre-1600 AD 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 and is not considered to be visibly related to any building or other feature of such an estate or manor.

Paragraph 5: The hedgerow is not recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the inclosures Acts; or are part of, or visibly related to any building or other feature associated with such a system.

Paragraph 6 and 7: The Directorate of Chief Executive (Ecology) has confirmed that the hedgerows are not classed as important under the Ecological section of the schedule.

Paragraph 8: Part of the hedgerow is adjacent to a public footpath, however, it does not include 4 woody species and has associated with it 2 of the features specified at paragraph 7.28.

In conclusion, the hedgerow assessed within this application is not considered to be important when assessed against schedule 1 of the Hedgerow Regulations 1997.

The request by the Senior Planning Archaeologist for conditions to be imposed on the decision notice cannot be accepted, as conditions cannot be applied to Hedgerow Removal Notices..

Other matters

Although the Directorate of Chief Executive (Archaeology) has suggested that the Local Planning Authority carry out a consultation with English Heritage, however, the hedgerow which is intended to be removed is 500 m away form the monument and is not considered to be connected in any manner. Furthermore, the Local Planning Authority is unable to prevent the removal of the hedgerow, if found to be not "important" when considered against the Hedgerow Regulations 1997.

The hedgerow is not considered as "important" when assessed against schedule 1 of the Hedgerow Regulations 1997, and therefore the hedgerow can be removed.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Nick Cox Ext 5659