

DELEGATED DECISION REPORT

APPLICATION NUMBER

221226

Monkton Farm, Ocle Pychard, Hereford HR1 3QH

CASE OFFICER: Ana Coxixo

DATE OF SITE VISIT: 29/04/2022 by Ana Coxixo and Christopher Nikitik

Relevant Development Plan Policies: National Planning Policy Framework – part 11.
Herefordshire Local Plan – policies LD1, LD2, LD3, LD4.

Relevant Site History:
None

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Ecology	X		X	X	
Archaeology	X		X	X	
Transportation					
Other	X				X
Neighbour letter/ Site Notice					
Parish Council	X		X		
Local Member	X	X			

CASE OFFICER'S APPRAISAL:

Site description and proposal:

This proposal is to remove a hedgerow of 267 m to enlarge the field for fruit production.



Figure 1 Image showing surveyed hedge at Monkton Farm in green.

Representations:

Councillor Jonathan Lester was consulted for commenting but there was no response.

Emma Thomas from Ocle Pychard Parish Council was consulted and responded on the 5/05/22 supporting the application with some suggestions post removal. Commenting:

"...however: - the replacement hedge must be enforced - they note that it is shorter, so request the applicant finds another location to make up for the loss of 50m (the replacement is 50m shorter than that being removed)..."

Kathie Barrs commented by email on the 14/04/2022 with an objection, stating:

"...Destruction of well established, historic hedgerows has vast ecological implications... To allow him to destroy [REDACTED] hedgerow is unacceptable, and I would urge the council to refuse permission."

Brian Jones commented by email on the 14/04/2022 with an objection, stating:

"I am aware that the ash tree within the hedgerow concerned is listed as a veteran tree within Ancient Tree Inventory and as such is classed as an irreplaceable national asset. The tree is located at SO5827745772. It has the reference number 184634 within the Ancient Tree Inventory..."

Hereford CPRE commented by email on the 28/04/2022 with an objection. Objection broken down into 7 categories ("1-General", "2-Status of existing hedgerow", "3-Location of existing hedgerow", "4-Economic viability", "5-Proposed new hedgerow", "6-Previous hedgerow removals", and "7-Context in 2022")

"...On behalf of HCPRE I urge you to refuse this Application. If the Decision is made to allow the Application HCPRE would urge that a Condition should ensure the Retention of the mature and apparently healthy ash tree in the hedgerow, and mentioned and photographed by the author of the HSR; we also urge that a TPO be placed on the tree to ensure that its root systems are not damaged by any nearby work..."

Pre-application discussion:

None

Constraints:

Hedgerow Regulations 1997 requirements

No constraints on survey

Appraisal:

This report incorporates archaeological comments regarding the historic elements and an ecological assessment of criteria under the Hedgerow Regulation 1997.

The archaeologist's comment: Julian Cotton, email dated 19/04/2022

"I can find no evidence that this particular length of hedgerow would qualify as historically /archaeologically important under the specific criteria in the regulations."

No archaeology and history objections were raised therefore the section of hedgerow in question can be removed.

Ecological survey: Ana Coxixo and Christopher Nikitik dated 29/04/2022

The ecological survey found the hedgerow section in question to contain an average of 6 woody species and 3 woodland ground flora.

Therefore under Paragraph 7 of Chapter 7 Criteria for determining Important Hedgerows (Schedule 1 to the Regulations) this hedgerow section would not qualify as an important hedgerow.

In summary

The hedgerow section in question is not considered important under the Hedgerow Regs 1997 and can be removed.

Hedgerow section specified in this report to be removed.

RECOMMENDATIONS: Removal

Does not conform to criteria for retention under the Hedgerow Regulations 1997.

This hedgerow section is not considered to be important under the terms of the Hedgerow Regulations.

Informatives:

N11A – Wildlife and Countryside Act 1981 (as amended) - Birds

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

intentionally kill, injure or take any wild bird

intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

intentionally take or destroy the egg of any wild bird

intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural England and the Council's Ecologist.

N11C – General

The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the

course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 1582.

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

Signed:  Dated: 29/04/2022

TEAM LEADER'S COMMENTS:

REMOVAL

☒

HEDGEROW as specified in this report can be removed

RETENTION

☐

HEDGEROW as specified in this report shall be retained

Signed:  Dated: 18/05/2022

REASON FOR DELAY (if over 6 weeks)

Negotiations

☐

Other

☐