

14 July 2021

Report to: South Cambridgeshire District
Council Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

21/0662/TTHR – Cottenham (Land At Setchel Drove And Smithy Fen, Cottenham CB24 8PT/Y)

Proposal:	We are proposing to remove five 7m sections of hedgerow to facilitate the laying of a new sewer.
Applicant:	Anglian Water Services LTD
Key material considerations:	Do the hedgerows qualify as important hedgerows. Is the removal justified.
Date of Member site visit:	n/a
Notice expires:	16 July 2021
Application brought to Committee because:	All Hedgerow Regulations matters must come to committee
Presenting officer:	Miriam Hill (Trees Officer)

Executive Summary

1. This hedgerow removal notice seeks to remove five 7m sections of hedgerow to facilitate the laying of a new sewer.
2. The Hedgerow Regulations 1997 seek to retain hedgerows considered to be important. These are most often found in the countryside by virtue of the qualifying factors. The primary qualifying factors relate to age, length and surrounding land use. The secondary criteria relate to ecology and history.
3. Landowners, lessors and some statutory undertakers can give notice to the Council that they wish to remove a hedgerow (in part or entirely). The Council has 42 days from receipt to consider if the hedgerow in question can be considered

important and if there has been sufficient justification to undertake the proposed works. If the hedgerow is important and insufficient justification has been provided the Council must issue a hedgerow retention notice within the 42 days. If the hedgerow is not considered important or there is sufficient justification, it can return a 'no objections' to the proposal. This is not an application and therefore it is not approved or refused, and no conditions can be attached to an outcome.

4. In support of the removal notice is an Ecological Appraisal Note and an excerpt from a map labelled as 1989. The Ecological Appraisal does not address the Hedgerow Regulations, as it is a tool to manage other environmental concerns and responsibilities in relation to the work. The Appraisal does provide some insights into what species occur in and around the hedgerows. The map labelled 1989 indicates the hedgerows are at least 30 years only (a primary qualifying factor for important hedgerow status).
5. In addition, it was ascertained that "a typical reinstatement of the hedgerow as we normally provide" will be undertaken once the sewer is installed.
6. Officers recommend that the Planning Committee do not issue a Hedgerow Retention Notice and provide a 'no objection' outcome.

Relevant history

7. There are no hedgerows with an existing retention notice in this locality.
8. The notice hedgerows are not subject to any development management constraints.

Consultation

9. No consultation responses were received.

Other representations

10. Third party representations have been received from:
 - The Old West Internal Drainage Board (dated 10 June 2021) who have no objections.

The site and its surroundings

11. The hedgerows in question stand adjacent to Setchel Drove and Smithy Fen in Cottenham. This locality is rural with grazing land with scattered dwellings and businesses.

Assessment of important hedgerow designation

12. The most southerly section of hedgerow proposed for removal is sited on the northern side of Smithy Fen, just south of Smithy Fen Bridge. It is a well maintained, rural hedgerow and has the primary qualifying factors related to age, length and surrounding land use.
13. The next section proposed for removal is on the eastern side of Smithy Fen, just north of Smithy Fen Bridge. This hedgerow has the primary qualifying factors related to age, length and surrounding land use even though it is gappy in character. The location indicated for the proposed hedgerow removal is an existing gap but may be slightly widened as part of the working zone.
14. The hedgerow at the northern side, western end of Setchel Drove (at the junction with Smithy Fen road) is a row of unmaintained cypress trees. It has the primary qualifying factors related to age, length and surrounding land use.
15. The cypress hedgerow extends as far as the middle section highlighted for removal on Setchel Drove. It has the primary qualifying factors related to age, length and surrounding land use.
16. The western section highlighted for removal on Setchel Drove is a hawthorn and plum hedgerow and has the primary qualifying factors related to age, length and surrounding land use.
17. None of the hedgerows qualify for important hedgerow criteria 1-4, parish boundary, archaeology or evidence of manorial history.
18. Each hedgerow appears to be part of a field system pre-dating the Inclosure Acts (taken as 1845). This is important hedgerow criteria 5.
19. There is no reported and recorded rare species of plant or animal (criteria 6) in this locality. The hedgerows have insufficient woody species diversity (criteria 7 and 8).
20. Three of the five sections of hedgerow proposed for removal have a defensible status as important hedgerows under the Hedgerow Regulations. The two western sections of Setchel Drove do technically qualify as important hedgerows but this stance is precarious as they are cypress trees, and do not fit with the spirit of the original legislation.

Assessment of justification and reasoning

21. The reason given for removing the sections of hedgerow are to install new sewer pipework to service the dwellings in this neighbourhood. Much of the line is to be installed using directional drilling but a pit must be excavated at the end of the line

or at junctions and redirections to enable the operatives to receive or initiate drilling.

22. Utility companies have limitations on where they can locate their routes. This route appears to be the optimal location.

23. The Regulations are clear that hedgerows, or sections of, should only be permitted to be removed in exceptional cases. Associated guidance does give examples of unacceptable reasoning and instillation of essential utilities is not listed.

24. On balance the justification for removal of sections of hedgerow appears to be reasonable.

Conclusion

25. The hedgerows in question can be considered as 'important hedgerows' and should be preserved. The justification for the removal of five 7m long sections is reasonable.

Recommendation

Officers recommend that the Planning Committee do not issue a Hedgerow Retention Notice and provide a 'no objection' outcome.

Background Papers

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Presentation Pack: 2021 07 14 - Hedgerow Removal Notice 21 0662 TTHR

Report Author:

Miriam Hill – Trees Officer
Telephone: (01954) 713405