



Doncaster Council

Report

Date: 06.03.2018

To the Chair and Members of the PLANNING COMMITTEE

**Notice to remove: hedgerows 1 (137m); 2 (225m); 3 (80m); 8 (347m); 9 (265m);
10 (175m); 11 (140m) totalling 1369m of hedgerow; made under Regulation
5(1) of The Hedgerow Regulations 1997 (ref. 18/00378/HEDGE)**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr C McGuiness	Armthorpe	No

EXECUTIVE SUMMARY

1. On 30.01.2018 the council received a Hedgerow Removal Notice made under Regulation 5(1) of The Hedgerow Regulations (1997) for the removal of seven hedgerows totalling 1369m in length (seen in Appendix 1). The hedgerows subject to the Hedgerow Removal Notice fall within the scope of the Hedgerow Regulations (1997) by virtue of growing on agricultural land, being over 30 years old and all greater than 20m in length.
2. The reason provided for the submission of the Hedgerow Removal Notice is to enable the commencement of development referenced 15/03013/OUTM (*Outline application for the extension to West Moor Park Distribution Park comprising buildings of use within Class B1 and B8 (Approval being sought for Access granted on 07.07.2017)*).
3. The Council has 42 days to respond to a Hedgerow Removal Notice, after which time any subject hedgerow may be removed unless the council serves a Hedgerow Retention Notice within the 42 day period. The publicity for this case is, at the time of submission of this report (10am 26.02.2018), still live but due to Planning Committee cycles 06.03.2018 is the only planning committee date that falls within the 42 day period. At the time of writing 15 objections have been received and the statutory consultee (Armthorpe Parish Council) are still to submit comments (should they choose to do so).
4. The decision whether to serve Hedgerow Retention Notices is put before Members following a request by Cllr C McGuiness and Members are required to give due consideration to this and to the representations made when reaching their decision.

EXEMPT REPORT

- 5 Not applicable.

RECOMMENDATIONS

- 6 It is recommended that Members decide not to serve Hedgerow Retention Notices.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

- 7 Whilst the land on which the hedgerows are situated is enjoyed for the open views and well used for recreation and for dog walking, there are no public rights of way across the site and the use of the land for these purposes is a courtesy allowed by the land owner.
- 8 Whilst the council appreciates that potential loss of the above informal amenity use is of great concern to local residents, the principle of developing the site has previously been agreed in the granting of the outline consents in 2009 (ref. 08/02201/OUTA) and in 2017 (ref. 15/03013/OUTM). These applications took account of the loss of important hedgerows but included conditions for the provision of planting new trees and shrubs on the site, a landscape strip alongside the main access road and a tree protection scheme to be agreed. These requirements will be maintained in any future planning application to develop the site.
- 9 The removal of the hedgerows will, if consented, pave the way for construction of two large business units contributing to the economic growth and well-being of the borough.

BACKGROUND

- 10 The Site is covered by the LDF Core Strategy and the Draft Armthorpe Neighbourhood Development Plan. The Core Strategy is non site specific but supports development of the type proposed. Policy CS2 includes the M18 corridor around Armthorpe as a broad location for distribution warehousing and the site is included in a broad area with potential for new major employment sites on the Key Diagram.
- 11 The Draft Armthorpe Neighbourhood Plan includes a Policy ANP12 which is concerned with Major Employment Sites. This site is shown as Site 1 West Moor Park Extension. Major Employment Sites are defined as “*large sites capable of locating large footprint buildings that can link to the strategic transport network. There is a need for more labour intensive and industrial and manufacturing employment in Armthorpe, which should be encouraged.*”
- 12 Appendix 2 (Gazeley Development Site – Planning History and Neighbourhood Development Plan Status) provides details of the planning history of the site where these hedgerows are situated.
- 13 The Hedgerow Removal Notice is to prepare the site for development within the context of very tight timescales to attempt to avoid disturbance to nesting birds.

OPTIONS CONSIDERED

- 14 Option 1 (Preferred Option): That after due consideration of the planning history at the site (Appendix 2) set against the representations made along with the informal recreational use of the land, that Hedgerow Retention Notices are not served.
- 15 Option 2: That after due consideration of the planning history at the site (Appendix 2) set against the representations made as a result of publicity, along with the informal recreational use of the land, that Hedgerow Retention Notices are served. This is not the preferred option. A right of appeal exists within 28 days against the serving of a Hedgerow Retention Notice.

REASONS FOR RECOMMENDED OPTION

- 16 All of the hedgerows are ‘important’ under the ‘archaeology and history’ criteria of the Hedgerow Regulations (1997) by virtue of their age (deriving as they do from the 1774 Armthorpe Enclosure Award) and three of them (hedgerows 8, 9 and 11) are additionally ‘important’ under the ‘wildlife and landscape’ criteria of the Hedgerow Regulations (1997) by virtue of woody species diversity, a hedge bank/ditch and the presence of standard trees.
- 17 However, in view of the lengthy planning history of this site whereby the hedgerows have been assessed and weighed against the wider benefits of the use of the site as employment land and included as such in the Armthorpe Neighbourhood Development Plan as follows:
- 18 Policy ANP12 of the NP is concerned with Major Employment Sites. This site is shown as Site 1 West Moor Park Extension. Major Employment Sites are defined as *“large sites capable of locating large footprint buildings that can link to the strategic transport network. There is a need for more labour intensive and industrial and manufacturing employment in Armthorpe, which should be encouraged”.....*
- 19 the Council needs to maintain a consistent approach towards this site. It needs to be borne in mind that should Members decide to serve Hedgerow Retention Notices then the granting of any future reserved matters application to develop the site in line with previous planning consents and the status conferred on the site by the Armthorpe Neighbourhood Development Plan, would override the retention notices.

IMPACT ON THE COUNCIL’S KEY OUTCOMES

	Outcomes	Implications
	Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future; <ul style="list-style-type: none">• Better access to good fulfilling work	Development of the site, and the consequent removal of the hedgerows, will provide additional business space in Doncaster for inward investment and increases the opportunity for the public to

	<ul style="list-style-type: none"> • Doncaster businesses are supported to flourish • Inward Investment 	access work. It is likely that the businesses and any supply chains will provide a range of jobs.
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>The creation of jobs will increase spending in the borough improving the vibrancy of the town and reducing dependency especially where under-employed are able to take up the new opportunities.</p> <p>The planning conditions require the planting of new trees and shrubs and landscaping to provide an attractive development to work in and screen adjacent residential areas from large footprint buildings</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	This outcome is likely to be unaffected.
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	This outcome is likely to be unaffected.
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and 	This outcome is likely to be unaffected.

	<p>delivering value for money</p> <ul style="list-style-type: none"> • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	
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RISKS AND ASSUMPTIONS

20 Not applicable

LEGAL IMPLICATIONS [Officer Initials: HL; Date: 26.02.2018]

- 21 In deciding whether to issue a Hedgerow Retention Notice, the presumption is in favour of protecting and retaining important hedgerows. This is made clear by regulation 5(5)(b) of the Hedgerow Regulations (1997) which places a requirement on the council to issue a Hedgerow Retention Notice unless satisfied that the circumstances justify the removal of an important hedgerow.
- 22 Although this presumption is clear, the Hedgerow Regulations (1997) require the Council, in each case, to make a judgement whether the removal of an important hedgerow can be justified, taking in to consideration the reason for removal, the results of the publicity and the council's and parish's development plan objectives .

FINANCIAL IMPLICATIONS [Officer Initials: BC; Date: 23.02.2018]

23 There are no financial implications.

HUMAN RESOURCES IMPLICATIONS [Officer Initials: CR; Date: 26.02.2018]

24 There are no human resources implications.

TECHNOLOGY IMPLICATIONS [Officer Initials: PW; Date: 26.02.2018]

25 There are no technology implications.

HEALTH IMPLICATIONS [Officer Initials: CH; Date: 26.02.2018]

26 There are no health implications.

EQUALITY IMPLICATIONS [Officer Initials: JT; Date: 23.02.2018]

27 There are no equality implications.

CONSULTATION

- 28 Armthorpe Parish Council was consulted on 15.02.2018. Due to Planning Committee cycles this consultation exercise is still live but any comments received from the Parish Council will be presented to the Members on 06.03.2018.
- 29 Site notices publicising this Hedgerow Removal Notice have been posted at five locations in the local area with the publicity expiring on 02.03.2018. At the time of writing (23.02.2018) 15 objections to the removal of the hedgerows have been received as at 10am on 26.02.2018.

BACKGROUND PAPERS

- 30 Site plan and aerial image (Appendix 1)
- 31 Gazeley Development Site – Planning History and Neighbourhood Development Plan Status (Appendix 2)
- 32 Planning application: Notice to remove: hedgerows 1 (137m); 2 (225m); 3 (80m); 8 (347m); 9 (265m); 10 (175m); 11 (140m) totalling 1369m of hedgerow; made under Regulation 5(1) of The Hedgerow Regulations 1997 (ref. 18/00378/HEDGE)

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