

**E/0072/43/16**

Removal of hedgerow on south side of Payton Road, Westford

**OCCUPIER:**

**OWNER:**

MR MITCHELL  
ORCHARD FARM, ORCHARD LANE, HILLCOMMON  
TAUNTON  
TA4 1DW

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## **Purpose of Report**

To consider whether it is expedient to take enforcement action requiring the reinstatement of important hedgerows removed without permission.

## **Recommendation**

The Solicitor of the Council be authorised to service a Hedgerow Replacement notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

You are required to plant a replacement hedge in the area shown on the attached plan using bare root stock plants, 60 – 90cm or 90 – 120cm as follows:

5 hedge plants per metre length planted in double staggered rows with 40cm gap between each row.

Species of hedge plants to be:

- 25% field maple (*Acer campestre*)
- 25% hawthorn (*Crataegus monogyna*)
- 20% hazel (*Corylus avellana*)
- 10% blackthorn (*Prunus spinosa*)
- 10% dogwood (*Cornus sanguinea*)
- 5% guelder rose (*Viburnum opulus*)
- 5% holly (*Ilex aquifolium*)

Time for compliance:

The period during which the works must be carried out are: 1 November 2016 to 30 November 2016

## Relevant planning history

NA

## Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

### National Planning Policy Framework

Para 207 – Enforcement

## Determining issues and considerations

The hedgerow regulations seek to protect important hedgerows from removal. The regulations set out a number of classification criteria that identify which hedgerows are deemed to be important. The regulations allow for the removal of hedgerow in some circumstances and where necessary. They require a formal application be submitted to the Council for consideration.

A complaint was received in March 2016 regarding the removal of a hedgerow from a field.

The site was inspected and compared to historic records and photography for the area. It was evident from the inspection that a large area of hedgerow had been removed from the land. Further investigation revealed that a second section of hedgerow had been removed from the field. The sections of hedgerow that were removed were classed as “important” in terms of the regulations. The field appeared to have been ploughed recently and the plough lines ran across the entire site and through the locations where the hedgerows were located.

The owner of the land was identified and it was noted that this individual had previously been investigated for the removal of a hedgerow in August 2012 and formally warned for breaching the Hedgerow Regulations. This related to a separate piece of land in his ownership. In this previous case the owner did not take any action to rectify the matter and the Council chose not to pursue the matter further.

With regards to the land subject of this report the owner was written to in March 2016 and asked for an explanation as to why the works occurred. No reply was forthcoming. The matter was passed to the enforcement officer who again wrote to the owner asking for contact to be made by a specified date. Messages were left with the Enforcement Officer after the due date. At the time this report was prepared these messages have been returned but no contact has been established or any

explanation for the works received.

Officers consider that it is expedient to ensure that the hedgerow is replaced and to this end seek authority to issue a Hedgerow Replacement notice. This will formally require the owner to reinstate the lost hedgerow during the 2016 / 2017 planting season.

**In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998**

**PLANNING OFFICER:**

**PLANNING ENFORCEMENT OFFICER: Christopher Horan**

**CONTACT OFFICER: Christopher Horan, Telephone 01823 356466**