Economy and Environment

Interim Service Director: Mark Averill

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| Andrew McRobb  Biddlestone  Llangarron  Herefordshire  HR9 6NT | Your Ref:  Our Ref:  Please ask for:  Direct line:  E-mail: | CCMPT12022/00934  Liz Duberley  01432 260788  Elizabeth. Duberley@herefordshire.gov.uk |

15th August 2022

Dear Mr McRobb,

**RE: COMPLAINT REGARDING HEDGEROW REMOVAL AT SELLACK.**

As the Service Manager for the Built and Natural Environment I have been asked to investigate your complaint, submitted on the 6th July 2022, regarding hedgerow removal at Sellack. Firstly, I apologise for the delay in response, but to ensure all your complaint was answered in full it was necessary to consult with officers from both within my own team and that of planning.

Your complaint appears to be twofold; in your letter you highlight a failure by the council to issue a Hedgerow Retention Notice within the required 6 week time frame, as well as a failure by the planning team to recognise the two separate notifications are intrinsically linked. I have therefore raised both of these matters with my own officers and those within the planning team.

Firstly with regard to the failure to issue a Hedgerow Retention Notice within the required time frame, we accept that unfortunately the retention notice was issued post the 6 week deadline, the ecology has been under resourced for a prolonged period and with one ecologist remaining within the team, a decision was taken to prioritise a backlog of planning consultations. As a consequence of the work being undertaken by a new officer close to the deadline an oversight occurred in processing which was not identified and addressed in time. On investigation with the enforcement team we are advised that there is no recourse through which to address this. On a more positive note I am happy to advise we now have two senior ecologists in post with a principal due to start in the autumn of this year. Now that resources are in place we are seeking to grow the team and their knowledge and skills base, however you will appreciate of course that at present there is a skills gap nationally in ecology and it is incredibly difficult to recruit in this area. Whilst I recognise that this does not alter the delay in issuing the notice it does, I hope, make you aware of the pressure our service are having to work under.

As an initial response to your second point, you are no doubt aware the Hedgerow Regulations operate independently to the planning process and are subject to a specific set of criteria, which do not take into account the wider planning balance or any representations made by interested parties - although I am content for these to be made and published as we value the local knowledge that our residents provide.

However I have also spoken with the planning case officer and asked her to provide you with further information around the background to the proposed development upon the site, in order for you to understand why these are dealt with through separate processes her response is as follows:

*The Council issued a decision on application 213927 on the 9th December 2021 confirming that under Part 6 of Schedule 2 of the General Permitted Development Order prior approval of the Local Planning Authority would not be required to the siting of the excavation for the construction of 2 winter filled storage reservoirs. As identified on the decision notice and within the Officer’s report, the Local Planning Authority recognized that a separate permission would be required under ‘The Environmental Act 1995 and The Hedgerow Regulations 1997’ for the removal of hedgerows. Attention is also drawn to informative 1 on the decision notice which clearly identifies that the prior approval application did not give permission to remove any hedgerow and that a separate application was required. Officers identified within the Delegated Report that for the development to be constructed  parts of the hedgerow would need to be removed, however a separate application under ‘The Environmental Act 1995 and The Hedgerow Regulations 1997’would be required.*

*The siting of the reservoir was considered, and part of the consideration was that of land ownership. Drawing CFC/UGC/005 identifies the applicant owns a large proportion of the surrounding land which allows for a number of access points through existing agricultural field entrances and internal field entrances for construction vehicles to access the site. In accordance with the requirements under part 6 No excavated material was to leave the holding.*

*Under prior approval applications the Local Planning Authority are not required to carry out any formal consultations and no comments recorded on the Council website.*

I hope that I have the above response has provided an explanation as to the approach taken and that you are reassured we have taken steps to address the under resource within the ecology team.

Kind regards,



LIZ DUBERLEY

**SERVICE MANAGER BUILT AND NATURAL ENVIRONMENT**