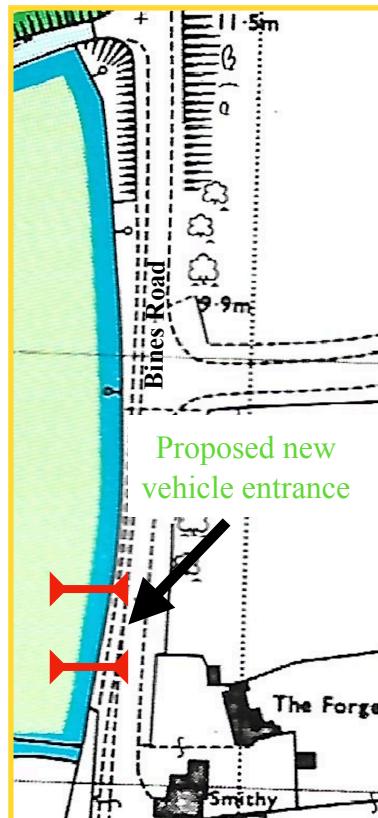


**REPRESENTATION RELATING TO
APPLICATION DC/25/1922
101 DWELLINGS ON LAND WEST OF BINES ROAD, RH13 8EQ**

This representation relates to the development application by Croudace Homes registered at Horsham District Council under DC/25/1922. One significant legal problem with this application can be highlighted.

There is the serious matter of an imminent breach of the ***Hedgerow Regulations 1997***, if the 2 new vehicle & cycle entrances (see annotated plans at lower left & right) to Croudace's proposed residential development from Bines Road are permitted. Creating these entrances would require the destruction of two sections of the current historic woody hedge line. This long-standing "hedge & ditch" feature dates back over 100 years to when all this land was part of the West Grinstead Estate. The hedge sits on and forms the historic Eastern boundary of the agricultural field in which Croudace is proposing to construct its residential development.

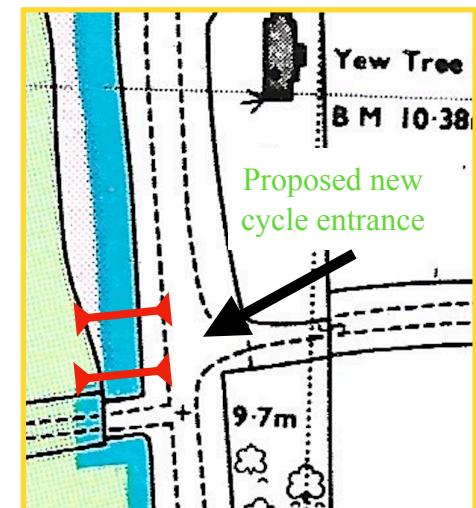


Note that this line of historic Estate hedgerow is **not** part of the public highway and is **not** owned **nor** under the control of the Highway Authority (WSCC).

The 1997 Regulations vest in the Local Planning Authority (HDC) **the obligation** to protect **"important"** historic English hedgerows from being destroyed for solely commercial gain. This representation supplies the required evidence for HDC to prove that this historic Estate hedgerow qualifies for an **"Hedgerow Retention Notice"** to be issued by HDC under the 1997 Regulations.

The ***Hedgerow Regulations 1997*** [SI. 1160] were enacted under S.95 ***Environment Act 1995*** and control whether a hedgerow over 30 years old can be removed or whether it **must** be retained, if it is deemed **"important"**.

It is a criminal offence to remove an **"important" hedgerow** in contravention of the Regulations (see S.97(8) EA 1995) and the LPA is the nominated enforcement authority under the Act.



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The photograph below was taken from the Star Road junction with Bines Road, facing SW. The proposed vehicle entrance to the development is marked and so one part of the “*important*” Estate hedgerow that would be destroyed lies between the red lines.



The 1997 Regulations lay out the criteria **that must be used by a LPA** in determining whether a hedgerow is “*important*”. If a hedgerow qualifies under the criteria as “*important*”, **the owner of the hedge must notify the LPA** if he is planning to destroy any part of it, as Croudace is intending. The LPA then has 42 days in which to give or refuse consent. **There is no record of this hedge owner** (the owner of Priors Byne Farm) **notifying HDC under Schedule 4 of the Regulations** of Croudace’s intention to destroy 2 sections of his historic hedgerow to create vehicle and cycle entrances solely for the proposed residential development.

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Note that there is a **presumption in the Regulations in favour of retaining “important” hedgerows**, so HDC’s default position is against the destruction of any part of an “*important*” hedgerow. There is a useful guide on the Gov.uk website (viewable [here](#)) on how to assess **whether a hedgerow is protected** under the Regulations, so this analysis closely follows that methodology;

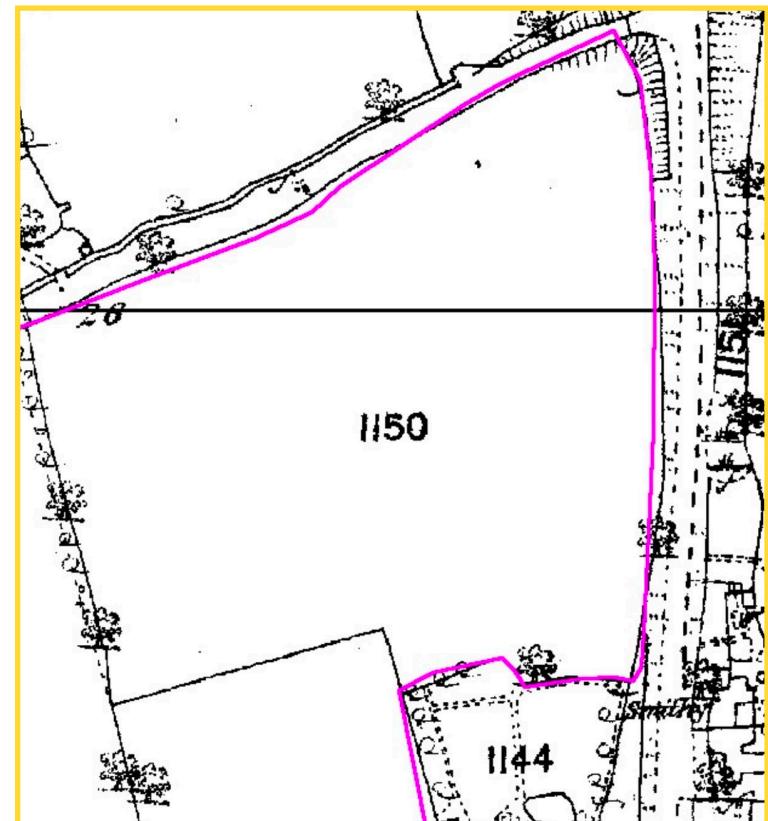
(a) **Length** The hedge must be at least 20 metres in length.
YES – this hedge runs North for ***over 150 metres*** marking the field edge, then turns West as a longer hedge running alongside the Public Bridleway on Lock Lane. ✓ **Qualifies**

(b) **Location** The hedge must be next to land used for agriculture.
YES – this hedge forms the eastern boundary of a field ***used exclusively for agriculture*** for hundreds of years, including by the owner to the present day.
✓ **Qualifies**

(c) **Importance** The hedge must be 30 years old and satisfy at least **1** of the listed criteria. In fact, this hedge qualifies as “*important*” under **5** criteria in the Regulations;

(i) **YES** This hedge marks ***the boundary of the historic West Grinstead Park Estate.***

(ii) **YES** This hedge marks ***a field system that existed before 1845*** (see extract at right from the 1840 OS map showing field 1150, which was annotated & submitted to HDC by Croudace).



REPRESENTATION RELATING TO
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rooting of multiple traditional hedge species (such as *field maple*) have matured over centuries into a fine hedgerow. This naturally supports a wide range of natural organisms & wildlife that the 1997 Regulations are designed to protect.

(v) **YES** This hedge is *adjacent and connected to an historic bridleway*, i.e. Lock Lane to the North (Public Bridleway 1864).

Therefore, **5** criteria as laid out in the Government guidance on the Gov.uk website are satisfied and this hedgerow qualifies as “*important*” under the 1997 Regulations. ✓ **Qualifies**

(iii) **YES** This hedge *includes at least 5 woody species, plus various mature trees* inside both its structure at the proposed vehicle entrance (see photo at left), and in the southern structure of the hedge proposed to be destroyed by Croudace to create the cycle entrance. A range of mature trees are clearly visible in the photo at left of the Estate hedgerow that will be partly destroyed by Croudace to create a permanent vehicle entrance for their proposed development.

(iv) **YES** This hedge has *a ditch along at least half of its length* (see photo below). Note how the dense stems &



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CONCLUSION

- (a) The submitted plans show the applicant is proposing to destroy two sections of historic hedgerow for two new entrances.
- (b) Under the Hedgerow Regulations 1997, this hedge easily qualifies for protection as an "***Important Hedgerow***".
- (c) Under the Regulations, the hedge owner **must** submit an Hedgerow Removal Notice, not the applicant (Croudace).
- (d) There is no record that the hedge owner has submitted to HDC the required HRN of the intended hedge destruction.

Consequently, the hedge owner (the owner of Priors Byne Farm) needs to be instructed that he must notify HDC under the 1997 Hedgerow Regulations of his intention to destroy two sections of "*Important Hedgerow***".**

This notification can only be implemented by submitting an Hedgerow Removal Notice to HDC under the ***Hedgerow Regulations 1997***. HDC then has 42 calendar days to respond to that Notice, during which time West Grinstead Parish Council **must be consulted**.

Based on the facts presented above and subject to the consultation with WGPC, HDC has very strong grounds to conclude that this "***Important Hedgerow***" must be preserved and so issue its owner with an **Hedgerow Retention Notice**.

Consequently, anyone who damages a hedge protected by an **Hedgerow Retention Notice** is committing a criminal offence and faces an unlimited fine, if convicted in the Crown Court.