

APP/16/00774 - Havant Rd/Selangor Ave - Hedgerow Regulations

Regarding the additional objection letter received regarding The Hedgerow Regulations (1997), I re-visited site on Friday to specifically review the 3no hedges within the application site, which are identified as HR2, HR6 and HR5 within the WYG Phase 1 Habitat Survey Map (A088368/45/94/Figure 1). Additionally, I have also compared the objection letter selected extracts against the full Statutory Instrument wording.

The full definition for the purposes of these Regulations, a hedgerow is “important” if it, or the hedgerow of which it is a stretch,—

(a) has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1.

It is clear these are hedgerows and that they have existed for more than 30 years, so the emphasis falls to the Part II Schedule 1 criteria as to whether they are deemed “important”.

I confirm all three hedges lack sufficient plant species diversity or associated physical features to meet many of the Part II Schedule I criteria.

Although this objection letter does not reference a particular species, I note there is an associated original objection letter that identifies *‘particular concern is the loss of the bulk of 3 on-site existing hedgerows, and mature trees. These are shown in WYG Appendix E: Survey Plans to be used extensively by Red List birds such as Song Thrush and House Sparrows, and Amber list birds such as Dunnock and Bullfinch.’*

Although confirmation should be sought from Tristan, these four bird species are not identified within sub-paragraph (3) listed schedules or the identified within the publications specified below. Unfortunately, the definition of declining breeder is as identified in a specifically referenced publication that was published in 1990 – this does not include the above four bird species even though they have been added to subsequently published Birds of Conservation Concern documents.

(3) The species referred to in sub-paragraph (1) are those;

(a) listed in Part I (protection at all times) of Schedule 1 (birds which are protected by special penalties), Schedule 5 (animals which are protected) or Schedule 8 (plants which are protected) to the Wildlife and Countryside Act 1981(41);

(b) categorised as a declining breeder (category 3) in “Red Data Birds in Britain” Batten LA, Bibby CJ, Clement P, Elliott GD and Porter RF (Eds.), published in 1990 for the Nature Conservancy Council and the Royal Society for the Protection of Birds (ISBN 0 85661056 9); or

(c) categorised as “endangered”, “extinct”, “rare” or “vulnerable” in Britain in a document mentioned in sub-paragraph (4).

(4) The documents referred to in sub-paragraph (3)(c) are —

(a) of the books known as the British Red Data Books:

(1) “Vascular Plants” Perring FH and Farrell L, 2nd Edition, published in 1983 for the Royal Society for Nature Conservation (ISBN 0 902484 04 4);

(2) "Insects" Shirt DB (Ed.), published in 1987 for the Nature Conservancy Council (ISBN 0 86139 380 5); and
(3) "Invertebrates other than insects" Bratton JH (Ed.), published in 1991 for the Joint Nature Conservation Committee (ISBN 1 873701 00 4); and
(b) of the books known as the Red Data Books of Britain and Ireland: "Stoneworts" Stewart NF and Church JM, published in 1992 for the Joint Nature Conservation Committee (ISBN 1 873701 24 1).

Although the existing site hedgerows are not deemed to comprise 'Important' as defined by the Hedgerow Regulations 1997, they are deemed to contribute valuable linking habitat value that should be either retained or sufficiently mitigated for – something that is not sufficiently addressed within the submitted landscape proposals. Whilst I note the submitted proposals include partial retention of HR2, there appears scope for some further retention and for enhancement with appropriate supplementary planting and careful management operations.

On this basis, I recommend the submitted landscape masterplan, planting plans and associated management documentation are held back from any approval so that they can be reviewed, improved and resubmitted pursuant to appropriate soft landscape and landscape management planning conditions.

Kind Regards

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