

Flintshire Unitary Development Plan

Flintshire County Council Proof of Evidence



Written Representation Objections to:

TWH3 Protection of Hedgerows

Proof of Evidence by:

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This Proof of Evidence is the County Council's Response in respect of the Written Representation Objections:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Conditional Withdrawal
59	3320	Flintshire Green Party	DEP	No
2106	4432	Countryside Council For Wales	DEP	No
2678	6272	North East Wales Wildlife Trust	DEP	No
3540	8964	Alan's Skip Hire	DEP	No
5118	13322	RMC Group Plc	DEP	No
2106	18431	Countryside Council For Wales	PC	No



1 Introduction

- 1.1 I am a Senior Planning Officer for Flintshire County Council. I hold a degree in Town and Country Planning and I am a member of the Royal Town Planning Institute. I have 19 years experience of working in a Local Planning Authority and my current responsibilities primarily relate to the development, implementation and monitoring of planning policies within the County of Flintshire.
- 1.2 This Proof of Evidence provides the County Council's response to the written representation objections submitted in respect of policy TWH3 Protection of Hedgerows. Given the relatively small numbers of representations submitted and the nature of the Policy, the objections have been grouped together in a single Proof rather than being addressed individually, in the interests of efficiency.

2 Policy Context/Overview

- 2.1 The overall policy context is set out in Chapter 5 of Planning Policy Wales (PPW), March 2002. Furthermore in Wales the Hedgerow Regulations 1997 are intended to protect important countryside hedges from destruction or damage.
- 2.2 The policy wording is set out below:

TWH3 Protection of Hedgerows

"Native hedgerows which are important for their wildlife, landscape, historic or archaeological value will be safeguarded from significant damage or loss. Where development proposals affect native hedgerows the Council will seek to ensure that, wherever possible, they are retained and incorporated into the layout of the development."

3 Representations

- 3.1 The Flintshire Green Party (59-3320) requests an amendment to the wording of Policy TWH3 and/or the supporting policy text to include the wording from Article 10 of the Habitats Directive.
- 3.2 The Countryside Council for Wales (CCW) (2106-4432) supports this policy in principle but seeks a rewording of the policy on the following grounds:
 - i) It should be noted that non-native hedgerows may also have valuable historic, wildlife, biodiversity and amenity value, especially in the built environment.
 - ii) For this reason, it is suggested that the policy is re-written along the lines of 'Native and important non-native hedgerows which are valued for their wildlife, landscape, historic or archaeological value will be safeguarded from damage or

loss. Where development proposals affect native and important non-native hedgerows, the Council will seek to ensure that they are retained, protected and incorporated into the layout of the development'. This statement should be cross-referenced to policies WB5 and WB6 of this Plan.

- 3.3 North East Wales Wildlife Trust (2678-6272) objects to TWH3 on the basis that this policy should include provision for the protection of hedgerows on development sites by providing an "appropriate stand off area and future management secured".
- 3.4 Alan's Skip Hire (3540-8964) is of the view that the policy should recognise that certain schemes would necessitate the removal of hedgerows and the Council should accept that in these circumstances mitigation measures could be acceptable and might include replanting / replacement hedgerow / additional landscape planting.
- 3.5 RMC Group Plc (5118-13322) claims that the policy as written is too restrictive and the words 'unless there is an overriding need for the development' should be added.
- 3.6 The Crown Estate (1712-3024), Ramblers Association Wales (1885-3532), Clwyd Powys Archaeological Trust (2043-3726) and Cllr Clayton (2239-4222) support policy TWH3.

4 The Council's Response

- 4.1 The Council does not accept the objection of the Flintshire Green Party. There is no purpose to be served by incorporating wording from existing regulations, which will apply irrespective of whether specific reference is made in Policy TWH3. The biodiversity value and importance of managing native hedgerows is recognised in the reasons and explanation to the policy. In addition, paragraph 8.3 (Wildlife and Biodiversity Chapter) of the Plan clearly acknowledges the importance of "stepping stones" and "wildlife corridors". However the objector should note that an amendment is also proposed to Policy STR7 criterion b. in order to include reference to 'enhancing' as well as protecting the open countryside.
- 4.2 The objections by CCW are addressed in turn:
 - i) The Council accepts the objection and in order for the policy to be applicable to all hedgerows it is proposed that the term 'native' will be deleted.
 - ii) In view of the proposed change to delete reference to the word native, it is not considered necessary to reword the policy as suggested by the objector. Furthermore all policies should be considered together and the plan should be read as a whole. As such, policies are only cross referenced if there are very

relevant and specific reasons to do so. It is not considered necessary to make the link to policies WB5 and WB6 in this instance.

- 4.3 In response to North East Wales Wildlife Trust the Council is of the view that the Policy as drafted is considered to be robust enough to protect important hedgerows. Paragraph 6.10 recognises the need to also retain and manage those hedgerows which are immune from the hedgerow regulations. In addition planning conditions can be used to ensure that, where appropriate, replacement hedgerows are provided. Further advice in relation to trees and hedgerows on development sites can be found in Flintshire's Local Planning Guidance Note No 4. It is not proposed to amend the policy in response to this objection.
- 4.4 In respect of Alan's Skip Hire the Council points out that the overriding objective of the policy is for hedgerows to remain in situ. However, in the reasons and explanation accompanying the policy, paragraph 6.9 acknowledges that there may be instances where the removal of a hedgerow is essential and refers to the suitable replacement of those hedgerows where removal is deemed necessary. It is not proposed to amend the policy in response to this objection.
- 4.5 In terms of the objection by RMC Group the Council does not accept that the policy is too restrictive or that there is a need, nor indeed a requirement, in PPW to add these words to this Policy. The second sentence of the policy recognises that development will in certain situations affect hedgerows but at the same time seeks to ensure that important hedgerows are safeguarded wherever possible. The reasons and explanations accompanying the Policy also recognise that there may be instances where the removal of some hedgerows may be considered essential. It is not proposed to amend the policy in response to this objection.

5 Proposed Changes

- 5.1 The Council made the following Proposed Changes to the Plan in relation to policy TWH3 Protection of Hedgerows:

Change No.	Page/ Policy No./ Paragraph	Change	Reason
84	Page 29 TWH3	In line 1 of the policy delete "Native"	To enable the policy to be applicable to all hedgerows.
85	Page 29 TWH3 Para 6.8	In line 1 delete "Native"	To enable the policy to be applicable to all hedgerows.

- 5.2 The revised policy wording taking into account the above proposed change is set out below:

TWH32 Protection of Hedgerows

Native Hedgerows which are important for their wildlife, landscape, historic or archaeological value will be safeguarded from significant damage or loss. Where development proposals affect native hedgerows the Council will seek to ensure that, wherever possible, they are retained and incorporated into the layout of the development.

6 Proposed Changes Representations

- 6.1 The Countryside Council for Wales (2106-18431) wants clarification as to why the reference to 'native' has not been removed from the whole Policy.
- 6.2 One representation of support was submitted by Envirowatch (59-18049) for Proposed Change 85.

7 The Council’s Response to Proposed Changes Representations

- 7.1 To ensure consistency with a previous Proposed Change (PC 84) it is proposed to delete the word “native” from the second sentence of the policy.

8 Further Proposed Changes

- 8.1 The Council published the following Further Proposed Change in respect of Policy TWH3:

Change No.	Page/ Policy No./ Paragraph	Change	Reason
601	Page 29 TWH3	That “Native” be deleted from the second sentence of the policy.	To ensure consistency with previous Proposed Changes.

- 8.2 There were no objections to the Further Proposed Change No 601.

9 Conclusions

- 9.1 It is recognised that the wording of Policy TWH3 in the deposit draft needed amending to provide improved guidance and the proposed wording is considered to provide this guidance and clarification. It is proposed to retain the policy in the plan but with the amendments to the wording outlined above, as contained in the proposed changes document.

9.2 The Inspector is respectfully requested to endorse Proposed Change Nos 84, 85 and 601; in addition, for the sake of complete consistency, the Inspector is asked to endorse an additional change to delete the word 'native' from the last sentence of paragraph 6.10 in order to be consistent with all the other changes in this respect; and finally, requested to make no further changes as a result of these objections.