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Your ref: 3/2021/0017

Our ref: 3_2021_0017-LCC

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FAO A Shutt

Dear Mr Macholc

Application 3/2021/0017: Notice for removal of hedgerow sections under the Hedgerow Regulations (1997) in connection with the construction of a 10km pipeline from Broughton WTW to White Bull WTW

Note that we have also been consulted on the associated application for removal of hedgerow sections for this scheme that fall within Preston City Council's area. For the sake of consistency, we have sent the same comments to both Councils.

The Hedgerow Regulations 1997 have a number of Criteria which define an 'Important Hedgerow', set out in Part II of the regulations. Those which deal with archaeology and history are nos 1-5:

1. The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose "historic" means existing before 1850.

*2. The hedgerow incorporates an archaeological feature which is—
(a) included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979(7); or
(b) recorded at the relevant date in a Sites and Monuments Record.*

*3. The hedgerow—
(a) is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and
(b) is associated with any monument or feature on that site.*

4. The hedgerow—

- (a) marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office; or*
- (b) is visibly related to any building or other feature of such an estate or manor.*

5. The hedgerow—

- (a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts(8); or*
- (b) is part of, or visibly related to, any building or other feature associated with such a system, and that system—*
 - (i) is substantially complete; or*
 - (ii) is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act(9), for the purposes of development control within the authority's area, as a key landscape characteristic.*

The requirements under Criterion 5 were further clarified by a note issued by DEFRA on 23rd May 2002 which quote case law and states that the phrase in 5 (a) above "pre-dating the Inclosure Acts" should be taken to mean "before 1845 (whether or not Inclosure Acts exist for the area in question)" and also notes that the completeness of the field system in question is irrelevant.

Hedgerow H70 (map 16) represents a historic parish boundary, and as such satisfies Criterion 1.

None of the hedgerows impacted by this application appear to satisfy Criteria 2 or 3, although H30 (map 5) could be associated with the nearby site of a RC chapel (extant 1611-1840), which is noted on the Historic Environment Record as PRN1652. As a roadside hedge, however, it seems more probable that it was part of the transport network.

We do not have sufficient information here to identify all (or even most) pre-1600 estates or manors, and as such cannot state if any hedge satisfies Criterion 4.

With respect to Criterion 5 we generally state that boundaries shown on the OS 1:10,560 maps of Lancashire that were surveyed prior to 1845 would appear to satisfy this criterion. This can sometimes be confirmed by reference to the slightly earlier tithe apportionment mapping, but these are held in the Lancashire Archives and are difficult to access at present.

The following table notes those hedges which appear to be present on sheet Lancashire 53 (published 1847, surveyed 1844), and thus appear to satisfy Criterion 5:

Hedgerow	Application Map	Note
H3	1	
H5	1	
H6	1	
H18	3	

Hedgerow	Application Map	Note
H20	3	
H21	3	
H22	3	
H23	4	
H27	4	
H30	5	
H41	6	
H43	7	Possibly a relict medieval strip
H46	9	
H47	9	
H49	9	
H58	10	
H60	11	
H61	11	
H62	11	
H67	14	
H69	16	
H70	16	Also Parish/Borough boundary
H71	16	
H72	16	
H75	17	
H81	17	
H83	18	
H85	19	
H87	19	
H90	20	
H91	20	
H92	20	The south-western end of this hedge has probably been slightly altered in association with the creation of the boundaries to the northeast of Tippings and Oak Farms post-1847.
H94	20	The south-western end of this hedge has probably been slightly altered in association with the creation of the boundaries to the northeast of Tippings and Oak Farms post-1847.
H96	20	
H2	21	This hedge follows the line of a boundary on the 1847/1844 map, however it <u>may well have been replaced</u> as part of the residential development.

I hope that the above is of help to you. If you need further information or wish us to check the existence of the 'Criterion 5' hedgerows on the associated tithe apportionment mapping please let us know.

Yours sincerely

Peter Iles

Planning Officer (Archaeology)
Historic Environment Team