

ELMRIDGE FARM, ELMRIDGE, LONGRIDGE

**Historical Criteria for Hedgerows on site
(Hedgerow Regulations 1997)**

April 2013



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Letter from DEFRA to Chief Planning Officers in England, dated 23rd May 2002.

Appendix 3: Extract from the OS first edition mapping, published 1846, 1847, surveyed 1844; Original scale 1:10,560.

1.0 INTRODUCTION

- 1.1 This report has been commissioned by Sedgwick Associates (planning consultants) on behalf of the owners of Elmridge Farm, Loud Bridge Road, Longridge as supporting information on the significance of a hedgerow affected by a planning application for residential development. The proposals are to convert a small cluster of existing farm barns to dwellings, repair and refurbish the existing stone farmhouse, demolish the existing farm buildings and construct a new section of access road. On an adjacent parcel of land it is propose to convert an existing barn to a farmhouse and erect an agricultural shed, midden and yard and link a new access across a field to an existing metalled track known as Gib Hey Lane with connection to Height Lane in the north. Additional information in terms of the ecological and species criteria will be supplied separately by consultant ecologists.
- 1.2 The application site is located with the Forest of Bowland AONB and the main body of the site is currently pastoral in character with a small number of farm buildings tightly grouped around a small concreted yard area comprising of a two storey farmhouse and eight farm buildings including barns, slurry tanks and cattle sheds, and storage buildings. The farm buildings are enclosed by a number of intact and reasonably dense hedgerows and some fencelines with a large number of surrounding mature deciduous broadleaved trees.
- 1.3 Part of the proposals is the improvement of the visibility splay to the south of the access drive at the junction to Loud Bridge Road which will require the removal and replanting of approximately 150m section of an existing hedgerow which forms part of the field boundary adjacent to Loud Bridge Road in this location. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.
- 1.4 This report assesses the historic criteria in the Regulations in respect of 'Important' hedgerows.

2.0 METHOD OF RESEARCH

- 2.1 The consultation organisation for the local area which holds literature and archive material relating to historical information is Lancashire County Council's Archaeological Unit within

Development Management. They provide day-to-day advice, information, and consultancy service and maintain the Lancashire Sites and Monuments Record. Amongst its services it provides archaeological information and advice and assesses the archaeological potential of proposed development areas.

- 2.2 The department was consulted and information relating to the location of the hedgerow on site was forwarded to them (see Appendix 1).

3.0 RESULTS

- 3.1 Information was received from Mr Peter Iles, Specialist Advisor (Archaeology) on 19th April 2013, who confirmed (via email) that the hedgerows had been checked against the Historic Environment Record under the following criteria as defined in Schedule 1, Part II of the Hedgerow Regulations:-

Paragraph 1: The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township.

Paragraph 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; or
- (b) recorded at the relevant date in a Sites and Monuments Record.

Paragraph 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) or is associated with any monument or feature on that site

Paragraph 4: The hedgerow

- (a) marks the boundary of a pre-1600 AD estate or manor recorded 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.

Paragraph 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 Enclosure Acts; 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, for the purposes of development control within the authority's area, as a key landscape characteristic.

3.2 Mr Iles confirmed that where the proposed hedgerow removal will occur is not on or adjacent to a known heritage asset recorded on the Historic Environment Record, nor does it have any heritage designation. As such it does not meet most of the criteria for an 'important hedgerow' as set out in the regulations.

3.3 It is, however, a hedgerow alongside an early routeway (it appears to be present on William Yates' map of 1786 and Greenwood's map of 1818, amongst others) and is shown on the OS 1:10,560 mapping surveyed in 1844 as a hedge with trees. The Archaeological Department have been advised that the presence of a hedge on mapping of this date would qualify it as an 'important hedgerow'.

3.4 Appendix 2 provides a copy of the above advise.

3.5 Appendix 3 provides mapping evidence from the 1846/47 OS first edition mapping.

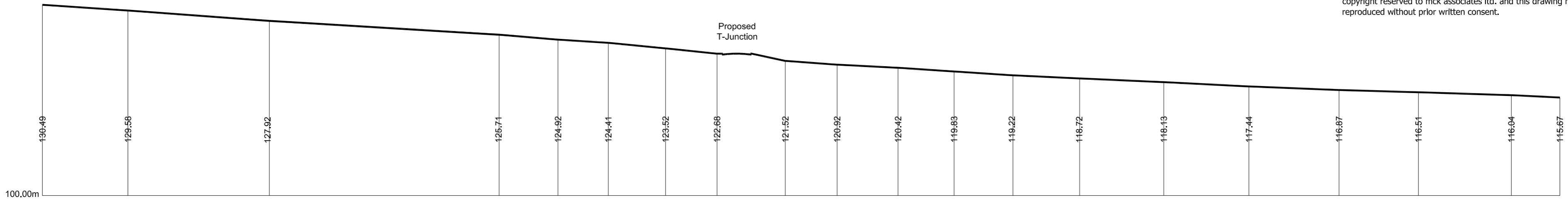
4.0 SIGNIFICANCE

4.1 It is important that the hedgerows identified as being alongside an early routeway part of a field system pre-dating 1845 and the Enclosure Act should remain intact and as existing.

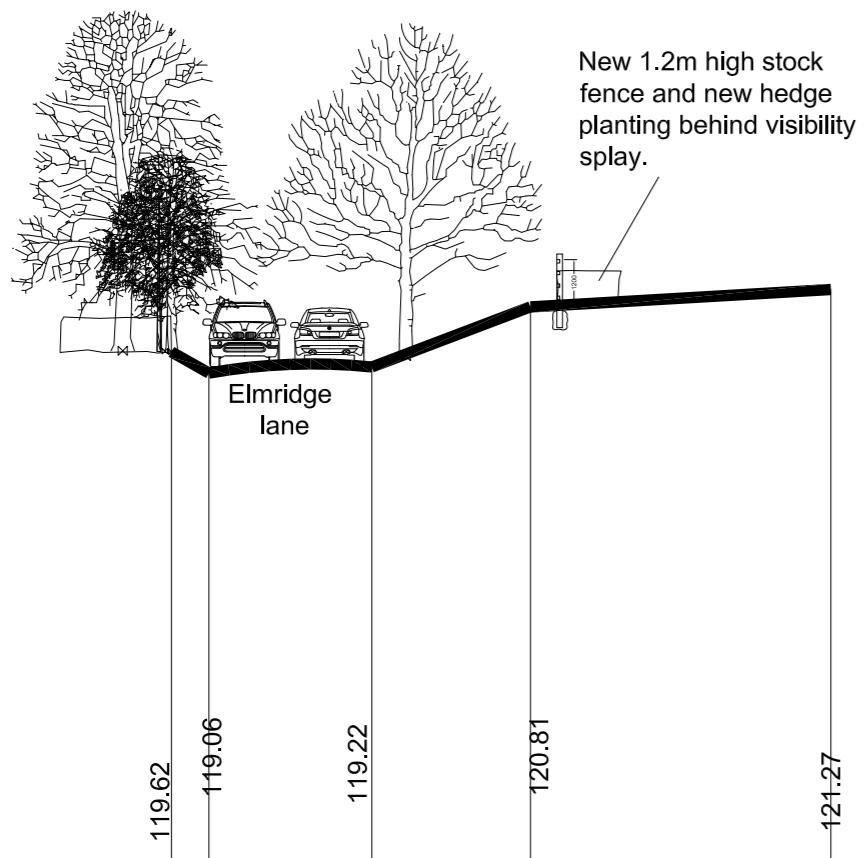
5.0 RECOMMENDATIONS

6.1 The loss of hedgerow associated with the proposed improved visibility splay at the junction of the access drive to Loud Bridge Road will be compensated for by means of new native species hedgerows incorporated into the landscape scheme for the site. This would re-establish a hedgerow in the same alignment along the field edge and running parallel to the existing road and be made up of the same species that currently exist but set back by some 1-2.0m and rejoining into the existing hedgerow at both ends. New plants would be of a substantial planted height (generally 80/100cms) and be planted in sufficient density (generally 7 per linear metre in a double staggered row) for the hedge to re-establish quickly. Weed control and rabbit guards would be part of the proposals in order to enhance successful establishment.

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Elmridge Lane section A-A (1:500)



Elmridge Lane proposed section B-B (1:200)



Elmridge Lane section B-B (1:200)

Rev. Date By Description
Client:
Mrs. C. Hayhurst

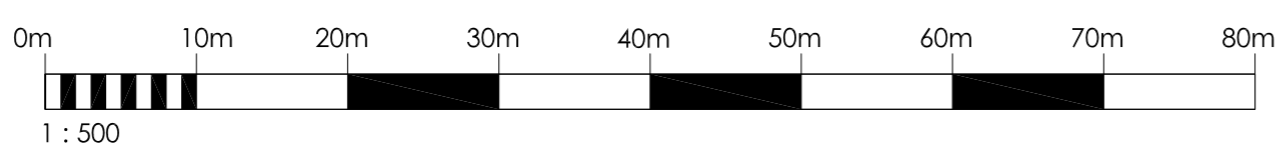
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Proposed Development
Elmridge Farm, Elmridge Lane,
CHIPPING PR3 2NY

Drawing Title:
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ADB

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To:
Chief Planning Officers in England

JD

23 May 2002

Dear Sir/Madam

**GUIDANCE ON THE APPLICATION OF THE HEDGEROWS REGULATIONS 1997:
CRITERIA FOR DETERMINING "IMPORTANT" HEDGEROWS**

You may be aware of the Judicial Review case Flintshire County Council -v- NAW & Mr J T Morris. The case concerned the meaning of Schedule 1, Part II, paragraph 5 of the Hedgerows Regulations 1997. That paragraph lays down criteria for determining the importance of hedgerows that form part of, or are associated with, field systems pre-dating the Inclosure Acts.

The case has now been concluded. The outcome confirms that paragraph 5(a) may determine that a hedgerow is important regardless of the current completeness of the historic field system.

Based on the outcome of the case, our opinion on the provisions of paragraph 5 may be summarized as follows:

- ◆ Regulation 4 provides that a hedgerow is "important" if it has existed for 30 years or more and satisfies at least one of the criteria in Part II of Schedule 1.
- ◆ Paragraph 5(a) in Part II of Schedule 1 reads: "The hedgerow 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". "Relevant date" means the date when the Hedgerows Regulations were made (24th March 1997: see Part I of Schedule 1). The earliest Inclosure Act mentioned in the Short Titles Act 1896 was made in 1845.
- ◆ Paragraph 5(a) looks at the field system as recorded in the Record Office document, and not at existing field patterns. A hedgerow for which such historic records exist is "important" if the record shows it was integral to the field system. The completeness of the field pattern at the present date is irrelevant. A hedgerow recorded in such a document as an integral part of a pre-1845 field system would still be important if it is now the only remaining part of the pre-1845 field system.



INVESTOR IN PEOPLE

Amendment to the Hedgerows Regulations 1997: A guide to the Law and Good Practice (page 27)

PARAGRAPH 5: The hedgerow:

- (a) is recorded in a document held at the relevant date (24th March 1997) at a Record Office as an integral part of a field system pre-dating the Inclosure Acts; 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 (24th March 1997) by a local planning authority, within the meaning of the Town and Country Planning Act 1990, for the purposes of development control within the authority's area, as a key landscape characteristic.**

7.22 The phrase 'pre-dating the Inclosure Acts' should be taken to mean before 1845 (whether or not Inclosure Acts exist for the area in question), that being the earliest of the Acts known by the collective title given by the Short Titles Act 1896.

7.23 Under paragraph 5(a) a hedgerow is "important" if it was recorded as of 24th March 1997 in a Record Office document as forming an integral part of the pre-1845 field system. The completeness of the field pattern at the present date is irrelevant. A hedgerow so recorded would still be important if it is now the only remaining part of the pre-1845 field system.

7.23a Under paragraph 5(b)(i), a hedgerow is "important" only if it is part of, or visibly related to, an existing building or feature associated with a pre-1845 field system, and that system remains substantially complete. This means the field system must be still discernible.

7.23b Under paragraph 5(b)(ii), a hedgerow is "important" only if it is part of, or visibly related to, an existing building or feature associated with a pre-1845 field system that was recorded by the local planning authority before 24th March 1997 as 'a key landscape characteristic' for the purposes of the 1990 Act.

- ◆ The requirement for a pre-1845 field system to be substantially complete – meaning still discernible – relates only to paragraph 5(b)(i) in Part II of Schedule 1. Under that criterion, a hedgerow would be “important” if it is part of, or visibly related to, any building or other feature associated with the substantially complete field system.

The above does not accord with the current* version of the Hedgerows Regulations 1997: A Guide to the Law and Good Practice. Since we expect to be consulting shortly on proposals to amend the 1997 Regulations, and on a draft Guide which reflects our proposals, we do not propose to revise the full Guide to reflect the outcome of the Judicial Review case. But we have re-written the section on paragraph 5 in chapter 7 of the Guide (page 27). Our revised section is enclosed.

We would be grateful if you could ensure that your staff are made aware of the change to the Guide as quickly as possible. We have written in similar terms to the Planning Inspectorate so that their decisions reflect the change. A copy is also being sent to Brian Beasley at the Local Government Association.

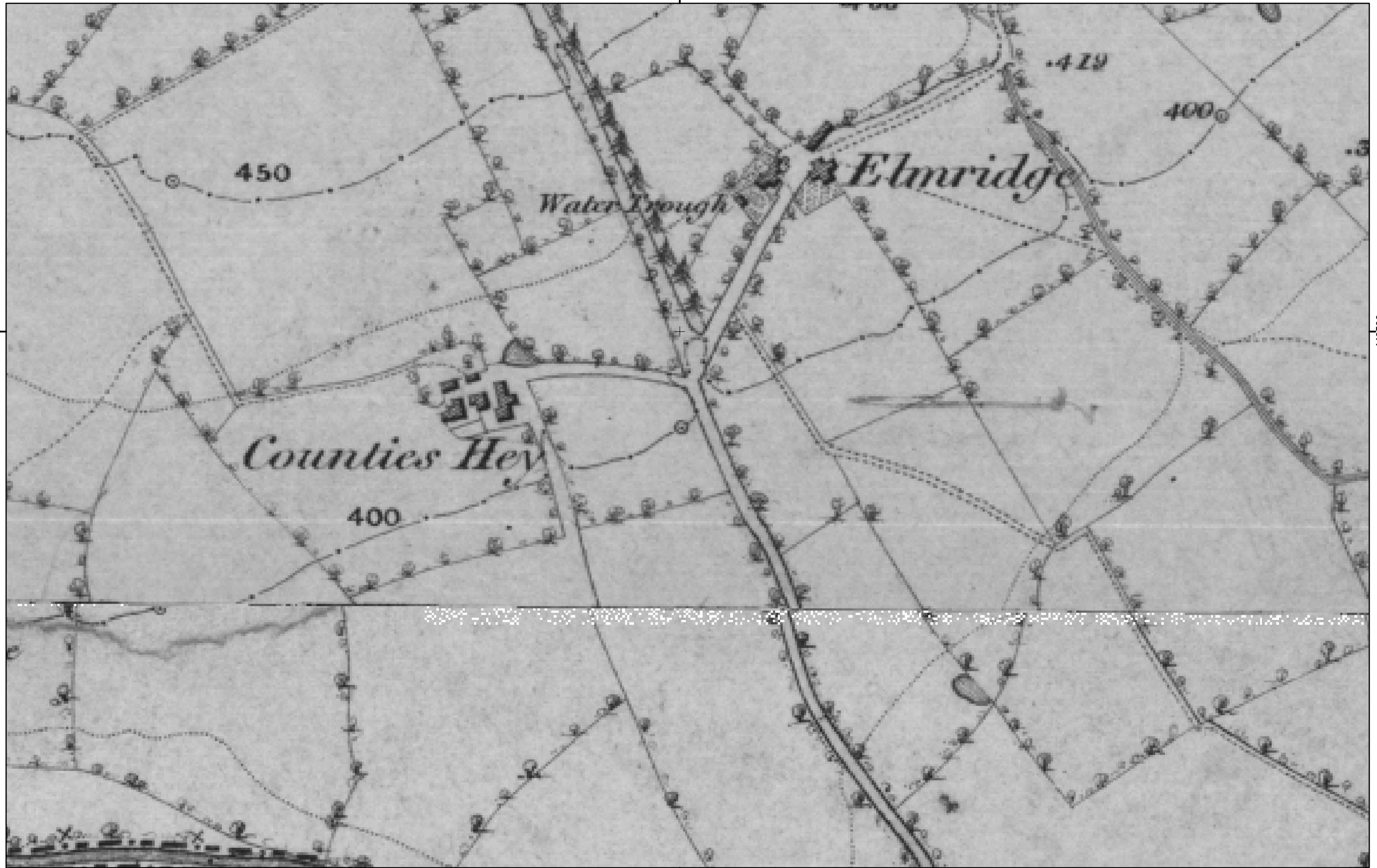
Simon Allday (020 7238 5662) or I would be happy to answer any queries.

Yours faithfully,

Stephen Cane

Conservation Management Division

* the current version (the amended reprint dated August 1998) contains one extensive change, in its chapter 7 paragraph 5, to the original (May 1997) edition of the Guide



Lancashire Historic Environment Record

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Extract from the OS first edition mapping
Original scale 1:10,560
Sheet Lancs 45 (top) and 53 (bottom)
Published 1846, 1847, surveyed 1844

