

**ETTINGTON COMMUNITY CENTRE,
ROGERS LANE, ETTINGTON,
WARWICKSHIRE**

**HEDGEROW REGULATIONS (1997)
ASSESSMENT**

A Report to: Ettington Parish Council

Report No: RT-MME-126982

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	29/06/2018	Sophie Meredith MCIEEM (Principal Ecological Consultant)	Tom Docker MCIEEM (Environmental Impact Assessment Manager)	Dr Philip Fermor CEnv MCIEEM (Managing Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of up to five years from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd were commissioned by Ettington Parish Council to undertake a Hedgerow Regulations (1997) Assessment of a hedgerow which is located on the boundary of Ettington Community Centre in Ettington, Warwickshire.

It is understood that Ettington Parish Council have put forward a proposal to remove the existing hedgerow as they believe that it has become unattractive and overgrown. A replacement hedgerow would be planted in its place. However, the owners of the adjoining property have asked that the Council reconsider this decision. The Council has agreed to reconsider and ascertain the hedgerow's environmental value.

To fulfil the brief, a desk study comprising a review of historic maps and aerial imagery and a field survey visit was undertaken to gather relevant data to inform an assessment of the hedgerow against the wildlife and landscape criteria of the Hedgerow Regulations (1997).

The hedgerow on site was assessed and found to classify as an 'important' hedgerow in accordance with the wildlife and landscape criteria of the Hedgerow Regulations (1997). The hedgerow is believed to be over 30 years old and so meets the criteria in Section 4(a) of the Hedgerow Regulations (1997) and also satisfies one of the criteria listed in Part II of Schedule 1 (number of woody species).

Given that the hedgerow is deemed as 'important' under the Hedgerow Regulations (1997), is a national and local priority habitat and provides suitable habitat for a range of wildlife including nesting birds the following recommendations are made:

- R1** The surveyed hedgerow is classified as 'important' under the Hedgerow Regulations (1997). As a result priority should be given to its retention with measures adopted to bring it back into positive management. It is recommended that management measures should include the following:
- Adoption of an appropriate cutting regime to safeguard the longevity of the hedgerow and maximise its value for wildlife whilst improving the visual appeal of the hedgerow; and,
 - In-filling of the thinned section of hedgerow resulting from the tree felling works by allowing the remaining stumps to re-generate or planting of additional new native species.
- R2** In the event that the removal of the hedgerow cannot be avoided, prior permission must first be sought from the local authority in order to avoid an offence under the Hedgerow Regulations (1997).
- R3** To ensure compliance with the Wildlife and Countryside Act 1981 (as amended), any vegetation removal should be undertaken outside of the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive. If this is not possible any vegetation to be removed should be checked by a suitably qualified ecologist immediately prior to removal. If birds are found to be nesting, works will have to be delayed until the young have fledged or the nest has been abandoned naturally.

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1. INTRODUCTION

1.1 PROJECT DESCRIPTION

Middlemarch Environmental Ltd were commissioned by Ettington Parish Council to undertake a Hedgerow Regulations (1997) Assessment of a hedgerow which is located on the boundary of Ettington Community Centre in Ettington, Warwickshire.

It is understood that Ettington Parish Council originally proposed the removal of the existing hedgerow as they believed that it has become unattractive and overgrown. A replacement hedgerow would be planted in its place. However, the owners of the adjoining property have asked that the Council reconsider this decision. The Council has agreed to reconsider and ascertain the hedgerow's environmental value.

To fulfil the brief to determine whether the hedgerow is considered to be 'important' under the Hedgerow Regulations (1997) a walkover survey was undertaken on 16th May 2018.

1.2 SITE DESCRIPTION AND CONTEXT

The hedgerow under consideration is located on the boundary of Ettington Community Centre on the edge of Ettington village in Warwickshire, centred at National Grid Reference SP 2719 4863. The hedgerow abuts a playing field to the north and a residential garden to the south.

1.3 HEDGEROW DEFINITION

For the purposes of this assessment, Hedgerows are defined in accordance with DEFRA (2007):

'A hedgerow is defined as any boundary line of trees or shrubs over 20m long and less than 5m wide at the base, provided that at one time the trees or shrubs were more or less continuous. It includes an earth bank or wall only where such a feature occurs in association with a line of trees or shrubs. This includes 'classic' shrubby hedgerows, lines of trees, shrubby hedgerows with trees and very gappy hedgerows (where each shrubby section may be less than 20m long, but the gaps are less than 20m).'

2. METHODOLOGIES

2.1 DESK STUDY

A review of historical maps and aerial images to determine the age of the hedgerow within the site was undertaken using available online resources.

2.2 HEDGEROW REGULATIONS ASSESSMENT 1997

A site walkover survey was undertaken during the optimal period for assessing woody species and ground flora. The hedgerow on site was assessed for its significance against the “criteria for determining ‘important’ hedgerows” as detailed in The Hedgerows Regulations 1997. The Regulations include various criteria upon which a hedgerow may be classed as ‘important’ with respect to wildlife and landscape or archaeology and history.

A hedgerow is deemed ‘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.

The criteria listed in Part II of Schedule 1 are as follows:

- (i) Historic hedgerow existing before 1850, marking a parish or township boundary.
- (ii) The hedgerow incorporates an archaeological feature.
- (iii) Is part of, or associated with, an archaeological site.
- (iv) Marks the boundary of, or is associated with, a pre-1600 estate or manor.
- (v) Forms an integral part of a pre-Parliamentary enclosure field system.
- (vi) Contains certain categories of species of bird, animals or plants listed in the Wildlife & Countryside Act or JNCC publications.
- (vii) Includes^A:
 1. seven or more woody species in a 30 m length;
 2. six woody species, in a 30 m length, and at least three associated features;
 3. six woody species, in a 30 m length, and includes one of the following – *Populus nigra* ssp. *betulifolia*, *Tilia platyphyllos*, *Tilia cordata*, *Sorbus torminalis*; or
 4. five woody species, in a 30 m length, and at least four associated features
- (viii) Is adjacent to a footpath, bridleway, road used as a public footpath or a byway open to all traffic, contains four woody species in a 30 m length and has at least two associated features (a-e only below).

The following are considered to be associated features:

- a. A wall or bank supporting the hedgerow along at least half its length;
- b. Less than 10 % gaps (in aggregate) along the hedgerow length;
- c. An average of one standard tree or more per 50 m of hedgerow;
- d. At least 3 species within 1 m, in any direction, of the outer most edge of the hedgerow, from a list of 57 woodland plants^C.
- e. A ditch along at least half its length;
- f. A number of connections with other hedgerows, ponds or woodland^D; and
- g. A parallel hedge within 15 m.

Notes:

^A The number of species within a 30 m section is calculated as follows:

- Where the hedgerows are 30 m or less then all woody species are counted.
- Where the hedgerow is between 30 and 100 m the number of woody species in the central 30 m section were counted.
- Where the hedgerow is between 100 and 200 m the number of woody species in the central 30 m sections of each 100 m were counted and the aggregate figure divided by two.
- Where the hedgerow is over 200 m the number of woody species in the central 30 m of each third of the hedgerow counted and the aggregate figure divided by three.

^b The species listed in Schedule 2 of The Hedgerow Regulations (1997) are all woodland species which are characterised by low mobility and dispersal distances. The presence of these species in hedgerows

indicates that the hedgerow and soil around it has been present and undisturbed for a significant period of time.

° To fulfil this category the hedgerow must score at least four points where connection to a hedgerow is one point, broadleaved woodland is two points and pond is two points. Connection counts if the feature is within 10 m and would meet the hedgerow if the hedgerow line were continued.

For the purposes of this report, the hedgerow can be classed as 'important' only on the basis of its age, wildlife and landscape value in accordance with the criteria of Schedule 1 Part II (vi, vii and viii) of The Hedgerow Regulations (1997). An assessment against the archaeological and historical criteria (as detailed in Schedule 1 Part II i, ii, iii, iv, and v) of the Hedgerow Regulations (1997) was not carried out as part of this assessment.

3. DESK STUDY RESULTS

3.1 HISTORICAL MAPPED DATA

A review of historic maps and aerial images, found that the surveyed hedgerow was likely to be over 30 years old at the time of the site visit. The hedgerow is therefore deemed to meet section 4(a) of the Hedgerow Regulations (1997).

4. FIELD SURVEY RESULTS

4.1 INTRODUCTION

A walkover and detailed assessment of the hedgerow was undertaken by Sophie Meredith MCIEEM (Principal Ecological Consultant) on 16th May 2018.

4.2 SURVEY CONSTRAINTS

No constraints were experienced at the time of the survey.

4.3 DESCRIPTION OF HEDGEROW SURVEYED

The location of the hedgerow is shown on Figure 1. Table 4.1 provides a description of the hedgerow assessed and the woody species recorded within the 30 m length of hedgerow. Photos of the hedgerow are provided in Chapter 7.

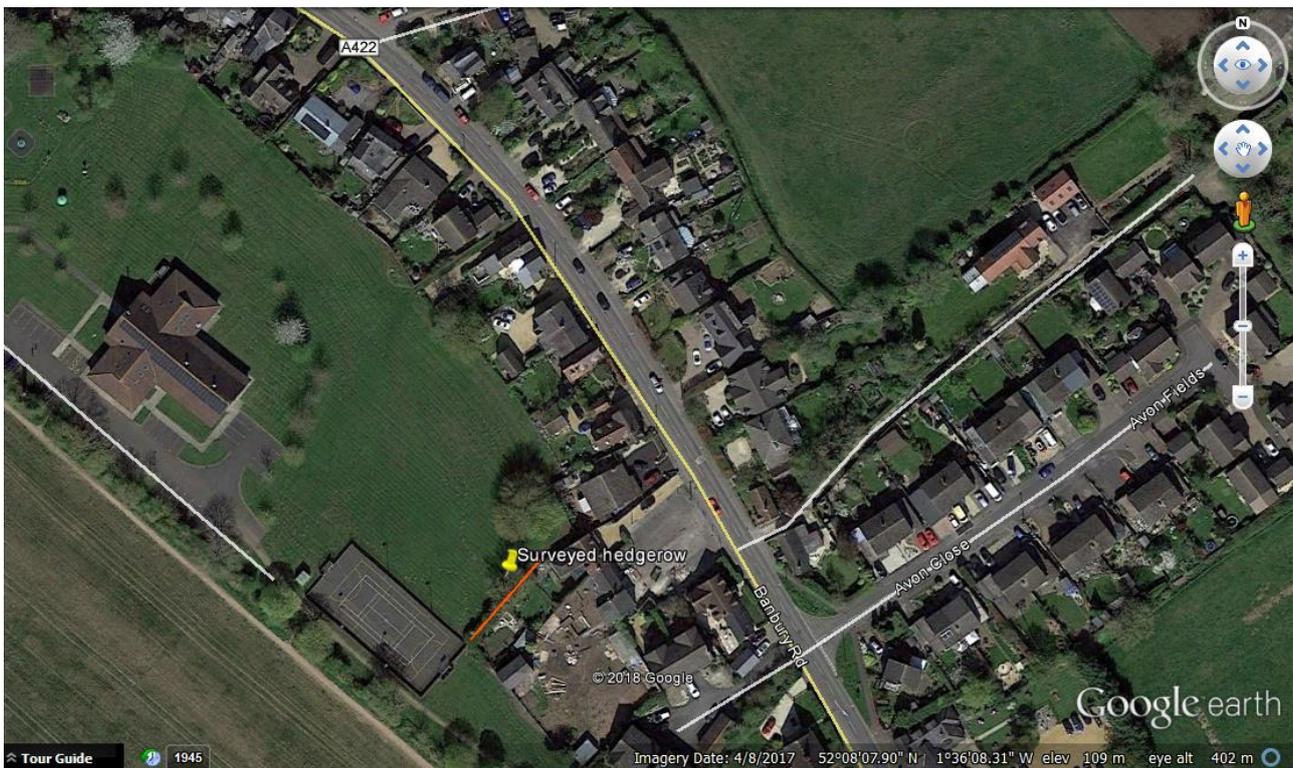


Figure 1: Location of Surveyed Hedgerow

Woody Species Recorded		Description
Common Name	Scientific Name	
Ash	<i>Fraxinus excelsior</i>	A hedgerow measuring approximately 30 m in length which forms a boundary between the Ettington Community Centre playing field and a residential garden. The hedgerow has a maximum height of 4 m and is approximately 2.5 m at its widest point. The hedgerow is routinely managed on the residential side (Plate 7.1) but has become overgrown on the field side. It is understood that two trees have recently been felled with stumps and resulting chippings remaining (Plate 7.2). The species of the trees could not be determined from the remaining stumps. The removal of the hedgerow trees has resulted in thinned vegetation. At this location the height of the hedgerow is approximately 1.5 m (Plate 7.3). The hedgerow had a limited ground flora. Species present included cleavers <i>Galium aparine</i> , ground ivy <i>Glechoma hederacea</i> , common nettle <i>Urtica dioica</i> and bramble <i>Rubus fruticosus</i> agg. Shrub beds are present alongside the hedgerow on the residential side of the hedgerow.
Blackthorn	<i>Prunus spinosa</i>	
Elder	<i>Sambucus nigra</i>	
Goat willow	<i>Salix caprea</i>	
Hawthorn	<i>Crataegus monogyna</i>	
Holm oak	<i>Quercus ilex</i>	
Wild cherry	<i>Prunus avium</i>	

Table 4.1: Woody Species Recorded within Surveyed Hedgerow

Section 4.4 provides an assessment of the hedgerow against the Hedgerow Regulations (1997) criteria, in order to assess whether it qualifies as an 'important' hedgerow.

4.4 HEDGEROW REGULATIONS (1997) ASSESSMENT

Table 4.2 provides a summary of the assessment of the hedgerow in accordance with the criteria summarised in Chapter 2. Where answers to questions are not known, they are left blank rather than estimated. This is not considered to present a significant constraint to a robust assessment.

FEATURE	SURVEYED HEDGEROW
Existed for 30 years or more?	✓
Criteria listed in Part II of Schedule 1 (to be 'important' needs to satisfy one of the following or one from woody species list)	
Historic hedgerow existing before 1850, marking a parish or township boundary	-
The hedgerow incorporates an archaeological feature	-
Is part of, or associated with, an archaeological site	-
Marks the boundary of, or is associated with, a pre-1600 estate or manor	-
Forms an integral part of a pre-Parliamentary enclosure field system	-
Contains certain categories of species of bird, animals or plants listed in the Wildlife & Countryside Act or JNCC publications.	-
No. woody species in 30 m section	7
Seven or greater	✓
Six (needs 3+ associated features to be classified as 'important')	x
Six including one of the following – black poplar, large leafed lime, small leafed lime, wild service tree	x
Five (needs 4+ associated features to be classified as 'important')	x
Four (needs 2+ associated features & be adjacent to a footpath, bridleway, road used as a public footpath or a byway open to all traffic to be classified as 'important')	x
Adjacent to rights of way (footpath, bridleway, road used as a public footpath or a byway open to all traffic)	x
Total no. of associated features from those listed below	2
A wall or bank supporting the hedgerow	x
Less than 10% gaps	✓
An average of one standard tree or more per 50 m of hedgerow	x
At least 3 species from a list of 57 woodland plants	✓
A ditch	x
In excess of 4 'points' from connections with other hedgerows, ponds or woodland (see Chapter 2)	x
A parallel hedge within 15 m	x
'Important' Hedgerow?	✓
Key: - Category not assessed	

Table 4.2: Assessment of Hedgerow Features Based on Hedgerows Regulations (1997) Criteria

As stated in Section 2.2, a hedgerow is deemed 'important' if the hedgerow has existed for 30 years or more and satisfies at least one of the criteria listed in Part II of Schedule 1 of the Hedgerow Regulations (1997).

The hedgerow is believed to be over 30 years old (see Section 3.1) and so meets the criteria in Section 4(a) of the Hedgerow Regulations (1997). The hedgerow also satisfies one of the criteria listed in Part II of Schedule 1 as follows:

- The hedgerow supports seven or greater woody species within its 30 m length.

As such, the hedgerow on site is considered to be 'important' in accordance with the wildlife and landscape criteria detailed in the Hedgerow Regulations (1997).

5. DISCUSSION AND CONCLUSIONS

5.1 SUMMARY OF SITE PROPOSALS

It is understood that Ettington Parish Council have proposed the removal of the existing hedgerow as they believe that it has become unattractive and overgrown. A replacement hedgerow would be planted in its place.

5.2 STATUS OF HEDGEROWS ON SITE

The hedgerow on site was assessed and found to classify as an 'important' hedgerow in accordance with the wildlife and landscape criteria of the Hedgerow Regulations (1997). The hedgerow is believed to be over 30 years old and so meets the criteria in Section 4(a) of the Hedgerow Regulations (1997) and also satisfies one of the criteria listed in Part II of Schedule 1 (number of woody species).

5.3 CONCLUSIONS AND SUMMARY OF POTENTIAL IMPACTS

The removal of the hedgerow would result in the loss of a hedgerow that is deemed to be 'important' under the wildlife and landscape criteria of the Hedgerow Regulations (1997). Whilst it is understood that a replacement hedgerow is proposed a newly planted hedgerow could not begin to be considered as an important hedgerow under the wildlife and landscape criteria of the Hedgerow Regulations (1997) until it was at least 30 years old.

Whilst deemed as an 'important' hedgerow under the Hedgerow Regulations (1997) the surveyed hedgerow also qualifies as a Habitat of Principal Importance as defined by Section 41 of the Natural and Rural Communities Act 2006 (NERC) and is listed as a priority habitat on the Warwickshire Biodiversity Action Plan. As a result instead of removal priority should be given to the retention of the hedgerow with measures adopted to bring the hedgerow back into positive management.

All established hedgerows are of value to wildlife. They provide suitable nesting opportunities for a range of bird species, suitable foraging/commute habitat for bats and refuge habitat for amphibians and small mammals such as hedgehog. Removal of the hedgerow on site would therefore result in the loss of suitable wildlife habitat. If any vegetation removal was to be undertaken during the nesting bird season it could result in injury or death of nesting birds and any dependent young which would be a breach of Section 1 of the Wildlife and Countryside Act (as amended).

Recommendations regarding the hedgerow are made in Chapter 6.

6. RECOMMENDATIONS

- R1** The surveyed hedgerow is classified as 'important' under the Hedgerow Regulations (1997). As a result priority should be given to its retention with measures adopted to bring it back into positive management. It is recommended that management measures should include the following:
- Adoption of an appropriate cutting regime to safeguard the longevity of the hedgerow and maximise its value for wildlife whilst improving the visual appeal of the hedgerow; and,
 - In-filling of the thinned section of hedgerow resulting from the tree felling works by allowing the remaining stumps to re-generate or planting of additional new native species.
- R2** In the event that the removal of the hedgerow cannot be avoided, prior permission must first be sought from the local authority in order to avoid an offence under the Hedgerow Regulations (1997).
- R3** To ensure compliance with the Wildlife and Countryside Act 1981 (as amended), any vegetation removal should be undertaken outside of the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive. If this is not possible any vegetation to be removed should be checked by a suitably qualified ecologist immediately prior to removal. If birds are found to be nesting, works will have to be delayed until the young have fledged or the nest has been abandoned naturally.

7. PHOTOGRAPHS



Plate 1: Residential Side of Hedgerow



Plate 2: Tree Stumps and Chippings Pile



Plate 3: Thinned Section of Hedgerow (Viewed From Residential Side) Resulting From Removal of Trees on Field Side of Hedgerow

REFERENCES AND BIBLIOGRAPHY

Wildlife & Countryside Act (1981) As Amended.

The Hedgerow Regulations 1997. Available from:
<http://www.legislation.gov.uk/ukxi/1997/1160/contents/made>

Department for Communities and Local Government (2012). National Planning Policy Framework. Available:
<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>