
Delegated report Officer: Daniel Hibberd (Planning and Design Group)

Application ref. DMOT/2021/1473

Application for hedgerow removal due to sewer diversion requested by Severn Trent at Bellway Homes Development , Land south of Derby Road, Hatton, Derby, DE65 5PT

Valid date: 24/09/2021

Consults expired: 09/11/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

The application relates to the approved development for 385 dwellings on land south of Derby Road, Hatton, Derby (ref: 9/2015/1108).

Responses to consultations and publicity

Development Control Archaeologist: The response acknowledges that in accordance with Schedule 1 Part 2 of the Hedgerow Regulations 1997 the hedgerow that is proposed to be removed would be considered 'important'.

Relevant policy, guidance and/or legislation

The relevant legislation is:

- The Hedgerows Regulations 1997
- The Water Industry Act 1991

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue central to the determination of the application is the accordance of the proposed hedgerow removal with the Hedgerows Regulations 1997.

In deciding whether to issue a hedgerow retention notice the presumption is in favour of protecting and retaining important hedgerows. This is made clear by regulation 5 (5) (b) which places a requirement on the local planning authority to issue a hedgerow retention notice unless satisfied that the circumstances justify removal of an important hedgerow.

Planning assessment

The hedgerow in question relates to the enclosure of Hatton Common in 1793 and is part of the field system created at that date. As such, in accordance with the criteria set out in Schedule 1 Part 2 of the Hedgerows Regulations 1997, the hedgerow can be considered 'important', as it is associated with a field system that existed before 1845.

Is it noted that the applicants have submitted a separate application under the Water Industry Act 1991 for the diversion of a sewer pipe associated with the residential development at land south of Derby Road. The extent of the proposed diversion is indicated on the submitted drawing ref: 612083-NMC-ZZ-ZZ-DR-C-0001. To facilitate the sewer diversion the applicants will need to remove the existing hedgerow. It is understood that the hedgerow will then be reinstated following completion of the proposed works. It is noted that the need for utilities to remove a small section of hedgerow rather than reroute a planned pipeline can provide the circumstances sufficient to justify the removal of a hedgerow. In this instance it is noted that the diverted water main is required to serve a consented housing development and that the application specifies that the removed hedgerow will be replanted.

On the basis of the above, the proposed removal is for the purpose of flood defence and land drainage, and therefore, considered to be in accordance with the Hedgerow Regulations 1997.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Report agreed: 19/01/2023

Authorised officer: Steffan Saunders
