

FAO

John Verity
J & K Builders
Unit 6 Wakefield Com Park
Bridge Road
Wakefield
West Yorkshire
WF4 5NW

JCA Ref: 16785b/DK

July 13, 2022

Dear Sir/Madam

Hedgerow advice at:

Land off Lesmond Crescent, Little Houghton, Barnsley, South Yorkshire, S72 0EZ.

This advice is provided with respect to an Arboricultural Impact Assessment Report, reference 16785/DK dated 21st January 2022. A copy of the report is attached with this advice letter for reference purposes.

JCA have been asked to provide advice on the hedge **H18** surveyed as part of this report with a view to accommodating Plot 5, the most northerly plot proposed on the proposed development site.

The hedge extends along the north and west sides of a track. The track leads to farmland. The hedge is approximately one hundred metres (100m) long from the rear garden boundary of Plevna House, on the B6273 Rotherham Road to the rear/side garden boundary of 5 Lesmond Crescent.

The survey noted that the hedge is an intermittent field boundary hedge comprising mainly early mature, 4 to 6 metre high *Crataegus monogyna*, Common hawthorn with a few intermittent *Sambucus nigra*, Black elder along its length. The stem diameters throughout the hedge were estimated at 5 to 20cm.

The hedge had little if any recent pruning management. Areas of past cutting back of the north and east sides of the hedge line were noted along the track side when surveyed and are likely to have been done to maintain clearance along the track for, in particular, farm vehicular access purposes.

The hedge's physiological and structural conditions were recorded as both good and good respectively and the amenity value as high, the latter mainly due to the importance of the hedge for both wildlife purposes and as a boundary feature between the proposed properties and the existing track. The survey indicates that the life expectancy of the hedge is expected to exceed 20 years. A category B was given to the hedge in accordance with *British Standard 5837: 2012* indicating the hedge as having a fairly high amenity value.

The hedge's canopy is recorded as being approximately 2 to 3 metres and the hedge's Root Protection Area (RPA) as approximately 1 metre, from the nearest point of the proposed footprint of proposed Plot 5.

The hedge may be protected under the Central Government's statutory Act, The Hedgerow Regulations 1997. There are three criteria which hedges must meet in order to be an 'Important Hedgerow'. The following outlines these criteria:

A hedgerow is protected if the hedge's:

1. Length is

- More than 20m long with gaps of 20m or less in its length **or**
- Less than 20m long, but meets another hedge at each end.

And

2. The Location of the hedge is on or next to:

- Land used for agriculture or forestry.
- Land used for breeding or keeping horses, ponies or donkeys.
- Common land.
- A village green.
- A site of special scientific interest.
- A protected European site such as a special area of conservation or special protection area.
- A local or national nature reserve.
- Land belonging to the state.
- A hedgerow is not protected if it's in, or marks the boundary of, a private garden.

And

3. 'Importance' (a hedgerow is important, and is protected, if it is at least 30 years old and meets at least one of these criteria:

- Marks all or part of a parish boundary that existed before 1850.
- Contains an archaeological feature such as a scheduled monument.
- Is completely or partly in or next to an archaeological site listed on a Historic Environment Record (HER), (formerly a Sites and Monuments Record).
- Marks the boundary of an estate or manor or looks to be related to any building or other feature that's part of the estate or manor that existed before 1600.
- Is part of a field system or looks to be related to any building or other feature associated with the field system that existed before 1845 - you can check the County Records Office for this information.
- Contains protected species listed in the Wildlife and Countryside Act 1981.
- Contains species that are endangered, vulnerable and rare and identified in the British Red Data books.
- Includes woody species and associated features as specified in Schedule 1, Part II Criteria, paragraph 7(1) of the Hedgerow Regulations - the number of woody species needed to meet the criteria is one less in northern counties.

Whilst the Hedgerow Regulations refer to the removal of 'Important' Hedgerows, they do not prevent hedgerows in general from being pruned in accordance with current good practice.

The following advice is given with respect to pruning hedgerows in accordance with current good practices:

Under the Wildlife and Countryside Act it is illegal to disturb birds and their nests. This applies from the 1st March through to the 1st of September. A health and safety matter may/can override this.

Garden hedgerows close to properties are generally maintained at about 2 to 3 metres high and trimmed along their sides.

We recommend, where reasonably possible, woody plants are maintained in accordance with *British Standard 3998: 2010* and by someone who is qualified to carry out any such works in accordance with this British Standard.

Whilst there are no specific heights or widths to which hedges must legally be maintained at, there are other regulations to help address dangerous and nuisance type problems associated with plants for example:

- The *Anti-social Behaviour Act* allows for action which may be taken where evergreen hedges have become a nuisance, for example where there is a loss of light.
- The *Highways Act* allows for action to be taken where vegetation extends into a public highway.

There are other methods used to maintain hedgerows, for example layering and flailing often used on extensive hedgerows along roadsides and adjacent to farmland.

With respect to the development works, if any parts of the hedgerow are being considered for removal, JCA recommends firstly identifying whether or not the hedge is an ‘Important’ hedgerow and therefore legally protected. If the hedgerow is protected and part/s are being considered for removal then consent must be sought from the Local Authority. This should be done as part of the Planning Application.

Where no parts of the hedgerow are being removed we recommend the following two items are completed as an initial part of the development before any other development works are carried out:

1. The hedgerow is pruned at approximately 2 to 3 metres high and the sides trimmed as described in the paragraphs above and then, prior to any further development works, protective fencing is placed along all areas requiring protection in accordance with BS5837: 2012. JCA can provide an Arboricultural Method Statement (AMS) where further advice regarding protection measures are required. Please note that the Local Authority may require an AMS as a condition of the Planning Application.
2. All the hard landscaping, including the road surfaces, the entrance and drive areas to the south-west and north-west sides and the areas to the south side of Plot 1 and between Plots 4 and 5 of the land being proposed for development.

All remaining development works should then be carried out from the south-west and north-west sides of the proposed Plots (1 to 5) with a view to minimising any impacts on **H18**.

Assuring you of our best attention at all times.

Yours sincerely

D. Kemp

Dan Kemp *FdSc (Arboriculture)*.

JCA Limited Terms & Conditions 2022

1. The Service

JCA Ltd agrees to supply consultancy services as instructed and our service is based on current arboricultural and ecological best practice.

2. Fees

Surveys and services are priced on the basis of information supplied to us. We reserve the right to invoice a higher amount than indicated in our quotation should the supplied information be insufficient.

Payment terms: payment is due within 14 days of completion of the report or services. Reports will remain the property of JCA until payment has been received and no liability is accepted for a report that is not paid for in full. VAT will be charged at the UK current rate. Any queries should be notified to JCA within 14 days of the invoice date.

Any invoice outstanding beyond this period may be referred to Daniels Silverman Limited and may be subject to a surcharge of 15% plus VAT to cover the collection costs incurred. This surcharge together with all other charges and legal fees incurred will be the responsibility of the customer and will be legally enforceable.

Failure to pay due fees may result in JCA documents being barred for use with outstanding planning application, extant approval and may cause problems with future conveyancing via your solicitors.

3. Site Investigation

Should JCA's representative be unable to complete the site investigation for reasons beyond their control, JCA reserves the right to charge the client the cost of travel and time spent.

The scope of our site investigation is preliminary in nature, unless otherwise agreed with the client. Where a more detailed investigation is required, the client will be advised accordingly. No investigation will be made of any inaccessible or underground structure and no drilling or intrusive investigations will take place unless requested beforehand.

JCA endeavours to survey trees individually. However, if, for example there was a group of ten identical same species trees, none of which is special in any way, we are likely to plot these as a group. If one of a group is notable in some way, e.g. a good specimen, or dead, we will note it separately. This grouping does not mean that the constituent trees of the group are not surveyed - every tree will be surveyed, subject to the provisions of the British Standard referred to below.

Trees having a diameter of less than 75mm at a height of 1.5m will usually not be surveyed as in accordance with the guidance in BS5837:2012.

Trees forming woodlands or large groups will be surveyed individually if a suitable topographical survey is available and upon the clients request. If a suitable plan is not available, the edge of the woodland or group will be plotted as accurately as possible.

Ecological surveys are conducted in accordance with good practice guidelines set out by the relevant statutory/non statutory organisation.

An ecological survey involving protected species will be conducted by a consultant holding the appropriate Natural England licence, when it is required to comply with regulations.

Access to the site is to be the responsibility of the client or agent and arrangements should be clearly conveyed to JCA.

During the site investigation, if JCA's representative considers their personal safety is at risk, or that they would breach the conditions of the Health & Safety at Work Act (1974), they will abandon the investigation and advise the client accordingly.

Identification of fungi, insects or other biological agent is based on our observations and does not include laboratory analysis unless stated.

Soil samples are occasionally extracted using an auger. The identification of soil types and soil conditions is based on field tests. No samples are taken for laboratory analysis unless stated.

Clients, when arranging a topographical survey, should specify the inclusion of every tree having a diameter of 75mm or more, and to indicate the exact position of that tree. Trees not shown on the topographical survey may not be surveyed, on the basis that the client may have specifically excluded that area. JCA cannot accept responsibility if the topographical survey is inaccurate.

Clients requesting an ecological survey should provide JCA with details of proposed development or changes in order for reliable mitigation advice to be produced.

Should a site investigation determine the need for further surveys, this will be detailed in the report. JCA have no responsibility for clients not adhering to advice outlined in the report.

If no topographical survey is provided, JCA will endeavour to position the trees as accurately as possible but this will reflect in our quote. For this purpose, JCA uses tapes and laser measuring equipment.

4. The Report

If any part of the report is altered without the written consent of JCA, then the entire report becomes invalid.

JCA reports are licensed products and cannot be copied or distributed to third parties without permission. A report is confidential to the client and their professional advisers. JCA will reproduce copies of reports or plans for the original client (or at their request) for a fee.

Our tree reports will include references to tree (represented by "T"), groups of trees ("G"), hedges ("H") and woodlands ("W"). Items will be surveyed in accordance with the British Standard (BS5837:2012) and assigned to retention categories defined within the said standard, based on the professional opinion of the surveyor attending site.

JCA employees are not qualified to comment professionally on the condition or integrity of a building and no reliance should be made on any comments made on the state of any building.

The report does not represent legal advice and a legal professional should be approached for any legal guidance required.

Trees are dynamic organisms and constantly in a state of change. It is advised that trees should be inspected annually by a JCA consultant.

Bats and other protected species are unpredictable and their behaviour will change throughout the year. Therefore if proposed development or changes to the site are not started in the same year as the original survey, the survey may need to be repeated.

The absence of any signs of current or previous occupation at a site is not evidence that a species is not present, nor is it evidence that the site will not be colonised in the future.

JCA plans are to scale whenever possible but care should be taken when measuring from a plan without first checking the original data.

Following all protected and notable species surveys, JCA Ltd will send any records gained as a result of the survey to the relevant species group and record centre as an act of goodwill unless specifically asked not to. This will assist to foster good working relationships with statutory bodies to the ultimate benefit of all our clients.

5. Insurance Cover

JCA is covered by £10M Public Liability Insurance, £10M Employers Liability Insurance and £1M Professional Indemnity Insurance.

6. Quality of Arboricultural Works

When appointing contractors, JCA use qualified and experienced companies. We check their Public Liability, Products Liability and Employers Liability Insurance. All tree works will conform to the current BS 3998 "Recommendations for Tree Work". Stump treatment will be carried out by a licensed chemical operative. JCA will not accept liability for works undertaken by unchecked companies.

