



Response to Planning Application P/21/1797/2 from Hathern Parish Council

1. Process and Documentation

When the Daisy Bank estate was being planned, William Davis and Charnwood Borough Council (CBC) invited Hathern Parish Council to be involved in the process right from the start, and a number of productive meetings were held, including one specifically looking at the public spaces, footpaths and pedestrian access. The developer acknowledged the value of accessing local knowledge so that the best arrangement was arrived at. Hathern Parish Council is disappointed that this has not been repeated in this way for this new adjacent development. Had we been involved from the start, some of the errors in the submitted documents and issues that have now proved to be contentious could have been avoided.

When the planning documents were made available on Planning Explorer, Hathern Parish Council studied these in detail, and found several mistakes and omissions. These included;

1. Plan layouts which were inconsistent. This has now been resolved following intervention by Hathern Parish Council
2. A Design and Access Statement referred the reader to the Arboricultural Survey and Assessment which had not been provided. Following intervention by Hathern Parish Council, this has now been made public.
3. A Transport Assessment is an important and necessary document; however, this wasn't made available until 29 October, well after the first documents were posted on-line.
4. There is a Preliminary Ecological Appraisal produced by Landscape Science Consultancy Ltd. for the developer, which CBC has refused to allow Hathern Parish Council to have sight of. Hathern Parish Council considers this to be an important document that public bodies such as a Parish Council should be able to consider, even if parts have to be redacted. We make further reference to this in section 3. We had also expected there to be a separate report from CBC's own ecologist, but at the time of writing this that has not been made available to the public.

Separately to this planning application response, Hathern Parish Council will be pursuing this matter and will be raising questions about both the legality, and council policy in refusing access to what is a public document.

5. We understand that CBC has belatedly asked the developers to prepare a Biodiversity Impact Assessment (BIA) to determine whether the proposals comply with the National Planning Policy Framework. This is an application for a substantial development on a rural agricultural site so surely a BIA should have been considered from the outset and not after the consultation period had started. We also are told that, again, Hathern Parish Council will be refused sight of this BIA if it contains sensitive issues.

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6. We note that the Head of Regulatory Services (Environmental Protection) wrote to Planning Services on 25 October stating that a detailed noise assessment was necessary with the impact of noise mitigation measures also assessed. In addition, a detailed air quality assessment may also be required. Assessing the effect of noise and the quality of the air would appear to be obvious requirements for an application of this size.
7. We also note that the developer has not provided the required number of affordable houses, and has not indicated the tenure split as required. We trust this will be rectified.

2. Historic Assessment

The historic assessment provides a good example of where local involvement would have avoided mistakes. Although the report is comprehensive, there is a glaring error in section 5.23 where it says that there is no map of the 1778 Enclosure award at the Leicestershire Records Office. This is incorrect. Contact with the Hathern Local History Society, or even just accessing the Society's website would have provided the consultant with a map of the Enclosure Award. Had this been done, it would have been evident that the hedgerow to the south of the proposed development dates from the at least 1778. As a result, its importance as an ancient feature could have been recognised at the start and a more sympathetic treatment of this hedgerow proposed in this application. The Enclosure Award map is attached. (App. 1)

3. Hedgerows

The hedgerow to the south west and south east of the proposed development is an ancient hedgerow. It formed part of the boundary of plot 31 allocated to William Boyer under the Enclosure Award of 1778. The boundary "shall be made by William Boyer and for ever hereafter kept in repair by the owners and occupiers thereof for the time being."

In the Arboricultural Survey and Assessment, section 2, it states that the hedgerows are species poor with inconspicuous groups of trees. This is apparently repeated in the Ecological Assessment (referred to in the Design and Access Statement 3.5.2)

This is certainly not true of the ancient hedgerow to the south east of the proposed development. This hedgerow contains only native species including hawthorn, elder, field maple, wych elm, dog rose, ash and two magnificent crab apple trees. Hathern Parish Council invited Leicestershire and Rutland Wildlife Trust to inspect the hedge. Their officer confirmed that it qualifies as a priority hedgerow and forms part of an important hedgerow corridor which continues to the east along the farm track. As the farm track is less than 20m wide, the hedgerow has to be considered as continuous. A view of the hedgerow corridors is attached. (App. 2). The south east section has a ditch adding to its wildlife importance.

We have been denied access to the Ecological Assessment, and only have the information in section 3.5.2 of the Design and Access Statement to consider. This no doubt deliberately paints a negative

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picture of the wildlife value of the site and its hedgerows. It is true that the hedgerows are unlikely to have bat roosts – very few do, however bats are regularly seen making use of this corridor. The document says that the boundary has the potential to support low numbers of nesting birds, without defining what “low” means. There are many nesting birds in this hedgerow. The hedgerow and ditch are typical of many in the countryside which provide a wide-ranging resource for wildlife. This country has lost a large percentage of ancient hedgerows and we must do all we can to preserve what is left rather than continue their unnecessary destruction as per this current application.

The Arboricultural Survey and Assessment states that all the hedgerows are in good condition (5.33), however a recommendation in section 7.1 is that the hedgerows are tall and outgrown and should be subject to rotational laying/cutting to maintain canopies in a form appropriate to a residential housing development. This recommendation does not consider what effect such an approach would have on wildlife. Who decides what is “appropriate to a residential housing development”? Many residents would now much prefer to have a mature hedgerow with the value to wildlife maximized rather than the type of sterile hedge deemed acceptable in the past. Developers and planners need to recognise that there has been a substantial change in public attitude to environmental and ecological matters and should respond to that in practice.

Referring to the Design and Access Statement, Section 4 describes the iterations in the site design. The original design (4.1, p50 and p56) had only two access points cut through the hedge. The document then describes consultation with Hathern Parish Council, CBC and Design:Midlands (4.3). The final plan is presented in 4.5 with much more of the hedgerow removed to provide four access points and complete opening of the south west/south east corner. Section 5.7.1 states that “small sections of hedgerow are being removed ... to improve the site’s connectivity with the existing residential development.” In practice this design will require around 40% of the south east/south west hedgerow to be removed – in no way can this be considered “small”. It is unclear how the access points in the south east hedgerow will be made while maintaining the ditch and that is of concern and needs addressing.

Section 4.4 states that “Following discussions with the LPA, Parish Council and the design review panel, the proposals were developed further to incorporate their feedback.” Hathern Parish Council at no time agreed to the increase in access points, opening up the corner or removal of more of the hedgerow and we object to the implication that the Parish Council was party to these changes.

It is also notable that the developer takes no responsibility for the final design. In the Statement of Community Involvement, the developer states:

“There will be some localised removal of hedgerow to provide access to the play area and southern footpath, this is at the request of Charnwood Borough Council and an Independent Design Review

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Panel in order to increase permeability, connectivity and enhance the relationship between the application site and the neighboring development.”

If successful this planning application will allow a further 58 houses to be built adjacent to the Daisy Bank estate and in so doing will remove a swath of agricultural pasture. It is clear that this hedgerow and ditch currently provide an important wildlife corridor and food resource for birds and other animals and that role will become even more important as this corridor becomes the natural route for wildlife between the two estates and provides linkage with existing hedgerows and the rest of the rural landscape around the development. Hathern Parish Council considers it paramount that this hedgerow and ditch should be retained and that any access points through it and over it should create as little disturbance as possible. There is an existing break in the hedge at the corner and we believe that adequate connectivity between the estates can be achieved by having an access point here plus one to the playground. It is not necessary to have four access points together with the removal of a large section of the hedgerow and ditch as is proposed and Hathern Parish Council objects most strongly to this. There should be a compelling argument for the destruction of an important ancient hedgerow and the case made in this application based on “pedestrian permeability” and “cohesion with the public open space” comes nowhere near the mark.

4. Offsetting Hedgerow Removal by Tree Planting etc.

In the Design and Access Statement (5.6) is the premise that the hedgerow removal will be offset by tree planting and two community orchards. We would strongly contest the argument that this planting can compensate for the destruction of a large part of an old established hedgerow. It simply will not act as a wildlife corridor between the two estates nor will it act as an important food source for many years.

Hathern Parish Council has significant recent experience with this developer and its tree planting. In the first Daisy Bank development, a large number of trees were planted – often badly and not in accordance with the tree planting standard submitted with this application. Most of those trees died because the developer failed to maintain them. This resulted in wholesale replacement (again many poorly planted) and many of those also died through neglect. We are now onto a second replacement. Persuading the developer to provide trees as required in the planning consent has been an uphill struggle involving both members of Hathern Parish Council and officers from CBC. Nothing in this application persuades us that the same sorry saga will not be repeated.

5. Site Boundary

It is apparent from Section 5 of the Design and Access Statement that the site boundary has changed – notably its position wrt the play area on the Daisy Bank site and at the corner of the site to the South. In both cases the boundary strays onto land covered by the planning approval for the Daisy

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Bank development. We would argue the legitimacy of this as it compromises the existing planning permission and the S106 Agreement.

6. Public Spaces and Play Area

Hathern Parish Council is concerned about the lack of public spaces on this site – the so called “pocket parks” and “micro allotments” are an indication of how tight this development is wrt public spaces. The development relies on the adjacent spaces on the Daisy Bank estate so that it can maximise the number of housing units on the proposed site instead of providing an appropriate level of new green and recreational space. We have previously identified the limited value of the proposed community orchards – residents would be better served by having some dedicated play space instead.

We note that Borough Cllr Harris has called-in the application for consideration by the Planning Committee. Hathern Parish Council requests to speak at the Planning Committee meeting when this application is considered.

App. 1 Enclosure Award Map 1778 (Redrawn)

App. 2 Hedgerow Corridors

RGDann, Chair Hathern PC

10.11.21