



Saxilby with Ingleby Parish Council

Non-confidential

Westcroft Green Space northern boundary fencing

Report to: Full Council 24-11

Report by: Clerk

Power/duty which decision falls under: Open Spaces Act 1906 s10.

Which council objective(s) it falls under:

1. Maintain and improve community facilities and amenities
2. Protect and enhance our green spaces and street scene
3. Preserve and enhance heritage assets, environmental assets, and wildlife
5. Improve the well-being of residents
8. To recognise the climate and biodiversity emergency and it should be considered as the basis of all decision and policy making

Consideration on carbon reduction:

Loss of hedging impacts on carbon reduction in the parish.

Public Sector Equality Duty (Consider or think about how policies or decisions affect people who are protected under the Equality Act)

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Consideration of risk management in relation to the proposal¹

It is impossible to list every risk faced by a local council. Risk, in the general sense, means the likelihood of an event happening, and the severity of the negative consequences. The insurance industry regards risk as representing loss or damage. Risk always involves uncertainty. When protecting a local council effectively, it is important to consider if risk is present in the following areas (SLCC AN241)[Tick]

✓Decision making – re-visiting a decision, standing orders have been followed

✓Finances – Works and budget have been agreed

✓Property – To be carried out on council land, title in place

✓Staff – staff are competent to carry out the work as part of their role. Re-visiting the decision would reduce the project time required

Events

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✓Legal – work to be carried out on council land. Staff to be informed of indicative boundaries to ensure no boundary problems.

✓Inspections - Inspections would be carried out by the grounds team

✓Written/verbal communication – residents sharing the boundary will be updated on the decision made and when work is due to start

Does the report consider any new activity? If ‘Yes’, has a risk assessment including risk management proposals for consideration been included for consideration and adoption by the council? (Financial Regulation 17b)

Yes.

- A risk assessment and method statement would be carried out by the contractor and supplied to the council.
- Work would not be undertaken until the relevant funds and permission are in place.

Background

The northern boundary of Westcroft Green space now has houses from the Taylor Wimpey development. A number of these houses have had rear access gates installed by the developer in the fencing which is understood to be for maintenance purposes and was not included in the original planning permission. The council understands these were installed under permitted development rights by the developer.

A number of unpermitted cut throughs have subsequently been created in the hedge, which appears to be to provide direct access for householders to Westcroft Green.

This is in breach of planning conditions which stipulate the hedge should be retained and maintained at a height of 3m:

Planning application number:

Ref 131174

Appeal Ref: APP/N2535/A/14/2223170

Land at Church Lane, Saxilby, Lincoln, Lincolnshire LN1 2PE

5) The details to be submitted for approval in accordance with Condition 1) above shall include a Phasing Plan indicating the phasing for the whole site in addition to the reserved matters for the first phase; a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas inclusive of trees, trees, hedges, ditches and balancing ponds; a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes; and a location plan indicating the dwellings to be reserved, in accordance with Condition 16) below, for persons over the age of 55. For the avoidance of doubt the items specified in this condition shall also be submitted for approval within one year of the date of this permission. The development thereafter shall be carried out in accordance with the approved details.

9) No development shall take place until details of a scheme for the infilling of gaps in and reinforcement of the existing hedge bounding the site alongside Church Lane and along its western boundary have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details no later than the end of the first planting season following their approval. The existing mature hedgerows within the site shown on the illustrative masterplan J1410 SK07 Rev C shall be maintained under the arrangements to be approved pursuant to Condition 5) above at a height of no less than three metres.



As a result, it was agreed by Full Council in July 2023 to

FC140/23 To consider installing a fence on Westcroft boundary

Resolved The background paper was considered and the following was resolved:

1. Cllr Ashton Derry proposed the clerk writes to households adjoining the boundary to advise them regarding the impact of blocking up and back filling the ditches - this will flood and to not cut the hedge,
2. Cllr Hewes proposed to arrange a meeting to speak to the residents who are involved
3. Cllr J Willox proposed to install a fence (option 3 in the paper a stock fence) using capital expenditure to protect the hedge from further damage
4. Cllr Ashton Derry proposed to re-plant whips in the autumn to reinstate the hedge line
5. Cllr Ashton Derry proposed to use the capital expenditure budget for the fence
6. Cllr Crump proposed to report the matter to the police and planning enforcement

This was subsequently begun to be actioned in the 2024 autumn planting season.

The fence was going to be erected on the north side of the hedge. However, due to the proximity of the hedge in areas to householders' boundaries and thus land, this is not viable, as the hedge now appears to span the boundary in places.

A positive meeting has been held with householders which the clerk attended. It was suggested that a less extensive and obtrusive approach could achieve the same results, whereby the fence is erected on the Westcroft Green side of the hedge (south side) - so that no boundary disputes arise and only in the areas where there are gaps in the hedge. Hedging whips can then be planted within these gaps.

This will be more accessible for grounds officers to erect, whilst preventing unauthorised access and damage to the hedge, ensuring the longer-term protection of the 3m hedge line.

This was supported by householders who attended the meeting and clarified that they did not want access to Westcroft Green Space via this route; having access makes the properties less secure and increases anti-social behaviour in the areas between the hedge and fencing.

The proposal to use stock wire was also queried, as small animals may become entrapped in it, therefore it is suggested to use three horizontal wires instead (top, middle, and bottom).



Fencing Options:

- 1) Round posts and three horizontal wire runs (bottom, middle and top)



- 2) Round posts with stock wire



Previous Resolutions

Planning and development committee considered a motion under Standing Order 7a and has made a recommendation to full council to amend the resolution to installing a three-wire fence in the areas of the hedge where there are gaps and re-plant whips to reinstate the 3m hedge, whilst ensuring householders' boundaries are in no way impinged.

RECOMMENDATION(S):

That council notes the report along with resident feedback and:

- 1) Re-visits the decision for fencing along the Westcroft boundary is with a three-wire fence to be installed in the areas where there are gaps only and re-plant whips to reinstate the 3m hedge in these gaps, whilst ensuring householders' boundaries are in no way impinged.
- 2) Residents sharing the boundary are updated on the decision and the date of when the work is due to start.