Application Number: F/YR14/0653/F

Major

Parish/Ward: Wimblington Applicant: Mr P Randle

Agent: Mrs G Pawson, GP Planning Ltd

Proposal: Erection of an anaerobic digester plant with 3 x silage clamps, construction of earth bunding surrounding an alligator tank for liquid storage

and the formation of a lagoon

Location: Land east of Fengrain, Hook Lane, Wimblington

Site Area: 3.5ha

Reason before Committee: This application is before committee at the request of Councillor Jolley due to concerns regarding smell, increased traffic on the highway and noise pollution and due to the level of support received.

1. EXECUTIVE SUMMARY/RECOMMENDATION

The application seeks full planning permission for the erection of an anaerobic digester plant with 3 silage clamps, construction of earth bunding surrounding an alligator tank for liquid storage and the formation of a lagoon.

The proposal is considered to raise the following key issues:

- Nature of development
- Principle and policy implications
- Renewable energy
- Design and layout
- Landscaping
- Access and highways
- Flooding and drainage
- · Noise and odour
- Health and wellbeing
- Economic development

The proposal has been assessed in line with policies set out in the Fenland Local Plan 2014 and guidance contained within the National Planning Policy Framework. The proposal is for a source of renewable energy production and therefore the principle of the development is supported. Appropriate mitigation measures are proposed to ensure that the proposal will have no detrimental impact in terms of noise and odour pollution, highway safety or visual and residential amenity. It is therefore considered that the development is acceptable and it is recommended that planning permission is granted accordingly.

2. **HISTORY**

F/YR14/0364/SC – Screening Opinion: Erection of an Anaerobic Digestion facility – Further information not required 03.06.2014 (Delegated decision)

F/YR12/0532/F – Erection of 2.0m high palisade fencing and gates to perimeter of existing business site (retrospective) – Granted 11.09.2012 (Delegated decision)

F/YR06/1360/F – Stationing of mobile office buildings, storage containers and toilets and erection of 2.4m high steel palisade fencing and use of land for storage of plant and materials – Granted 14.3.2007 (Delegated decision)

3.

PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

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Paragraph 19: Significant weight should be placed on economic growth.

Paragraph 21: Investment in business should not be over-burdened by the combined requirements of planning policy expectations.

Paragraph 58: Development should respond to local character and be visually attractive as a result of good architecture and landscaping.

Paragraph 100: Directing development into areas of lower flood risk.

Paragraph 123: Decisions should aim to avoid noise from giving rise to significant adverse impacts on on health and quality of life as a result of new development

3.2 Fenland Local Plan 2014:

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Settlement Hierarchy

LP6: Employment, Tourism, Community Facilities and Retail

LP14: Responding to climate change and managing the risk of flooding in Fenland

LP15: Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments

4. **CONSULTATIONS**

4.1 Parish/Town Council:

Objects to the proposal due to the Localism Act as the application is in the wrong place and will have a detrimental effect on the lives of people who live and work in the area. Objects on the grounds of increase traffic and highway safety, noise and smell pollution, proximity to great crested newts, no benefit to the village in terms of S106 contributions or job creation, too close to residential properties, proximity to public byway with no separation between pedestrian and vehicular traffic, no need, the plant will not be run by Fengrain, Fengrain has a history of not adhering to planning conditions, discrepancies in the Planning Statement.

4.2 Ramblers:

No comments received

4.3 **Countryside Access:**

Requests signage at the entrance to Hook Lane saying that the byway is unsuitable for heavy vehicles. Informatives required relating to the byway remaining unobstructed, no alterations to be made to the surface of the byway, landowners are responsible to maintain hedges and fences adjacent to the byway, the granting of planning permission does not entitle a developer to obstruct a public right of way.

4.4 Environment Agency:

Permission could be granted subject to a condition relating to the prevention and disposal of foul and surface water drainage.

4.5 **Anglian Water:**

No comments received

4.6 **Police Senior Architectural Liaison Officer:**

No comments to make in relation to crime prevention and fear of crime.

4.7 Middle Level Commissioners:

Standard comments – further details required with regards to proof that adequate methods for surface water/treated effluent disposal can be achieved. (This can be secured under MLC byelaws)

4.8 **CCC Highways:**

Removes objection due to sufficient information being provided to support the application on highway grounds. The improvement to the access width appears to be acceptable in principle, would be happy for these details to be secured as a planning condition. Regarding the aspirations to create a one-way system for vehicles to leave via Hook Lane, note that as part of any future application the applicant would need to discuss the impact on Hook Lane with the public rights of way team. Requests a condition to ensure that all vehicles associated with the site are sheeted.

4.9 FDC Environment and Health Services:

Sufficient information has been provided to enable Environmental Protection to withdraw their objection to the development. A noise condition to protect local amenity from excessive noise is required.

The further odour assessment is noted and accepted, the additional information has shown that odour will not have a significant impact on the local area.

4.10 **FDC Housing and Development:**

No comments received

4.11 **DEFRA**:

No comments received

4.12 Health and Safety Executive:

No comments received

4.13 **Neighbours:**

Representations have been received from 131 individual addresses objecting to the proposal on the following grounds:

- Increase in traffic;
- Highway safety;
- Loss of agricultural land;
- Impact on character of area;
- No need for proposal;
- No financial benefit to village;
- Impact on neighbouring residents in terms of noise and odour;
- There is legislation in place to prevent these types of development;
- The company will not adhere to the required 'provisos';
- Eastwood End highway is not capable of accommodating lorries;
- No benefits given that the land used to produce food will be lost to produce something which cannot be eaten;
- Safe walking and cycling routes?
- Has the farming community been asked for comments?
- Industrial sites should not be located close to residential areas:
- The screening is questionable;
- The village is not appropriate for a huge industrial development;
- What will happen in terms of health and safety should there be a malfunction?
- Local farmers do not need the digester to take their crops:
- There is another digester in Chatteris which could take the crops;
- The AD plant will not solve environmental issues for Fengrain;
- Pollution from carbon emissions;
- Uncertainty as to what the digester will be fed on;
- Concerns with regards to flame burning;
- Vermin:
- Wrong place for the development;
- No previous contact from Fengrain;
- Incorrect information relating to vehicular movements;
- Proximity to residential dwellings:
- Contrary to policy framework;

- Local farmers deny that their crops will be used;
- Where will the digestate be spread?
- Will regular crops be abandoned?
- Impact on horse riders from noise;
- Visual impact;
- The existing business would benefit from more storage space rather than an AD plant;
- Light pollution;
- Flood risk;
- Contamination from seepage;
- Fire hazard:
- Localism act:
- Parking and turning cannot be accommodated on site;
- Proximity to SSSI;
- This is for commercial profit;
- Overdevelopment of light industry in a residential hamlet;
- The proposal should be in the open countryside;
- Mud on the roads;
- Loss of value to existing properties;
- Unfair for Fengrain to use the EU sugar quota;
- There is a school play area which is in close proximity to the A141 which will suffer from increased traffic as a result of the proposal;
- Vehicle movements outside of normal working hours;
- The majority of the local farming community will not supply Fengrain;
- Overdevelopment of the site;
- Vulnerable to vandals and arsonists:

An objection has been received from Stephen Barclay MP, comments are as follows:

- There is a significant amount of local opposition for the scheme compared to the number in support;
- This scheme is in the wrong location;
- Increase in traffic:
- No S106 contributions;
- Mud on the road:
- Highway safety;
- Concerns with there being too many AD plants in the area, like there are with wind turbines.

Representations have been received from 20 individual addresses supporting the proposal for the following reasons:

- It is a good site for an AD plant;
- It will allow farmers to grow essential crops;
- It will contribute to government policy on renewable energy;
- Improve the viability of Fengrain;
- It will support local farmers;
- Benefit to roads as there will be a reduction in sugar beet transportation elsewhere;
- Production of sustainable energy:
- Benefit to surroundings by application of digestate to fields;

- Provide employment in the locality;
- Makes use of Fengrains existing facilities which will support the existing business:
- Income for Fengrain will subsidise storage and processing;
- Support British agriculture;
- Smell is not an issue;
- Agricultural diversity;
- Diversification for Fengrain allowing them to invest in the plant and staff;
- Reduction in traffic movements given that local produce will be used;
- It will complement the existing wheat storage;
- It will provide another outlet for crops;
- Fenland should support the digester if it is 'Open for Business';
- The main road is designed to take lorries therefore traffic can be accommodated;
- Fengrain is long established;
- It will add power to the Grid;

A letter of support from the National Farmers Union (NFU) has been received, comments as follows:

 Supports the application as it complies with the NFUs aspirations with regards to agricultural diversification and Government support for AD plants.

5. SITE DESCRIPTION

5.1 The application site is located to the north of Hook Lane, east of the exiting business known as Fengrain. The site is within a predominantly rural location with some residential development located to the south and an existing solitary dwelling positioned to the immediate east. The northern boundary is open, there is landscaping on the eastern and southern boundaries which screens the site from a public view point and there is 2m high palisade fencing on the western boundary. A public byway runs along the southern side of the site and up past part of the eastern boundary. The land in question is currently in agricultural use.

6. PLANNING ASSESSMENT

6.1 The application seeks full planning permission for the erection of an anaerobic digester plant with 3 silage clamps, construction of earth bunding surrounding an alligator tank for liquid storage and the formation of a lagoon.

The proposal is considered to raise the following key issues:

- Nature of development
- Principle and policy implications
- Renewable energy
- Design and layout
- Landscaping
- Access and highways

- Flooding and drainage
- Noise and odour
- Health and wellbeing
- Economic development
- Other matters

(a) Nature of development

The proposed anaerobic digester facility will process 45,00 tonnes of sugar beet, rye or maize per annum in order to produce gas which will be fed into the local grid system. Potentially some of the gas will be used to generate electricity for the adjoining grainstore.

The crops will be grown by Fengrains Co-operative farmers and the dry digestate and liquid will be stored on site until they are required by the farmers to spread onto their crops for their nutrient content.

(b) Principle and policy implications

The application site is located in open countryside. In such locations there is strict control over new development and it is generally restricted to that which is essential to the efficient operation of agriculture, horticulture, outdoor recreation and limited other uses specified within the Local Plan. In determining this application it is therefore necessary to consider whether the proposed development is acceptable in principle, in a countryside location such as this.

Policy LP14 of the Fenland Local Plan 2014 considers that renewable energy proposals will be supported and considered in the context of sustainable development and climate change. Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be assessed both individually and cumulatively on their merits taking account of the surrounding landscape, residential and visual amenity, noise, highway safety, biodiversity conditions and high quality agricultural land.

Policy LP16 seeks to deliver and protect high quality environments throughout the district by virtue of protecting and enhancing heritage assets, biodiversity and nature features on sites. Development should mitigate against sources of noise, emissions, pollution and contamination.

The proposal relies on the use of agricultural produce and therefore it is necessary that it is located close to the source of these products. With this in mind the countryside location of the development is appropriate and sustainable given that the location will result in short vehicle movements. The production of renewable energy is a sustainable form of development which complies with the aspirations of the Fenland Local Plan and the NPPF. The principle of the development is therefore acceptable.

(c) Design and layout

The digester and storage tanks, ancillary buildings and alligator storage are located to the south of the site with the clamps and lagoon to the north. The storage tanks will have a typical domed roof with a maximum height of 13m and the clamps will be surrounded by bunding with a maximum height of 2.5m.

The proposal will have an appearance which is not dissimilar to other modern agricultural buildings. The tanks and ancillary buildings will be positioned in close proximity to the existing plant. As such the encroachment of the built form into the open countryside has been minimised. The proposal would therefore comply with part (d) of policy LP16 of the Fenland Local Plan 2014.

(d) Landscaping

The existing landscaping belt to the south and east of the site will be retained and will be a significant asset to the proposal in terms of softening its appearance and partially screening it from a public perspective. Bunding is proposed around the clamps and the alligator storage and a new landscaped area is proposed to the north of the site. Should permission be granted a condition securing the planting mix and maintenance is required to ensure that the bunding and landscaping is appropriate. It is considered that proposal will enhance the current landscaping within the site thereby complying with parts (d) and (i) of policy LP16 of the Fenland Local Plan 2014.

(e) Access and highways

Access to the site is via Hook Lane and will run perpendicular to the existing plant towards the north part of the proposal. The County Highways Team has removed their holding objection having assessed further information submitted. Conditions are required to secure access arrangements, construction of the access, the retention of parking and turning on site and a construction management plan. In addition, the provision of wheel cleaning facilities are required on site during the course of construction.

The site is in close proximity to a public byway and the Public Rights of Way Team at the County Council has noted that the increase in vehicular traffic will not be via the byway on Hook Lane. No concerns are therefore raised with regards to the conflict between pedestrian and vehicular traffic in accordance with policy LP15 of the Fenland Local Plan 2014. Should permission be granted a series of informatives relating to the protection of the byway are required.

(f) Flooding and drainage

The site lies within flood zone 1 and is therefore on land which is sequentially preferable for development in flood risk terms. The submission includes a flood risk assessment which is considered as acceptable by the Environment Agency. The Environment Agency has requested a condition to secure details of the disposal of foul and surface water drainage. Such a condition should be appended to any planning permission granted.

It is proposed that the surface water run-off will be into the existing drainage network which falls within the jurisdiction of the Middle Level Commissioners. The comments received from the Middle Level Commissioners state that further details of the drainage methods are required however these can be secured via their own bylaws. Given that the necessary details can be secured under a separate set of legislation and that the Middle Level Commissioners has not objected to the proposal no concerns are raised in respect of flood risk and drainage. The proposal therefore satisfies part (B) of policy LP14 of the Fenland Local Plan 2014.

(g) Noise and odour

The closest residential dwelling is 16m from the south eastern corner of the site. The closest other dwellings are located 200m, 250m and 385m from the site at Hook Road, Eastwood End and Hook Drove respectively. Extensive investigative and design works have been carried out on the proposal in conjunction with FDC Environmental Health in respect of noise. Mitigation measures, including bunds and acoustic barriers, improvements to the silencer, and localised screening have been proposed. The mitigation measures are such that the noise levels at the aforementioned receptors are considered to be acceptable.

The noise level has been determined to be in line with British Standard 4142 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas" and World Health Organization "Guidelines for Community Noise".

BS4142 rates noise that exceeds 10dB above the normal background noise level as likely to cause complaints and Community Noise Guidelines state that noise above 30dB inside a bedroom at night will disturb sleep. Therefore, for noise levels at night to be at a level not to cause complaints or disturb sleep a level of 35dB was agreed.

The main source of odour generated by the proposal is associated with the storage and handling of feedstocks. The digestion process itself is fully enclosed which would imply that odour generated from this part of the activity is not an issue. An addendum to the odour report confirms that the storage clamps will be fully covered when not in use. The clamps will only be uncovered when feedstock is being withdrawn, thereby significantly reducing odour omissions. With this in mind, FDC Environmental Protection has confirmed that odour will not have a significant impact on the local area.

A condition which restricts the number of vehicle movements, to protect the neighbouring residential amenities is required.

It is considered that the mitigation measures put in place and the nature of the activity on site are such that the proposal complies with policy part (e) of policy LP16 of the Fenland Local Plan 2014 in that the impact of noise and odour will not unduly harm the amenities of neighbouring residential dwellings.

(h) Health and wellbeing

As above, it is considered that the proposal will not harm the health and wellbeing of neighbouring residents by reasons of noise or odour. It is acknowledged that the development will be in relatively close proximity to a single residential dwelling, however the deep belt of existing trees and vegetation on the south eastern corner are such that the development will be mostly screened from this property. As such it is considered that the proposal will not result in an overbearing impact on the neighbouring resident.

It is considered that the proposal will have no detrimental impact on health and wellbeing and as such the development complies with policy LP2 of the Fenland Local Plan 2014.

(i) Economic development

The proposed development constitutes an extension to an existing business. It is submitted that the proposal has been derived as a result of Fengrain's cooperative farmers identifying an alternative use for sugar beet.

The diversification of the use of the sugar beet will support existing jobs by providing security for Fengrain's cooperative farmers. The proposal will also provide an additional two jobs and will result in a significant amount of investment into the local area. The land is grade 3 agricultural land and therefore no high grade farming land will be lost as a result of the development. The proposal therefore supports economic growth as set out in policies LP6 and LP12 of the Fenland Local Plan 2014.

(j) Other matters

Other issues raised by consultees which have not already been covered by this report are addressed as follows:

Nothing has been provided to suggest that there are great crested newts on site and it was not apparent from the site visit that there were newts in the area.

The proposal does not fall within the criteria set out for S106 requirements therefore no financial contributions can be sought for this development.

Two jobs will be created as a result of the proposal.

Whether Fengrain manages the site is not a material planning consideration.

Whether there is a 'need' for the proposal is not a material planning consideration.

The history of the behaviour of the applicant (ie not adhering to previous conditions) is not a material planning consideration neither are the discrepancies in the planning statement.

Comments with regards to a malfunction have been noted, this would be addressed by the management of the plant and subsequent health and safety legislation which is enforced by the Health and Safety Executive and Environmental Health.

The purpose of the proposal is not to solve environmental issues for existing business but to generate renewable energy which will be fed into the grid. Surplus energy could potentially be used to power the adjoining business.

The emissions from the digester will be captured as a renewable energy source (gas) therefore pollutant emissions are of no concern.

Issues with regards to vermin and pest control at the site will dealt with under the usual Environmental Health Services.

It is understood that the applicant did undertake a community consultation exercise prior to the submission of the application. The extent of the exercise is not clear and, as with all such consultations, there is a limit to the range of consultees. Although pre-consultation with the local community is desirable, it is not essential and therefore it is not a reason for refusal if some members of the community were not involved in this part of the process.

The dry digestate will be used by the co-operative farmers who have signed up to the scheme to spread on their fields.

No objections have been received from FDC Environmental Health with regards to light pollution. There are statutory requirements for lighting in place which are regulated by Environmental Health.

Loss of value and commercial profit are not material planning considerations.

Comments relating to the vulnerability of the site to vandals and arsonists have been noted and this would be for the management of the site to address in their onsite security provisions.

7. CONCLUSION

7.1 The proposal is for the development of a renewable energy source in the form of an anaerobic digester plant. The principle of the development is supported by policy LP14 of the Fenland Local Plan.

It is acknowledged that there is a significant amount of local opposition to the proposal, however the submission demonstrates that there will be no adverse impact on the locality in terms of noise and odour pollution or highway safety subject to the imposition of appropriate planning conditions. This has been confirmed by FDC Environmental Health Officers and CCC Highways Engineers. Visual impacts will be mitigated against by both existing and proposed landscaping.

It is considered that the proposal will not have any significant adverse impact on visual or residential amenity or highway safety. It is therefore recommended that planning permission is granted.

8. RECOMMENDATION

Grant subject to the following conditions:

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of development a facility to clean wheels for construction vehicles shall be installed on site. The facility shall remain on site until completion of the development hereby approved.

Reason

To allow for wheel cleaning to prevent disruption to the local highway network resulting from debris and soil from the site, in accordance with policy LP15 of the Fenland Local Plan 2014.

3. Notwithstanding the submitted plans, full details showing the revised access road arrangements including widths, kerb radii and surface finish in the form of a large scale plan, shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved details and retained for the duration of the proposed use.

Reason- In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.

4. Prior to commencement of the proposed use, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the Local Planning Authority, and such a scheme shall include, levels, forms of construction and surface water drainage.

Reason: In the interests of highway safety and to ensure satisfactory access into the site in accordance with policy LP15 of the Fenland Local Plan.

- 5. Prior to commencement of the proposed use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:
 - 1. enter, turn and leave the site in forward gear;
 - 2. park clear of the public highway; and shall be levelled, hard surfaced and sealed and drained away from the highway and thereafter retained for no other purpose in perpetuity.

Reason - In the interests of satisfactory development and highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.

- 6. No development shall take place including any works of demolition until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - Parking of vehicle of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of mud being carried onto highway
 - pedestrian and cyclist protection
 - any proposed temporary traffic restrictions and proposals for associated safety
 Signage

Reason: In the interests of safe operation of the highway in accordance with policy LP15 of the Fenland Local Plan 2014.

7. Unless otherwise agreed by the Local Planning Authority no more than a maximum of 78 2-way vehicle movements shall enter and leave the site in any one day (07.00 - 19.00). A daily record of all vehicles movements, including details of internal and external road movements, shall be maintained at the site and made available within one week of a written request by the Local Planning Authority.

Reason: In the interests of amenity and to comply with policy LP16 of the Fenland Local Plan.

8. Noise emissions from the anaerobic digester plant, equipment and associated machinery shall not exceed a night-time (23:00 – 07:00) rating noise level of 35dBA as measured in accordance with British Standard 4142 determined at all boundaries of noise-sensitive premises.

Within 3 months of the first operation of the site, a competent person shall have undertaken a Noise Validation Assessment and ensured that the rating level of noise emitted from the site's plant, equipment and machinery does not exceed levels as stated in the Supplementary Noise Assessment dated 14 January 2015. The Local Planning Authority shall be informed of monitoring times, dates and locations no less than 7 days prior to being undertaken. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Prior to operation of the development a Noise Management Plan shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter. The Noise Management Plan shall include: Noise sources; the time, duration, and frequency of noise occurrences; noise control measures; noise levels to be achieved at the boundary of the site; methods to monitor noise and report the findings; reports of mitigation measures undertaken on site; procedures to accept, investigate and resolve noise complaints.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

- 9. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - Existing trees, hedges or other soft features to be retained;
 - Planting plans, including specifications of species, sizes, planting centres number and percentage mix;
 - Management and maintenance details.

Reason

The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with policy LP16 of the Fenland Local Plan 2014.

10. The development hereby permitted shall not be commenced until such time as a scheme for the prevention of pollution and disposal of foul and surface water drainage has been submitted to, and approved n writing b, the Local Planning Authority, the scheme shall be implemented as approved,

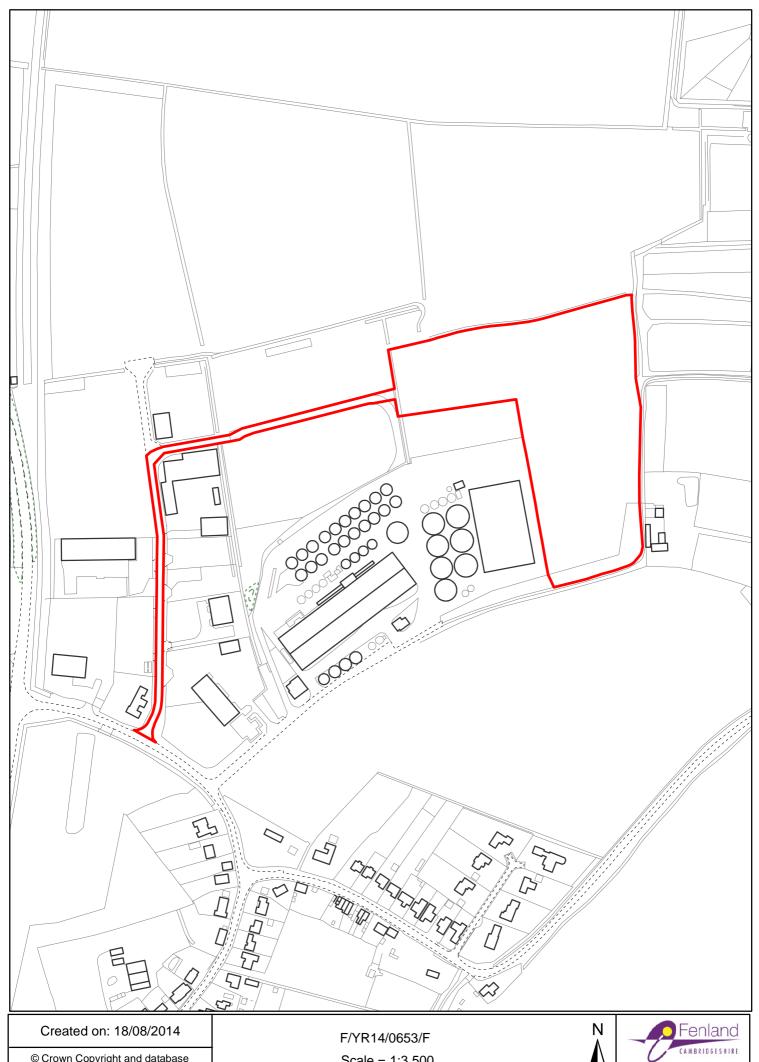
Reason

To prevent pollution in line with National Planning Policy Framework paragraphs 109, 120 and 121.

11. Approved plans

The following informatives are also required:

- 1. Public Byway No.12, Wimblington must remain open and unobstructed at all times, including during site construction. Building materials must not be stored on the footpath and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public right of way).
- 2. o alteration to the byway surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- 3. Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- 4. The granting of planning permission does not entitle a developer to obstruct a public right of way (Circular 1/09 para 7.1).



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