
90 Lewes Road
Haywards Heath
West Sussex
RH17 7SX

25 June 2025

Re: Outline application for Land at Colwell Farm Lewes Road under reference DM/25/0445

Dear Ms Fisher,

I am writing to make you aware that the hedgerows surrounding the proposed development site would be classed as “important” hedgerows according to the Hedgerow Regulations 1997¹.

The Hedgerow Regulations state that if a hedgerow is deemed important, the hedgerow should be protected with a Hedgerow Retention Notice and should not be removed.

Please could you let me know whether:

- a) Millers Homes sought permission from MSDC in advance of cutting through the hedgerow in winter 2024?
- b) Will MSDC be protecting the hedgerows surrounding the site with a Hedgerow Retention Notice?

How Hedgerow Regulations 1997 apply to planning

Hedgerows are classified as a "habitat of principal importance" under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Paragraph 192b of the National Planning and Policy Framework (NPPF) states that plans should “*promote the conservation, restoration and enhancement of priority habitats*”.

Hedgerows are also covered in Mid Sussex District Plan policy DPN4: “*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/or that have landscape, historic or wildlife importance, will not normally be permitted.*”

‘Important hedgerows’ are offered additional protection.

According to CPRE guidance on the application of Hedgerow Regulations², if a hedgerow is deemed ‘important’, permission to remove them should be refused except under exceptional circumstances and a Hedgerow Retention Notice will be applied.

According to the CPRE guidance: “*The authority will decide if the circumstances justify the removal of an important hedgerow. The strong presumption is that important hedgerows will be protected. Unless satisfied that removal is justified, the authority must refuse permission. They will issue a Hedgerow Retention Notice to say that removal of the hedgerow is prohibited.*”

¹ The Hedgerows Regulations 1997
<https://www.legislation.gov.uk/ukxi/1997/1160/contents>

² Hedgerow Regulations FAQ’s
https://www.cpre.org.uk/wp-content/uploads/2019/11/hedgerows_regulations_faq_1.pdf

Why the Hedgerows at the site are classified as important

According to Section 3 of the Hedgerow Regulations, these regulations apply to any hedgerow (apart from those marking the boundary of a house) and if it has “*a continuous length of, or exceeding, 20 metres*”, “*has existed for 30 year or more*” and “*satisfies at least one of the criteria listed in Part II of Schedule 1*”. A hedgerow is deemed important if it has “*at least 7 woody species*”.

The hedgerows around the site are over 20 metres, have existed for at least 80 years, and have 9-11 woody species, meeting the criteria for ‘important hedgerows’.

Age of hedgerows

The hedgerows are at least 80 years old and are likely to be ancient hedgerows, at least 200 years old. The hedgerows are visible separating the fields in overhead US Air Force photos from January 1944.

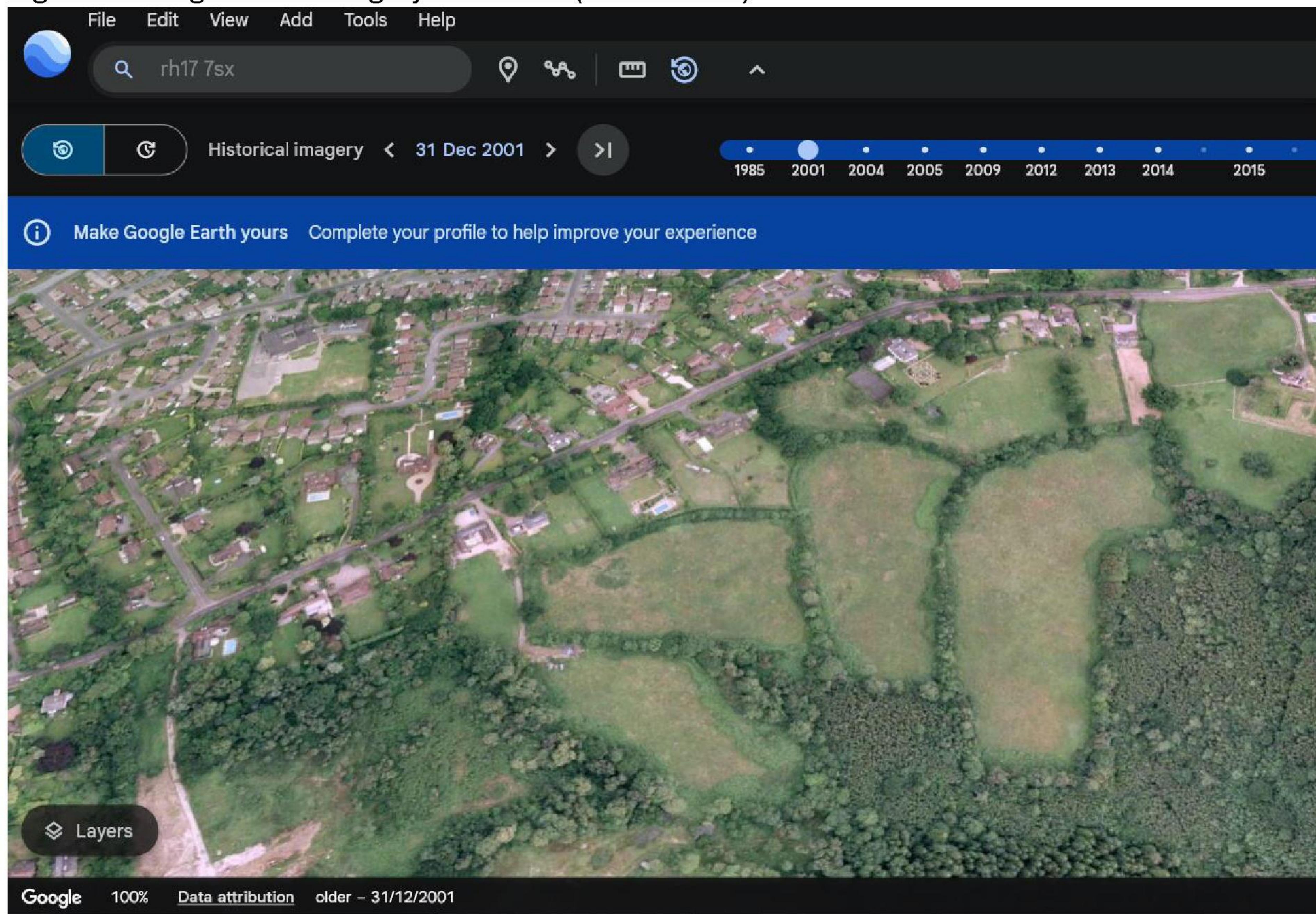
Figure 1: Excerpt of USAAF photo (30/1/1944)



The full photo, taken on 30 January 1944, is visible at the Historic England Archive website (https://historicengland.org.uk/images-books/archive/collections/aerial-photos/record/us_7ph_gp_loc165_v_5048). The site is visible in the top left corner of the photo.

There are also photos of the site on Google Earth – these show the hedgerows in the site on 31/12/2001 (24 years ago).

Figure 2: Google Earth imagery of the site (31/12/2001)



It is likely that the hedgerows are ancient hedgerows that have been on this site for over 200 years old as they have a ditch on both sides – the traditional “bank and ditch” system that exist in hedgerows planted before the 19th century.

According to the People’s Trust for Endangered Species³: *“In the 18th century, hedges were still planted on banks using the bank and ditch system. In the early 19th century, it became more popular to plant ‘on the flat’ which was quicker and cheaper.”*

Figure 3: Photo showing the bank and ditch hedge at the top of Field 1



³ A history of hedgerows
People’s Trust for Endangered Species
<https://ptes.org/hedgerow/a-history-of-hedgerows/>

Some of the trees in the hedgerows are estimated to be over 100 years old. For example, this Field Maple (with woody ivy around it) on the hedge between Field 1 and 2 is estimated to be over 100 years old by a qualified ecologist.

Figure 4: Field Maple in hedgerow between Fields 1 & 2



Number of woody species

I did a walking transect with a qualified ecologist along the hedgerow on the top of Field 1 (indicated in blue in Figure 1) and on the hedgerow intersecting Field 1 and 2 (indicated in red in Figure 1)

Figure 5: Map showing location of hedgerows monitored



11 native species were found in the hedgerow at the top of Field 1. 9 native species were found in the hedgerow intersecting Field 1 and 2. These species are all listed in Schedule 3 of the Hedgerow Regulations 1997.

List of species found in hedgerow at top of Field 1:

- Ash (*Fraxinus excelsior*)
- Blackthorn (*Prunus spinosa*)
- Hawthorn, midland (*Crataegus monogyna*)
- Holly (*Ilex aquilifolium*)
- Hazel (*Corylus avellana*)

- Maple, field (*Acer campestre*)
- Oak, pedunculate (*Quercus robur*)
- Rose (Dog Rose - *Rosa canina*)
- Rowan (*Sorbus aucuparia*)
- Spindle (*Euonymus europaeus*)
- Willow (Goat Willow - *Salix caprea*)

List of species found in hedgerow intersecting Fields 1 and 2:]

- Ash (*Fraxinus excelsior*)
- Blackthorn (*Prunus spinosa*)
- Cherry, wild (*Prunus avium*)
- Hawthorn, midland (*Crataegus monogyna*)
- Holly (*Ilex aquilifolium*)
- Hazel (*Corylus avellana*)
- Maple, field (*Acer campestre*)
- Oak, pedunculate (*Quercus robur*)
- Willow (Goat Willow - *Salix caprea*)

Due to time constraints, there was not time to do a walking transect of all the hedges surrounding the fields, however it is noted that other hedgerows have a similar diversity of woody species and include additional species such as Alder (*Alnus glutinosa*) and Hornbeam (*Carpinus betulus*).

In addition to the diversity of woody species, which far exceeds the criteria of “7 woody species”, the hedgerow also includes protected birds and animals, such as bats, birds and the European Protected Species Hazel Dormice (*Muscardinus avellanarius*), which has been photographed in the hedgerow at the top of Field 1 (see my earlier letter, dated 11/6/25).

Millers Homes plans for the hedgerows

Millers Homes plans to remove various sections of hedgerows to provide an access road to the development and to create interconnecting roads through the development. Their plans are shown in Figure 2 (taken from the developers BNG Habitat Management & Monitoring Plan).

Figure 2 from BNG Habitat Management & Monitoring Plan



Pre-planning hedgerow removal by Millers Homes

As outlined in Section 7.2 of my previous submission (Evaluation of Ecological Impact Assessment and BNG Habitat Management & Monitoring Plan, dated 16/3/25), contractors employed by Millers Homes have already cut through the hedgerow between fields 1 and 2, and 2 and 3 in numerous locations. This damage took place last winter.

Below are the photos from the earlier submission, demonstrating the damage done (further photos are available in my original submission).



Image 1: Photo taken from Field 1 demonstrating where developer has cut through hedgerow to access Field 2 with heavy machinery (February 2025)



Image 1: Photo taken from Field 1 showing cut edges of hedgerow plants (February 2025)

I believe the above damage was done without prior approval of Mid Sussex District Council.

If approval was sought, please could you provide public access to this paperwork on the planning portal.

I have placed a FOI request with Mid Sussex District Council for this information, but am aware this may take up to 20 working days.

Thank you for your time in considering this submission.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.