

Appendix 3B

From: Jack Fox (NELC) <Jack.Fox@nelincs.gov.uk>
Sent: 30 November 2017 10:52
To: Matthew Chaplin (NELC) <Matthew.Chaplin@nelincs.gov.uk>
Subject: FW: Thorn Hedgerow

FYI

Regards

Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council

Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU

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From: Jack Fox (NELC)
Sent: 30 November 2017 10:52
To: 'PEARSON MICHAEL'
Subject: RE: Thorn Hedgerow

Good Morning Mr Pearson

Thank you for sending me a copy of your email to Laceby Parish Council to which you advised a copy has been sent to Rob Walsh.

Further to my recent site visit I have discussed with the Parish Council the gap in the hawthorn hedge to the rear of the site (adjacent to the open fields) and the removal of the 'kissing' gate at the entrance to the site at Butt Lane.

I have requested that the gap is infilled with hawthorn whips/ thickets and a timber structure is installed to protect these until they mature. This will close the gap and remove access to the site at this point and stop the site being used as a thoroughfare.

Whilst it is confirmed there are no formal rights of way across the site, it is clear on site this practice has been in place many years as the access across the site looks well established. It is also recognised that since the original purpose of the site, to be used as allotments, was not deemed possible, the site has been allowed to develop naturally over a significant period of time. This does not require a formal change of use or Planning Permission and the site has existed under its own identity and should this use be encouraged, there is no mechanism in the lease to prevent it. However, the lease recognises the site as an entity and the boundary must be maintained in a good state of repair. There is no obligation under the lease to secure the site.

The Parish also confirmed it will consider the future of the 'kissing' gate at their next meeting, however, the replacement gate structure and fence may provide an appropriate and sufficiently well maintained boundary.

I am pleased to hear that discussions are underway regarding the maintenance of the hedges on the boundary to your residential property. The Parish confirmed they had arranged for maintenance to be undertaken to the site this week, which they are entitled to do, as well as attending to overhanging trees/ hedgerows etc. on their land. However, if you have concerns regarding the way in which the maintenance has been undertaken, these need to be relayed to the Parish, and reported to the Health and Safety Executive (HSE) if necessary. Similarly, if you believe damage has been caused to your property, this should be discussed with the Parish and if no resolution can be achieved, such instances need to be reported to the Police and any further action/ claim would need to progress through the Courts.

I intend to follow up my discussions with the Parish in a month's time to be assured the proposed works/ discussions are being progressed.

Regards

Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council

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Invest North East Lincolnshire



From: PEARSON MICHAEL [REDACTED]

Sent: 29 November 2017 15:16

To: Jack Fox (NELC)

Subject: Fwd: Thorn Hedgerow

Dear Mr Fox,

I understand from our neighbours that you have not seen a copy of the email below which we sent to the secretary of the Laceby Parish Council and a copy to Rob Walsh.

I also understand from our neighbours that the Parish Council have been given four weeks by North East Lincolnshire Council to secure the site at both ends.

Could you please confirm that this is correct.

Yours sincerely,

Mike & Sue Pearson

----- Original Message -----

From: PEARSON MICHAEL [REDACTED]

To: lacebyparishcouncil <lacebyparishcouncil@gmail.com>

Date: 17 November 2017 at 11:20

Subject: Thorn Hedgerow

Dear Mrs Weatherill,

Hawthorn Hedgerow

Thank you for your letter dated 8th November regarding the hedgerow that runs along the edge of our property and that of the entrance to the 'former allotments' (not used as such for the last 25 years). We would be happy to prune both sides of the hedge, as we had done for many years previously. However, currently there are some obstacles that need addressing.

Since we moved in to our property, over 23 years ago, we originally maintained the entrance area with our neighbours, as the locked five-bar gate prevented any access to the public. As you are

aware, the entrance is not, and never has been, a public right of way. When those neighbours moved, the new occupants were not interested in maintaining this area, so we continued to maintain the half of the entranceway nearest our boundary.

When the Parish Council replaced the locked 5-bar gate with a kissing gate, giving the erroneous impression that there was a right of way to the area, we continued to maintain the parts of the hedge that were within reach from our property as we were unwilling to use power tools on the other side given the increase in foot traffic.

In addition, after the Parish Council used contractors in 2015 to clear all of the vegetation, thus increasing the erroneous impression of a public right of way (and allowing the nettles and brambles in later seasons to take a vigorous hold on the area), the amount of uncleared dog mess left by irresponsible dog-walkers has made pruning the hedge by hand unsanitary.

Obviously we will not be the only residents to receive such a letter from the Parish Council as many of the hedges alongside the boundaries of this plot of land now encroach significantly. We are given to understand, from copies of letters and telephone conversations with the local Council, that the Parish Council has been reminded of the terms of the lease, that there is no public right of way over the land and that they have an obligation to close the apparent 'entrances' to the plot.

Clearly there needs to be a way forward from this impasse. We are willing to contribute to the cost of securing the site at both ends to prevent further unauthorised access, at which point we will happily return to maintaining both sides of the hawthorn hedge referred to in your letter.

Thank you for your anticipated co-operation regarding this matter.

Yours sincerely

Mr & Mrs M Pearson

PS. There is a paper copy in the post