

**SUPPORTING STATEMENT
for
APPLICATION TO ERECT
a
NEW 2.40m HIGH
TEMPORARY FENCE
to the
SACK LANE BOUNDARY**

at

**‘MAPSONS’,
LIDSEY ROAD,
LIDSEY,
nr. BOGNOR REGIS,
WEST SUSSEX
PO22 9PQ.**

for

Mr. & Mrs. P. Bailey.

Revisions:-

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Sack Lane Boundary Tem

10/04/2017

This Statement should be read in conjunction with the following:-

- 251/30 1:100 Part Site Plan & Temp. Fence Details
- 251 Location Plan 1-1250
- 251 Block Plan 1-500
- Barkers Fencing ref: VGUARD' brochure.

1.0 Introduction

- 1.1 This Planning Application is to seek approval for the erection of a 2.40m high green, anti-climb metal mesh fence along the applicants site boundary to Sack Lane.
The fence would be a temporary measure, to be kept in place whilst an original, very well-established and possibly ancient hedgerow which formed the site boundary along Sack Lane, is allowed to re-grow to its former mature state.
- 1.2 The need for this application and the temporary fence was caused previously by a West Sussex County Council contract for improvement works to Sack Lane, where it meets the Lidsey Road.
Whilst these works were being carried out, contractors acting for West Sussex County Council cut down and removed most of the ancient hedgerow along Sack Lane which formed the boundary to 'Mapsons', in error, thinking that the hedgerow was part of the Council verge.
- 1.3 Attempts to re-plant the hedgerow since its removal have failed, and a temporary fence erected on behalf of the County Council after the hedgerow was removed, has not provided proper security or privacy to the 'Mapsons' property.
- 1.4 The applicants' property includes a large pond, which is within the 'Mapsons' property legal boundaries and previously completely protected from public access by the large, dense, possibly ancient hedgerow, that ran along both Lidsey road and Sack Lane boundaries.
Since the erroneous removal of the hedgerow, the applicants have on several occasions found persons trespassing on their property and fishing in their pond, despite the existing temporary fence being present. This presents an obvious security problem for the applicants; this and safety concerns are explained further in para. 3.3 below.
- 1.5 The hedgerow was mixed species growth, mainly of hawthorn.
The hedgerow continues along Sack Lane, also forming the boundary to the adjacent property 'The Grange', although this part of the hedgerow remains in place and was not affected by the Sack Lane works.

2.0 The Hedgerow and Sequence of Events

- 2.1 The Sack Lane boundary hedgerow was very well-established, had been present for many decades and could possibly be deemed an ancient hedgerow.
It was dense, mature, mixed species growth varying in thickness from 1.20m to over 2.00m in depth and varying in height from 3.00m to over 4.00m in height.
The applicants carried out regular maintenance to both sides of the hedgerow, and it provided a complete privacy screen and site boundary security protection.
- 2.2 The Sack Lane boundary hedgerow is a continuation of the existing well-established mixed species hedgerow that runs along the 'Mapsons' site front boundary, along the A.29 Lidsey Road.
- 2.3 The Sack Lane boundary hedgerow also formed habitats for a number of species of birds and animals, including a protected species of newt, and these habitats were disturbed or destroyed when the hedgerow was removed.
- 2.4 In 2013, West Sussex County Council awarded a contract to 'Balfour Beatty', to carry out improvement works to the highway forming the junction of Sack Lane with the main A.29 Lidsey Road.
These works included improvements to the stormwater drainage system serving both roads and the adjacent Caravan Park site on the opposite side of Lidsey Road, all to prevent local flooding, and general improvements to the Sack Lane road itself, to improve the road junction.

- 2.5 Work started in September 2013, and the contract drawings included notes to the effect that the 'Mapsons' hedgerow was to remain in place (a copy of the drawing(s) can be provided if required). However, on 11th September, the Sack Lane boundary hedgerow and 3no. trees were cut down by 'Broadleaf Tree Services', a sub-contractor company working for 'Balfour Beatty'. Approx. 38.0m running length of the hedgerow was removed before the applicants were able to return home from work after being contacted; the applicants then managed to stop the work and prevent further parts of the hedgerow from being removed.
- 2.5 The photograph below shows the Sack Lane hedgerow (on the right hand side of the photograph) at the road junction with the A.29 Lidsey Road, before the West Sussex County Council work commenced.



- 2.6 The photograph below shows the same area of the Sack Lane hedgerow immediately after the removal work was stopped, but before this part of the hedgerow was completely removed. All original growth along the rest of the Sack Lane boundary to 'Mapsons' was removed completely.



- 2.7 On 17th September, the applicants reported the removal of the hedgerow to the police, at Bognor Regis Police Station and discussed the removal of the hedgerow with the Wildlife Officer.
- 2.8 Also, on 17th September 2013, the applicants met with Mr. Darren Faulkner (West Sussex County Council, Principal Engineer), at 'Mapsons', to assess the damage and responsibility, which Mr. Faulkner accepted that the Council was at fault.
- 2.9 A further meeting with Mr. Faulkner took place at 'Mapsons' on 25th September, also attended by Mr. J. Smith (Arun District Council, Planning Officer), to discuss whether a temporary fence could be erected to provide security to the property.
Mr. Smith advised that a Planning Application and Approval would be required.
Mr. Faulkner confirmed that he would deal with the matter on behalf of the applicants and secure a Planning Approval from Arun District Council for a temporary fence.
- 2.10 A third meeting with Mr. Faulkner took place at 'Mapsons' on 6th November, also attended by 'Broadleaf Tree Services', to discuss what action was going to be taken to clear the affected area and re-plant the hedgerow.
- 2.11 'Broadleaf Tree Services' attended 'Mapsons' on 7th December to clear away the cut down hedgerow and prepare the area for re-planting.
- 2.12 A fourth meeting with Mr. Faulkner took place at 'Mapsons' on 20th January 2014, to discuss the date for re-planting the hedgerow and to ensure that the applicants received a Method Statement from 'Broadleaf Tree Services' before any further work was carried out.
- 2.13 'Broadleaf Tree Services' subsequently attended 'Mapsons' site and re-planted the area where the hedgerow had been removed, with new 1.2m and 1.8m high Hawthorn trees, and also erected a 2.00m high 'Heras' metal mesh panels temporary fence.
A couple of additional Hawthorn trees were left on site for the applicants to plant to fill any gaps.
This was all confirmed by Mr. Faulkner to the applicants via e-mail on 17th April 2014.
- 2.14 On the 12th May 2014, 'Broadleaf Tree Services' erected a further 'Heras' fencing panel, stabilised the temporary fence generally with vertical scaffold poles set in the ground, and then covered the temporary fence with green netting.
This was requested by the applicants as they had previously experienced a trespasser on the property near the pond.
- 2.15 Mr. Faulkner's e-mail of 17th April 2014 (referred to above) also included reference to the possible removal of the temporary fence being reviewed after 12-months (so, reviewed in April 2015) and it is the applicants understanding that removal would occur once the re-planting had taken hold and become established.
- 2.16 However, the re-planting was not successful and the new Hawthorn trees died.
No further remedial action was taken by West Sussex County Council or 'Broadleaf Tree Services'.
The applicants have also subsequently tried to re-plant the hedgerow but these attempts have also failed and the applicants strongly suspect that the ground is now contaminated (see paragraph 3.1 below).
- 2.17 Since the hedgerow was removed in September 2013, the only planting that has grown in its place, is a tangle of brambles, and the netting covered temporary 'Heras' fencing is still in place.
- 2.18 Also since the hedgerow was removed in September 2013, there have been several occurrences of people trespassing on to the property, including children, who have all been found fishing in the applicants' pond. Generally, the persons involved have been on holiday, staying in the Caravan Park on the other side of the Lidsey Road.
- 2.17 The existing temporary fence has not been successful in providing security for 'Mapsons', and it is fairly easy to enter the site around the ends of the temporary fence and walk through the gaps in the brambles.

- 2.18 Since the 25th September 2013 meeting, no Planning Approval has been secured by Mr. Faulkner or his office, and it is likely that an application was never submitted.
More recently, the applicants understand that Mr. Faulkner has left West Sussex County Council and is working elsewhere.
- 2.19 The Lidsey Road boundary hedgerow to 'Mapsons' remains in place and the continuation of the Sack Lane hedgerow remains in place, where it forms the site boundary to the adjacent property, 'The Grange'.
The hedgerow to 'The Grange' was over 3.00m high until recently, but this has been pruned back to a height of approx. 2.50m
Images of the pruned, 2.50m high hedgerow fronting 'the Grange' site can be seen below, albeit in its early spring state before coming fully into leaf.



3 Reasons for this Application

- 3.1 Since the initial re-planting of the removed hedgerow in April 2014, all such re-planting has died.
The applicants had an earlier verbal comment from a person working for 'Broadleaf Tree Services', to the effect that '.... he would be surprised if anything grew there because the area was flooded with weedkiller when the hedgerow was cut down'
The applicants have not been able to have this confirmed in writing.
In addition, the old original extensive roots and stumps from the original hedgerow are still in place, and it is assumed that these would also block any new growth unless they are removed.
- 3.2 Consequently, a better quality fence is required to provide security to the property.
As the hedgerow re-planting has not been successful, extensive gaps remain where the original growth was removed, despite the brambles growth up & over the existing temporary fence, which is not providing adequate security for the applicants.

- 3.3 Trespassers have been found within the property on several occasions, by gaining access around or over the existing temporary fence, and the applicants are concerned that an accident may happen involving an unauthorised person on the property, falling into the pond.
People, including children, have been found fishing in the pond.
When challenged by the applicants, replies have often included mention that they are holidaymakers, sometimes staying in the caravan park on the opposite side of the Lidsey Road, and that they had been told that fishing in the pond was allowed.
Sometimes, children have been found around the pond, unaccompanied, who have been tempted to enter the property by the sight of the water.
This causes the applicants to have natural concerns about safety and what tragedy may happen if a child fell into the water, which in places is very deep.
A better quality temporary fence is needed than the existing one, not only to provide security 'Mapsons' and the applicants, but also to provide security for those people or children who may be tempted by the sight of the pond, to try and enter the property.
Before the hedgerow was erroneously removed, no such trespassing events had occurred.
- 3.4 The applicants also own three dogs and since the hedgerow was removed, the existing temporary fence has not stopped the dogs being able to escape the property and to stray on to the road.
The applicants have had to erect additional temporary fences and gates elsewhere within their property to try and keep their dogs safe and contained.
- 3.5 The existing green netting covered temporary fence is unsightly and is causing concern and objections from neighbours.
The applicants have recently received a letter from The Sack Lane Residents Association complaining about its appearance and asking for the fence in its entirety to be removed or at least for the green netting to be removed.
- 3.6 The applicants wish to better protect their property than is the case at present with the existing 2.00m high 'Heras' panels temporary fence erected by 'Broadleaf Tree Services' on behalf of West Sussex County Council - photos of this existing temporary fence can be seen below.



- 3.7 A better quality temporary fence would also provide a better appearance and would allay the concerns of neighbours.

The applicants sympathise with their neighbours about the general appearance, but at present the fence needs to remain to provide some basic but albeit inadequate form of security.

- 3.8 The applicants agree that the green netting is unsightly, but they are also reluctant to remove this as the netting provides a small degree of privacy.

The 'Heras' fence panels are formed from a large gauge metal mesh, and without the netting being present, the gaps in the current growth behind the fence means that the applicants garden and pond could be seen by members of the public, from the road.

This can be demonstrated by the photos below, taken from inside 'Mapsons' – the Sack Lane roadway can be seen through the current growth and the netting, along with the extent of the brambles growth.

The lack of proper hedgerow growth in the 3-years since re-planting was first attempted can be seen easily.



- 3.9 The applicants are currently pursuing legal action against West Sussex County Council for the removal of the hedgerow, and this will involve specialist advice on the remedial works necessary to properly prepare the ground to allow new hedgerow planting to grow properly.
- 3.10 It is the applicants wish to re-instate the hedgerow, but a proper and suitable temporary fence is required in the meantime to provide security, whilst subsequent re-planting becomes established.
- 3.11 Formal Planning Approval for a temporary fence should have been obtained on the applicants' behalf, by West Sussex County Council, as agreed during the 25th September 2013 meeting, but as mentioned in para. 2.18 above, this didn't happen.

4 Proposals

- 4.4 The existing green netting covered, 'Heras' panels & scaffold poles temporary fence is to be removed.
- 4.5 This is to be replaced by a new 2.40m high 'anti-climb' welded metal mesh fence & metal posts. The fencing mesh and posts will be galvanised and finished with a dark-green polyester powder-coated surface. The new fencing would be 'Barkers Fencing ref: VGUARD' (or equal by another company) and a manufacturers brochure is included within this application's submitted information. An illustration of the proposed fence, in comparison to the existing 'Heras' version is also included on the application drawing 251/30.
- 4.6 The new temporary fence will be positioned on a similar line to the existing, but is intended to extend slightly further at each end than the existing 'Heras' panels fence, to provide a better overlap with the remaining hedgerow, and affording better protection to the property. A total length of approx. 44.0m of new 'anti-climb' fencing is proposed (compared with the existing approx. 38.0m fence of 'Heras' panels), positioned within the property, generally 750mm back from the Sack Lane legal boundary.
- 4.7 Whilst the proposed fence will be 'temporary', it is intended to remain in place long enough for new hedgerow planting to take hold, become established and to grow through the fence mesh. At some point in the future, the fence mesh would be cut out and removed, along with the fence posts. Consequently, it is requested that no time limit is attributed to any subsequent decision notice.

5.0 Conclusions

- 5.1 The removal of the Sack Lane hedgerow, the erection of the existing inadequate 'Heras' metal mesh panels, green netting and scaffold tubes fence and, hence, the need for this application is entirely the result of works contracted out by West Sussex County Council, and is not at all at the wish or behest of the applicants.
- 5.2 Representatives of West Sussex County Council agreed at meetings to re-plant / reinstate the hedgerow and to seek a Planning Approval for a temporary fence, as far back as September 2013. Re-planting took place in April 2014, along with the erection of the existing temporary fence. 3-years have elapsed since then; the re-planting carried out on behalf of the County Council has not taken or grown and the agreed Planning Application has not been submitted by the County Council. Remedial works may now be needed to better prepare the ground to enable new re-planting to grow, but before this can take place, the applicants are pursuing legal action against West Sussex County Council.
- 5.3 A better quality, but still temporary fence is needed to provide improved security, both for the 'Mapsons' property and pond, and to better prevent persons who may be tempted to enter the site from doing so. Safety concerns play a large part in this as the applicants are obviously concerned to prevent a tragedy from happening if someone trespassed on the property and fell into the water.

- 5.4 It must be stressed that before the hedgerow was erroneously removed, no such trespassing events had occurred.
- 5.5 A better quality, but still temporary fence is needed to replace the existing one, both for the applicants' privacy, but also to allay growing concern and objections expressed by local residents and neighbours in Sack Lane.
- 5.6 Although Arun District Council was not party to the County Council's works to Sack Lane and the removal of the hedgerow, it is hoped that the Council can understand and agree with the reasoning behind this application, and can therefore support the applicants and the erection of the proposed temporary fence.

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Supporting Statement

Sack Lane Boundary Temporary Fence at 'Mapsons', Lidsey Road, Lidsey, nr Bognor Regis..

10/04/2017