
Project:	Proposed Network Rail Essex Level Crossing Reduction Order		
Our reference:	367516 TN 42	Your reference:	N/A
Prepared by:	Sandeep Patel	Date:	09.01.2019
Approved by:	Jason Smith	Checked by:	Susan Tilbrook
Subject:	E51 Thornfield Wood and 52 Golden Square – Hedgerow Surveys Update		

1 E51 Thornfield Wood and 52 Golden Square

1.1 Introduction

- 1.1.1** In the rebuttal proof of Susan Tilbrook to the proofs of Colchester Borough Council (CBC) (NR/32/4/10), Ms Tilbrook set out her response to concerns raised by CBC as to potential effect on hedgerows as a result of the proposed diversions for E51 Thornfield Wood and E52 Golden Square. Ms Tilbrook stated at paragraph 4.8 of her rebuttal proof (regarding E51 Thornfield Wood) that “The proposals on the east of the bridge have been designed to avoid the woodland and minimise hedgerow loss as the proposed footpath joins the rural road further east, as suggested in the CBC objection. Hedgerow surveys are currently being undertaken for the scheme to inform any recommendations of mitigation at detailed design.” Similarly, she stated at paragraph 4.8 (in respect of E52 Golden Square) that “Hedgerow surveys are currently being undertaken for the scheme to inform any recommendations of mitigation at detailed design.”
- 1.1.2** Ms Tilbrook confirmed, on Day 30, of the inquiry that those hedgerow surveys (which were intended to inform the detailed design process) have now been undertaken.
- 1.1.3** The purpose of this Technical Note is to provide an update on the hedgerow surveys undertaken in relation to the proposals for the closure of level crossings E51 Thornfield Wood and E52 Golden Square.
- 1.1.4** The proposed diversion routes for these level crossings are outlined in Volume 2 of NR12 Design Guide which provides the design proposal principles and components, including drawings for each level crossing.

2 Mott MacDonald Hedgerow Survey

2.1 The order proposals

- 2.1.1** E51 Thornfield Wood: It has been identified that along the unnamed road located approximately 1.1km northeast of Chappel & Wakes Colne railway station, a 2m wide break in the hedgerow

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would be required on the east side of the railway near P Point P242 on the Order Plan (Replacement Sheet 35) to enable the proposed footpath to link onto the unnamed road (see Figure 1).

2.1.2 E52 Golden Square: It has also been identified that approximately 0.2km northeast of E52 Golden Square level crossing a 2m wide break in the hedgerow would be required on the west side of the railway near P Point P253 on the Order Plan (Replacement Sheet 37) (see Figure 2).

2.1.3 Surveys were undertaken as part of the EIA screening (see NR-155 - EIA Screening Request Report, particularly Sections 47 and 48) which did not identify these as important hedges. Following alterations to the proposed works and the inclusion of the removal of hedgerows further surveys were carried out to assess the potential impacts of the proposed works on the hedges.

2.2 Site Survey Results

2.2.1 A description of each survey location is set out at Section 2.3. The location of the four sites which were surveyed (1A and 1B, 2, 3 and 4) are shown in Appendix A – Site Survey Locations. The findings from the four sites are in Appendix B - Site Survey Notes.



Figure 1: Approximate location of the proposed hedgerow removal near P Point P242 on the Order Plan (Replacement Sheet 35)



Figure 2: Approximate location of the proposed hedgerow removal near P Point P253 on the Order Plan (Replacement Sheet 37)

2.3 Site Locations

- 2.3.1 Site 1 Janke's Green Bridge (Bridge No – 887 SUD)** has been split into two areas (1A and 1B) and is located on the west side of the railway approximately 1.1km north of Chappel & Wakes Colne railway station on an unnamed road. Site 1A refers to the hedge on the northside of the unnamed road and Site 1B refers to the hedge on the southside of the unnamed road.
- 2.3.2 Site 2 Hedgerow Crossing** is located on the east side of the railway approximately 1.1km northeast of Chappel & Wakes Colne railway station on an unnamed road.
- 2.3.3 Site 3 Rail Crossing** is located on the west side of the railway near E52 Golden Square level crossing.
- 2.3.4 Site 4 Field Hedgerow** is located on the west side of the railway approximately 0.2km northeast of E52 Golden Square level crossing
- 2.3.5** Of the Sites surveyed, no works are anticipated at Sites 1 and 3 to the existing hedgerows.

2.4 Important Hedgerow: Criteria

- 2.4.1** For a hedgerow to be classified as "important" it has to fulfil specific criteria laid out within the Hedgerow Regulations 1997.
- 2.4.2** Based on the ecological survey results, the assessment carried out by Mott MacDonald has concluded that the hedges at these four sites would not be classified as *important* hedgerows

due to the lack of woody species (paragraph 7(1) of Schedule 1). Nor do the hedges meet any of the other criteria within Schedule 1 to Part II of the Regulations.

3 Colchester Borough Council (CBC)

3.1 Protected *Important* Hedgerow

- 3.1.1** On 17th October 2018, an email was received from CBC's Transport and Sustainability Manager stating that:

Following your email request to check the area of hedgerow potentially affected by the proposal, we have reviewed our hedgerow assessment. I can confirm that both hedges where sections will need to be removed to facilitate access ... have been classified as 'Important' under the Regulations.

What is being proposed therefore appears to still be contrary to the Hedgerows Regulations 1997, ... as they would require the removal of sections of protected 'Important' hedgerows.

- 3.1.2** Figure 3 shows the images included within the email dated 17th October 2018 from CBC, which identifies the sections of hedgerows affected at Sites 2 and 4 of the Mott MacDonald hedgerow survey. These images have been taken from the TWAO plans Sheet 35 (left) and Sheet 37 (right).

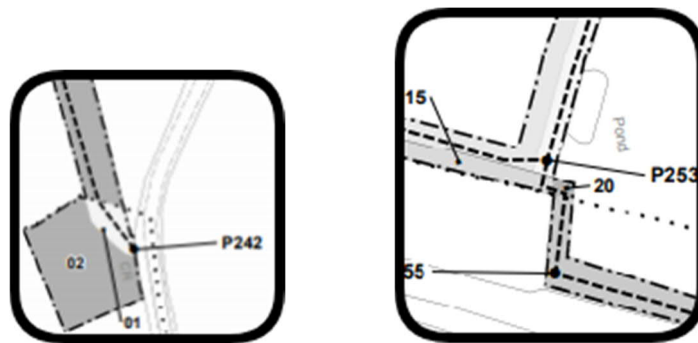


Figure 3: Images included within the email dated 17.10.2018 from Colchester Borough Council

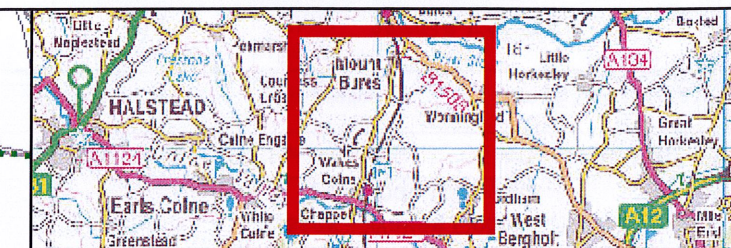
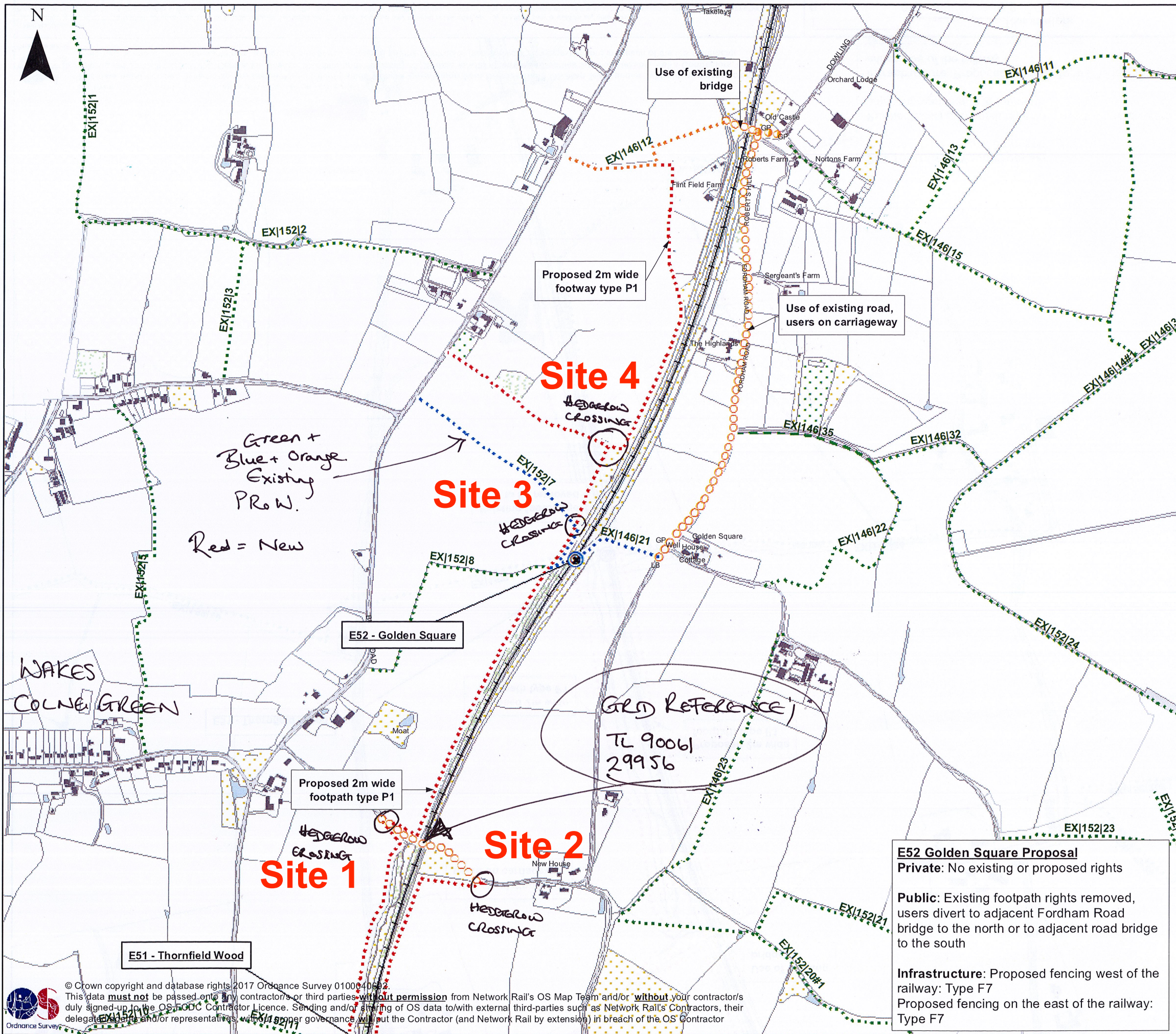
- 3.1.3** CBC have stated that the two areas are classified as part of “important” protected hedgerows. However, CBC do not identify any of the criteria stated in Part II of Schedule 1 of the Regulations that relate to these hedges that mean they would be “important” hedgerows under this legislation.

4 Summary

4.1 Powers within the Order

- 4.1.1** There appears to be a difference of professional opinion between Mott MacDonald and CBC regarding the status of the hedgerows affected by the proposed works. However, it is understood that regulation 6(1) (e) of the Hedgerow Regulations permits the removal of *any* hedgerow to which the Regulations apply for carrying out development for which planning permission has been granted or is deemed to have been granted.
- 4.1.2** In the case of the Transport and Works Act Order Network Rail has submitted as part of its application documents (as NR10) a request to the Secretary of State for deemed planning permission under section 90(2A) of the Town and Country Planning Act 1990 for the development proposed to be authorised by the Order. Therefore, if the Secretary of State decides to make the Order and grant the deemed planning permission, Network Rail will be able to rely on the exception in Regulation 6(1)(e) of the Hedgerow Regulations and will be able to remove lawfully the hedgerows referred to for the purpose of facilitating access.

Appendix A – Site Survey Locations



SECTION 1: LEVEL CROSSINGS

⊗ Rights to be modified as part of this project

⊙ Rights not modified as part of this project

The above symbols indicate existing level crossing locations. The ring colours are as per section 4 below.

SECTION 2: TYPE OF RIGHT OF WAY (excluding adopted highway)

..... Footpath (public) ++++ Byway open to all traffic (public)

--- Bridleway (public) ◆◆◆ Road / Track (private)

--- Restricted byway (public)

The line styles above illustrate the type of right of way extant or proposed. The colour is per section 4 below.

SECTION 3: PROPOSED USE OF ADOPTED HIGHWAY

●●●● Footway Available ★★★★★ Motorised Only

○●●○ Verge Available (No Footway) Diversion Route

○●○● Carriageway Available (No Footway or Verge)

Where the proposals may divert users onto an adopted highway, the above symbols denote where a footway is available, a verge only, or if neither a footway or verge is available and pedestrians would need to walk in the carriageway.

SECTION 4: PROPOSED STATUS CHANGE

■ No change and not part of diversion ■ Closure of existing right of way

■ Use of existing right of way as part of diversion ■ Creation of new right of way

■ Change of status to existing right of way

The above colours apply to sections 1, 2 and 3 above.

SECTION 5: ASSOCIATED INFRASTRUCTURE (Indicative features)

--- Fencing (tie into existing) ■ Future developments by Third Party projects where planning details are available

--- Gates --- Railway

--- Bridges ▲▲▲▲ Footway

1. The layout shown on this drawing is indicative and may be subject to change at detailed design.

2. This drawing should be read in conjunction with the Essex, Southend-on-Sea, Havering, Hertfordshire and Thurrock Design and Guide (Ref: 367516/ RPT024) which contains details of the infrastructure types referred to in this drawing.

Network Rail Anglia Level Crossing Reduction Strategy

MOTT MACDONALD Design Freeze Proposals

E52 - Golden Square Essex - Mount Bures CP Post Code CO6 2AR					
P3A	Mar 2017	For Information	WC	SRP	SJT
Rev	Date	Description	Dwn	E Chk	Ch'k'd

Scale at A3 Drawing No.
NTS MMD- 367516-E52-GEN-005

Appendix B - Site Survey Notes

E52 – Golden Square

1. Junk's Green Bridge (Bridge No – 887 SUD) (North=1A South=1B)

The survey area consisted of the embankment on the western side of the road bridge. Both embankments had the structure of woody copse (more than distinct hedgerows), extending from the linear woodland along the west rail boundary. The surrounding fields were under arable cultivation, which had been ploughed close to the field boundaries, restricting the ruderal communities on the base of the embankment.

Woody vegetation consisted of developing trees and scrub species such as ash (*Fraxinus excelsior*), hawthorn (*Crataegus monogyna*) and elder (*Sambucus nigra*). The southern embankment was dominated by elm (*Ulmus*), which had extended from the wider woodland along the rail line. This was also displayed by the understory species such as dog's mercury (*Mercurialis perennis*) and ground ivy (*Glechoma hederacea*). The ditch at the base of the embankment (eastern end) was dominated by greater willowherb (*Epilobium hirsutum*) and nettle (*Urtica dioica*).

Limited hazel (*Corylus avellana*) and elm was recorded at the base of northern embankment, having a reduced connectivity to the wider rail line woodland. Understorey was dominated by bramble (*Rubus fruticosus* agg.), cock's-foot (*Dactylis glomerata*) and creeping thistle (*Cirsium arvense*), reflecting the more open habitat, being to associated with other ruderal communities.

2. Hedgerow Crossing

A section of hedgerow linking to an area of woodland adjacent to the eastern side of the rail line. This hedgerow was managed (felled), dominated by elm with limited elder, hazel and dog rose (*Rosa canina*). Understorey was limited consisting of ruderal species such as nettle, hogweed (*Heracleum sphondylium*), red fescue (*Festuca rubra*) and false oat-grass (*Arrhenatherum elatius*), providing a restricted road edge.

The adjacent woodland consisted of maturing pedunculate oak (*Quercus robur*), ash and Scot's pine (*Pinus sylvestris*). Understorey reflected the linear woodland on both sides of the rail line.

3. Rail Crossing

A section of woodland on the eastern embankment leading up from the rail line, adjacent to the rail crossing and footpath EX|152|7. This was part of the wider developing woodland on this side of the rail line with woody species such as field maple (*Acer Campestre*), blackthorn (*Prunus spinosa*), hawthorn and elm. The understory was more consistent of rank grassland with dominant species being false oat-grass, cow parsley (*Anthriscus sylvestris*), ribwort plantain (*Plantago lanceolata*) and broadleaved dock (*Rumex obtusifolius*). Ivy (*Hedera helix*) was dominant in the more closed canopy areas.

4. Field Hedgerow

The section of hedgerow was only viewed from the adjacent footpath (EX|152|7), which limited the understanding of associated herbaceous species. However, it was a defunct hedge with standards, species consisting of pedunculate oak, ash, elm, hawthorn and elder.

The adjacent arable fields had been cultivated close to the hedgerow (as with other field margins), these were considered to comprise of limited ruderal communities.

Species list for sites above

Common name	Latin Name	1A	1B	2	3	4
Field maple	Acer Campestre				*	
Cow parsley	Anthriscus sylvestris	*				
Greater burdock	Arctium lappa	*	*		*	
False oat-grass	Arrhenatherum elatius			*	*	
Wood brome	Brachypodium sylvaticum	*	*			
Creeping thistle	Cirsium arvense		*			
Traveller's joy	Clematis vitalba			*		
Hazel	Corylus avellana		*	*		
Hawthorn	Crataegus monogyna	*	*		*	
Cock's-foot	Dactylis glomerata	*	*	*		
Tufted hair-grass	Deschampsia cespitosa	*				
Great willowherb	Epilobium hirsutum	*				
Field horsetail	Equisetum arvense				*	
Red fescue	Festuca rubra			*		
Ash	Fraxinus excelsior		*			*
Cleavers	Galium aparine					
Wood avens	Geum urbanum		*			
Ground ivy	Glechoma hederacea	*	*			
Ivy	Hedra helix	*		*	*	
Hogweed	Heracleum sphondylium	*		*		
Rye grass	Lolium perenne	*		*		
Dog's mercury	Mercurialis perennis		*			
Bristly ox-tongue	Picris echioides				*	
Scot's pine	Pinus sylvestris				*	
Ribwort plantain	Plantago lanceolata		*		*	
Great Plantain	Plantago major				*	
Blackthorn	Prunus spinosa				*	
Pedunculate oak	Quercus robur					*
Dog rose	Rosa canina			*		
Bramble	Rubus fruticosus agg.	*	*	*	*	
Broad-leaved dock	Rumex obtusifolius		*		*	
Elder	Sambucus nigra		*			*
Dandelion	Taraxacum			*		
Hedge parsley	Torilis japonica	*				
Elm	Ulmus minor	*	*	*	*	*
Nettle	Urtica dioica	*	*	*		

Appendix C – Extract from The Hedgerows Regulations 1997

SCHEDULE 1

Regulations 2(3) and 4

ADDITIONAL CRITERIA FOR DETERMINING “IMPORTANT” HEDGEROWS

PART I INTERPRETATION

In this Schedule—

“building” includes structure;

“Record Office” means—

- (a) a place appointed under section 4 of the Public Records Act 1958⁽²⁹⁾ (place of deposit of public records),
- (b) a place at which documents are held pursuant to a transfer under section 144A(4) of the Law of Property Act 1922⁽³⁰⁾ or under section 36(2) of the Tithe Act 1936⁽³¹⁾, including each of those provisions as applied by section 7(1) of the Local Government (Records) Act 1962⁽³²⁾, or
- (c) a place at which documents are made available for inspection by a local authority pursuant to section 1 of the Local Government (Records) Act 1962;

“relevant date” means the date on which these Regulations are made;

“Sites and Monuments Record” means a record of archaeological features and sites adopted—

- (a) by resolution of a local authority within the meaning of the Local Government Act 1972⁽³³⁾, or
- (b) in Greater London, by the Historic Buildings and Monuments Commission⁽³⁴⁾;

“standard tree”—

- (a) in the case of a multi-stemmed tree, means a tree which, when measured at a point 1.3 metres from natural ground level, has at least two stems whose diameters are at least 15 centimetres;
- (b) in the case of a single-stemmed tree, means a tree which, when measured at a point 1.3 metres from natural ground level, has a stem whose diameter is at least 20 centimetres;

“woodland species” means the species listed in Schedule 2; and

“woody species” means the species and sub-species listed in Schedule 3, and any hybrid, that is to say, any individual plant resulting from a cross between parents of any species or sub-species so listed, but does not include any cultivar; and

references to the documents in paragraph 6(3)(b) and (4) are to those documents as at the relevant date, without taking account of any subsequent revisions, supplements or modifications.

⁽²⁹⁾ 1958 c. 51.

⁽³⁰⁾ 1922 c. 16; section 144A was inserted by the Law of Property (Amendment) Act 1924 (c. 5), Schedule 2.

⁽³¹⁾ 1928 c. 2.

⁽³²⁾ 1962 c. 56.

⁽³³⁾ 1972 c. 70.

⁽³⁴⁾ The Commission was established by section 32 of the National Heritage Act 1993 (c. 47).

PART II

CRITERIA

Archaeology and history

1. The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose “historic” means existing before 1850.
2. The hedgerow incorporates an archaeological feature which is—
 - (a) included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979⁽³⁵⁾; or
 - (b) recorded at the relevant date in a Sites and Monuments Record.
3. The hedgerow—
 - (a) is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and
 - (b) is associated with any monument or feature on that site.
4. The hedgerow—
 - (a) marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office; or
 - (b) is visibly related to any building or other feature of such an estate or manor.
5. The hedgerow—
 - (a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts⁽³⁶⁾; or
 - (b) is part of, or visibly related to, any building or other feature associated with such a system, and that system—
 - (i) is substantially complete; or
 - (ii) is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act⁽³⁷⁾, for the purposes of development control within the authority’s area, as a key landscape characteristic.

Wildlife and landscape

- 6.—(1) The hedgerow—
 - (a) contains species listed or categorised as mentioned in sub-paragraph (3); or
 - (b) is referred to in a record held immediately before the relevant date by a biological record centre maintained by, or on behalf of, a local authority within the meaning of the Local Government Act 1972⁽³⁸⁾, and in a form recognised by the Nature Conservancy Council for England, the Countryside Council for Wales⁽³⁹⁾ or the Joint Nature Conservation Committee⁽⁴⁰⁾, as having contained any such species—

⁽³⁵⁾ 1979 c. 46.

⁽³⁶⁾ See the Short Titles Act 1896 (c. 14).

⁽³⁷⁾ See section 1 of the Town and Country Planning Act 1990, as amended by the Local Government (Wales) Act 1994 (c. 19).

⁽³⁸⁾ See the definition of “local authority” in section 270(1), as amended by the Local Government Act 1985 (c. 51), Schedule 17 and the Local Government (Wales) Act 1994, Schedule 1, paragraphs 1 and 57.

⁽³⁹⁾ See section 128(1) of the Environmental Protection Act 1990 (c. 43); subsection (1) of section 128 was amended by the National Heritage (Scotland) Act 1991 (c. 28).

⁽⁴⁰⁾ See section 128(4) of the Environmental Protection Act 1990.

- (i) in the case of animals and birds, subject to sub-paragraph (2), within the period of five years immediately before the relevant date.
 - (ii) in the case of plants, subject to sub-paragraph (2), within the period of ten years immediately before the relevant date;
- (2) Where more than one record referable to the period of five or, as the case may be, ten years before the relevant date is held by a particular biological record centre, and the more (or most) recent record does not satisfy the criterion specified in sub-paragraph (1)(b), the criterion is not satisfied (notwithstanding that an earlier record satisfies it).

(3) The species referred to in sub-paragraph (1) are those—

- (a) listed in Part I (protection at all times) of Schedule 1 (birds which are protected by special penalties), Schedule 5 (animals which are protected) or Schedule 8 (plants which are protected) to the Wildlife and Countryside Act 1981⁽⁴¹⁾;
- (b) categorised as a declining breeder (category 3) in “Red Data Birds in Britain” Batten LA, Bibby CJ, Clement P, Elliott GD and Porter RF (Eds.), published in 1990 for the Nature Conservancy Council and the Royal Society for the Protection of Birds (ISBN 0 85661 056 9); or
- (c) categorised as “endangered”, “extinct”, “rare” or “vulnerable” in Britain in a document mentioned in sub-paragraph (4).

(4) The documents referred to in sub-paragraph (3)(c) are—

- (a) of the books known as the British Red Data Books:
 - (1) “Vascular Plants” Perring FH and Farrell L, 2nd Edition, published in 1983 for the Royal Society for Nature Conservation (ISBN 0 902484 04 4);
 - (2) “Insects” Shirt DB (Ed.), published in 1987 for the Nature Conservancy Council (ISBN 0 86139 380 5); and
 - (3) “Invertebrates other than insects” Bratton JH (Ed.), published in 1991 for the Joint Nature Conservation Committee (ISBN 1 873701 00 4); and
- (b) of the books known as the Red Data Books of Britain and Ireland:
 - “Stoneworts” Stewart NF and Church JM, published in 1992 for the Joint Nature Conservation Committee (ISBN 1 873701 24 1).

7.—(1) Subject to sub-paragraph (2), the hedgerow includes—

- (a) at least 7 woody species;
- (b) at least 6 woody species, and has associated with it at least 3 of the features specified in sub-paragraph (4);
- (c) at least 6 woody species, including one of the following—
 - black-poplar tree (*Populus nigra* ssp *betulifolia*);
 - large-leaved lime (*Tilia platyphyllos*);
 - small-leaved lime (*Tilia cordata*);
 - wild service-tree (*Sorbus torminalis*); or
- (d) at least 5 woody species, and has associated with it at least 4 of the features specified in sub-paragraph (4),

and the number of woody species in a hedgerow shall be ascertained in accordance with sub-paragraph (3).

⁽⁴¹⁾ 1981 c. 69. Schedule 5 is amended by S.I. 1988/288, 1989/906, 1991/367 and 1992/2350.

(2) Where the hedgerow in question is situated wholly or partly in the county (as constituted on 1st April 1997) of the City of Kingston upon Hull, Cumbria, Darlington, Durham, East Riding of Yorkshire, Hartlepool, Lancashire, Middlesbrough, North East Lincolnshire, North Lincolnshire, Northumberland, North Yorkshire, Redcar and Cleveland, Stockton-on-Tees, Tyne and Wear, West Yorkshire or York⁽⁴²⁾, the number of woody species mentioned in paragraphs (a) to (d) of sub-paragraph (1) is to be treated as reduced by one.

(3) For the purposes of sub-paragraph (1) (and those of paragraph 8(b))—

- (a) where the length of the hedgerow does not exceed 30 metres, count the number of woody species present in the hedgerow;
- (b) where the length of the hedgerow exceeds 30 metres, but does not exceed 100 metres, count the number of woody species present in the central stretch of 30 metres;
- (c) where the length of the hedgerow exceeds 100 metres, but does not exceed 200 metres, count the number of woody species present in the central stretch of 30 metres within each half of the hedgerow and divide the aggregate by two;
- (d) where the length of the hedgerow exceeds 200 metres, count the number of woody species present in the central stretch of 30 metres within each third of the hedgerow and divide the aggregate by three.

(4) The features referred to in sub-paragraph (1)(b) and (d) (which include those referred to in paragraph 8(b)) are—

- (a) a bank or wall which supports the hedgerow along at least one half of its length;
- (b) gaps which in aggregate do not exceed 10% of the length of the hedgerow;
- (c) where the length of the hedgerow does not exceed 50 metres, at least one standard tree;
- (d) where the length of the hedgerow exceeds 50 metres but does not exceed 100 metres, at least 2 standard trees;
- (e) where the length of the hedgerow exceeds 100 metres, such number of standard trees (within any part of its length) as would when averaged over its total length amount to at least one for each 50 metres;
- (f) at least 3 woodland species within one metre, in any direction, of the outermost edges of the hedgerow;
- (g) a ditch along at least one half of the length of the hedgerow;
- (h) connections scoring 4 points or more in accordance with sub-paragraph (5);
- (i) a parallel hedge within 15 metres of the hedgerow.

(5) For the purposes of sub-paragraph (4)(h) a connection with another hedgerow scores one point and a connection with a pond or a woodland in which the majority of trees are broad-leaved trees scores 2 points; and a hedgerow is connected with something not only if it meets it but also if it has a point within 10 metres of it and would meet it if the line of the hedgerow continued.

8. The hedgerow—

- (a) is adjacent to a bridleway or footpath, within the meaning of the Highways Act 1980⁽⁴³⁾, a road used as a public path, within the meaning of section 54 (duty to reclassify roads used as public paths) of the Wildlife and Countryside Act 1981⁽⁴⁴⁾, or a byway open to all traffic, within the meaning of Part III of the Wildlife and Countryside Act 1981⁽⁴⁵⁾, and

⁽⁴²⁾ In relation to the City of Kingston upon Hull, North and North East Lincolnshire and the East Riding of Yorkshire, see S.I. 1995/600; to Darlington and Durham, see S.I. 1995/1772; to Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees, see S.I. 1995/1747; to Lancashire, see S.I. 1996/1868; and to North Yorkshire and York, see S.I. 1995/610.

⁽⁴³⁾ 1980 c. 66. See the definition of “bridleway” and “footpath” in section 3.

⁽⁴⁴⁾ 1981 c. 69.

⁽⁴⁵⁾ See the definition in section 66(1).

- (b) includes at least 4 woody species, ascertained in accordance with paragraph 7(3) and at least 2 of the features specified in paragraph 7(4)(a) to (g).

SCHEDULE 2

Regulation 2(3) and Schedule 1, Part I

WOODLAND SPECIES

Barren strawberry (*Potentilla sterilis*)
Bluebell (*Hyacinthoides non-scriptus*)
Broad buckler fern (*Dryopteris dilatata*)
Broad-leaved helleborine (*Epipactis helleborine*)
Bugle (*Ajuga reptans*)
Common cow-wheat (*Melampyrum pratense*)
Common dog violet (*Viola riviniana*)
Common polypody (*Polypodium vulgare*)
Dog's mercury (*Mercurialis perennis*)
Early dog violet (*Viola reichenbachiana*)
Early purple orchid (*Orchis mascula*)
Enchanter's nightshade (*Circaea lutetiana*)
Giant fescue (*Festuca gigantea*)
Goldilocks buttercup (*Ranunculus auricomus*)
Great bell-flower (*Campanula latifolia*)
Greater wood-rush (*Luzula sylvatica*)
Hairy brome (*Bromus ramosus*)
Hairy woodrush (*Luzula pilosa*)
Hard fern (*Blechnum spicant*)
Hard shield fern (*Polystichum aculeatum*)
Hart's tongue (*Asplenium scolopendrium*)
Heath bedstraw (*Galium saxatile*)
Herb paris (*Paris quadrifolia*)
Herb-robert (*Geranium robertianum*)
Lady fern (*Athyrium filix-femina*)
Lords-and-ladies (*Arum maculatum*)
Male fern (*Dryopteris filix-mas*)
Moschatel (*Adoxa moschatellina*)
Narrow buckler-fern (*Dryopteris carthusiana*)
Nettle-leaved bell-flower (*Campanula trachelium*)
Oxlip (*Primula elatior*)
Pignut (*Conopodium majus*)
Primrose (*Primula vulgaris*)

Ramsons (*Allium ursinum*)
 Sanicle (*Sanicula europaea*)
 Scaly male-fern (*Dryopteris affinis*)
 Small cow-wheat (*Melampyrum sylvaticum*)
 Soft shield fern (*Polystichum setiferum*)
 Sweet violet (*Viola odorata*)
 Toothwort (*Lathraea squamaria*)
 Tormantil (*Potentilla erecta*)
 Wild strawberry (*Fragaria vesca*)
 Wood anemone (*Anemone nemorosa*)
 Wood avens/Herb bennet (*Geum urbanum*)
 Wood false-brome (*Brachypodium sylvaticum*)
 Wood horsetail (*Equisetum sylvaticum*)
 Wood meadow-grass (*Poa nemoralis*)
 Wood melick (*Melica uniflora*)
 Wood millet (*Millium effusum*)
 Wood sage (*Teucrium scorodonia*)
 Wood sedge (*Carex sylvatica*)
 Wood sorrel (*Oxalis acetosella*)
 Wood speedwell (*Veronica montana*)
 Wood spurge (*Euphorbia amygdaloides*)
 Woodruff (*Galium odoratum*)
 Yellow archangel (*Lamium galeobdolon*)
 Yellow pimpernel (*Lysimachia nemorum*)

SCHEDULE 3

Regulation 2(3) and Schedule 1, Part I

WOODY SPECIES

Alder (*Alnus glutinosa*)
 Apple, crab (*Malus sylvestris*)
 Ash (*Fraxinus excelsior*)
 Aspen (*Populus tremula*)
 Beech (*Fagus sylvatica*)
 Birch, downy (*Betula pubescens*)
 Birch, silver (*Betula pendula*)
 Black-poplar (*Populus nigra sub-species betulifolia*)
 Blackthorn (*Prunus spinosa*)
 Box (*Buxus sempervirens*)
 Broom (*Cytisus scoparius*)

Buckthorn (*Rhamnus cathartica*)
Buckthorn, alder (*Frangula alnus*)
Butcher's-broom (*Ruscus aculeatus*)
Cherry, bird (*Prunus padus*)
Cherry, wild (*Prunus avium*)
Cotoneaster, wild (*Cotoneaster integerrimus*)
Currant, downy (*Ribes spicatum*)
Currant, mountain (*Ribes alpinum*)
Dogwood (*Cornus sanguinea*)
Elder (*Sambucus nigra*)
Elm (*Ulmus species*)
Gooseberry (*Ribes uva-crispa*)
Gorse (*Ulex europaeus*)
Gorse, dwarf (*Ulex minor*)
Gorse, western (*Ulex gallii*)
Guelder rose (*Viburnum opulus*)
Hawthorn (*Crataegus monogyna*)
Hawthorn, midland (*Crataegus laevigata*)
Hazel (*Corylus avellana*)
Holly (*Ilex aquilifolium*)
Hornbeam (*Carpinus betulus*)
Juniper, common (*Juniperus communis*)
Lime, large-leaved (*Tilia platyphyllos*)
Lime, small-leaved (*Tilia cordata*)
Maple, field (*Acer campestre*)
Mezereon (*Daphne mezereum*)
Oak, pedunculate (*Quercus robur*)
Oak, sessile (*Quercus petraea*)
Osier (*Salix viminalis*)
Pear, Plymouth (*Pyrus cordata*)
Pear, wild (*Pyrus pyraster*)
Poplar, grey (*Populus x canescens*)
Poplar, white (*Populus alba*)
Privet, wild (*Ligustrum vulgare*)
Rose (*Rosa species*)
Rowan (*Sorbus aucuparia*)
Sea-buckthorn (*Hippophae rhamnoides*)
Service-tree, wild (*Sorbus torminalis*)
Spindle (*Euonymus europaeus*)
Spurge-laurel (*Daphne laureola*)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Walnut (*Juglans regia*)

Wayfaring-tree (*Viburnum lantana*)

Whitebeam (*Sorbus species*)

Willow (*Salix species*)

Yew (*Taxus baccata*)