

27th September 2022**Report of the Chair of the Infrastructure Safety & Growth Scrutiny Committee****Recommendations to Council following consideration of the Petition to stop the Netting of Hedges****Exempt Information**

None

Purpose

To report back to Council following consideration by the Infrastructure Safety & Growth Scrutiny Committee (the "Committee") of the matters referred to it by Council following Council's receipt on 15th March 2022 of the Petition to Stop the Netting of Hedges in Tamworth.

Executive Summary

The Committee received a written report and presentation from the Assistant Director Growth & Regeneration at its meeting on 6 July 2022, which is attached for information. The Committee considered and debated the contents of the report which included an overview of the legislation relevant to the protection of nesting birds, the role of the National Wildlife Crime Unit, the Environment Act 2021, including the introduction of the requirement on developers to deliver a mandatory 10% Biodiversity Net Gain ("BNG") and the National Planning Policy Framework 2021.

This BNG requirement had cascaded into the National Planning Policy Framework 2021, and this was being implemented by Borough Council officers. The result of the BNG was expected to encourage developers to consider their approaches which could involve them retaining the existing habitats to achieve the 10% BNG.

The Committee considered the matter further at its meeting on 23 August 2022, and discussed potential proactive steps which the Council could adopt to balance the protection of habitats with the housing needs in the Borough, whilst also complying with existing legislation which allows for the netting of hedges.

The Committee noted the role of the Local Plan, which was currently in development, and also the Validation Criteria used by the Local Planning Authority to check that new planning applications are complete and include all relevant information. It was noted that there was a current Council consultation underway (and open until 20th September 2022) to revise and update the Validation Criteria.

The Committee considered the Royal Society for the Protection of Birds (RSPB) guidance on netting used to stop birds nesting.

[Netting and nature | The RSPB](#)

In summary, including a validation requirement at the start of the planning process which seeks to better understand how an applicant will deal with netting provides a basis upon which the Local Planning Authority can challenge developers when residents complain. With the assistance of the County Council's ecologist the approach to netting in terms of both timing and other considerations such as those in the RSPB guidance can be assessed.

The recommendations to Council from the Committee are set out below.

Recommendations

The Committee recommends to Council that within the Planning Validation Criteria an additional criteria relating to the netting of hedges/trees is included and reference is made to include the RSPB Guidance on hedges and netting in consultation with the County ecologist.

The Assistant Director has agreed to await the recommendation of Full Council prior to closing the consultation on the validation criteria.

Report Author

Councillor Simon Goodall

Chair of Infrastructure Safety & Growth Scrutiny Committee

Appendices

Appendix 1 - Petition to Stop the Netting of Hedges in Tamworth – 15th March 2022

Appendix 2 - Report of the Assistant Director – Regeneration & Growth – 6th July 2022 –
Petition to stop the netting of hedges in Tamworth