

To: The Clerk of Stoke Poges Parish Council  
Date: 11<sup>th</sup> June 2010  
Ref: Statement of facts concerning Gray's field  
From: Chester King, Managing Director, Stoke Park Club

**Background Information:**

Following many years of constructive dialogue between the two parties about the long-term management of the historic estate at Stoke Park, The National Trust granted Stoke Park a long lease of Gray's field, which started in 2008.

Since then Stoke Park has maintained (including the cutting of the grass) and looked after the field and its surroundings. In May of 2008 Stoke Park managed the complete process for the removal of the horses which were illegally put in the field. Stoke Park paid for all the costs (transport and legal). This year Stoke Park removed dead elm and a skip full of rubbish (bottles, car parts etc) from the ditch and hedge on Park Road.

As part of the lease Stoke Park has the right to use the field for car parking for events up to 10 days a year.

**Golf Live 14<sup>th</sup> to 16<sup>th</sup> May:**

At the Licensing Sub-Committee meeting on the 7<sup>th</sup> December 2009 (at Capswood) the Golf Live event was discussed as part of Stoke Park's revised license application. A number of Stoke Park's neighbours were present. A detailed discussion took place re the exact location of all the temporary structures (bars, marquee etc) on the Stoke Park estate as part of the event. Full approval was given for the Golf Live requirements.

A meeting was held on the 4th March 2010 (at Capswood), which was co-ordinated by Deborah Friston of SBDC with representatives from Highways, Environmental Health, Thames Police, Stoke Park and Brand Events. The temporary car park and access location (off Park Road into Gray's field) was discussed.

It was agreed at the meeting that Stoke Park should use the natural gap (8m width) in the hedge, rather than use the existing access on Church lane. Stoke Park was asked to check with the SBDC Planning Department if any planning consent was required to use this proposed temporary access, but there was no mention of the requirement of a Hedgerow Removal Notice application.

Stoke Park asked permission from The National Trust to use this natural gap for the temporary access, which was granted.

I sent an email on the 8<sup>th</sup> March to the SBDC Planning Department asking for confirmation if Stoke Park needed planning consent for the new temporary access.

In mid March 2010 Chris Marchant and Andrew Crow of SBDC were also made aware that Stoke Park were going to park cars in Gray's Field for the Golf Live event.

I sent another email in April to the SBDC Planning Department asking for confirmation if Stoke Park needed planning consent for the new temporary access, as I had not received any response to my 8<sup>th</sup> March email.

Believing all the correct permissions were in place and in the absence of a formal response from the SBDC Planning Department Stoke Park filled in the ditch and created the temporary access two days prior to the event's first day. No trees or scrub were removed; only an 8" grass verge mound. Stoke Park did not remove any physical 'hedgerow'. Please see the attached photograph (and look on Google earth) as evidence of the natural gap.

On the 12<sup>th</sup> May I sent an email to Chris Marchant at SBDC asking for his assistance to get a formal response from the SBDC Planning Department.

On the 14<sup>th</sup> May 2004 (after the temporary access had been created) Richard Regan, Senior Planning Officer, SBDC confirmed to Stoke Park by email that:

*"Under planning legislation, the use of land can be temporarily changed for a maximum of 28 days in any one calendar year without planning permission being required. As such, it is considered that the use of land for the parking of vehicles, along with the access created to serve it, would not require planning permission."*

On Friday 14<sup>th</sup> May a Senior Rural Surveyor and a Nature Conservation Adviser from the National Trust investigated the field and checked the temporary access that had been created. They were 100% happy and confirmed Stoke Park was not in breach of the lease.

The car park in Gray's field was free of charge to those attending Golf Live. During the event and until the original fence was put back Stoke Park had paid security physically to be in the field at all times to prevent any illegal activities such as placing of animals or caravans in the field which unfortunately had occurred before Stoke Park took over the lease.

Stoke Park cleared the ditch and re-instated the mound (as previously there) by Wednesday 19<sup>th</sup> May.

On Monday 17<sup>th</sup> May I received an email letter from Frank Spooner, Arboriculturist, SBDC. In his letter he wrote:

*"I write in response to information received by the Council that the hedgerow that forms the North Eastern boundary of Gray's Field has been pruned and a new opening formed, allowing vehicular access to the field."*

*All 'important' hedgerows in England and Wales are protected by the above regulations. These regulations prohibit the removal of any important hedgerow, including small sections thereof without having given the Local Planning Authority 42 days prior notice. It is therefore considered that the small section of the hedge that has been removed at the above site for the purpose of creating a new access required prior notification and such work is therefore in contravention of the above regulations.*

*I understand that there is some suggestion that there was already a gap in the hedge caused by a car accident some years ago. It is considered that the recent excavation that has taken place, lowering the level of the ground in this section of the hedge and filling in the adjacent ditch is what constitutes the removal of the hedge regardless of any sparsely in vegetative cover that may have been there previously.*

*However, in this instance it is considered that if a hedgerow removal notice had been submitted to the Council it is likely that consent would have been granted for the removal that has taken place. It is unclear at present if the new access that has been created is intended to be permanent; if it is then the Council believes it is necessary to submit a retrospective Hedgerow Removal Notice."*

Further to Frank's letter and verbal communication between him and myself it was agreed that Stoke Park would apply for the Retrospective Hedgerow Removal Notice (even though it was only the grass verge mound that was removed).

On the 19<sup>th</sup> May I sent the following email to Frank and the National Trust:

*"We have cleared the ditch and re-made the mound to the same height as before. My estate director thinks due to the hot weather coming up that laying the mixed grass turf now will not work as there is no water near by. His suggestion is to seed (with mixed grasses) it and see what happens. If this does not work we will turf it in a couple of weeks."*

The National Trust confirmed they were happy with this and on the 20<sup>th</sup> May Frank Spooner replied:

*"Thank you for the update.  
In fact I drove past yesterday and was very impressed with the work that had been done to re-instate what was removed.  
I personally have no objection to this area being seeded rather than turfed.  
Finally, I confirm that yes the rest of the form that was submitted seemed to be in order."*

Frank Spooner confirmed on Wednesday 9<sup>th</sup> June that if there had been a ramp from Park Road into Gray's Field over the grass verge (instead of temporarily removing it) then no Retrospective Hedgerow Removal Notice would be required. This is because pruning any vegetation, that may have

been present, to ground level and bridging over the line of the hedgerow does not constitute 'removal' and does not require a Hedgerow Removal Notice.

Frank Spooner also confirmed on Wednesday 9<sup>th</sup> June the following:

*"As an aside please note that we are aware of the gap in the hedge between Gray's Field and The Manor House which was used, at least, by pedestrian traffic for the Golf Live event. However as the hedge forms part of the residential curtilage of the Manor House it is exempt from the Hedgerow Regulations and no action will be taken. It is also acknowledged that this gap may have already existed due to a Conservation Area notice submitted in 2009 which proposed the re-opening of vistas from the Manor House to certain landmarks."*

On Thursday 10<sup>th</sup> June Frank Spooner confirmed the following to help with clarifications:

*"What is a hedgerow? – there is no actual definition of a hedge in the regulations, it should be self explanatory and the Oxford English Dictionary definition can be used for guidance "a row of bushes forming a hedge with trees etc growing in it". For the purpose of the regulations the total length of a hedge has to be more than 20m but may have gaps in the vegetation cover of up to 20m.*

*What is an 'important' hedgerow? – A hedgerow to which The Hedgerow Regulations 1997 apply, the criteria for determining an important hedgerow are set out in regulation 8(4). A hedgerow is important if it has been in existence for more than 30 years and it satisfies at least one of criteria set out in Part II of Schedule 1. I note that you have already acknowledged that hedgerow as a whole is more than 30 years old.*

*Why do we require a retrospective Hedgerow Removal Notice? – Whilst I acknowledge that the vegetative cover of the section of hedge that was used for access to Gray's Field was very sparse it was still a section of the hedge. The excavation of the mound of soil that would have contained important roots and seeds etc to formalise an entrance to the field where an entrance did not previously exist constitutes the removal of a section of the hedge.*

*Did Stoke Park remove any 'Physical Hedgerow'? – I acknowledge (based on the photographic evidence I have seen) that very few, if any, actual hedgerow plants were removed from this section of the hedgerow but for the reasons set out above it is considered that a section of the hedgerow has been removed. It is not just the visible plants that constitute a 'hedgerow'; the gaps in the vegetative cover are still parts of the hedge.*

*Is this a Planning issue? – There appears to be some confusion of semantics here. A 'Hedgerow Removal Notice' is not a 'Planning Application' – you are*

*not requesting 'permission' to remove a section of hedgerow you are notifying the Council (retrospectively in this case) of intent to remove a section of hedgerow. The Council cannot grant permission/consent for the removal of a hedgerow but they can decide whether or not to serve a Hedgerow Retention Notice preventing its removal; this akin to the process of a Conservation Area Notice. Such notices are dealt with by me and I make my recommendations to my manager who has delegated authority to decide whether or not to serve a Retention Notice – this is all done within what you would call the 'planning department' (which we call Sustainable Development - Development Management). Therefore I guess it is correct to say it is a 'Planning' issue but it is not a 'planning application' that would grant 'planning permission'.*

*In summary; regardless of the sparsity of vegetation in this particular section of hedge, the Council believes a section of the Hedge was removed and this should have been the subject of a Hedgerow Removal Notice."*

**Summary:**

Stoke Park acted in good faith at all times.

We kept the relevant local bodies informed about the event and sought their advice. We received the relevant consents from them and from our landlord the National Trust and were conscientious in seeking to ensure that any possible consents that were needed were obtained in advance.

As part of our consultations we were advised to use the natural gap in the hedge for the temporary access on safety grounds.

Stoke Park was not notified at any stage by any authority that any additional consent was required until after the temporary access had been created. If Stoke Park had known about any additional consent needed we would have either made an application or a ramp would have been used and there would be no outstanding issue.

Stoke Park has a good working relationship SBDC and acknowledges that there is in fact a procedure that now needs to be completed.

It is in Stoke Park's interest to look after and protect Gray's Field for the long-term benefit of the public and it has a proven track record that it has done so (physically and financially), just as it has done over the entire Stoke Park estate for the past two decades.

(Please note that this statement has been read by Bob Smith and Frank Spooner from South Bucks District Council and all their comments have been incorporated.)