



APPEALS AND REVIEWS COMMITTEE

This meeting will be recorded and the sound recording subsequently made available via the Council's website: charnwood.gov.uk/pages/committees

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Capleton (Chair), Howe (Vice-Chair), J. Bradshaw, S. Bradshaw and Needham (for attention)

All other members of the Council
(for information)

You are requested to attend the meeting of the Appeals and Reviews Committee to be held in Committee Room 2, at the Council Offices, Southfields, Loughborough on Monday, 30th January 2023 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

18th January 2023

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 4

To receive and note the minutes of the previous meeting.

3. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

For information, disclosable pecuniary interests and registrable interests relate to

entries that are included, or should be included, on a councillor's register of interests. Non-registrable interests relate to any other matters.

4. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

5. BOROUGH OF CHARNWOOD (KINGS LANE SOUTH CROXTON) 5 - 46
TREE PRESERVATION ORDER 2022

A report of the Head of Governance and Human Resources.

PROCEDURE

The procedure to be followed in considering objections to Tree Preservation Orders is as follows:

(a) *The Head of Governance and Human Resources or his/her representative will introduce the report before the Appeals and Reviews Committee which will include written statements by both parties (i.e. the Head of Planning and Growth and the objector(s)).*

(b) *The Head of Planning and Growth or his/her representative will present his/her case for confirming the order with or without modifications.*

Members of the Appeals and Reviews Committee and the objector(s) may then ask him/her questions.

(c) *The objector(s) will present his/her case, if he/she wishes to do so.*

Members of the Appeals and Reviews Committee and the Head of Planning and Growth or his/her representative may then ask the objector(s) questions.

(d) *Members of the Appeals and Reviews Committee will ask the parties for any additional information or clarification they require.*

(e) *The Appeals and Reviews Committee, with the advice of the Head of Governance and Human Resources or his/her representative as necessary, will then decide whether or not the order should be confirmed and, if so, whether with or without modifications.*

The parties will not participate in the meeting at this stage and each will have the options of sitting in the public gallery or leaving the meeting.

APPEALS AND REVIEWS COMMITTEE 25TH JULY 2022

PRESENT: The Chair (Councillor Capleton)
The Vice Chair (Councillor Howe)
Councillors J. Bradshaw, Grimley and Needham

Mr G. Hartley (item 5, objector)

Principal Solicitor - Planning, Property and
Contracts
Team Leader Natural & Built Environment
Senior Ecological Officer
Democratic Services Officer (LS)

APOLOGIES: Councillor S. Bradshaw

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Committee held on 19th July 2021 were received and noted.

2. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

No disclosures were made.

3. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

4. BOROUGH OF CHARNWOOD (THE PUMP HOUSE, COTES ROAD, BARROW ON SOAR) TREE PRESERVATION ORDER 2022

Considered a report of the Head of Strategic Support setting out details of the Tree Preservation Order served on the above site, the objection received to the Order and the comments of the Head of Planning and Regeneration on the issues raised by the objection (item 5 on the agenda filed with these minutes).

Assisting with consideration of the report: the Principal Solicitor, Planning, Property and Contracts.

The Head of Planning and Regeneration's representatives and the objector attended the meeting to put forward their cases and answer the Committee's questions.

The Committee considered this matter in accordance with the “Procedure for Considering Objections to Tree Preservation Orders” set out in the Council’s Constitution and on the agenda for this meeting.

RESOLVED that the Borough of Charnwood (The Pump House, Cotes Road, Barrow on Soar) Tree Preservation Order 2022 be confirmed without modification.

Reason

Having considered, in accordance with the procedure set out in the Council’s Constitution, the objection to the Order, the Committee considered that the reasons put forward for not protecting the trees did not outweigh the contribution they made to the amenity of the area and that the trees should therefore be protected.

NOTE:

No reference may be made to these minutes at the next available Ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.

APPEALS AND REVIEWS COMMITTEE 30TH JANUARY 2023

Report of the Head of Governance and Human Resources

BOROUGH OF CHARNWOOD (KINGS LANE SOUTH CROXTON) TREE PRESERVATION ORDER 2022

The above order relates to trees within a woodland (W1) situated at Kings Lane, South Croxton.

The Council's Head of Planning and Growth considers that the trees make a significant contribution to the visual amenity and biodiversity of the area. The woodland protected by this order is a broadleaved plantation, dominated by ash and extending over approximately 1 Ha. Approximately 10% of the woodland has been clear felled. Leicestershire County Council are in receipt of an application to divert a footpath which crosses the woodland. However, it is unclear why such extensive clearance was considered necessary to realise the diversion. No proposal has been made to replant along the current footpath route and so the Head of Planning and Growth considers the woodland to be at risk. Therefore, he considers it appropriate to ensure that the trees are properly protected and retained in a satisfactory manner through the making of this Tree Preservation Order.

Therefore, an Order was made on 9th September 2022 to provisionally protect the trees.

A copy of the Order is attached at **Annex 1**.

Objections to the Order were received as follows:

- (i) from A D and G N Coombs, owners of a small area of the site;
- (ii) from Mr Whitfield, solicitor acting on behalf of the owner of the remainder of the site, Mr Blyth.

Copies of the objections are attached at **Annex 2**.

The Head of Planning and Growth's comments on the issues raised in the objections are attached at **Annex 3**.

The Committee is asked to consider the issues raised by the objectors and the comments of the Head of Planning and Growth in accordance with the procedure set out and to determine whether or not the Tree Preservation Order should be confirmed and, if so, whether with or without modification.

Officer to contact: Laura Strong
Democratic Services Officer
01509 634734
laura.strong@charnwood.gov.uk

Town and Country Planning Act 1990
The Borough of Charnwood (Kings Lane South Croxton) Tree Preservation
Order 2022

The Charnwood Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:

Citation

1. This Order may be cited as The Borough of Charnwood (Kings Lane South Croxton) Tree Preservation Order 2022.

Interpretation

2. (1) In this Order “the authority” means the Charnwood Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and

17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

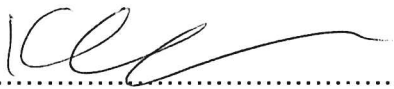
4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 9th day of September 2022

The Common Seal of the Charnwood Borough Council
was affixed to this Order in the presence of:



2022/23-60


.....

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
	None	

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees (within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	None	

Woodlands (within a continuous black line on the map)

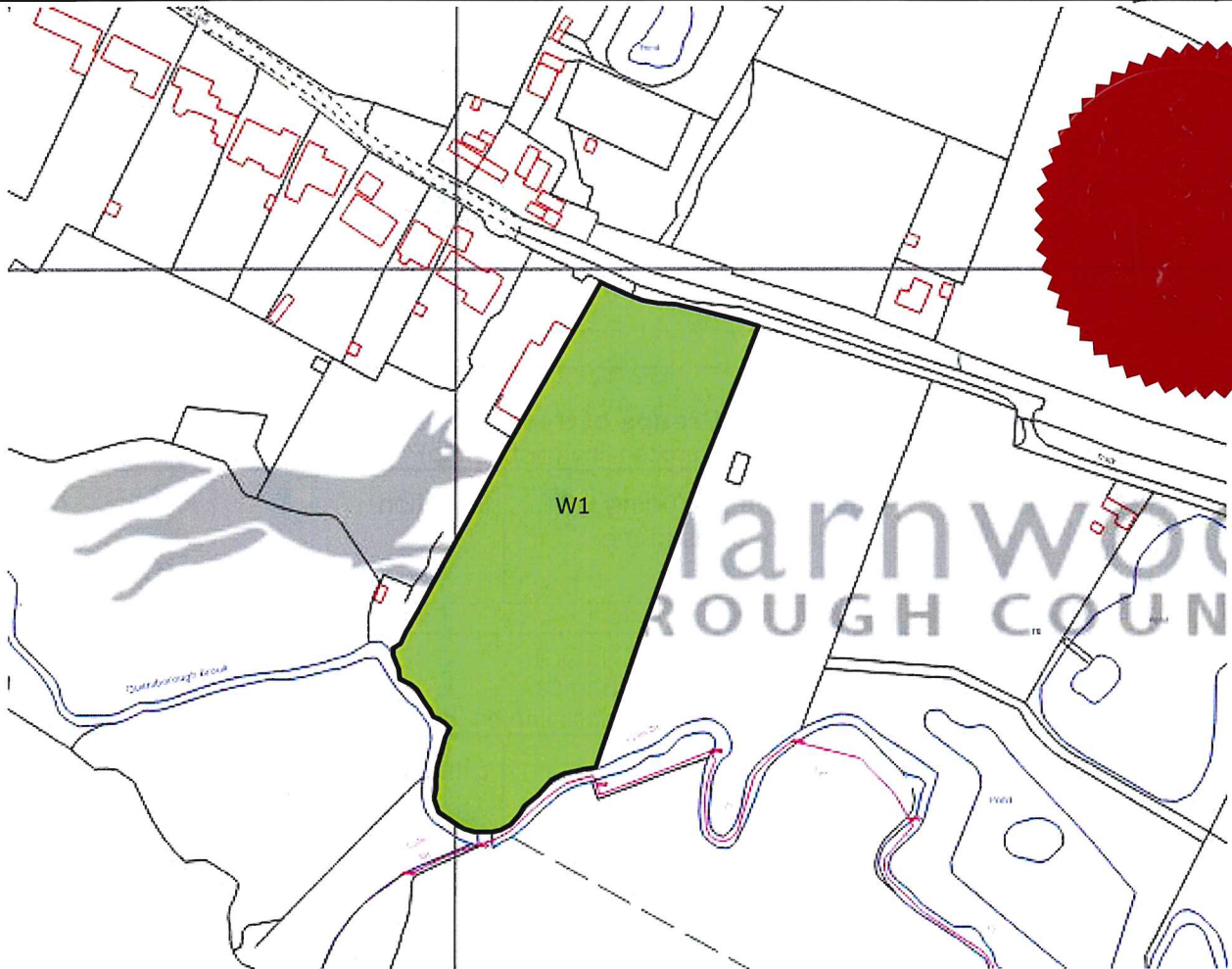
Reference on map	Description	Situation
W1	Ash (<i>Fraxinus excelsior</i>) dominated plantation	Land South of Kings Lane South Croxton Grid Reference: SK6900999

I certify this map shows the entire area referred to in the first schedule of the Borough of Charnwood (Kings Lane South Croxton) Tree Preservation Order 2022



Authorised signatory *[Signature]*

2022/23-EC



**Borough of Charnwood
(Kings Lane South Croxton)
Tree Preservation Order 2022**

R Bennett Dip. TP. MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 22/8/22
Scale: 1:2500
Prep: RMS

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OBJECTION 1

AD and GN Coombs
36 Kings Lane,
South Croxton,
Leicestershire.
LE7 3RE

A/O Mrs L Strong,
Democratic Services.
The Head of Strategic Support,
Charnwood Borough Council
Southfields
Loughboprough
LE11 2TX

10th October 2022

Dear Mrs Strong,

Re Your letter of the 14th September 2022 regarding the imposition of a TPO.

With reference to your communication of the 14th September regarding the proposed imposition of a blanket TPO, which includes a small area of land that we currently own. I enclose a coloured up copy of a site plan showing the area that we own.

We write to provide comments and corrections to your document, together with the information requested.

Firstly, we can confirm that we have no objection, in principle, to the establishing of a TPO over the area of land shown on your plan.

We have watched, with concern, the clearance of the adjacent land, the removal of bushes and trees, and the removal of an established hedge along the Eastern boundary. This work has been carried out over the last two years in several tranches.

This land was largely open with widespread bramble and self set hawthorn/blackthorn, and a few young deciduous trees, when we moved into South Croxton in 2003. Since then the land has remained unmaintained and by 2008 had become impassible in most parts.

The first clearance tranche took place in December 2020, during which most of the trees at the Southern end of the site (shown shaded green on your supplied plan) were removed and burned on site. On this visit the contractors cleared virtually all of the bramble and hawthorn to the lower section of the site and alongside our barn conversion opening up the site considerably. They did not remove any trees within 20m of our barn conversion or any near the road frontage.

After the second event by contractors, we were offered the opportunity to purchase a piece of land adjacent to our barn conversion. The sale of which was concluded in May 2021.

After that date the relocation of the footpath became a proposal. I have no knowledge of the discussions between the main land owner (Mr Stuart Blyth) and the LCC in this respect.

For information, subsequent to the purchase of our tranche of land, contractors removed the established hedge to the Eastern boundary and fencing contractors subsequently erected a new fence in this location.

The Following points refer to the contents of your document:-

Over the last 6 years we have had to remove several overgrown hawthorn bushes/small trees that have fallen over the existing ditch and onto our land (dated correspondence and photographs available). As we write this, there is one tree leaning over dramatically and one with a broken crown (Picture herewith). These Hawthorn trees are at the end of their lives and will continue to fall and cause nuisance and should be excluded from your proposed TPO.

You refer to planting of trees within your order. Please note that no trees were felled along the existing foot path route. No trees were felled within our acquired piece of land by Mr Blyth;s contractors, or others, in the northerly 50 % of the area hatched/green on my supplied site plan at 1:1250 scale.

With the aforementioned in mind, we wish to object to the inclusion of the group of trees as shown on the attached plan (Aerial view on next page) these trees being either old overgrown hawthorn of limited remaining life or physically damaged as per the aforementioned photograph on the following page.

I also insist that any tree replanting is carried out mainly in the southern 50% of the adjacent land shown shaded green on your TPO, as this is where the vast majority of the original trees were felled.

The online 'Ash Dieback' maps show the currently infected area extends to the North side of Kings Lane, therefore, any replanting of any area within the green shaded area with Ash would be short-sighted.

Yours sincerely,



AD and GN Coombs



Leaning trees and tree snapped off at high level.

Group indicated on aerial view





Site Plan 1:1250 at A4

Land at 36 Kings Lane and adjacent (hatched) land area, South Croxton, Leicestershire.

Sale of Land adjacent to 36 Kings Lane, South Croxton, Leicestershire. LE7 3RE.

OBJECTION 2

IN THE MATTER OF

TOWN AND COUNTRY PLANNING ACT 1990

THE BOROUGH OF CHARNWOOD [Kings Lane, South Croxton] [Tree Preservation Order 2022]

REPRESENTATIONS BY BLYTH FARMS LIMITED

1. The interim Tree Preservation Order which is at pages 1 to 4 of the Bundle attached is in relation to a field that was once part of the Baggrave Estate which was owned and farmed by Blyth Farms Limited. As the only access to the field was over a very insecure bridge it was decided that it would not be farmed as per the rest of the Estate. The only safe access to the field was via a main road through South Croxton to the access along Kings Lane.
2. Over the years the field turned wild. At pages 10 to 18 are photographs that were taken a few years ago showing how the land had become overgrown. There were problems with a neighbour [Adrian Coombs] as some old trees were falling onto his property.
3. It was decided to call in a specialist tree surgeon, Martin Riley, to try and eliminate all the undergrowth and a number of the self-set saplings which made the field more accessible and opened up a public right of way. Blyth Farms then erected a secure post and rail along the roadside and a new agricultural entry gate on to the land. Sometime later they erected a new post and rail stock fence along the southern boundary which had been unsafe for a

long time [there had been horses coming on to the land]. Photographs at pages 5 to 6 show some of this work.

4. It has been the intention of Blyth Farms Limited to improve the area considerably by eliminating some of the trees that were not quality wood such as Hawthorn etc and replacing them with quality trees such as Oak, Beech and Maple.
5. Blyth Farms Limited, over a period of 40 years, have planted in excess of 10.74 acres of woodland on the Baggrave Hall Estate, 16.7 acres at Lake House Farm and 2.5 acres at Bunker Hill Farm, Thrussington all with the approval of the Forestry Commission. It has never therefore been the intention of Blyth Farms Limited to harm good quality trees. In fact the opposite has been the case.
6. The Tree Preservation Order [plan at page 4 of the Bundle] shows the whole of the field area. This is despite the fact that there is areas of land that have been wild that contain no trees whatsoever [see page 7 for example]. This is covered by a Tree Preservation Order but there is no trees across a large swathe of the land.
7. The Tree Preservation Order also mentions Ash trees only. However, it is the other invasive trees that have caused problems with the area.
8. A Director of Blyth Farms Limited, Stuart Blyth, finds it frustrating that the Order has been instigated without prior consultation with Blyth Farms Limited. He seeks a constructive meeting with someone on site when the whole of the area can be discussed. As has been informed, Stuart Blyth does

not reside permanently in the UK but travels frequently and will be available for a meeting from 19 December 2022 onwards.

9. It is submitted that the correct process here will be to start again and discharge the interim Tree Preservation Order and have a discussion with regard to the land and what is appropriate as at present the Tree Preservation Order is unworkable and benefits no-one.

Salisbury Harding and Barlow
Solicitors on behalf of Blyth Farms Limited

Dated 5th December 2022

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The Borough of Charnwood (Kings Lane South Croxton) Tree Preservation
Order 2022

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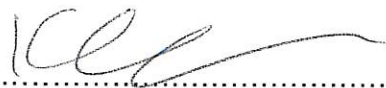
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Dated this 9th day of September 2022

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was affixed to this Order in the presence of:



2022/23-60


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Groups of trees (within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
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Woodlands (within a continuous black line on the map)

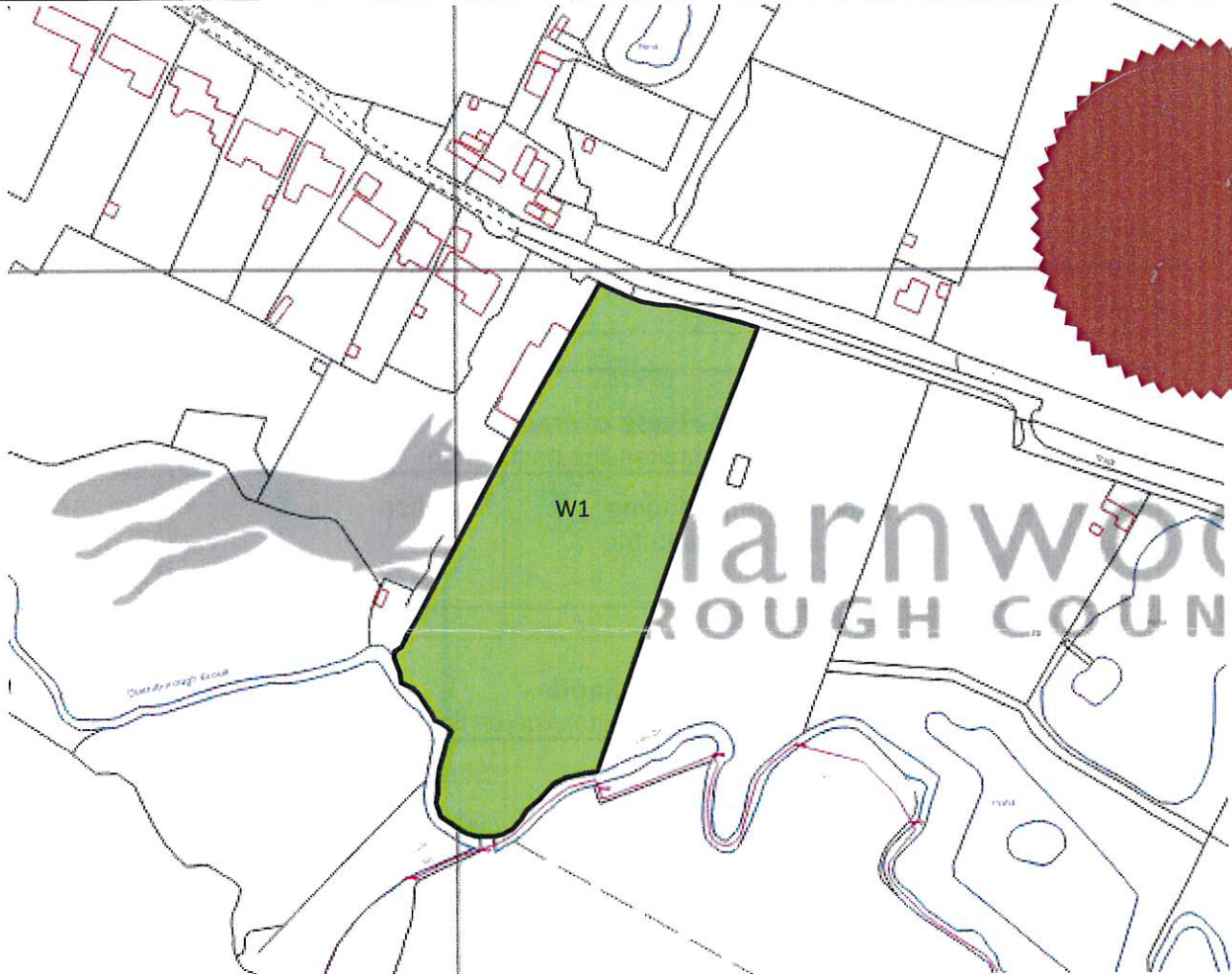
Reference on map	Description	Situation
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I certify this map shows the entire area referred to in the first schedule of the Borough of Charnwood (Kings Lane South Croxton) Tree Preservation Order 2022



Authorised signatory *[Signature]*

2022/23-6



**Borough of Charnwood
(Kings Lane South Croxton)
Tree Preservation Order 2022**

R Bennett Dip. TP. MRTPI
Head of Planning & Regeneration
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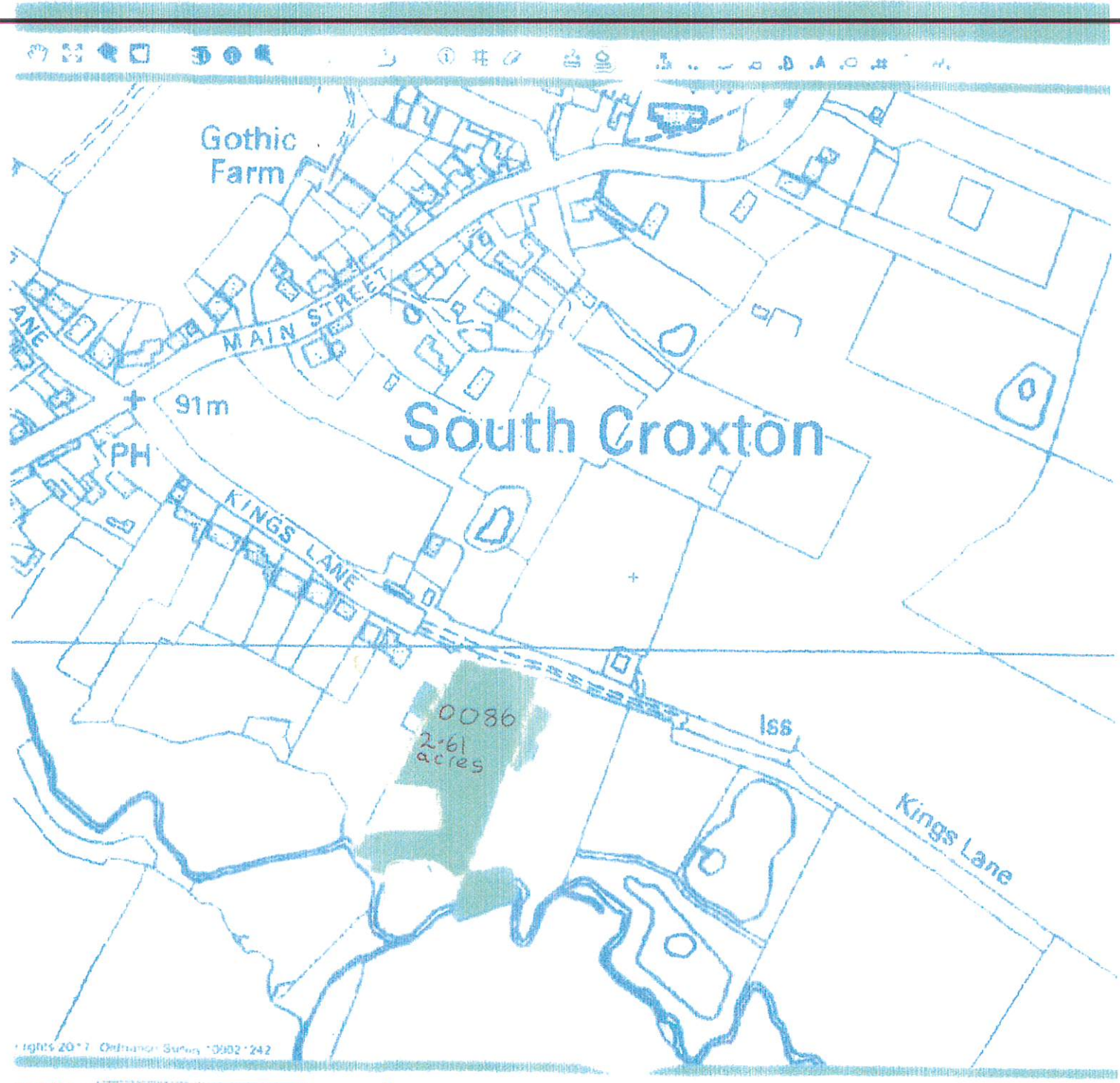
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Quick View:

Map Tool: Measure Polygon Area

1.3m (SK692101)

SK 690 099





From:
Sent:
To:
Subject:

Stuart Blyth
21 August 2019 13:06
Tina Pojnar
South Croxton pics.

Tina Pojnar

The road.







The old style



The old gate.





Sent from my iPhone



APPEALS AND REVIEW COMMITTEE – 30TH JANUARY 2023

Provisional Tree Preservation Order – Kings Lane South Croxton

1.0 Introduction**1.1 Background**

Following a complaint about hedgerow removal on 20th June 2022 an enforcement officer visited the site and noticed that significant tree clearance had taken place along the eastern side of the woodland and that a hedgerow forming the eastern boundary of the woodland had also been removed.

It became apparent that the landowner had made an application to divert a public right of way that runs across the site (see figure 1) and that Leicestershire County Council were processing the application but had received objections from South Croxton Parish Council. Once the Council became aware of this they contacted the second landowner and extended the period in which objections could be made.

A follow up visit was made by the Senior Ecological Officer to confirm the extent of hedgerow and tree removal. The forestry commission were informed and also made a site visit but ultimately did not to conclude that the extent of removal reached the threshold for requiring a felling licence.

1.2 The Site

Woodland W1 lies on the south eastern edge of the village of South Croxton and on the southern side of Kings Lane. It has a total area slightly in excess of 1Ha and is dominated by even aged ash trees in an early mature state, giving the appearance of ash plantation.

Aerial images show the site to have been characterised by rough grassland with scattered scrub during the late 1990's, with the northern half of the site attaining a closed canopy by around 2010. The woodland character of the southern half of the site has developed more gradually and remains more open even today.

There is a well established public footpath through the woodland that forms part of a historical route to Baggrave Hall, between 1-2 km to the south east. Queniborough Brook forms the southern boundary of the site.

Following the issuing of the provisional order the council was made aware that part of the land has been sold to the owner of a neighbouring property on King's Lane. This area represents a strip of land along the woodland's western boundary which, until recently supported a mixture of closed canopy woodland and a small area of scrub woodland. The deadline for representations was extended to allow adequate time for the second landowner time to object to the order.

1.3 Condition of the trees

A swathe of land running down the eastern boundary, from where the hedgerow has been removed, has been clear felled and the understorey has been almost entirely removed from

the remainder of the woodland. Most of the remaining trees are in good condition. At the time a site visit was made in August there were several piles of tree trunks and smaller branches throughout the woodland. Some of the smaller stumps remained and were regrowing and there was evidence of woodland regeneration from the seedbank in the cleared area.

2.0 The Objection to the Order

Two objections to the order have been received. The first, dated 10th October 2022, was from AD and DN Coombes, of 36 Kings Lane South Croxton, who have been the owners of a strip of land within Woodland W1, along its western edge since May 2021. The objection letter expresses concern about the woodland clearance on the eastern boundary of the woodland, which the objectors say has been carried out in stages over a two-year period, with many of the felled trees having been burned on site. They go on to say that no trees were removed from land within around 20m of their property, 36 Kings Lane.

The objectors go on to state that, as part of management of land within their ownership they have removed a number of hawthorn trees which, owing to their poor state should be excluded from the order. They go on to propose that any replacement planting should take place on the neighbouring land and include a plan which proposes the conversion of the part of the woodland within their ownership to a “wildflower area” as part of a larger “agricultural paddock” immediately to the south of 36 Kings Lane and also within the ownership of the objectors.

The second objection was received on 5th December 2022 from Andrew Whitfield solicitors on behalf of Blyth Farms Ltd. This objection provides some background information and states that, in the first instance a tree surgeon was engaged to remove trees in response to an objection from Mr AD Coombes. It goes on to say that the purpose of work within the woodland was to “eliminate” low quality trees such as hawthorn and goes on to suggest that certain “invasive” trees have caused problems in the area. It states that the result of the work has been to improve access and open a public right of way. The objection points out that part of the site is devoid of trees. The objection also states that the landowners have planted trees elsewhere and have no intention of harming “good quality” trees.

The objection concludes that the order is unworkable and benefits no-one.

3.0 Responses to the Objections

The Council shares the concern expressed in the first objection about tree removal from this woodland but notes that there has been a significant loss of woodland cover on land within the ownership of AD and DN Coombes. The proposal to establish a wildflower meadow is not considered sufficient to compensate for the loss of woodland, either in terms of its public amenity or biodiversity values. Even if the council could have confidence in the equivalence and deliverability of this proposal, the principle of compensatory mitigation is not a part of the legislation governing the making of TPOs. For these reasons the landscaping proposals provided by the objectors are not sufficient to overcome the reasons for making the order. The council has been in touch with AD and DN Coombes to make constructive suggestions about how the part of the woodland within their ownership could be managed, in the context of it being protected by a TPO. (See appendix 2).

The second objection makes a number of statements that are difficult to agree with, as follows;

- The objection states that tree clearance was carried out in response to a complaint by a neighbour (referred to as Adrian Coombes), The first objection, made by Mr Coombes, states explicitly that none of the tree clearance undertaken by contractors acting for Blyth Farms has addressed their complaint. However, clearance has taken place across the remainder of the woodland, including the swathe of clear-felling on the opposite side of the woodland to Mr Coombes' land.
- Current (see appendix 1) and historic photographs (provided in the bundle accompanying the Blyth Farms objection) show that the existing public right of way was useable and accessible before the felling took place. The Senior Ecological Officer first visited the site in around 2019 and found the site easily accessible and the footpath useable, although there were a number of clay pigeons scattered throughout the woodland in close proximity to the footpath.
- The Council is aware that an application was made by Blyth Farms to Leicestershire County Council to divert the footpath from its current route to the eastern edge of the woodland. However, the woodland clearance and hedge removal has been well beyond what would be required to divert the footpath and the new entrance created in the north-eastern corner of the woodland appears to have been designed as a vehicle access.
- Far from being problematic and invasive, the hawthorn and blackthorn that has been removed are examples of native species that make an important contribution to the woodland's character, its amenity and biodiversity values.
- Government guidance is clear that woodland TPOs should not prevent beneficial woodland management. Whilst it is not accepted that the recent clearance represents a good example of beneficial management, this makes it incorrect to say that this order is unworkable.
- Although the absence of trees from part of the site is explained by recent interventions, it is also clear from historic aerial images that a narrow strip along the southern boundary has been kept clear of trees for some time and has neither the look or feel of woodland.

Amenity value

The woodland protected by this order has demonstrable public amenity value, having a public footpath which runs through it. It is easily accessible from the village of South Croxton and is clearly well used. Its value to the local community is also in part demonstrated by objections to the footpath diversion application by South Croxton Parish Council.

The woodland provides a secluded and quiet space for members of the public using the footpath to enjoy nature, to find space and separation from their daily lives. Whilst many of the larger trees remain, the recent tree removal has significantly diminished its value, leaving it exposed and open, with adjacent buildings easily visible from the woodland interior and with a significant reduction in bird nesting habitat.

Proposed order

It is considered that the proposed woodland order is necessary to secure the retention and beneficial management of the woodland by both of its owners. However, it is acknowledged that the proposed order includes a narrow strip of land along the southern boundary and immediately to the north of Queniborough Brook that lacks a woodland character. The committee may therefore wish to consider an alternative drawing of the boundary of woodland W1. One potential alternative approach is shown in appendix 3.

Appendix 1: figures and photographs

Figure 1) Woodland (in green) with existing public right of way (red line) and proposed diversion (blue line)





Figure 2) Looking east from the eastern edge of the woodland



Figure 3) Clear felling along the eastern boundary



Figure 4) New vehicle access in north east corner of woodland



Figure 5) bare ground along new vehicle access



Figure 5) clearance along western boundary showing the former woodland edge on the left side of the picture and a new footbridge over the ditch in the background



Figure 7) recent aerial image showing two of the larger piles of felled trees and Queniborough Brook to the south



Figure 7) The largest brush pile with bicycle for scale



8) Queniborough Brook at Southern Edge of the site

Appendix 2 Email sent by Senior Ecological Officer to AD Coombes on 8th November 2022

From: Rupert Simms
Sent: 08 November 2022 13:19
To: a.d.coombs
Cc: Laura Strong; Sarah Hallam
Subject: RE: Coombs PT/76 TPO Kings Lane South Croxton

Dear A D and G N Coombs

I have considered your letter and understand that, in the time since you sent it, my colleague Sarah Hallam may have been in touch to offer a site visit to discuss your views about managing the area of woodland you own land and the recently made TPO. In the meantime, as the officer responsible for making the order, I thought it might help to share some background to the order. I note of course that you have already stated that you have no objection in principle to the order although I concur with my colleague Laura Strong's view that your request to have an area of your land removed from the order should be treated as an objection in the first instance.

I understand that the area you wish to have removed from the order is the area hatched in green in the plan you sent as part of your letter. This area falls within the woodland that is subject to the recently made order, which explains its inclusion in the first instance. Without wishing to speculate or comment on the circumstances of any of the tree removal on this land it is clear to us, having considered various aerial images, that there has been significant tree clearance in the southern half of this area. This provides a reason of expedience for making the order, IE: the intention of the order is to prevent further unauthorised felling both here and elsewhere in the woodland. Further north there is a scallop of land, immediately to the west of what I believe is your home, that appears to be scrub dominated and whilst this area is different in character from the rest of the woodland it does still represent a part of the woodland and adds to its overall structural diversity. On this basis it is appropriate to have included this area within the original order.

You may already be aware that the order is a Woodland TPO. This is a type of TPO that not only protects existing mature trees but all trees of all sizes within the woodland, including seedlings and saplings. This allows an element of flexibility relative to other types of TPO since, as set out in government guidance <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas> , woodland TPOs should not hinder beneficial woodland management.

Beneficial management in this context might include, for example; maintaining coppice stands or woodland rides, where appropriate. Considering your specific request with this in mind I believe that it would be possible to manage the areas of woodland you own to implement the following management approaches: a) management (by removal and replanting or by coppicing) of the leaning hawthorns you identified in your letter b) increasing the canopy cover in the southern part of you land by a combination of natural regeneration and understory planting c) maintaining the scrub character of the woodland area immediately west of your home by a combination of planting and natural regeneration. You may wish to suggest alternative approaches that are consistent with maintaining and enhancing the woodland character of the land you own that is covered by this TPO. We are of course aware of the restrictions on planting ash which is one reason why we would be willing to consider an element of natural regeneration in this case. That said the woodland is already ash dominated and so the introduction of suitable additional native species would add interest to the woodland as a whole

Please get in touch if you have any questions and of course the offer of a site visit is still available if you think it would be helpful

Regards

Rupert

Appendix 3 potential approach for alternative order



Figure 1) Recent aerial view with blue lines showing the route of Queniborough Brook and approximate extent of woodland cover

Figure 2) OS mapping showing approximate extent of woodland cover and a distance of approximately 22m from Queniborough Brook (red line)

