

**Maidstone Borough Council  
PLANNING COMMITTEE**

**REPORT BY THE HEAD OF PLANNING SERVICES**

**The Maidstone Borough Council  
TREE PRESERVATION ORDER NO 5017/2017/TPO**

**Land At Lodge Close, The Street, Ulcombe, Kent**

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**EXECUTIVE SUMMARY**

**This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No 5017/2017/TPO.**

**FOR DECISION**

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**RELEVANT PLANNING HISTORY**

5002/2017/TPO Tree Preservation Order. Lapsed and remade as 5017/2017/TPO

**SUMMARY TPO INFORMATION**

<b>TPO Served (Date):</b> <b>02.10.2017</b>	<b>TPO Expiry Date</b> <b>02.04.2018</b>
<b>Served on:</b> Rumwood Green Farm, Sutton Road, Langley, Maidstone, Kent	
<b>Copied to:</b>  Public Right Of Way GIS Team MKIP Parish/Town Council Land Charges Team The Forestry Commission Planning Applications Unit	

**OBJECTIONS AND CONSULTATIONS**

Whilst no formal objection has been received to the making of this Order, it was made to replace 5002/2017/TPO, to which a detailed objection was received from Clive and Nell Ticehurst on behalf of Sean Charlton of Rumwood Green Farm (Current owner) and Tassell Brothers of Church Farm (previous owner), together with a request to have the opportunity to make a representation at the appropriate planning committee. The main reasons for objection are reproduced below.

*The TPO which was inappropriately raised and should be annulled.*

*It is inappropriate to impose a TPO when the philosophy of the Woodland Management Plan (WMP) is to preserve the woodland site. The woodland has been managed within a farm wide Higher Level Stewardship agreement with the RPA, drawn up and overseen by the Kent Wildlife trust, and the philosophy has always been to ensure its long term future.*

*A TPO would only be required when there is a perceived threat. It was raised as an emergency TPO. No threat exists as the woodland is being preserved for the future using the WMP. Whilst there may be concerns that trees are being cut down it is clear from the site visit by Nick Gallavin on 10<sup>th</sup> February 2017 that only dangerous and dead trees, or those growing in the silted areas of the watercourses, have been cut. Any further works to thin the dominant Sycamore and Alder, for example, will to allow replanting to be as successful as possible to develop a wider, age diverse, native species sympathetic to the locality. It would have been appropriate to provide the Tree Evaluation Method for Tree Orders (TEMPO) for the site when issuing the TPO. Mr Nick Gallavin carried out a brief survey of the site on 10<sup>th</sup> February 2017 when he delivered the TPO notice. He agreed that the woodland is overcrowded and all the trees are suffering as a result. He raised no concerns regarding the trees that had been cut as they were growing in the silted areas of the watercourses. He also noted the poor condition of the Oak and Ash trees and that thinning of the younger trees is required in order to preserve the age diversity of the woodland.*

*The long term plan is to manage these failing trees as best we can whilst re-planting of Broad Leaf Deciduous species in combination with thinning of the over-crowded self seeded trees to ensure the woodland for future generations All of these actions are within the WMP.*

*The woodland is being managed to a Woodland Management Plan ( WMP ) as part of a wider project to enhance the quality and longevity of the site. More recently many self seeded Sycamore, Willow, and Alder trees have taken the opportunity to populate silted areas of the watercourses. These have crowded the woodland creating a heavy canopy which is preventing young growth and subsequent age diversity. Self seeded Alder and Willow have been removed from the water course, and their root plates dug out as part of the silt removal. These trees were unstable as they had no firm root plate in the silt, and the roots were blocking the streams. The WMP will ensure the future of the woodland and local landscape character when viewed from the village and wider area.*

*The water courses within and around the woodland were lost to over silting. These were blocked by the self seeded trees rooted in silt, fallen trees, and waterborne debris causing the stream through the wood to deviate from its man made path. The watercourses were excavated in the 1970's, with some repairs to the dam more recently, but have again become heavily silted. The water courses have been de-silted to improve the quality of the land and reduce the winter flooding. This flooding has benefited wetland tree species such as Willow and Alder which have a lower habitat and amenity value if allowed to dominate within the site. Additionally a silting pond has been improved, and controls put in place to divert flood water around the site to ensure the stream follows its original path to reduce the silt load being carried onto the woodland in future. The re-instatement of this boundary stream will reduce the flood risk to the wider environment and the low lying areas of the stream path through the village of Ulcombe. It will also improve the habitat along the Ulcombe Stream by removing the obstacle of the weir on the main lake, within the woodland, from the stream path. This will encourage a wider migration opportunity for aquatic populations further up the stream.*

*The provisional TPO was raised in response to complaints by individuals who lack the skills, knowledge, training or experience to comprehend the works necessary to rejuvenate and ensure the long term future of the woodland. These complaints implied that inappropriate felling was taking place which "may" threaten the "amenity" of the woodland. As no such action has taken place, or was ever planned, the issuing of a TPO is inappropriate.*

*As the land has no right of access the “amenity” value can only be that offered by the silhouette of the wood when viewed from the footpath or Ulcombe village. The site is privately owned, and there is no public access to the site. There is no “right of way” over the land other than an adjacent footpath, and therefore it does not provide any public amenity by view of access.*

*The control mechanism of the TPO causes excessive delays to managing the woodland correctly.*

## **APPRAISAL**

The site is wooded with a diverse age range of deciduous trees, including mature Oaks. Tree Preservation Order 5002/2017/TPO was made in response to requests from the Parish Council following concerns raised by residents about the recent activity in the woodland. It is understood that the site has recently changed hands and that a fishing consortium is involved with the recent activity on the site.

The site historically contained ponds and watercourses, thought to be monastic fish pools, but these have since become heavily silted, with volunteer tree species colonising the silted watercourses. The works being undertaken on the site are seeking to restore the original watercourses and the main pond. This has included the use of mechanical diggers and produced a significant amount of excavated spoil, which has been mounded around mature trees within the surrounding woodland, and necessitated the felling of trees. Ancillary activities include the introduction of hardcore for the creation of access tracks and parking areas and the siting of a container. These operations are the subject of an ongoing planning enforcement case. Should planning permission be required, any subsequent planning consent could be implemented without the need for further application under the TPO.

Whilst the objection refers to a woodland management plan, the Council has not been provided with a copy of this to date. It is not considered that the recent activities on site constitute good woodland management. The felling and excavation works that have been carried out are for the purposes of the restoration of the watercourses rather than sound woodland management. The change of ownership may also annul any existing agreement to manage the woodland in accordance with that plan. In the absence of this information, officers are not currently reassured that the work being carried out is in accordance with the plan, or whether there is a continuing requirement to adhere to it.

It is acknowledged that the restoration of the watercourses may be necessary to enable the subsequent intended use as a fishing venue and this might be considered to be desirable. However, the operations necessary to implement this are potentially damaging to the woodland ecosystem and the ancillary creation of hardstanding areas and soil heaps results in the permanent loss of woodland area. It is therefore recommended that at this time, the woodland should enjoy the continued control provided by a TPO. Whilst this is inconvenient for the landowner or occupier due to the need to obtain the consent of the local planning authority prior to undertaking works, there is no fee for an application and works to address dead and dangerous trees can be undertaken without following the full applications process. Furthermore, if the intended works are contained within an existing woodland management plan, this could be submitted as an application.

Given the uncertainty surrounding operations on the site, it is recommended that the woodland enjoys the continued protection of a Tree Preservation Order.

**RECOMMENDED**

Confirm without modification Tree Preservation Order No 5017/2017/TPO

**Contact Officer:** Nick Gallavin

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**Head of Planning Services**

**Appendices: Plan and schedule for 5017/2017/TPO**

**APPENDIX I – TPO SCHEDULE**

Article 3

SCHEDULE

Specification of trees

**Trees specified individually** (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

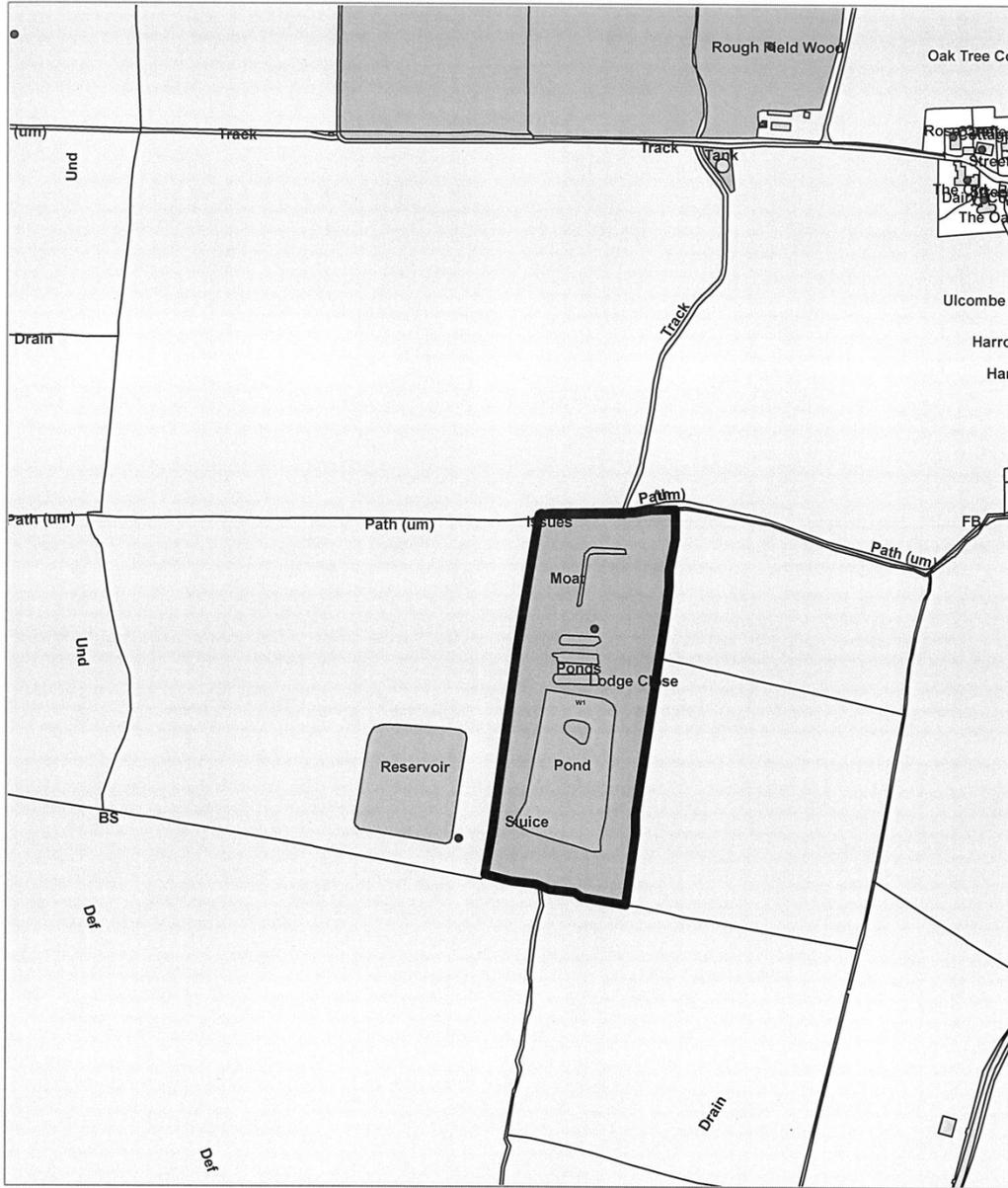
**Groups of trees** (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Woodlands** (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Various Woodland of whatever species standing	Whole site

**APPENDIX II – TPO PLAN**



**THE MAIDSTONE BOROUGH COUNCIL**

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