

# CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- 11 March 2011

Agenda Item No:-  
ED.11/11

---

**Public**

**Policy**

**Delegated: Yes**

---

---

## Accompanying Comments and Statements

**Required**

**Included**

Environmental Impact Statement:

No

No

Corporate Management Team Comments:

No

No

Financial Comments:

No

No

Legal Comments:

No

No

Personnel Comments:

No

No

---

**Title:-** **PROPOSED TREE PRESERVATION ORDER NO. 256 WOODLAND  
ADJACENT CLINTS ROAD, GREAT CORBY**

**Report of:-** **Assistant Director (Economic Development)**

**Report reference:-** **ED. 11/11**

---

## Summary:-

A Tree Preservation Order was made on the 26 November 2010 to protect an area of woodland in Great Corby. This report considers all the representations made to the Tree Preservation Order and concludes that the Order should be confirmed without modification.

## Recommendation:-

It is recommended that the Committee resolve to confirm Tree Preservation Order 256 without modification.

**Jane Meek**

Assistant Director (Economic Development)

**Contact Officer:** Charles Bennett

**Ext:** 7535

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Tree Preservation Orders: A Guide to the Law and Good Practice**

## **1.0 Background**

- 1.1 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a Tree Preservation Order (TPO) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. The Department of Environment Transport and the Regions document, “Tree Preservation Orders A Guide to the Law and Good Practice” advises that “Tree Preservation Orders should be used to protect selected trees and woodland if their removal would have a significant local impact on the environment and its enjoyment by the public”.
- 1.2 On the 12 November 2010 a consultation on a Woodland Grant Scheme which included the clear felling of the woodland and replanting was received by Carlisle City Council. The Woodland Grant Scheme application was later amended to selectively thinning the woodland by 50 to 60% and replanting.
- 1.4 The area of woodland subject to the Woodland Grant Application forms part of the registered Common CL 180 which is subject to a Scheme of Regulation which vests in the City Council the duty to preserve the trees for the benefit of the inhabitants of the district and the neighbourhood.
- 1.5 A copy of the plan and Statement of Reasons relating to Tree Preservation Order 256 is attached hereto at Appendix 1.
- 1.6 The following made objections to Tree Preservation Order 256.
- ◆ A Colfer, Solicitor, Norbrook Laboratories Ltd. On behalf of the owners Lord and Lady Ballyedmond
  - ◆ Mr and Mrs Thomas, Great Corby.
- 1.7 The letters of objection and Officers replies are attached hereto at Appendix 3.
- 1.8 The following made representations in favour of Tree Preservation Order 256
- ◆ Mr P Gray, Green Spaces Manager, Carlisle City Council

## **2.0 The Trees Amenity Value**

- 2.1 In accordance with good practice an objective assessment of the woodlands based on expediency and amenity was undertaken. A score is awarded which indicates

whether or not the woodlands are worthy of the statutory protection afforded by a Tree Preservation Order.

2.2 The assessment found the woodland achieved a score that indicated the woodland warranted the statutory protection afforded by a Tree Preservation Order.

### **3.0 Summary of Objections to Tree Preservation Order 256**

3.1 The following objections have been made to the Tree Preservation Order:

- (i) Although the Council has had stewardship of the Common by virtue of the Scheme of Regulation it has not exercised any maintenance allowing the area to degenerate into scrub woodland and a dumping ground for rubbish.
- (ii) Consultation on the proposed Tree Preservation Order has not been carried out in a thoughtful and impartial manner.
- (iii) The woodland is subject to an application for an English Woodland Grant to be determined by the Forestry Commission. As such the woodland is under good management and the Tree Preservation Order should not be confirmed.
- (iv) The Councils Statement of Reasons is erroneous.
- (v) That the woodland is not Public Open Space and falls within the remit of the Forestry Commission, and the Forestry Act which prevents the felling of trees until a scheme is approved.
- (vi) Confirming the Tree Preservation Order will result in an additional, unnecessary and unacceptable burden on the Owners and prevent them from carrying out routine woodland management operations.

3.2 In considering the above objections Officers have the following comments to make:

- (i) The Common is not owned by the Council and it is not within their authority to manage or maintain it, other than to ensure the rights of the inhabitants of the neighbourhood under the Scheme of Regulation.
- (ii) The consultation on the Tree preservation Order has been carried out in accordance with the requirements of The Town and Country Planning (Trees) Regulations 1999
- (iii) Whilst an English Woodland Grant Scheme has been submitted to the Forestry Commission they have declined to determine this as it falls outside the scope of the Forestry Act 1967 as the Common is Public Open Space.

- (iv) The Statement of Reasons accurately reflected the situation at the time the Tree Preservation Order was made. The English Woodland Grant Scheme was for the clear felling and re-planting of the woodland, it was considered that the proposed scheme was exempt from the felling licence regime, and as such the woodlands had no protection from felling.
- (v) The Forestry Commission have taken the view, based on advice from DEFRA solicitors that the Common is Public access land and therefore the trees are exempt from the felling licence regime. As such there is no mechanism other than the Tree Preservation Order controlling the management of this woodland in accordance with the Scheme of Regulation for the benefits of the inhabitants of the district and the neighbourhood.
- (vi) The Tree Preservation Order is the only mechanism controlling the woodland management, and is not an additional control.

#### **4.0 Summary of representations in favour of Tree Preservation Order 256**

- (i) The City Council has by virtue of the Scheme of Regulation authority to ensure the preservation of the trees on the Common for the benefit of the neighbourhood.

#### **5.0 Conclusion**

- 5.1 The Forestry Commission cannot determine the English Woodland Grant Scheme as the woodland is exempt from the Felling Licence regime.
- 5.2 The only control preventing the felling of trees on this area of Common land is the Tree Preservation Order, and this is the only available mechanism to ensure good woodland management.
- 5.3 Carlisle City Council's Green Spaces Officers are opposed to felling of the woodland which is under a Scheme of Regulation granting authority to the Council to preserve the trees on the Common for the benefit of the inhabitants of the district and the neighbourhood.
- 5.4 The Tree Preservation Order will not prevent the owners carrying out good woodland management, albeit an application will have to be made to and approved by the Local Planning Authority.
- 5.5 Having duly considered the representations and having weighed the objections against the present and future value of the woodland it is considered that the

woodland will provide a significant level of public amenity for a reasonable period of time and therefore merits the protection afforded by a Tree Preservation Order.

**6.0 Recommendation**

- 6.1 It is recommended that the Committee resolve to confirm Tree Preservation Order 256 without modification.

**Jane Meek**

Assistant Director (Economic Development)

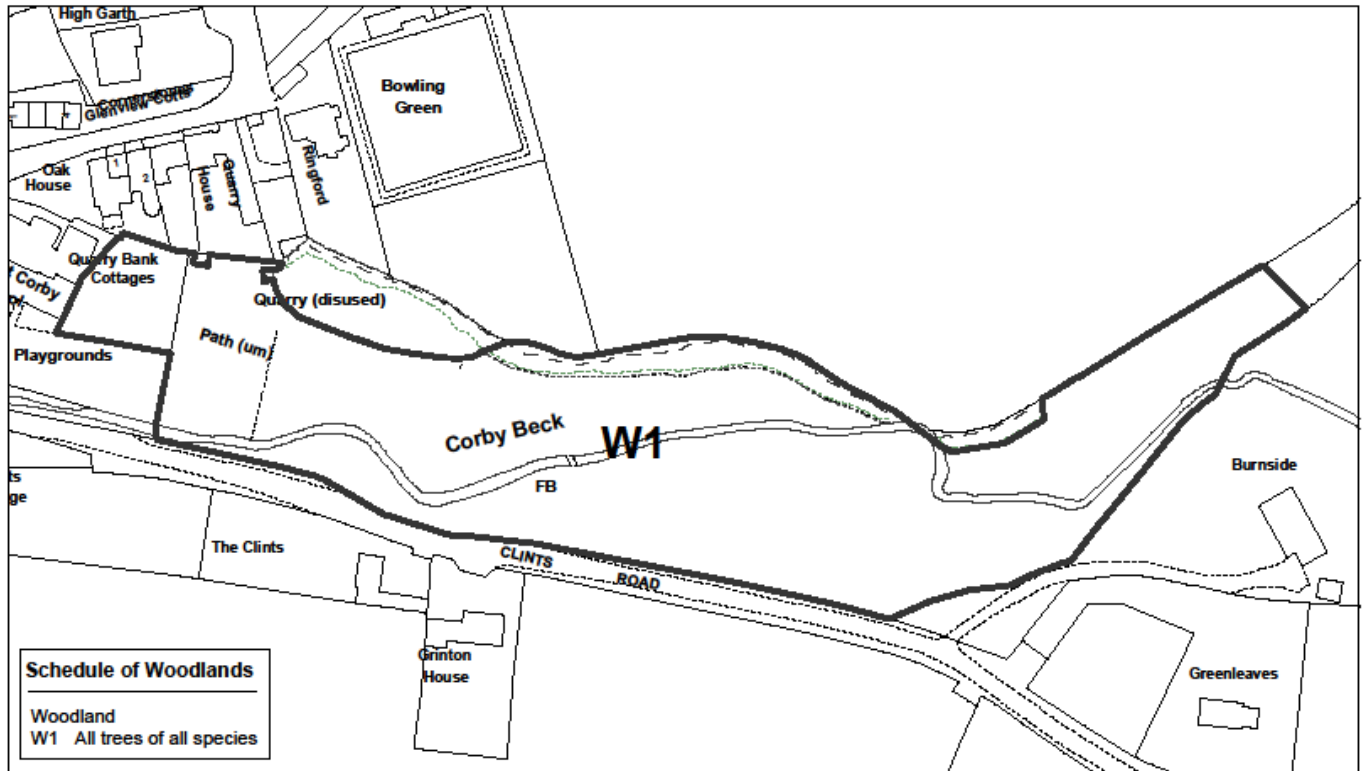
**Contact Officer:**

Charles Bennett

**Ext:**

7535

# Tree Preservation Order 256 Plan & Statement of Reasons



Town and Country Planning Act 1990 Sections 198(1) and 201

**Tree Preservation Order Number 256**  
**Woodland adjacent Clint's Road, Great Corby, Carlisle**

Date: 24th November 2010 1:1,250

Planning Services, Civic Centre, Carlisle, CA3 8QG

© Crown Copyright. All rights reserved Carlisle City Council LA 0100024459. 2010.

# **TREE PRESERVATION ORDER No. TPO 256**

## **WOODLAND ADJACENT CLINTS ROAD, CARLISLE**

### **STATEMENT OF REASONS**

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity to make provision for the protection of trees and woodlands in its area.

The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The woodland is prominent in the landscape, and clearly visible from footpaths that pass through it, and Clints Road. It is considered to be of significant visual amenity and landscape value to the locality and its loss would be detrimental to the area and its enjoyment by the public.

The woodland is situated on registered Common Land. A Felling Licence application has recently been submitted in respect of the woodland to the Forestry Commission to clear fell and replant. However, trees on Common land are exempt from the Felling Licence regime. The woodlands therefore have no protection from felling, and there is no mechanism to ensure replanting.

It is considered a Tree Preservation Order is appropriate as the loss of the woodland would be detrimental to the character of the area and its enjoyment by the public.

**Letter of objection and Officers reply**

IN THE MATTER OF THE TOWN AND COUNTY PLANNING ACT 1990 AND THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999 (as amended)

AND IN THE MATTER OF THE (WOODLAND ADJACENT CLINT'S ROAD, GREAT CORBY, CARLISLE) TREE PRESERVATION ORDER 2010 No.256, dated 26 November 2010

1. On 26 November 2010 Carlisle City Council ('the Council') made a tree preservation order in exercise of the powers conferred on them by ss.198, 201 and 203 of the Town and Country Planning Act 1990 concerning the woodland adjacent to Clint's Road, Great Corby, Carlisle, more particularly outlined in black and marked 'W1' on the plan attached (the Woodland'). Pursuant to s.201 of the 1990 Act they directed that the said Order be provisional.
2. In their Statement of Reasons, setting out why it is expedient in the interests of amenity to make provision for the protection of the Woodland, the Council contend:
  - 2.1 The Woodland is prominent in the landscape and clearly visible from footpaths that pass through it and Clints Road, adding significant visual amenity and landscape value to the locality and its loss would be detrimental to the area and its enjoyment by the public;
  - 2.2 The Woodland is on registered common land, and therefore outwith the protection of the Forestry Act 1967; and
  - 2.3 A Tree Preservation Order is appropriate as the loss of the Woodland would be detrimental to the character of the area and its enjoyment by the public.It is clear that 2.1 and 2.3 overlap, save on access through the Woodland along the footpath.
3. Lord and Lady Ballyedmond of Great Corby Estate, Corby Castle, Great Corby, Carlisle, CA4 8LR are the registered proprietors of the Woodland (the 'Owners') holding title absolute.
4. The Woodland is currently over-populated with non-native species of trees and in need of proper management. Within the Woodland there is a disused quarry, alongside which there runs a footpath used by both adults and children given the proximity to the local school.
5. These Objections and Representations are made to the Council's Development Control Committee (the "Committee") in respect of the said Tree Preservation Order in accordance with regulation 4 of the Town and Country Planning (Trees) Regulations 1999 (the "Regulations"). The Owners object to the making of the said Order on the following grounds:-
  - 5.1 On 8 June 2010 the Owners' Estate Manager submitted an application for a Felling Permission and Woodland Regeneration Grant in respect of the woodland to the Forestry Commission (the "Scheme Application"). All



references to the “Scheme Application” means that amended application, numbered 22877, to the Forestry Commission.

- 5.2 In July 2010, following consultation with the Forestry Commission and the Owners’ retained Woodland and Forestry consultant, Mr James Holliday of Edwin Thompson Chartered Surveyors, the Scheme Application was modified by the Owners. The woodland scheme they proposed to the Forestry Commission was as follows:  
“to obtain a felling licence to selectively fell 50% to 60% of the trees within the woodland. The main target of this felling will be the non-native species within the woodland. Small coupes will be cut out and this will allow the re-stocking of native tree species. This proposal is put forward to maintain the semi natural status of the woodland and is to conserve the bio-diversity and prolong the lifespan of the woodland”.
- 5.3 The Woodland is registered as common land. No rights of common have been registered over it under the Commons Registration Act 1965. No rights of common have been registered over the woodland under the Land Registration Acts 1925 and 1936. In the premises, by virtue of section 1(2) (b) of the 1965 Act, such unregistered rights are rendered not ‘exercisable’. Accordingly as the rights of common are no longer exercisable they are extinguished.
- 5.4 Consequently, the Woodland is not a ‘public open space’, which is subject to recreational rights, as defined by s.9(6) of the Forestry Act 1967. Therefore, the Woodland does not constitute land which is excluded from the felling permit requirements of section 9(1) of that Act.
- 5.5 In the premises, the Council’s Statement of Reasons erroneously seek to rely on the following stated grounds for making the said Order, namely:
- 5.5.1 That the Owners’ Scheme Application in respect of the woodland is “to clear fell and replant”; and
- 5.5.2 That the trees on the woodland are “exempt from the felling licence regime”; and
- 5.5.3 “The woodlands have no protection from felling, and there is no mechanism to ensure replanting”; and
- 5.5.4 The implication that the Owners are intending to take steps that will result in the loss of the woodland.
- 5.6 Until the Scheme Application is approved the Owners are prevented from felling trees by s.9 of the Forestry Act 1967. Once approved, the scheme will, subject to any modifications required by the Forestry Commission, constitute a “relevant plan” for the purposes of s.200(2) of the Town & Country Planning Act 1990 and will override the felling restrictions imposed by the said Order: s.200(1) of the 1990 Act. If the said Order is made it is submitted that it will cause unreasonable and significant practical difficulties for the

Owners in managing any approved scheme in relation to the woodland. The said Order would in effect 'over arch' the relevant plan and the Owners will potentially be accountable to two separate competent authorities for routine forestry operations. Such a conclusion must be both contrary to Parliamentary intention and wholly irrational and unreasonable exercise of administrative powers. It is submitted that this will place not only an unnecessary and unacceptable burden on the Owners but, furthermore, will fetter them from carrying out routine woodland management operations (as would be permitted under the Forestry Act 1967) as they will always be at risk that operations they consider fall within the relevant plan might be regarded by the Council as being in breach of the said Order.

- 5.7 The Committee is referred to paragraph 3.16 of the Tree Preservation Orders: A Guide to the Law and Good Practice (May 2006), which states:

"A woodland TPO should not be used as a means of hindering beneficial management work, which may include regular felling and thinning. While LPAs may believe it expedient, as a *last resort*, to make TPOs in respect of woodlands they are advised (whether or not they make a TPO) to encourage landowners to bring their woodlands into proper management under the grant schemes run by the Forestry Commission. If, for one reason or another, a woodland subject to a TPO is not brought into such a scheme, applications to manage the trees in ways that would benefit the woodland without making a serious impact on local amenity should be encouraged" (emphasis added)

It is submitted that the said Order is contrary to the Secretary of State's Guidance.

- 5.8 The Owners submit that the proposed woodland scheme is, for the reasons stated in the Scheme Application, in the interest of improving the amenity value of the Woodland in terms of visual amenity and landscape value to the locality (irrespective of public rights across the Woodland (which is not accepted)), and enjoys the support of the Forestry Commission. For these reasons, the proposed woodland scheme is considered by the Owners to constitute beneficial management work and will allow regular felling and filling of the woodland on an ongoing basis, thus preserving the character of the area and its enjoyment by the public. The Committee is referred to the annexed report from the Owner's Woodland and Forestry consultant, Mr James Holliday of Edwin Thompson Chartered Surveyors, supporting the proposed woodland scheme.

- 5.9 Accordingly, the Owners submit that it cannot be expedient or in the interest of amenity to confirm the making of this provisional Order and respectfully ask that the Committee does not do so.

- 5.10 The Committee is asked to note that the Owners, as objectors to the said Order, intend to exercise their right to speak at the Committee. The Owners reserve the right to supplement their submissions following consideration for the draft report to the Committee (see para.3.38, the Guide), and will present written submissions in advance of the meeting.

- 5.11 The Owner's invite the members of the Committee to agree a site meeting at the Woodland with representatives of Owners, (including their forestry consultants) and, if possible, the Forestry Commission, with a view to seeing if a resolution can be achieved, other than through the making of the said Order, that will be mutually acceptable to all interested parties and for the benefit of this woodland.

### **A Report on Proposed Operations**

Corby Beck Wood  
Great Corby  
Carlisle  
Cumbria

**James R S Holliday**  
**Forest Manager for Edwin Thompson Chartered Surveyors**

**18 December 2010**

Edwin Thompson LLP  
Fifteen Rosehill  
Montgomery Way  
Rosehill Industrial Estate  
Carlisle  
CA1 2RW

#### **Contents List**

3. Introduction
4. Proposed Operations
5. Proposed Outcomes

#### **Introduction**

Corby Beck Wood is an area of woodland located within the village of Great Corby, Carlisle, Cumbria and is comprised of mixed broadleaves and the occasional conifer trees along the stream known as Corby Beck. The area belongs to Corby Castle Estate, from here on forward referred to as "the estate". The woodland is transected by the watercourse of Corby Beck and grows on the thin soils of the banks to the north and south of the beck, many of which of the trees are of coppice species and there is a large majority of the trees are non-native. Although the woodland is not designated on any Governmental sites the area does show signs of an area with Semi Ancient woodland characteristics such as Scaly Male fern and Wood Anemone.

The limiting factors which may affect the future of the woodland are the proportion of non native species, the unsociable behaviour and the lack of light that penetrates the canopy. The woodland also has a disused sandstone quarry within it and a Public Footpath that runs through the area. Unsociable use and actions within the woodland have included the lighting of fires and the consumption of alcohol and associated littering.

The estate have carried out no sivicultural work within the woodland over the past decade or so and now wish to carry out a selective felling within the wood to target the non native tree species including English Oak, Ash, Hazel, Alder and endeavour to improve the woodland for many species of biodiversity.

## **Proposed Operations**

The estate did propose to fell more of the standing trees but on consultation with other parties and a forest manager further trees were outlined for retention and the second application to fell an amended proportion was adopted, this being sixty percent. The estate wish to carry out a selective felling operation within the woodland and this will remove sixty percent of the standing trees within the woodland which consist of mainly non native trees species and dangerous trees which endanger persons using the footpath. Non native tree species to be removed will include Sycamore, willows and Beech, all very shade casting and will be removed throughout the stand to achieve the following objectives:

- To encourage further canopy layers to benefit all species of avian life within the area. There will be the retention of an outer proportion of standing deadwood for woodland birds away from the road and the footpath.
- To coppice species along the edge of the watercourse will reduce the over shadowing of the water while increasing the diversity in that area.
- To remove non native tree species from an area where there should be primarily native tree species.
- To remove trees that pose a danger to the Public Footpath and safeguard the member of the public.
- To reduce the amount of leaf litter that enters the watercourse and ensure that nitrification is significantly reduced.
- To begin the restructuring of the woodland through the creation of canopy gaps and the planting of tree species that are native to the area both in terms of tree species and seed provenance. These will be planted within 1.2m tree shelters in accordance with Forestry Commission guides.
- To implement an access into the wood from which sivicultural and management operations can be carried out in years to come.
- To improve the woodland diversity in terms of canopy layers and native species to encourage a more varied selection of wildlife and a more aesthetic woodland within the finer landscape.
- All operations will conform to Forest and Water Guidelines along with Forestry Commission Best Practice.

## Proposed Outcomes

The proposed works of the selective felling and the replanting within Corby Beck wood will target the removal of the non native tree species to a percentage of sixty percent and those that pose a danger to users of the Public Right of Ways. These works will benefit the woodland, the members of the local community, the biodiversity and the remaining trees within the woodland. The newly planted trees within the woodland will ensure that the woodland remains within the landscape for future generations.

Within twenty years there should be four canopy layers within the woodland and a managed riparian edge where there is a suitable amount of light accessing the water surface and the remainder of the woodland will benefit from great diversity providing a habitat for many native species emulating a Semi Ancient Woodland.

## Economic Development

Assistant Director **C A Hardman** BA (Hons) BTP MRTPI

### Planning Services

**Civic Centre, Carlisle, CA3 8QG**

Phone (01228) 817000 • Fax Planning (01228) 817199 • Typetalk 18001 (01228) 817000

E-mail Development Control: [dc@carlisle.gov.uk](mailto:dc@carlisle.gov.uk) • Local Plans & Conservation: [lpc@carlisle.gov.uk](mailto:lpc@carlisle.gov.uk) • Building Control: [BC@carlisle.gov.uk](mailto:BC@carlisle.gov.uk)

---

A Colfer  
Solicitor  
Norbrook laboratories Ltd  
195 Armagh Road  
Newry  
County Down  
BT35 6PU

**Please ask for:**

**Direct Line:**

**E-mail:**

**Your ref:**

**Our ref:**

Charles Bennett  
01228 817535  
[charlesb@carlisle.gov.uk](mailto:charlesb@carlisle.gov.uk)  
LIT0337/AJC/AEG  
CB/TPO 256

17 January 2011

Dear A Colfer

### **OBJECTIONS TO TREE PRESERVATION ORDER 256 (WOODLAND ADJACENT CLINTS ROAD, GREAT CORBY, CARLISLE)**

I refer to your objections to the making of Tree Preservation Order 256 received in this office on the 23 December 2010 sent on behalf of your clients Lord and Lady Ballyedmond.

The Tree Preservation Order arose due to the registered Common status of the land and the City Councils contention that the Woodland is exempt from the duties imposed by the Forestry Act 1967 to obtain a licence to fell standing trees. A valid Scheme of Regulation is in force, copy enclosed, which sets out the City Councils rights to manage the Common for the benefit of the public. For this



INVESTOR IN PEOPLE

reason it is considered that the Forestry Commission cannot determine the felling licence application as it is outside their remit. As there were no other restrictions on the felling of trees within the majority of the woodland it was considered expedient to protect the trees by means of a Tree Preservation Order.

It should be noted that, a small portion of the western part of the site is within the Great Corby Conservation Area, and this does provide a degree of protection to the trees in this area.

At the present time the Forestry Commission are still considering if they have the authority to consider the felling licence application or if the woodland is exempt and therefore outside their remit.

The City Council were consulted on the felling licence application to clear fell and replant on the 12 November 2010, and only had sight of the amended proposals on receipt of your letter of objection and the enclosed document "A Report on Proposed Operations" by Mr James Holliday dated 18 December 2010. Notwithstanding this it is not the purpose of the Tree Preservation Order to prevent good woodland management, but to ensure such management and maintenance in accordance with the Scheme of Regulation and the Council's interest.

An application under the Tree Preservation Order to carry out work within the woodland in accordance with good practice would be welcomed, and I would welcome pre-application discussions on this with your Forestry Agent.

In the unlikely event that the Forestry Commission decide they do have the authority to determine your felling licence application this will not result in any future difficulties or unacceptable or unnecessary burden on your clients in making subsequent applications to the Forestry Commission to carry out woodland work.

In such circumstances an application for a felling licence would be made to the Forestry Commission in the usual way, they would consult the Local Authority, and assuming the application is in accordance with good practice consent should be forthcoming. The works could then be carried out in accordance with the licence without any need to make a further application for consent under the Tree Preservation Order.

The Local Authority could object to a felling licence application, but this would be unlikely and would only be where the circumstances are exceptional, or the works contrary to good practice. If, due to the Local Authorities objections the licence was refused or amended, compensation could be payable to the woodland owner.

I note the request on behalf of your clients that they wish to speak at the Development Control Committee, should it be necessary to take the Tree Preservation Order to the Committee for confirmation.

Whilst it is for the Development Control Committee to decide if a site visit is appropriate I will ensure that your client's invitation to visit the site is raised within the Committee report.

If necessary it is my intention to take the Tree Preservation Order to the Development Control Committee meeting on the 11 March 2011. The Committee meets in the Council Chamber at the Civic Centre, Rickergate, Carlisle, CA3 8QG, and the meeting commences at 10:00 am. I cannot state a time that the item will come before the Committee so it is important that your clients or their representatives arrive on time. I have enclosed a leaflet which sets out the Council's right to speak policy.

I hope I have been able to re-assure you that it is not the purpose of the Tree Preservation Order to prevent good woodland management, but to ensure such management bearing in mind the Council's responsibilities under the Scheme of Regulation. Therefore, I trust you are able to withdraw your objection to the Order.

Yours sincerely

**C Bennett**

Landscape Architect/Tree Officer

---

Burnside  
Broadwath Road  
Great Corby  
Cumbria  
CA4 8ND

22nd December, 2010

M D Lambert,  
Assistant Director [Governance]  
Carlisle City Council

Dear Mr Lambert,

**Tree Preservation Order, Great Corby 26 November 2010**

**In response to your formal notice we wish to clarify the council's intention in making this order.**

Following a conversation that we had with Charles Bennett yesterday, we would like to confirm that

- 1 although the preservation order specifies an area bounded to the East by the garden hedge of Burnside CA4 8ND it does not include the hedge and that we therefore have the right to continue to maintain the hedge and the trees within the hedge without interference from the council.
- 2 the need to trim limbs of trees near the boundary which overhang our garden will not require costly, time-consuming or onerous consultation with the council.

### **We also wish to**

- **register an objection to the proposal to extend this order permanently**
- **make a number of comments.**

- 1 Apparently this land has been in the stewardship of the council since at least 1915. Yet in all that time the council has not exercised any maintenance of the property. On the contrary it has allowed it to degenerate to its current doleful state.
- 2 We are told by those who have lived in the village for many years that the land has not traditionally been woodland. We know from documentation that it has been a quarry, a dump, and pasture land. It is scrub woodland now only by default of proper care and stewardship.
- 3 The land having been used as a rubbish dump in the past, has never been properly tidied up. More recently it has been damaged in a variety of ways not least by people continuing occasionally to dump old furniture etc upon it. Others have damaged trees and the rock face of the old quarry. None of this has apparently raised an outcry in the community or any concern or activity on the part of the council or its officers.
- 4 We welcomed the notice from Charles Bennett [CB/14 TREE C] that finally there was an initiative to improve the "woodland". And although we thought that some features of the proposal were odd [see proposed amendments below] we broadly welcomed it as a means of improving the quality of the woodland both for us as neighbours, the local community, the environment and local ecology.
- 5 For this reason we object to the permanent extension of the current preservation order. Whilst we welcome the belated involvement of the council we do not believe that the current order will lead to a better outcome than that proposed by the Forestry Commission.
- 6 We would prefer a modified version of the Forestry Commission's proposal to include the points outlined below. Failing that, the Forestry Commission's proposal is infinitely preferable to the suggestion that the ugly and poorly maintained scrub woodland should be preserved indefinitely.

Proposed amendments to the Forestry Commission's proposals outlined in CB/14 TREE C



- i) not all the existing trees should be felled. There are a small number of trees which are quite stately and should be preserved when younger trees are planted around them.
- ii) The replanting should include a wider range of trees than the three varieties proposed. This should reflect the local ecology not some amorphous forestry commission plan based on other environments. The Corby Beck runs through this patch of land and it has prompted the natural growth of species of alder and willow. Other species of tree that readily seed themselves in the immediate environs include holly, hazel, birch and bird cherry [gean] and, of course, oak and ash. These are the varieties that should be planted to create a distinctive local woodland.
- iii) The plan talks of allowing coppiced stools to re-grow. It should specify that these coppiced trees are maintained over time in the traditional way (ie cut back every 5 -10 years. This would increase the variety of the woodland, increase the range of habitats and food sources for local fauna and preserve the appearance of traditional English woodland.
- iv) The plan should explicitly include the removal of physical [old sofas] and visual [graffiti on the quarry walls] pollution. All this we assume was implicitly intended by the original proposal.
- v) The plan needs to include the control of animals which will damage the young growth particularly rabbits and deer.

We wish to make formal representation to the relevant committee and would ask you to offer us the necessary information and support to enable us to do this in a meaningful way.

Finally we wish to register concern that the current consultation does not appear to have been carried out in a thoughtful and impartial manner. It appears that only some people who live in the vicinity of this plot of land have received notice of the two proposals. You appear to have contacted those like ourselves whose property adjoins the “woodland”. You have also contacted some others whose property – according to the maps that you have circulated - clearly does not. However, others have not been contacted and have had no indication of either of the proposals currently being considered. We think that this lack of impartiality is unfair.

We also think, as you would expect, that as we share the largest common border with the “woodland” that our views should be weighted appropriately.

Yours sincerely,

S Thomas & B Thomas

Cc Charles Bennett

The Forestry Commission c/o Charles Bennett



Mr & Mrs Thomas  
Burnside  
Broadwath Road  
Great Corby  
Carlisle  
CA4 8ND

**Please ask for:**

**Direct Line:**

**E-mail:**

**Your ref:**

**Our ref:**

Charles Bennett

01228 817535

[charlesb@carlisle.gov.uk](mailto:charlesb@carlisle.gov.uk)

CB/TPO 256

23 December 2010

Dear Mr & Mrs Thomas

**OBJECTION TO TREE PRESERVATION ORDER 256 WOODLAND ADJACENT CLINTS ROAD, GREAT CORBY**

I refer to your letter dated 22 December 2010 objecting to the making of Tree Preservation Order 256. I will respond to your points in the order they appear in your letter.

No trees or hedges within the current curtilage of Burnside are included within the Tree Preservation Order, therefore consent to carry out works to these trees and hedges will not be required.

However, trees within the adjacent woodland are protected and consent will be required to prune these. It is not the purpose of the Tree Preservation Order to prevent the good management, maintenance and reasonable enjoyment of your garden, and consent to prune the trees in accordance with good practice is unlikely to be refused. There is no fee required to make an application, and there are strict time limits in which we have to determine the application. You would not have to consult the Local Authority prior to making an application but it is advisable to discuss the proposed works with the appropriate Officer who will be able to give guidance and advice.

Scrub woodland is a valuable biodiversity asset and this is in no small part due to the fact that it has remained undisturbed for long periods allowing communities of flora and fauna to become established. Indeed there are a number of ancient woodland indicator species present within this woodland, which would not normally be found on such sites unless they have had such undisturbed periods.



INVESTOR IN PEOPLE

So whilst the lack of management may have led to a somewhat derelict appearance, it has also benefited the woodland allowing these specialised plants to colonise the site.

Fly tipping and graffiti are not matters that I can consider as part of the objection to the Tree Preservation Order, as they do not relate to the trees. However, I will make enquiries with my colleagues to see what, if anything can be done.

It is not the purpose of the Tree Preservation Order to prevent good woodland management, but the Council are responsible for the trees on the Common for the benefit of the inhabitants of the District and the neighbourhood. The Council must take the appropriate action to ensure that the benefits of the Common can be enjoyed by all for generations to come.

An application to clear fell the trees and replant was made by the Great Corby Estate to the Forestry Commission, and it was this application that triggered the making of the Tree Preservation Order. Since the making of the Tree Preservation Order I have been advised that the proposals to clear fell the wood have been amended so that the application is now to fell 60% of the standing trees and replant using species native to the area suitably protected from grazing and browsing.

However, whilst the application to carry out the works has been made to the Forestry Commission it is my contention that they do not have the authority to determine it, and it follows pay the grant. This would result in no Authority ensuring good woodland management. Something the Tree preservation Order will ensure.

The grant application to the Forestry Commission and the making of the Tree Preservation Order are separate matters and have their own requirements for consultation. The Forestry Commission publish grant applications on their web site, usually without wider consultation. However, in this case it was felt that there would be considerable public interest so wider consultation was carried out which was co-ordinated by the City Council. Residents in the immediate vicinity as well as the Parish Council were asked for their comments. This consultation exceeds that which is required for the grant application.

The Forestry Commission consultation ended on the 10<sup>th</sup> December 2010, and the Council cannot alter this date, nor does the end date for representations in respect of the Tree Preservation Order take precedence. I have forwarded your letter to the Forestry Commission for their consideration as requested.

When Tree Preservation Orders are made the Local Authority must inform all those with an interest in the land. This includes those with an adjoining boundary, but it does not have to end here. If there is any doubt as to whether or not a property has an adjoining boundary it is best to include them. However, there is no requirement to inform those on

the other side of the road, or anyone else. However, as the representatives of the community the Parish Council is also informed.

Although there have been some differences in those informed about the Woodland Grant application and the Tree Preservation Order, in both instances the requirements for consultation and informing those with an interest exceed what is required.

I have noted your request to exercise your right to speak at the Development Control Committee, should this Tree Preservation Order go for their consideration. I will contact you again in the near future to advise you of the date and time of the Committee meeting and advise on attending the meeting.

The Local Authority has a duty when considering representations, whether objecting to, or supporting the Tree Preservation Order, to do so in an even handed and open manner and cannot give greater weight to any particular representation.

Finally, as previously mentioned, it is not the purpose of the Tree Preservation Order to prevent good woodland management, and I hope that through the Tree Preservation Order process that good woodland management can be achieved here for the benefit of all.

I trust I have satisfactorily addressed your objections to the Tree Preservation Order and you are now able to withdraw them.

Yours sincerely

**C Bennett**

Landscape Architect/Tree Officer