REPORT SUMMARY

TREE PRESERVATION ORDER NO: 0010/2017/TPO

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>High Wood High Woods Lane Royal Tunbridge Wells Kent</th>
</tr>
</thead>
<tbody>
<tr>
<td>TPO Served (Date):</td>
<td>TPO Expiry Date</td>
</tr>
<tr>
<td>02.05.2017</td>
<td>02.11.2017</td>
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<tr>
<td>Served on:</td>
<td></td>
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<tr>
<td>Oaken, Little Bayhall Farm, High Woods Lane, Royal Tunbridge Wells, Kent</td>
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<tr>
<td>Copied to:</td>
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<tr>
<td>Kent Highway Services Mid Kent Division</td>
<td></td>
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<tr>
<td>GIS Team TWBC</td>
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<tr>
<td>Land Charges Team</td>
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<tr>
<td>The Forestry Commission</td>
<td></td>
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<tr>
<td>Representatives</td>
<td>Support:0</td>
</tr>
</tbody>
</table>

RECOMMENDATION: CONFIRM

SUMMARY OF REASONS FOR RECOMMENDATION:

Regard has been had to the objections raised, but these are not considered to outweigh the benefit that the ancient woodland contributes to the amenity and local landscape character and it is expedient to confirm the Tree Preservation Order (TPO).

REASON FOR REFERRAL TO COMMITTEE

All TPOs with unresolved objections are presented to the Planning Committee for decision if the recommendation is to Confirm.

WARD Park |
PARISH/TOWN COUNCIL |
SITE OWNER |
Ian Bowman |
DECISION DUE DATE n/a |
OBJECTION EXPIRY DATE 30.05.2017 |
OFFICER SITE VISIT DATE Various |

RELEVANT PLANNING HISTORY (including relevant history on adjoining site):

16/00809/OPDEV Second Enforcement Notice against hardcore track through woodland and the creation of earth bunds.

Requirements: remove all hardcore dug into ground as indicated on plan and remove earth bunds as indicated on plan. Use the earth to infill the track following the removal of the hardcore.

(Officer Note: this corrected a technical issue with the original Enforcement Notice – see below) |
Issued 16/10/17 |
First Enforcement Notice against hardcore track through woodland and the creation of earth bunds.

Requirements: remove all hardcore dug into ground as indicated on plan and remove earth bunds as indicated on plan. Use the earth to infill the track following the removal of the hardcore

Issued 04/09/17

| 17/01221/FULL | Proposal: Part Retrospective – Installation of surfaced track | Refused 28/06/17 |
| 17/00804/LDCEX | Proposal: Lawful Development Certificate (Existing) - Surfaced track | Granted 12/05/17 |
| 0010/2017/TPO | Provisional TPO (confirmation being considered on this Agenda) | Provisional 02/05/17 |
| 002/1948 | Original TPO | Confirmed |

**MAIN REPORT**

1.0 DESCRIPTION OF SITE

1.01 The site is to the east of Hawkenbury, Royal Tunbridge Wells, adjacent to the Hawkenbury recreation ground and High Woods Lane.

1.02 The part of the woodland south of High Woods Lane is owned privately, that to the north is owned by the Council.

1.03 The ground is level over the north part, and gradually slopes to the south in the western corner.

1.04 With the exception of the recreation ground, the surrounding area is mainly agricultural with scattered housing.

1.05 The site is recognised as being Ancient Semi-Natural Woodland (ASNW). This means that there has continuously been woodland on the site since before 1600 AD as far as records can show, and probably beyond that period. It is possible that many ancient woodlands have never been completely cleared of trees since the last Ice Age, although parts of them may have been cleared for short periods from time to time and then been allowed to regrow.

1.06 The designation of ASNW relates to the site itself, and not necessarily to the individual trees; over the years, the trees will have been either coppiced for underwood or felled as timber as appropriate, with the tree stock re growing and/or being replenished as part of normal management.

1.07 Whilst the nature and density of tree cover on any ASNW site may to some extent have been changeable over time, the fact that it has largely remained as tree cover has meant that the soils beneath are largely undisturbed, and have an importance in
Planning Committee Report
24 October 2017

terms of biodiversity, and support a range of assorted flora and fauna communities that may well take hundreds of years to evolve.

1.08 The value of ASNW in the UK has only been recognised relatively recently, and because it is relatively scarce and of the national importance, it has been given special consideration in the NPPF.

2.0 BACKGROUND

2.01 High Woods was first protected by a Tree Preservation Order (TPO 02/1948). It is the oldest TPO on the Tunbridge Wells TPO Register.

2.02 Records show that the woodland has been retained until very recently under appropriate management, both by TPO applications and by Forestry Commission felling licences, although more recent work did raise some concerns due to timing and method of operation.

2.03 One area of woodland on the eastern side has been cleared for agriculture (Marked A on woodland plan – Appendix A), although no records show when this might have been, though it is thought to have been at least 20 years ago, and the land has been ploughed and shows no sign of vestige ASNW.

2.04 In February of this year, reports were received to say that a track had been made in the woods. Investigations revealed that a track and bund had been constructed running mainly north – south through the woods widening a former unpaved track and resulting in the loss of at least several coppice stools. This track led from a previously constructed track leading into the site from High Woods Lane which appeared to have been constructed several years ago. A retrospective application was invited for the former, and a lawful development certificate application invited for the latter – please see planning history above. The intention was that if the retrospective application was unsuccessful, a re-instatement of that part of the woodland should take place afterwards.

2.05 In late April, a complaint was received that there were fires on the site. A visit revealed that further works to extend the track had taken place into a cleared area to the south, and that this area had been burned off. The fire had extended (apparently with the assistance of local youths) into the coppice woodland and had caused extensive damage.

2.06 It was noted that the area that the cleared area (apparently used at one time as a plant area, and marked B on woodland plan – Appendix B) had remnant ASNW ground flora, and was actually classified as ASNW. Although the trees had been cleared from time to time, and it was largely meadow like in appearance, there was some natural regeneration, and together with the ASNW ground flora and ASNW designation, it was considered worthy of protection as part of the woodland, even though it had not been included in the original TPO.

2.07 Consequently, a new TPO (TPO 0010/2017 – High Woods) was made to exclude Part A (the ploughed up area) from protection, but to include Part B (where there is remnant ground flora and regenerating woodland) to re-affirm the integrity of the ASNW.
3.0 LOCAL REPRESENTATIONS

3.01 The TPO was served on the owner of the main part of the woodland, and on the Council as owner as part of the woodland, with copies being sent to the Forestry Commission, and to Highways, as it is bordered by a road.

4.0 CONSULTATIONS

4.01 The owner of the main part of the woodland raised objections to the TPO.

5.0 OBJECTIONS

5.01 The objections are summarised below with the response to each objection being made in italics.

5.02 Objection 1. The government web site says that all old TPO orders were automatically updated in 2012. Although I was not informed of this fact at the time I assume this still covers High Woods. The website says ‘there is no need for Orders made before 6 April 2012 to be remade, amended or reissued.’ Could you please give me the rationale for going against this advice?

*When the TPO legislation and the TPO format was simplified in changes in 2012, it was automatically backdated to include all TPOs issued to that date. This new TPO makes changes to the actual area covered, and so was beyond a merely administrative change, and so Officers consider a new TPO was the best approach to take.*

5.03 Objection 2. The land in the new TPO area has been grazed before, and trying to impose control by use of a TPO is an expensive waste of time.

*It is true that the area has been cleared previously, however it still has some remnant ASNW flora, has some natural regeneration of trees, and is on the national register of ASNW. The Council has a duty to consider its protection.*

5.04 Does it affect the felling licence in place?

*The felling licence takes precedence over the TPO (and materially the situation hasn’t changed in that part of the woodland), however it is important that the work is done in accordance with good woodland practice, consideration of wildlife and at the right time of year.*

6.0 APPRAISAL

6.01 High Wood is an ASNW. ASNW is recognised as being a scarce and finite national resource and is singled out for special protection in the NPPF.

6.02 Although most of High Wood has been protected by TPO for 69 years, one area had had trees removed, and more recently one area had been damaged, whilst one area of land, previously cleared but classed as ASNW, had not been included in that TPO.

6.03 A new TPO was made to exclude the area of the wood that has been extensively farmed and has no vestige of ASNW cover, and to include the part that is classed as ASNW, but was not included in the original TPO.
6.04 Objections were received to the new TPO, mainly on the grounds of the inclusion of the new part, however the importance of this part of ASNW is considered to outweigh the reasons for objection, especially when balanced against the area of land taken out of the TPO.

7.0 RECOMMENDATION

7.01 That TPO 0010/2017, High Woods, Tunbridge Wells, which was made on 2nd May 2017 be confirmed without modification.

Appendices:

A) Woodland Plan
B) Aerial photograph of High Wood
C) Extract from plan of 1948 TPO

Case Officer: Dan Docker