



IPSWICH
BOROUGH COUNCIL

SOUTH EAST area committee

**WEDNESDAY
21 NOVEMBER 2018
RED ARENA, IPSWICH ACADEMY,
BRAZIERS WOOD ROAD,
IPSWICH IP3 0SP
7.00 PM**

SUPPLEMENTARY INFORMATION

	PART 1
11.	<p>SEAC/18/18 Asset of Community Value Nomination - Land Known as White Elm Woodland, Mitre Way, Ipswich Additional Comments from Applicant in Response to Owner’s Objections (Pages 1 - 4)</p> <p>Comments from Councillor Parry (Pages 5 - 6)</p>

Shirley Jarlett

SHIRLEY JARLETT
MONITORING OFFICER
21 November 2018

Any enquiries about this meeting should be addressed to
Ainsley Gilbert - 01473 432510 / ainsley.gilbert@ipswich.gov.uk
Grafton House, 15 - 17 Russell Road, Ipswich IP1 2DE.
Website: www.ipswich.gov.uk



The information contained within these papers can be made available in alternative formats. Please use the contact details above for assistance

Additional Comments from Applicant in Response to Owner's Objections

Dear Clare,

I feel it is important for me to respond to Mr Appleton's objection with factually correct information and for councillors to have the opportunity to consider this response in advance of the SEAC meeting on Wednesday evening. I would therefore appreciate if you could circulate the following please.

Please find my responses in green italics to each element of the owners objections:

"The site has no public access or right of way and has been abandoned, untouched for over 25 years. The site itself is unsafe and unsuitable for the public to go walking on. With numerous areas of fly tipping from the neighbors using the site as a convenient dump."

Although the woodland may well have been generally abandoned and uncared for by the people who owned it over the past 25 years, the site has been regularly played in and loved by generations of local families and children. This ranges from staff at the old Rosehill Crescent children's nursery taking children to play there in the 1960's, Cavendish School children swimming in the natural pool, locals fishing in the pool through to the children and grandchildren of local residents growing up playing in it. Whilst there is clearly some evidence of local people, mainly renters dumping rubbish onto the land the overwhelming majority of residents respect and care for the land including accessing it to clear unsightly litter when the current owner has not done so.

I am concerned to hear that the owner states the site is 'unsafe'. He has been accessing the site regularly over a long period to remove trees and ivy and in preparation for his planning applications and so I would have expected him to ensure the area was safe for himself and for the surveyors and various professionals he has invited onto the site.

It is important to point out the the owner has a Duty of Care under the Owners Liability Acts (attached) to both visitors and trespassers and his stating that the site is not safe suggests he is not complying with this burden of liability.

[Occupiers Liability Act 1957](#)- which imposes an obligation on occupiers with regard to 'lawful visitors.

[Occupiers Liability Act 1984](#) - which imposes liability on occupiers with regard to persons other than 'his visitors'.

"Even if it were to be open to the public, there is no suitable public parking areas surrounding the site is purely residential parking and private road (Mitre Way) also owned by us."

Access and parking would be resolved as part of the scoping and planning of the forest school activities.

"We believe the residents group are taking this approach with the view of reducing the value of the property and making it undesirable for others to purchase reducing competition as they are currently looking to purchase it from us. If the council were to

support this tactic, we would be looking for you (the council) to equally reimburse us for our losses via legal action. I, as an Ipswich tax payer would see this as a massively inappropriate use of public funds for a small piece on private land benefiting no more than 20 households that back onto the site and I'm sure other tax payers in Ipswich would agree wasting public funds and potentially blocking 32 new homes being built."

The White Elm Woodland CIC was set up to purchase the land from the owner to protect it from future development. When his planning application was rejected he asked us if we would be willing to purchase it from him, allowed access for a surveyor to the site on our behalf and was aware that we were establishing a group with the intention of raising funds. But having set up the CIC and established a clear way forward he has now decided not to sell to us. A major concern for us now is the risk that the owner will sell the land to another developer leaving the group to fight future planning applications. We believe this to be his intention and the ACV application is the correct process for us to follow to mitigate that risk in an effort to protect the land for future use by the community. It is not an effort to devalue the land. The history of failed planning applications will have more of an impact on the value than the ACV. We are aware the even with ACV registration he is under no obligation to sell to us however we remain willing and able to raise a mutually agreeable sum to purchase the land.

The payment of a reasonable sum would negate the need for legal action against the council and any necessary associated reimbursement.

In relation to the comment "benefiting no more than 20 households that back onto the site". In total 86 of the 91 objections to his planning application were received from local addresses. Cavendish Street - 23, Rosehill Road and Crescent - 20, Mitre Way - 7, Alan Road - 5, Devonshire Road - 4 and a further 27 addresses in the close vicinity. The remaining 5 objections were from 3 people with no addresses listed and one each from Kesgrave and Felixstowe.

In relation to the comment "potentially blocking 32 new homes being built." The owners planning application was unanimously refused on the basis that the proposal was "contrary to policies DM13 (c), DM10, DM31, DM33, CS4 and CS16 of the Ipswich Core Strategy and Policies Development Plan Document (2017)." Specifically the refusal mentioned "The proposed development for a detached two-storey dwelling within this woodland setting which is of local ecological importance is considered unacceptable, and if permitted, would be contrary to those aforementioned policies which seek collectively to protect and enhance the special character and appearance of the site." This is the 4th planning application to be fought by local residents and subsequently refused in the past 15 years and future applications for any number of houses would likely receive the same level of local attention and objection.

"Equally many of the residents in the group don't back onto our site and therefore offers no value to their health or well-being, some as far as Australia getting involved in the challenge."

Previously mentioned details of the 86 local objections clearly disputes this comment and we can find no mention of a challenge from Australia or anywhere outside of Suffolk for that matter.

"The only value that can be associated to the site is the trees, and as per the tree survey attached the majority are end of life and multiple are collapsing annually. So the associated value of the Tree Coverage is not something that can be maintained in the medium-long term. Equally, if we were to accept this as a woodland the forestry commission has confirmed they were happy for us to cut down the majority of the border trees to allow regrowth at the centre of the site. Something beyond the control of the council."

The tree survey does not state that the majority of the trees are end of life. In complete contradiction to this suggestion it in fact states:

3.11. The majority of trees were sycamore, many of which were etoiled in form and clothed in ivy. Individually they were largely unremarkable but collectively they contribute to the canopy of the woodland and provide useful screening between residential areas.

3.12. Of note were trees T25 and T56, two fine weeping beech. These, along with T33, an oak, and T44, a cedar, are likely to be original features of the landscaped area and are dominant and pleasant features."

3.14. The majority of features surveyed (34 of the 64 features) were classed as the moderate 'B' category. This is largely because they provide good screening value collectively rather than being of individual merit.

3.15. Eight trees were afforded the high 'A' category and great efforts should be made to ensure these trees are retained because of their amenity and historical value as well as the anticipated long term contribution to the area they can make. These were trees T15, 18, 25, 33, 43, 44, 47 and 56.

3.16. Two Category U features were recorded, these were dead trees and although they should not pose a significant constraint to any development proposals they could easily be left in situ to decay and provide valuable habitat for insects and other wildlife.

The suggestion that the "associated value of the tree coverage is not something that can be maintained in the medium-long term" is not at all what the report states and demonstrates no regard to the following:

- The trees within the site are protected by Tree Preservation Order (TPO 16/2003).*
- It is listed as part of Ipswich Borough Councils (IBC) Local Plan - Plan 6 Green Corridors Adopted 22nd February 2017 Corridor F.*
- Its forms part of the wider ecological network in the area and is safeguarded as a Local Wildlife Site.*

With regard to the following sentence "Equally, it we were to accept this as a woodland...." This statement is very concerning as it suggests the owner does not accept that it is already a protected woodland as stated above and as such he has a duty of care to the TPO registered tree's. It instead suggests that the owner does not see it as a woodland, but instead a potential building plot.

With regard to the rest of that sentence: "the forestry commission has confirmed the were happy for us to cut down the majority of the border trees to allow regrowth at the centre of the site. "Something beyond the control of the council". I am not aware of such a report from the Forestry Commission and this kind of action is certainly not beyond the control of the council because of the blanket TPO requiring a planning application before any work can commence on any trees.

"Residents will have you believe this site is full of wildlife, however they continue to ignore the environmental survey carried out which found no relevant species on site and the site itself was undesirable due to no foraging plants and high canopy."

The Ecological survey was based upon a proposal for an "eco-friendly, single-storey house", "small in scale and low in impact." and therefore "Further surveys or mitigation for other protected, priority or rare mammals were considered unnecessary."

I personally can provide video evidence from within the last week of muntjac, foxes and hedgehogs and can provide further recent photographic and audio evidence of stag beetles, tawny owls and toads. I have no doubt that my neighbours can add to this collection and indeed the 91 objectors letters provided vast amounts of data regarding the huge array of species identified by dozens of individuals. The lists of animals was in fact extraordinary for such a small woodland.

I hope this information provides valuable local insight into the woodland, its wildlife and the community who live around it. I will be present at the SEAC meeting to answer any questions.

Many thanks Clare

Best wishes
Faye Gatenby

Comments from Councillor Parry

Dear Sarah,

Re : Item 11 on the Agenda for Wed 21/11/2108
Asset of Community Value Nomination
Land known as White Elm Woodland Mitre Way Ipswich

You have kindly agreed to read out a letter from me in relation to the above item as I am unable to attend the meeting and I will be grateful if you would read out the following on my behalf.

1. I am sorry that I cannot attend tonight and welcome the opportunity to be consulted as a Ward Councillor.
2. I am very happy indeed to support the Application as it is clear to me that the woodland has furthered the social wellbeing and social interests of the community in the recent past.
3. Residents in the surrounding community have used the woodland extensively and consistently, respecting and enjoying the trees and wildlife as a special place of interest and activity.
4. A Woodland Action Group was set up and volunteered with a previous owner to help with the management of the woodland. The local community have enjoyed and exercised direct access onto the woodland and have spent years not only enjoying but also clearing the woodland including before the current owner purchased the land at auction. The community clearly value the area greatly as has been shown by their commitment, loyalty and support over many years including the recent past to prevent development on the woodland.
5. It was agreed as long ago as the late 1990s in relation to previous planning applications that Mitre Way would be the limit of development in this area and that it would be unacceptable as a matter of principle to have any development in this area of woodland.
6. This Application to register the land as an Asset of Community Value follows the unanimous rejection in the very recent past of a further application to build on the land and it is clear from the Application that the community use proposed is realistic and viable.
7. What the Applicant is proposing is to protect, preserve, manage and use the woodland as it is meant to be used, within its designation as a local wildlife site in the Local Plan. I submit that this is in fact the only viable use for this land and it is realistic to think that the woodland will be used to further the social wellbeing and social interests of the local community if the current owner will agree to sell it for this community use.
8. I am satisfied as a Ward Councillor and submit that the Council can also be of the opinion that the land is of community value and for that reason should be added to our Council's List of Assets of Community Value.

yours sincerely,

Councillor Jan Parry.

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