



Mark Boyd,
Urbana Planning.

December 2nd 2019.

Woodland Parcel at Bank End Road;
summary of pertinent matters.

1. This small plot of woodland is unmanaged. Managing small parcels of urban woodland with nearby roads and large numbers of neighbours is invariably expensive.
2. 42% of woodlands are unmanaged and the Forestry Commission are concerned.
3. Managed woodlands are of greater benefit to biodiversity than unmanaged woodlands.
4. Without management there is a strong chance that this woodland will become derelict with its biodiversity value reduced.
5. Sacrificing a small portion of the woodland area to development should release funds that could be spent on proactive management of the remainder.
6. A well designed development could improve access (for machinery) to the woodland, which would decrease the costs of future management.
7. Although the woodland is small it could be managed in manner that would produce sufficient firewood to supply a small development, which should be looked upon as highly sustainable.
8. Although the woodland is protected by a Tree Preservation Order, and indeed the Forestry Act, there is no mechanism within these statutory-protection-systems to enforce any particular management regime. The best way to achieve a proactive management regime is to make it an imperative to the owners.
9. In urban areas, small parcels of unmanaged woodland with an untraceable owner are fairly common. In my experience the management of such areas eventually falls to the local authority.
10. The worst case scenario with this woodland is that nothing happens.

I trust you will find this helpful.

sincerely,

Bill Anderson.

- Enclosures: 1. Report from March 2018.
2. Discussion document from October 2019.



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Mrs B Taylor,
5 Taptonville Head,
Sheffield,
S10 5AY.

March 16th 2018.

Dear Mrs Taylor,

Land at Bank End Road, Worsbrough Dale,
Barnsley, S70 4QH.

You are the owner of the above plot between no 17 and a recently developed cul-de-sac called Church View. the plot is covered in trees and is the subject of a "woodland" Tree Preservation Order (TPO), served by Barnsley Council. You require advice on the woodland's maintenance and also on the possibility of obtaining planning permission to build a house or perhaps a couple of houses. I shall address the various background matters and then consider the trees.

Background.

Firstly it's necessary to consider how trees and woodlands are protected in the UK. Currently under the Forestry Act it is necessary to obtain a Felling Licence before removing more than a certain quantity of timber from any woodland. (Currently this is 5 cubic metres per calendar quarter.) There are exemptions within the Act so normal domestic gardens and churchyards (amongst others) can do what they like without applying (to the Forestry Commission¹) for a Licence. TPOs shouldn't really be necessary where a Felling Licence would be required, but some overlap of the two systems is probably inevitable. This shouldn't be a problem but it would probably not surprise you to know that I have been involved with situations where, to the Forestry Commission's annoyance, a TPO has been used to over-rule a Felling Licence.

A Tree Preservation Order with the woodland designation protects everything that grows in the woodland now and in the future, and is undeniably a tree. There is something of a mystery surrounding precisely where a tree starts to become a tree: A recent Court dispute involving a replanting order after some woodland was cleared implied that seedlings were trees but someone being prosecuted for trampling a seedling in a protected woodland appears unlikely. This is not to say that someone who deliberately cleared all the undergrowth from a woodland could not be reasonably ordered to replant.

In 2012 the Government introduced the National Planning Policy Framework which is very simply the rules whereby local planning authorities should make their planning decisions. It has very little to say about trees except in relation to biodiversity. It does emphasise the value of veteran trees and semi-natural ancient woodland (SNAW) to biodiversity and fairly

¹ See the Forestry Commission website and <https://www.forestry.gov.uk/forestry/infed-6dfkw6>



clearly states that development that might lead to the loss of these features should be refused unless the development's benefit clearly outweighs the loss of biodiversity.

The NPPF could be interpreted to mean that "woodland" in planning terms at least, should therefore always be SNAW. It might seem somewhat pedantic to draw a distinction between recently planted woodland and SNAW but it is obvious that wandering onto a plot of land and planting trees does not suddenly give the plot the biodiversity value of an area of land that has been covered in trees since the last Ice Age.

The famous Landscape Historian Oliver Rackham (who studied and wrote extensively on the subject of woodlands) refers in his books to "secondary woodland" and "established secondary woodland," which in my opinion, are useful distinctions to draw. I consider secondary woodland as being woodland where a past land-use is still apparent despite being colonised by trees, and then established secondary woodland as being woodland where a diverse range of species and trees of varying ages might have developed, although it is clear the woodland is not ancient.

At this point we also need to consider "Plantations on Ancient Woodland Sites" (PAWS). It was the First World War that led to the development of the Forestry Commission, who were charged with the task of ensuring that the Country became more self-sufficient in wood. Lots of old woodlands were cleared for the war-effort and then replanted afterwards with fast-growing, high-yielding tree species. These were invariably coniferous; Spruce, Corsican Pine, Japanese Larch and such like, most of which were not native. These, by definition (although it was not a concern at the time), have lower biodiversity value than native species. It has since been discovered that the seeds deposited in the soil before the "coniferisation" can remain viable, thus there are now schemes to restore these PAWS sites. The pertinence of this is that the biodiversity value of a PAWS site may be much higher than a monoculture of Sitka Spruce would suggest.

TPOs can only be served in the interests of "amenity," which is not actually defined by the Planning Act². The Government has issued further guidance³ on this matter wherein we discover that amenity should mean more than mere visibility. (This guidance is not just "guidance;" it has exactly the same significance as the NPPF.) In the case of SNAW the biodiversity-value alone is probably sufficient justification for TPO protection, even if the woodland was hidden from general view.

It is something of a moot topic but the TPO guidance emphasises that protection (of woodland) should not hinder "beneficial woodland management." Many people appear to be under the impression that doing nothing is good woodland management. Most of the Forestry and Arboricultural industry are aware that woodland management is essential and that an awful lot of the Country's woodland is woefully under-managed. Without management biodiversity is likely to decrease and carbon sequestration (removal of carbon from the atmosphere) declines as well. Doing nothing should be avoided.

² See <http://www.legislation.gov.uk/ukpga/1990/8/part/VIII> (section 198.)

³ See <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

It should be noted that a grant of Planning Permission is one of the exemptions for a Felling Licence and also over-rides a TPO.

This concludes my brief summary of the current regulations surrounding trees and woodlands and their statutory protection insofar as it is pertinent to this situation.

The trees.

This group of trees can reasonably be described as Oak woodland. Most of the mature trees are Oak although I found some Sycamore, a Sweet Chestnut and a couple of Ash. There are some Sycamore saplings amongst the established trees, and I also noticed some Cherry saplings and a couple of Beech seedlings as well. There is some Elm coppice growth growing from what I imagine is the stump of an Elm killed by Dutch Elm Disease. A decrepit Hawthorn hedge grows at the side of Bank End Road. The largest tree I measured has a trunk diameter of 720 mm.

Along the Eastern boundary a neighbour has planted a hedge of Cherry Laurel, which at the woodland side at least is unkempt. Cherry Laurel is something of an invasive pest in woodlands and should ideally be controlled. On the subject of invasive pests, there is a fairly large patch of Japanese Knotweed growing on the northern boundary.



Photograph 1.

Photograph 1 is a view of the eastern end of the site. The grass area at the right is the garden to the neighbouring house (17 Bank End Road). The evergreen shrubs along the boundary are Cherry Laurel. The slightly darker evergreens in the woodland proper are Holly. The slope faces roughly south-south-west.



Photograph 2.

Photograph 2 is a view taken from roughly the same position as photo 1, but looking north-west. The new development to the west of the site can be glimpsed through the trees.

Part of my reason for taking this photograph was to try and show how the trees have lower branches extending over the road. I noted that one tree had recently lost a lower branch, possibly because it was struck by a high-sided vehicle.

Photograph 3 is a view of the broken branch; I presume a passing vehicle caught the distal part which drooped. My first impression of the trees was that all of them were at risk of being hit by passing traffic, although the fact that I did not find more broken branches than this one suggests I've over-estimated the size of vehicles likely to travel along Bank End Road. Nonetheless I think it would be prudent to remove lower branches from all the trees at the roadside, just to ensure that the trees are not damaged by vehicles, and vice versa.



Photograph 3.



Photograph 4.



Photograph 5.

Photograph 4 is a view of the woodland showing how it relates to the newly built houses.

Photograph 5 is a view of the boundary of the woodland. I gained the distinct impression that there had been significant excavations alongside this boundary; the development appears to have required some major earthworks to create the topography it has now. Views of the site available on Google from before the development don't really show the original topography as it seems that the site spent some years partially excavated. However it's clear that building here required significant quantities of spoil to be removed from the site.



Photograph 6.

Photograph 6 is a view of part of the woodland with the new development in the background. The trees in the foreground are little more than saplings, mainly Oak with an occasional Sycamore. The paucity of ground flora is my concern here; on slopes like this soil erosion can become a problem. Although some people think that the tree roots will bind the soil the truth is that the ground flora also play a significant part in stabilising the soil. Unfortunately the shade from established trees can suppress the ground flora. What is needed here is some management work to ensure that more light reaches the woodland floor. It's possible that there is dormant seed within the soil and given reasonable conditions, this might very well germinate. Obviously this would also improve biodiversity.



Photograph 7.

Photograph 7 is another view of the woodland, taken from roughly the same position as photo 6 but looking east.

The ground flora in this area is much the same as in photo 6, but at the top of the slope I found the aforementioned patch of Japanese Knotweed.

Photograph 8 is a view of the Japanese Knotweed. This is usually introduced to a site with imported material. Fly-tipping is often responsible for spreading invasive species.



Photograph 8.



Photograph 9.

Fly-tipping is something of a scourge for urban or peri-urban woodland. Photograph 9 shows fly-tipping elsewhere on the site's northern boundary. Fortunately this appears only to be brushwood, possibly from trees along the boundary.

It is my experience that many people do not seem to appreciate that tipping plant material into woodlands is doing any harm. In fact I've been told before now that it's "enriching the environment!" This is almost always untrue, usually completely the opposite. Non-native or alien species taking over woodlands and other plots of land is currently a major concern to the environmentally concerned community. In fact the aforementioned Oliver Rackham regarded the three greatest threats to our landscape and flora and fauna as, invasive species, climate change, and the globalisation of disease. It is telling that the Japanese Knotweed on this site is almost certainly present as a result of fly-tipping.

The problem with non-native plants is not only that they displace native species, but that they are invariably have the in-built ability to suppress other species. The reason ancient

woodland is important to biodiversity is that the trees, plants and creatures therein have had a lot of time in which to develop relationships. Thus an Oak can tolerate defoliation by a moth; it's evolved to put up with it. In turn other species might very well appreciate the moth's caterpillar as food. Alien species have usually not managed to get here with their associated dependent floras and wildlife so when they displace native species, biodiversity is reduced.

Returning to specifics, on this site I noticed quite a lot of Ivy which is also something of a conundrum. Many people assume it's a pest but as a native plant it actually doesn't do much harm to the plants over which it climbs. Also, flowering in winter it's a useful nectar source for insects when there's not much else about and birds eat its fruit. The tangled mass of foliage also provides good cover for birds' roosting and nesting. In fact we can see on this site how despite behaving like a weed in some ways, it actually rarely completely dominates its host. In photograph 4 the Ivy can be seen only growing so far up the trunks of trees before stopping. It seems that something within the tree prevents the Ivy completely overgrowing its host.

Photograph 10 is a view of a patch of ground that still has some ground flora in the snow. I took the picture to show that the emerging Bluebells also seem to coexist with the Ivy.



Photograph 10.

The area shown in photo 10 is not typical of the whole woodland and despite it being a bit more interesting than the majority of the woodland floor, is still not what I could identify as typical of SNAW. It is normal to find a good range of plant species in ancient woodland and many species are thought to be highly indicative of a woodland's age. These are usually referred to as "indicator species" and when they occur in sufficient numbers then it's usually a good indication of ancient woodland. In SNAW we might typically find Dog's Mercury, Wood Anemone, Wood Sorrel, Yellow Archangel, and Bluebells. (The native sort, not the interloping Spanish ones, which are another garden escapee.)

While I noted patches of emerging Bluebells about the woodland, the only other ground flora I noted were Daffodils (probably escapees) and Blackberry Bramble. That said at this time of year finding wild flowers is not the easiest occupation.

Another concern on the site is vandalism, which fortunately does not seem to be ongoing.



Photograph 11.



Photograph 12.

Photographs 11 & 12 show a couple of vandalised trees and there are many more besides. The tree in photo 11 is sufficiently badly damaged for me to consider it in need of remedial work; it could possibly fall and reach the road. I do not think this vandal damage is particularly malicious, it looks aimless, more like that done by mischievous children than someone deliberately setting out to kill a tree. It's possible that now the adjacent development is occupied, children will be discouraged from getting up to mischief quite so much.

People living adjacent to woodland can be the catalysts for woodland management. They are often the people most inconvenienced by nearby trees; by shade and leaf litter. Conversely they are often the source of fly-tipping, as can be seen in photo 9.

This concludes my observations on this woodland.

Woodland management.

The management of urban woodland should not be complicated. The objectives should be to maintain a range of species and a diverse age structure. Unfortunately in small woodlands like this the costs are likely to be high. In larger woodlands the revenue generated from timber sales might mean the costs are more than covered but unfortunately revenue is only ever likely to be generated from a woodland larger than say 200 hectares.

The expense in small woodlands is mainly in maintaining the edges. In this woodland, which I estimate at approximately half-a-hectare, it is plain that simply pruning the trees at the side of the road is likely to cost a couple of thousand pounds. This is because working at the side of roads is dangerous and is likely to require traffic management. Traffic management is

likely to cost a third of that sum. Pruning trees adjacent to houses is cheaper simply because traffic control isn't needed. Removing the tree in photo 11 would cost approximately £500.00. Another expense here is brought about by the fact that the woodland has no vehicular access. This means removing timber or debris is going to be largely by hand rather than machinery.

In this case bringing the woodland into proactive management would involve removing some of the larger trees to allow some light to get to the woodland floor and perhaps planting some other tree species in the spaces created. Introducing some native woodland wild flowers might also prove necessary if the light did not lead to dormant seed being revealed. The management plan would also involve getting rid of the Japanese Knotweed and keeping the Cherry Laurel from spreading from next door.

Instigating a management plan would involve getting permission from the local planning authority (the Council) and possibly a Felling Licence. It's possible that the Forestry Commission might give a grant towards bringing the woodland into management, but such grants are unlikely to be more than a few hundred pounds.

I am conscious that unless some management is undertaken this site's biodiversity is likely to decline, especially if the invasive species are allowed to remain. I am also conscious that proactive management to diversify the age range and the species diversity is almost certain to increase the site's contribution to neighbourhood biodiversity.

Discussion.

The expense of managing small woodlands often leads to work being neglected and I'm sure this is the case here. The idea that "woodlands will look after themselves" is deep seated and I suspect that this is a factor as well. When the TPO system was originally conceived it was presumed that trees that merited protection would also merit a local authority making a grant of some sort, towards their maintenance. Indeed many people, on discovering that their trees are protected presume that they will be rewarded in some way. After all if someone goes to the trouble of growing a tree that merits some veneration then surely some sort of reward should be forthcoming? (A reduction in Council Tax perhaps?)

This is not the case. Councils are under no obligation to take any responsibility for protected trees although they can dictate what work can be undertaken by refusing permission when a tree-work application is made. Conversely the TPO system does not grant them any right to demand any maintenance work. When the Highways people demand that lower branches are removed to make way for traffic they do not use the TPO-legislation, they use the Highways Act (or something similar). Equally if a Public Safety Officer requires a tree to be removed on the grounds of safety, he or she will use some other legislation to demand it of the tree owner (probably the Miscellaneous Provisions Act).

I have to say that seeing precisely what benefit this woodland provides to an absentee owner is difficult. If someone lived on or adjacent to the site it is possible that it could be managed for recreation and to produce some timber, either for fuel or for domestic use, but managing it simply to maintain its biodiversity value and its contribution to the neighbourhood's landscape would have to be an extremely altruistic gesture. The best way of creating a situation would be to find someone who wanted to live in such an environment and allow that person to build a house in the woodland.

Although at first glance this would appear to be totally contrary to the NPPF then I think it is worth pointing out that the house next door, 17 Bank End Road is actually in exactly that situation. That said I cannot endorse the neighbour's woodland management approach, which can be seen in photograph 13.



Photograph 13.

I took this photo through the Laurel hedge at the eastern end of the site. The trees here, in what is undoubtedly part of a domestic garden, are protected under the Woodland part of the TPO. Although this area appears to be reasonably tidy, in reality a woodland floor should not be tidy at all. It appears that the neighbour not only cuts the grass (and moss) but he or she also clears up the fallen leaves and dead wood. To make things worse, as well as the Cherry Laurel hedge he's also planted Rhododendrons, which are another biodiversity-suppressing invasive pest.

Overall, permission to build on this plot seems to depend on whether or not the benefits outweigh the loss of biodiversity and I cannot make that decision. I shall summarise the situation in my conclusion.

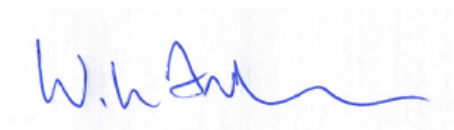
Conclusions.

1. This woodland does not obviously appear to be semi-natural ancient woodland, although its biodiversity value is above what might be anticipated from a recently planted group-of-trees. I think we can reasonably call it "established secondary woodland."

2. I do not consider the woodland, despite being mainly Oak, to have particularly high biodiversity value. Visually it is quite important in the neighbourhood although there are other areas of green space nearby that will contribute to the neighbourhood's biodiversity. By definition, this reduces its importance.
3. The site's contribution to neighbourhood biodiversity will be reduced if some management work is not instigated. Conversely, if management is instigated it will probably improve. (Simply removing the Japanese Knotweed will improve the site's biodiversity.)
4. Some sort of development that had a condition requiring the occupant to engage with the woodland management might be feasible.
5. I consider the lack of tree management on this site to be the major problem. The loss of a small area of woodland might very well be reasonable if it could ensure that the remainder of the woodland was managed appropriately.

I trust you will find this helpful, I'm sorry I can't be more definitive in my advice about the matter.

Yours faithfully,



W L Anderson. Dip.Arb(RFS). M Arbor A.



Mark Boyd,
Urbana Planning.

October 18th 2019.

Woodland Parcel at Bank End Road.

In the interests of weighing up the pros and cons of this situation I thought I'd try and construct a simple summary. I hope this will be helpful.

1. Mr and Mrs Taylor own a plot of urban woodland, it is approximately half-a-hectare and protected by a TPO. In common with many urban and peri-urban woodlands, it has been left largely to its own devices in the recent past. It is fair to say that unmanaged woodland is something of a concern to the Government and the forest and timber industry. (see <https://www.rfs.org.uk/news/2017/8/unmanaged-woodlands-the-hidden-threat/>)
2. Woodland management is expensive, especially so when the area of woodland is particularly small, even more so if the woodland is surrounded by houses. This is because managing the trees at the edges, to prevent them crowding the roads or neighbouring houses, is difficult work which does not create much that might generate revenue. Larger woodlands can off-set the costs of management by selling timber, but small woodlands cannot grow sufficient timber to cover the costs of hiring the necessary plant and machinery (with operators) needed to harvest anything.
3. I think as a general rule we can assume that a woodland of 300 hectares could generate enough revenue to cover the costs of management, although I am aware that some woodland and tree enthusiasts manage to intensively manage small areas of woodland to break even. Unfortunately these are not as small as half a hectare.
4. It's something of an ethereal topic but the biodiversity value of unmanaged woodlands is generally understood to be lower than managed woodlands. Good biodiversity is achieved by having a broad range of species with a large age range. In large woodlands natural processes (storms, natural regeneration) might achieve this, in small urban woodlands such processes are unlikely to feature.
5. It's counter-intuitive but a woodland consisting of largely dead or dying trees might be of more benefit to biodiversity than a woodland that consists of even-aged trees that are healthy but not growing particularly quickly. For this reason, woodland management needs to be directed towards maintaining a broad age and species range while retaining some dead wood, if its biodiversity value is to be maximised.
6. Perversely, the very act of managing woodlands, that is the removal of trees and disturbance of soils as the material is dragged and removed, means that dead wood is left on the woodland floor (to the benefit of fungi and insects) and dormant seed is disturbed and stimulated to germinate.
7. In this case, the woodland has had very little maintenance work in recent years. Although there are signs of past vandalism, it seems this has declined recently (an



unforeseen benefit of computer games perhaps?) and I found no evidence of recent anti-social activities. Again counter-intuitively, it might be the case that small-scale vandalism generates some dead wood and soil disturbance, although persistent anti-social activities, such as fly-tipping for example, are likely to be unbeneficial. Overall, ignorance or indifference are probably the greater threat.

8. I think we need to consider what might happen if the current situation persists. Trees, despite what many people seem to think, will eventually need maintenance. In small woodlands they cannot be left to grow until they get old and fall down because the chances of them causing damage when that happens are clearly very high. The likelihood of damage or injury from a falling tree in a large woodland are much lower, but here it's likely that 25% of the trees are within falling distance of the site's boundaries so the risk is considerably higher.
9. Trying to foretell the future of sites like this one is difficult, but I am familiar with several places where areas of land containing trees appear to have no identifiable owner. These situations come about because areas are left over when a housing development (or similar) is complete, and the company involved is no longer trading. Such situations are actually very common; it frequently seems that the developer anticipates that the Local Authority will adopt the plots but for one reason or another it doesn't happen. Over time the ownership is forgotten. I'm sure it will surprise nobody to learn that I have over the four decades I've been involved with trees, that some developers who presumably still own small plots of unused land, have ceased trading, with the inevitable result that the Local Authority (the Council) are obliged, on the grounds of public safety, to undertake management to the trees that colonise such plots.
10. In cases like this one, it is not hard to imagine a situation where the owners of the plot can no longer be traced, and the Council eventually find themselves with the unwanted and expensive task of managing the plot of woodland. By that time, the woodland might very well have become colonised by invasive species, there's already Japanese Knotweed on the site and the neighbour has seen fit to plant Cherry Laurel; another invasive pest. (NB the Knotweed has been treated, but may require more treatment to eliminate it.)
11. An additional problem with plots of neglected urban woodland is that they can become something of a magnet for fly-tipping and other blights. Which is probably how the Knotweed came to be here.
12. I don't think there's any avoiding the fact that this area of woodland will need some money spending on it in the very near future. And if it is not to become a moribund group of trees, it will need proactive management, not just fire-fighting works to address immediate safety concerns.
13. I have in the past, attempted to persuade woodland or conservation charitable institutions to take on such plots, that is small plots adjacent to development sites, but they, understanding the economics of such matters invariably will only accept such plots if they come with a substantial dowry. An alternative to a charity would be for the Local Authority to take it on. As the Council consider the woodland sufficiently important to justify protection with a Tree Preservation Order, then their expending money on its management ought to be justified. As you can imagine I have never encountered such a situation.

14. As far as I can tell, the best way of generating funds for the management of the woodland is to permit some sort of development on the site. This would need to be a development large enough to be able to split the future costs of management into sums manageable by a single household.

Summary.

15. The proposal to clear an area in the middle of the site would mean that nearly all the significant trees in the woodland would have to be removed. This is because the remaining areas would be too small to accommodate the RPAs (root protection areas) of any significant trees. Although the trees within these areas would probably not have so much rooting area removed that they would be destabilised, the chances of any thriving afterwards would be low.
16. Furthermore such an approach will create a situation where nearly all of the woodland can be regarded as "woodland edge," which is the most difficult and expensive part to manage.
17. Some sort of development along the roadside, which coincidentally created access into the woodland for machinery, would not require so much intrusion into the RPAs of retained trees, which would mean more established trees could be retained. This would actually decrease the amount of woodland edge that would require management.
18. I consider that without a project of some sort here, there is a strong possibility that the woodland will fall into neglect. A scheme that accepted ownership of the woodland could capitalise on it and if designed to utilise the timber produced (as firewood for example) could be said to be more sustainable than the average housing development.
19. In my opinion the worst thing that can happen here is nothing. If the woodland is not proactively managed the biodiversity of the neighbourhood will decline, and if a situation is reached where safety works have to be undertaken by the Local Authority, the cost will fall on the local council tax payers. It goes without saying that timely management is always likely to be more economical than emergency remedial works.

I hope this explains my train-of-thought on this site, and I apologise if my previous correspondence was insufficiently illuminating. I anticipate that the Council Tree Officer will not be enthusiastic about such a proposal but I consider my appraisal of the situation is pragmatic.

I trust you will find this helpful.

sincerely,



Bill Anderson.