

## **Response to Parish Council -20<sup>th</sup> July 25**

Please find below our initial response to Plaistow and Ifold Parish Council letter dated 24<sup>th</sup> of June which was hand delivered some time during the week beginning 7th July.

### **Personal Comments.**

We would like to put on record that the way the PC has dealt with us in relation to this matter has caused considerable stress and distress which has resulted in a week of sleepless nights, health problems including headaches caused by high blood pressure. This matter has been for the past week all consuming leaving no time for the enjoyment of our well deserved retirement. Already I have been forced to spend over 30 hours, almost a full working week trying to gain information and preparing for the meeting with the PC last Friday. A direct result of this was the necessity of a physio appointment last Wednesday in an attempt to alleviate the pain in my neck and shoulders caused by the hours spent at my computer. Unfortunately, it appears that this situation is likely to continue for some considerable time. Furthermore, we now face financial concerns, the necessity to incur costly legal fees in order to protect our freeholder's rights. These loom over us at a time when like many people there are severe budget restraints. Quite simply the PC appears to be an official body that does not consider, yet alone appreciate the potential consequence their proposed actions might have and therefore seek ways of mitigating the impact on those on the receiving end.

The stress of this whole situation has been exacerbated by what appears to us to be the Clerk's initial reluctance to provide answers to the most basic questions. We were thanked for engaging in the process but in a situation where PC proposals would affect the freehold rights to our property the onus was on the PC to engage with us and keep us fully informed throughout the whole process. It was not until, in desperation, I proposed a meeting that we

were able to make any progress at all. Until that stage we were simply being fobbed off.

We have been residents in Ifold since September 1977, approaching 48 years. It follows that we are elderly, in our 80's and we openly admit have limited IT skills. We are not lawyers and have no real understanding of the situation that we now face.

We are not fly by nights, we have been custodians of our property for almost 50 years, never seeking to develop it in any way. Furthermore, as explained when we met, we have given, and continue to give many years of voluntary, time consuming service to both Ifold and the wider local community. It follows that the PC's lack of any appreciation of the impact that the current proposal might have on our wellbeing is a bitter pill to swallow.

Having done our best to mitigate potential future legal costs we have attempted, in the first instance, to research the issue of LGS designation ourselves. This is a first response and we reserve the right to make further and perhaps a more formal representations in the future. We would remind you that we will be seeking documentary evidence in relation to many aspects and that you have agreed to supply it as soon as possible

The situation at present is that we feel that there are at least three issues the PC need to address as a matter of urgency. There may of course be some overlapping in certain areas but we have done our best to be as succinct as possible. Please remember we are lay people with no legal expertise.

### **LGS Legal Framework.**

After this week spent researching the framework, we now know that we have no option but to accept that the Local Parish Council have the power to impose such designation. This can be done not only on land that is, in some way and in some form of public ownership where the general public has access to such land and it can be used and enjoyed for recreational purposes by all. But it can also be done in special circumstances on land that is in private ownership and has no rights of public access whatsoever. Because this is a Draconian piece of legislation there are safeguards and therefore procedures are in place that must be strictly adhered to. This is to

enable the process to be carried out in a timely fashion exercising due diligence to ensure that any information included in the plan is 100% accurate. These safeguards are necessary as such designation affects individual landowner's rights and has the potential to adversely influence any future sale and sale price achievable.

## **Paragraph 019 reference 37-019-20140306**

### **Notications to landowners**

This provides that any qualifying body should identify and make contact landowners **at an early stage** about proposals to designate their land as LGS in a draft plan.

Other research indicates that landowners should be engaged and informed of any enquiries and surveys initially undertaken and **be invited to contribute to the drafting of the proposal** to be issued for public consultation.

**The first intimation we had was the hand delivered flyer dated 24<sup>th</sup> June delivered to unspecified locations addressed to unspecified but potential owners.**

- The date of the assessment is noted as being February 2025, some 4 months before the above notification
- At this date The PC had failed to make any attempt to identify, exactly which properties in The Ride are affected by this proposal and the respective land owners. The excuse that the land registry is not up to date is laughable and completely untenable. Even if it were true the PC must be aware that none of the properties in question has recently changed hands and, in any event there are other sources of information such as Voters Lists. Failing any these options information could have been obtained by simply calling at the properties and **speaking** to the residents.
- This flyer was the **first intimation we had ever received** that our land formed part of the plan
- The contents of the Flyer fails to draw the landowners' attention to the consequences that such a designation would have on their rights as a

freeholder. It simply states that it would not affect public access rights. Bearing in mind the method of delivery, no specific addressee, the lack of information in its content it is quite likely that it would be discarded without the need for giving it considered attention.

- To our amazement we discovered that this proposal was first made as part of the 2019 plan which was worked on from 2013 and subsequently withdrawn in 2022. **We had absolutely no idea about this.** The Clerk has said that it would have been included on the village notice board and in the PC magazine. This does not comply with the PC's obligations to specifically notify individual owners and give them every opportunity to engage in the formation of the plan before it is released for public consultation.

We would respectfully draw the PC's attention to the fact that Judicial Reviews have taken a very strong line in respect of Authorities obligations in this respect. It could be contended that the PC deliberately did not want to make work for itself and had a policy of providing as little information as possible leaving the Freeholders to delve into the internet if indeed they appreciated the consequences of such a designation and had the IT skills to gather further information. It may well be that Consultation document has now been published before we have been given any opportunity to contribute and challenge the accuracy of its contents.

### **Obligation to ensure that the information contained in the proposal is 100% accurate**

- We would again emphasise that we were not consulted in any way regarding the preparation of the current Consultation document or any of its predecessors.
- We understand that in the time leading up to its preparation by the PC in 2023 there was no consideration given to the fact that over the 12 years since the original 2019 plan preparation that "things may have changed" There were no investigations such as site visits or independent surveys commissioned to underpin the statements contained in the draft document. Despite the fact that this was a new

proposal the document is simply a cut and paste of what had gone before.

We would contend that the PC has not carried out the required process nor given due diligence to its contents. As a consequence, it is of no value as it cannot be supported by documentary evidence. We contend it contains many inaccuracies.

### **The Draft Document.**

It should be remembered that if the proposal is adopted it has potentially serious consequences that will in effect restrict the land owners' freehold rights. The information it contains should be 100% accurate and should be underpinned by verifiable documentary evidence. Furthermore, LGSD is not appropriate where the area concerned is covered by existing protection.

Turning to the specific contents of the document.

From our discussions with you it would appear that you intend to proceed on the basis that this area adds tranquillity and a richness of wild life and this basis on which designation is sought. We would like your confirmation that you no longer intend to contend that it has significance in respect of beauty, recreational value or historical value. We would be grateful for the early confirmation of this understanding.

With this in mind we would make the following comments

- **Item 6. Site description**

This may be ancient and semi natural woodland. However, this in itself does not make it "of special significance" for the purposes of LGS assessment. All it does is to confirm that it is already protected. This does not make it "special", it merely confirms that it has the same degree of protection as all the other nearby sites that are designated Ancient Woodland. These sites have public access and in many ways the lack of this in relation to this site adds to the degree of protection it enjoys.

The whole of Ifold Estate, due to its very nature of individual houses set on large plots of land can and does offer a haven for wild life. We understand that no survey has been carried out to monitor the wildlife of the whole of this area and therefore there is no documentary evidence to support the contention that our woodland is special as it has a population of rare species that is significantly different from that to be found in the rest of the Ifold Estate. We take issue with the statement that it is a natural habitat for declining turtle doves. This statement may be true, as it will be for many areas of the UK. Nonetheless it is misleading. In our 48 years of residence here we have never seen or heard a turtle dove. The PC cannot provide any evidence that there is such a population of these birds within the area and in any event the TPO's already in existence would protect their habitat. Similarly, the same is true for the bats as the TPO'S protect those who may roost there. The PC contend that this is a foraging route for badgers, deer and foxes through the centre of Ifold. Again, this statement cannot be substantiated and supported by inspection of the land or by other independent evidence. Although badgers may well be in the area, we have never seen one on our land. Deer used to be frequent visitors to our garden in early mornings or at sundown. However, they did not forage on the holly and other vegetation in the woodland instead they much preferred our roses and runner beans. As for foxes, again we have yet to see one in recent times. It would be extremely difficult for there to be a foraging route through this land. It consists of 5 different areas owned by 5 different families. As such each plot is individually fenced. As far as our land is concerned this fencing means that the only viable entrance for these animals is via the front drive. We believe that this may well be the same for other plots, but of course we have no means of access in order to check.

- **Item 13 Tree Protection Orders.**

Many years ago, we think in the mid 80's the Secretary of State, following a Public Enquiry which we attended, overturned the WSCC refusal to grant planning permission for the construction of the houses that now form Oak way. This land was the major part of the central

woodland and thus this ruling made way for the total clearance of the site. The woodland in existence today only survived because it was not within the developer's ownership. From this it can be inferred that the S of S did not consider that this woodland was special, had historical importance, nor were there any other significant reasons to justify the denial of planning permission. Immediately following this decision WSCC placed TPO's on the remaining trees. It is reasonable to assume that they considered that this action along with strict planning regulations were sufficiently robust to protect the remaining area. We would submit WSCC are a team consisting of wholly responsible professionals and are well qualified in matters of planning including conservation issues should any future planning application be made.

- **Item 15 Conclusion**

This would infer that the fact that this is Ancient Woodland is a reason for it being a Designated LGS. We do not agree. We have already addressed the question of wild life. There has been no attempt to monitor this, and how it affects the eco system. Nor is there any comparison that demonstrates how this area provides habitat that the rest of Ifold does not. There is nothing in this document to support the contention that such designation will offer tranquillity as well as preserve the wild life. Tranquillity is not an issue here. It is not an open part of the countryside for the general public to enjoy. It is a relatively small enclosed area surrounded by family houses and as a consequence there are associated noises and activities that are common in such circumstance. We once again make the point that the site has not been inspected. Therefore, it is impossible for the PC to contend that this area is any more or less tranquil than any other area that surrounds residences within the Estate.

## **Purpose of a LGS Designation**

As we understand it,

- A LGS Designation in effect classifies an area to be under the same planning restrictions as those that apply to Green Belt. That is to say

that there should be no construction of any building except under very stringent and exceptional circumstances.

- It is not the purpose of a LGS Designation to add weight to the ability to restrict planning applications in respect of the land.
- A LGS designation should not be considered where there is already protection in place.

### **Summary of our Position**

We will of course await the receipt of further documentation which we intend to formally request.

We would remind you that this is a very powerful designation and severely restricts the rights freeholders have over their land. It should therefore not be considered when the land in question is already protected. If the PC continue with this application we believe the onus will be on them to demonstrate why the current protection the woodland currently enjoys is insufficient. We would ask you to bear in mind that we are not lawyers. With this said, prima facie and subject to legal advice it would appear to us that the Parish Council

In view of the above we believe the PC have

- have misdirected themselves regarding the purpose of LGS designation
- over many years consistently failed to identify the owners of the land and to consult with them before publishing any document for public consultation.
- to carry out the required procedure with a high level of due diligence in relation to the regulations in order to ensure that all the information is accurate and can be supported by independent verifiable evidence.

Furthermore, we contend that there is adequate protection of the site already in place including TPO's and Planning restrictions. One further point



to note is that as far as the woodland backs on to the residences in The Ride, there is no potential to construct a road to gain access.

My husband is fully aware of the contents of this note and is in agreement with them.

Finally, I have spent another additional 9 hours drafting this response. Yet another large imposition on my free time at stage in my life when I should not be concerned with unnecessary bureaucracy.

Yours sincerely

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### ADDENDUM

As I understand matters

The purpose of such a designation is to subject the land in question to same restrictions that apply to Green Belt land. That is to prohibit the construction of any buildings except in exceptional circumstances.

Having identified a qualifying area the next step is to ascertain whether there is any form of protection in place as it is not the purpose of a LGS to add weight to restrict planning applications in respect of land.

If the area does benefit from some form of protection then it is necessary to demonstrate that this is inadequate.

I have not studied your consultation documents in full but would use the site at Oak Tree Stores as an example.

Yes it is a magnificent tree and as such adds to the beauty of the area. It is appreciated by all those that pass and those who enjoy a cup of coffee there.

However it is placed in close proximity to the entrance to The Drive. It is surrounded by the shop area and houses on The Drive. There is virtually no practical possibility the area on which it stands could be built on. It simply doesn't meet the necessary criteria. The simple solution is for the tree, if it is not currently protected, to be the subject of a TPO. A LGS designation is not appropriate.

May I respectfully suggest that the PC and Planning Committee review the Consultation Document for all those proposed sites to ensure that they meet the requirements.