

## Toton Trees

### News and advice on fighting the appeal

October 25th

Hello,

I am sending out a separate email newsletter to constituents with a special interest in the restoration of the trees at Toton Sidings. As you will know the restocking notice is now the subject of an appeal by the owners.

I have heard back from the Forestry Commission with advice, gained under the Freedom of Information Act as to the grounds of the appeal. This will help us in our submissions to the FC as part of the appeal process.

The current restocking notice requires that the felled area is restocked which is an area in excess of 7 hectares. The owner has stated that he is prepared to negotiate for an alternative area of replanting that amounts to some 5.5 hectares. Part of this area includes the local nature site, which the Forestry Commission does not wish to see planted as it is a "rich habitat". The owner has identified two grounds for the appeal and has put forward the following arguments. This is what we are "up against". I will remind you the following are by no means my views but the arguments of the owner!

1. *It is not in the interests of good forestry. The land is seriously contaminated and will need to be the subject of major remedial works. Whilst over the years the area has seeded naturally with trees, the resultant woodland is not in any sense a planted woodland of quality. The investigation by the FC did not quantify the size of trees to see to what extent they needed a licence. The land in its current format would not be suitable for restocking without at least some remedial work, and considerable thought would need to be given to correct species choice in the event of any restocking.*

2. *It is not in the interests of the amenities of the district. The whole of the Northern area is part of an area identified in the current development plan (Broxtowe local plan) as a major development site in the green belt, so usual constraints associated with the green belt do not apply. The land is also identified in the emerging local development plan core strategy as part of a possible urban extension. In making these allocations Broxtowe Borough Council would have considered the presence of any tree cover. Development could therefore be carried out in accordance with the development plan, and in effect any other land use - including forestry would be contrary to this plan, and thus central Government policy. Any such development can clearly only take place with the appropriate approval of the planning dept, who would require planting of trees and landscaping in appropriate areas of the site. Broxtowe are obviously at*

Please write or send an email to

Richard Barker,  
Forestry Commission,  
620 Bristol Business Park,  
Coldharbour Lane,  
Bristol, BS16 1EJ

[richard.barker@forestry.gsi.gov.uk](mailto:richard.barker@forestry.gsi.gov.uk)

Anna Soubry MP  
61, Barton House,  
High Road,  
Chilwell.

*liberty to refuse the planning application if they feel that it is less appropriate than the previous or an alternative use.*

*The interests of amenity would be best served by considering the future of the land in the planning context, rather than simply requiring the land to be restocked without considering possible alternative uses.*

*Such a consideration would no doubt be informed by any representations from the FC along with local residents and others.*

In relation to the first ground I think the following points are important.

The alleged heavy contamination of the land did not prevent it from being disturbed when the trees were destroyed in January. We know asbestos was uncovered - and removed.

The FC will no doubt have considered whether the land is suitable to sustain restocking and in issuing the restocking notice are indicating that it is perfectly possible to restock on a large scale.

Again the FC have no doubt considered the quality or otherwise of the trees.

The second ground relates to the status of the land. My take on this is that the owner is in effect saying that Broxtowe had earmarked the site as a place to build houses so the wooded area would have been lost in any event and Broxtowe didn't have a particular problem with that!

What this argument forgets is that there is a new Government which believes in localism. The people who live nearby Toton Sidings and those who come to enjoy it very much appreciate the area as an important amenity which they want restored. Whatever was proposed by Broxtowe Borough Council in the "consultation" earlier this year, the process was halted by the new Government.

**I have no doubt it is imperative everyone writes or emails Richard Baker at the FC, to make it clear why the wooded area was an invaluable local amenity which no-one wanted to lose. If you feel able to comment on any of the arguments put forward in the first "ground" then please do.**

0115 9436507

[www.anna4broxtowe.com](http://www.anna4broxtowe.com)

visit my web site to get my regular email newsletter.

[anna.soubry.mp@parliament.uk](mailto:anna.soubry.mp@parliament.uk)