

# Whatstandwell and Alderwasley Community Action Group (WACAG)

## HAYTOP UPDATE

### IMPORTANT letter to local residents – January 2022

Season's greetings residents. We write again to further update you regarding the situation at Haytop Country Park.

On 20 August 2020, the Planning Inspector published her Appeal Decision (full report available on our website <http://wacag.info/appeal-decisions/>) following the Public Inquiry held earlier in the year (January/February). To recap, and also for those that are unaware, the Planning Inspector in her decision,

- upheld the appeal against Enforcement Notice 1 (change of use of the site in relation to the siting of residential caravans that are not of the trailer type), thus **allowing** twin unit lodges, 30 for permanent residential use and 30 for 12-month holiday use.

- dismissed the appeal against Enforcement Notice 2 (operational development), meaning that **the land must be reprofiled to its original level and condition, and all concrete bases, hardstandings, gabion retaining walls, service connections and lighting columns, and new roads must be removed within a defined period.** The appeal was lost because the appellant failed to demonstrate that the 'operational developments' were permitted.

Unfortunately, the Appellant (Haytop) is challenging the Inspectors decision regarding Notice 2, the 'operational development'. We have been informed by the Planning Inspectorate that Haytop have been granted permission for a substantive hearing at the High Court. As soon as we hear more and when this is to take place, we will let you know.

Secondly, we have learnt that Haytop is also appealing the Tree Replacement Notice (TRN) served on them in

January 2021. This requires them to replant trees protected by the Tree Preservation Order that were wilfully and illegally destroyed in March 2017. Haytop argues that the requirements of the Notice are unreasonable in respect of the period to comply, and that the size and species of trees they must plant, and the locations are unsuitable. It is obvious, the reason Haytop objects to the replanting scheme is **because it requires trees to be planted close to where ones were felled (as one would expect), areas which are now occupied by concrete bases, lodges, drives or new roads!**

This is where we seek your help once again. The TRN appeal is to be a hearing and the Planning Inspectorate

have confirmed that the Inspector is willing to receive comments from third parties. **The deadline for this is 25 January 2022.**

### What can you do?

1. Write to the Planning Inspectorate to say that you support AVBC in issuing the Tree Replacement Notice for the same reasons given by AVBC and that you want the PI to uphold the Notice. For your convenience, we attach a pro forma letter for the attention of the Planning Inspectorate, that you can simply complete with your details and then post to: *The Planning Inspectorate, Tree and Hedge Team, Eagle Wing, Temple Quay House, 2 The Square, Bristol BS1 6PN* (for the attention of Mr Kyle Williams - Case Officer). Alternatively, you can email the letter to the PI ([treeandhedgeappeals@planninginspectorate.gov.uk](mailto:treeandhedgeappeals@planninginspectorate.gov.uk)).

2. You may wish to elaborate more on why you think the Tree Replacement Notice should be upheld. However, you should only make your views known to the PI on matters that are relevant to the appeal. These are set out in the Tree Replacement Notice issued by AVBC, and the Grounds for Appeal letter issued by Haytop, both of which can be found on our website (<http://wacag.info/documents/>).

**In the meantime, here are a few areas you may wish to cover in your correspondence to the PI:** (PTO)

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- The trees were situated in semi-ancient woodland, within a Conservation Area, a World Heritage Site buffer zone and protected by a Tree Preservation Order
- The trees were illegally felled and wilfully destroyed by the developer for the sole purpose of clearing the land to facilitate the development
- As stated in evidence provided to the Public Inquiry held 26-29 January and 1-3 February 2021 (Appeal

Refs. APP/M1005/X/19/3241549, APP/M1005/C/19/3226961 and APP/M1005/C/19/3226967) despite having been advised in advance that the trees on site were protected by a tree preservation order, the owners of Haytop continued to cut down trees to make way for the development to start. Specifically,

- (i) The developer ignored a request by a council Tree Officer on 17 March 2017 to cease felling
- (ii) The developer ignored requests by local residents on 17 March 2017 to cease felling
- (iii) At the Public Inquiry several witnesses stated under oath that tree felling continued at pace over the weekend 18-19 March despite the express instruction from the Council to stop (an instruction which the owners stated to the Council, falsely, that it would comply with). Residents provided photographs at the Inquiry to support this

- When considering this appeal, the baseline position for the Tree Replacement Notice must be that replanting is undertaken at the same locations to where the unlawfully trees were felled (as required by Section 206 Town & Country Planning Act 1990 part (1) – *If any tree in respect of which a tree preservation order is for the time being in force – (a) is removed, uprooted or destroyed in contravention of the order it shall be the duty of owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can, and (3) In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees – (a) on or near land on which the trees removed, uprooted or destroyed stood, or (b) on such land as may be agreed between the local planning authority and the owner of the land, and in such places as may be designated by the local planning authority.*

- The problem of areas that have now been developed being marked for replanting, is one of the Appellants own making. It can only be a perverse logic that the developer unlawfully felled trees to make way for the development, but then complains when a request to replant means that some of the development must be removed to facilitate the replanting!

- To not replant in the areas indicated in the plan accompanying the replacement Notice, especially the areas around and below the Central Green, will leave a once wooded area empty of tree cover making the development highly visible to the surrounding area

- To not uphold the TRN, including the requirement to replant at positions close to where trees were illegally felled is tantamount to turning a blind eye to criminal conduct and would make a mockery of the law

- To not uphold the TRN, is ultimately enabling the developer to profit from his own wrongdoing It would add great weight to the Local Planning Authorities case, if as many as possible local residents and interested parties could make their views known to the Planning Inspector (PI).

**WE THEREFORE URGE YOU ONCE MORE TO TAKE ACTION AND MAKE YOUR VOICE HEARD BY WRITING TO THE PLANNING INSPECTORATE - REMEMBER, DEADLINE 25 JANUARY 2021**

Thank you again for taking the time to read this letter.

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