Military Road,
Canterbury,
Kent CT1 1YW

Tel: Canterbury
(0227) 451755

CANTERBURY
CITY COUNCIL

Date: 23.6.86
Your ref:
Our ref: BLP/49

Ask for: Mrs. B. LePelley
ext: 4861

Dear Sir,

FEATHERLEY AND QUILTERS WOOD, KINGSTON
BELL - v - CANTERBURY CITY COUNCIL

Thank you for your letter of support concerning the above case.

The City Council is currently seeking legal advice on the grounds for appeal against the decision in the hope of reversing it and also amending Planning and Forestry legislation to close this loophole which has far reaching implications for the nation's woodlands.

Yours faithfully,

M. J. BACON
CITY TECHNICAL DIRECTOR

Mr. Ian D. Taylor,
Honorary Secretary,
Nailbourne Protection Society,
3, Whitelocks Close,
Kingston, Canterbury,
Kent, CT4 61G.

3, Whitelocks Close,
Kingston,
Canterbury,
Kent, CT4 6JG

Department of the Environment,
Charles House,
375,Kensington High Street,
London,
W14 8QH

1st May 1987

Dear Sir,

re : Appeal by Mr P.J.Bell
Ref : SE 2/5273/460/3

This Society unreservedly supports the Canterbury City Council in requiring Mr P.J.Bell to replant 2.9 acres of Woodland at Featherley Wood, Kingston, which was grubbed in contravention of a Tree Preservation Order.

Inadequate notice and time prevents fuller representations to be made, and a prior commitment precludes my attendance at the Public Inquiry.

1. Mr.Bell's grubbing out of the Woodland was an undoubted contravention of the Tree Preservation Order, and a deliberate act conducted with with knowledge of the Tree Preservation Order.

2. There is evidenc e to support that Mr Bell had knowledge of the ancient Woodland status of the 2.9 acres, and of the Canterbury City Council's intention to protect the Woodland before he even purchased the Woodland.

3. After being served with notice to stop, Mr Bell continued to cause the Woodland to be grubbed out. As late as Monday 21st July 1986, I was at Featherley Wood, Kingston (I live in Kingston), and observed that trees subject to the Preservation Order were being grubbed out and the stools burned on the site.

cont.

4. As at this time Mr. Bell had made a claim for compensation for not being allowed to grub out the trees, he had accepted, by virtue of that application for compensation, that he did not have legal entitlement to grub out the trees.

5. Mr. Bell's conduct, which has been the subject of the Canterbury City Council's Planning Committee consideration, a Public Inquiry Hearing, and further consideration for compensation, and for enforcement proceedings, now appears to be defiant of the law and planning controls to which all persons are subject.

6. The Public Inquiry Hea rd before Mr. Nightingale in February 1984 for the Department of the Environment was well attended by the Public- the Bossingham Village Hall being full for the two days, and the strength of local feeling regarding the need to protect this Woodland voiced sensibly and strongly.

7. This Society submitted some 587 individual letters of objection, collected only during the 2 weeks prior to the Public Inquiry, to Mr. Nightingale, who in September 1984 rejected Mr. Bell's appeal and described the Woodlands as "making a significant contribution to the landscape," and that the Woodlands were "of special interest".

8. The Canterbury City Council is acting entirely in accord with Planning Law and Controls, and previous decisions of the Department of the Environment in requiring Mr. Bell to replant 2.9 acres of Woodland. The Enforcement Notice is correct and appropriate, and this Society expects the Department of the Environment to uphold the Enforcement Order of the Canterbury City Council.

9. This Society requests a copy of the decision of the Department of the Environment in respect of this Appeal.

Yours faithfully,

I.D. Taylor,
Hon. Secretary.

3, Whitelocks Close,
Kingston,
Canterbury,
CT4 6JG

Planning Department,
Canterbury City Council,
Military Road,
Canterbury.

1st. October, 1985

For the attention of Mr. Chester

Dear Sir,

re CA/T/85/15/KIN - Quilters Wood

It seems that the owner of this woodland is again seeking to decimate Quilters Wood.

His proposal to create a 66 foot wide ride through the middle of the wood is unwarranted and ridiculous in its conception. That such a scheme would aid coppice extraction and assist game management is nothing less than a pathetic and devious ploy, which surely can deceive nobody. Having failed to secure his wishes to grub out these woodlands - and pursuing the matter unsuccessfully through a Public Inquiry - he now hopes by other means to destroy the woods.

The Applicants suggestions that 'a narrow field' would allow a tractor "to swipe the regrowth", and that a "foodcrop of barley or buckwheat" could be grown, both lack integrity. The entire application is devoid of any justification.

For all the reasons of preservation and protection disclosed at the Public Inquiry, and upheld by the Inspector from the Dept. of the Environment, the Planning Committee is invited to reject this spurious application.

Yours faithfully,

I.D. Taylor,
Hon. Secretary

NAILBOURNE PROTECTION SOCIETY

c/o 3 Whitelocks Close
Kingstone
Canterbury
Kent

30th.January 1984

Dear Sir/Madam,

PROTECT YOUR COUNTRYSIDE

An appeal has been lodged by Mr.Peter Bell of Great Palmstead Farm, Upper Hardres, with the Department of the Environment, for permission to grub out some 50 acres of woodland at Quilters and Feathereley Woods, Kingstone (between Clambercrown and Lynsore Bottom).

The Canterbury City Council has already refused permission in order to protect this ancient woodland, which is part of the lovely Kent countryside.

If permission is given, then not only will this woodland be destroyed, but no other woodland would be safe from those who might seek personal financial profit by removing woodland to grow grain which, under EEC regulations, would attract substantial financial subsidies.

If you wish the delightful Kent countryside to be preserved, please read, address and sign the attached letter. It can then be left at any of the collection points listed below.

A Public Inquiry is to be held at BOSSINGHAM VILLAGE HALL on TUESDAY 14 FEBRUARY 1984 at 10.00 am.

Your support, either by attendance or by signing the letter, will help ensure the survival of these woodlands, which are a precious asset to us all.

Sincerely

Ian Taylor

Ian Taylor
Hon Secretary

BARHAM - Gold Box inside Village Post Office
BISHOPSBOURNE - Gold Box inside Village Post Office
BOSSINGHAM- Packet inside Village Post Office
BRIDGE - Gold Box inside Village Shop
KINGSTON - 3, Whitelocks Close or 3, Rectory Orchard.

Secretary of State
Department of the Environment
South East Regional Office
Charles House
375 Kensington High Street
London W14 8QH

Dear Sir,

Reference SE2/5273/147/5
Appeal against Refusal by Canterbury City Council to grant permission to grub out trees at Featherley & Quilters Woods, Kingston, Kent.

I unreservedly support the Canterbury City Council in refusing to grant this application.

The Inspector considering the appeal is urged to uphold the decision of Canterbury City Council, and dismiss the appeal.

The woodlands in question are part of the beautiful Kent Countryside and are of great landscape value. Such a valuable amenity should not be spoilt or destroyed.

The Appellant's proposals are contrary to Sections CC5,CC7 and CC8 of the Kent Structure Plan which determines that such woodlands should be conserved,that wildlife habitats should be preserved,and that sites of special scientific interest not be disturbed. Designated SSSI's exist to the south,close to these woodlands. The Appellant's proposals,if allowed,would disturb the ecology of these SSSI's and of the whole locality.

These entire woodlands are covered by Tree Preservation Orders, which should not be put aside.

The Grounds of Appeal as set out by the Appellant give no justifiable reason for the destruction of these woodlands, and the irretrievable loss to the lovely Kent countryside, and to its people.

This appeal should be dismissed.

Yours faithfully,

3 Whitelocks Close
Kingstone
Canterbury.
12.2.84.

Mr Roy Simmons
3 Bournemouth Gardens
Folkestone.

Dear Mr Simmons,

Thank you for your kind letter. Our preparations for the Woodlands Inquiry are going well.

Rather than try to explain the Society's full role, which basically is about caring for the Nailbourne Valley area, I will keep your address to hand and send to you shortly, a report on our activities which is in preparation for our A.G.M. on 6th April 1984, at 7.30 p.m., in Kingston Barn. At the A.G.M. an address will be given about the Nailbourne river.

Thank you again,

Yours sincerely,

Ian Taylor

Ian Taylor.
Hon. Sec.

3 Bournemouth Gardens
Folkestone.
January 24

Dear Mr. Taylor,

Your recent letter of interest in the Gazette has prompted me to write — so I hope I'm not proving to be a nuisance! I would actually welcome some further information.

Firstly though, it is grand to hear of people like you and all your considerable efforts to encourage a more considerate & respectful attitude to our surroundings. I am sure you will be the target of much future ingratitude. Yet what an abhorrent saga your vigilance must be! When one sees the extraordinary and 'greedy' things people do to the country, the elements of frustration and sad disbelief do rather overwhelm. I can't help feeling all this recent attention in the media to tree-felling and so forth has perhaps encouraged many types to jump on the band-wagon and clear trees before possible further, stricter laws appear.

However, I had never come across your Natbourne Society, and as it is obviously a keen & active, I think the least one can do

is to ask for information on your efforts & interests.

Meanwhile - the best of luck in your Quilters & Featherley campaign. Let's hope for mighty oaks from small acorns!!

Yours sincerely

Roy V. Simmons

Canterbury
CITY COUNCIL

My Ref: GL/C.TD/35.
Your Ref:

Extn: 216 (Mr.G.Long).
Date: 11.10.84.

Dear Sir/Madam,

FEATHERLY AND QUILTERS WOODS AT KINGSTON,
SUBJECT OF TREE PRESERVATION ORDER NO.3, 1982.
APPEAL AGAINST REFUSAL OF CONSENT TO GRUB OUT
THE TREES.

You will have heard by now, no doubt, that the Secretary of State has dismissed the Appeal, thus saving the trees, and I am sure, like myself, you will be pleased with this result.

I would like to take this opportunity to thank you for the valuable support given to the City Council at the Inquiry.

Yours faithfully,

John Alhate

for M. J. BACON.
CITY TECHNICAL DIRECTOR.

Mr. I. D. Taylor,
Secretary,
Nailbourne Protection Society,
3 Whitelocks Close,
KINGSTON,
Nr. Canterbury, Kent. CT4 6JG.

Military Road, Canterbury, Kent. CT1 1YW. Telephone: Canterbury 51755

Secretary of State
Department of the Environment
South East Regional Office
Charles House
375 Kensington High Street
London W14 8QH

Dear Sir,

Reference SE2/5273/147/5
Appeal against Refusal by Canterbury City Council to grant permission to grub out trees at Featherley & Quilters Woods, Kingston, Kent.

I unreservedly support the Canterbury City Council in refusing to grant this application.

The Inspector considering the appeal is urged to uphold the decision of Canterbury City Council, and dismiss the appeal.

The woodlands in question are part of the beautiful Kent Countryside and are of great landscape value. Such a valuable amenity should not be spoilt or destroyed.

The Appellant's proposals are contrary to Sections CC5,CC7 and CC8 of the Kent Structure Plan which determines that such woodlands should be conserved,that wildlife habitats should be preserved,and that sites of special scientific interest not be disturbed. Designated SSSI's exist to the south,close to these woodlands. The Appellant's proposals,if allowed,would disturb the ecology of these SSSI's and of the whole locality.

These entire woodlands are covered by Tree Preservation Orders, which should not be put aside.

The Grounds of Appeal as set out by the Appellant give no justifiable reason for the destruction of these woodlands, and the irretrievable loss to the lovely Kent countryside, and to its people.

This appeal should be dismissed.

Yours faithfully,

Kent Federation of Amenity Societies

President The Lady Prudence Loudon, Chairman: K.P. Witney C.V.O. M.A., Secretary: P. Graham Harvey

STAPLEHURST 891555

Please Reply to:—ORCHARDEN
HIGH STREET
STAPLEHURST
TN12 OBL

8 Feb 1984

The Inspector
Dept. of the Environment.

Dear Sir,

SE/25273/147/5 Featherley & Quilters Woods, Kingston

I apologise for the late submission of this objection but the Federation has heard at a late stage that an appeal was to be considered on 14 Feb. 1984.

It is understood that tree preservation orders are in force over these woodlands which is in itself an indication of their importance. The Federation is increasingly concerned over tree felling in Kent which if continued will entirely alter the characteristic of the countryside. In particular your attention is invited to the proximity of SSSI's and to the potential damage to them of this proposal.

The Federation does not take a negative attitude to applications which are well founded but it is unable to see that sufficient reasons exist to grub out such a large area.

It is requested that the decision of Canterbury City Council be upheld.

Yours faithfully

Graham Harvey

P G Harvey

Secretary

REF: SE2/5273/147/5

STATEMENT
OF THE
NAILBOURNE PROTECTION SOCIETY
SUBMITTED BY
MR. IAN TAYLOR HONORARY SECRETARY
c/o 3, WHITELOCKS CLOSE, KINGSTON, CANTERBURY, KENT

TO THE INSPECTOR
APPOINTED BY
THE SECRETARY OF STATE FOR THE ENVIRONMENT

AT THE
PUBLIC INQUIRY

HELD AT BOSSINGHAM VILLAGE HALL
ON TUESDAY 14th. FEBRUARY 1984

IN RESPECT OF THE
APPEAL BY MR. PETER BELL
OF GREAT PALMSTEAD FARM
AGAINST THE REFUSAL BY
CANTERBURY CITY COUNCIL
TO GRANT PLANNING PERMISSION
FOR THE GRUBBING OUT
OF PARTS OF QUILTERS AND
FEATHERLEY WOODS, KINGSTON,
NEAR CANTERBURY, KENT.

1. The Nailbourne Protection Society is a small Conservation Society of presently about 200 members, concerned to protect the beauty of the Kent Countryside in the vicinity of the Nailbourne Valley.

2. The Nailbourne Protection Society unreservedly supports the decision of the Canterbury City Council in refusing planning permission for the grubbing out of trees at Quilters and Featherley Woods. The Society urges the Inspector for the Secretary of State for the Environment to uphold the decision of the Canterbury City Council and to dismiss this Appeal.

This Society considers that :-

3. The Woodlands are within a designated Area of Outstanding Natural Beauty and Special Landscape Value, and such grubbing out would be contrary to such designation, and detrimental to the amenity value of the area. Section 88 of the National Parks and Countryside Act 1949 implies that in A.O.N.B. the emphasis is on conservation of landscape beauty.

4. The Tree Preservation Order of May 1982 should be upheld to preserve these Woodlands.

5. these are Ancient Woodlands having existed for many hundreds of years and should not be destroyed by grubbing out.

6. Public Footpaths (Nos. 281, 282, 283) run close to these Woodlands and their public amenity value would be lost if these woodlands were grubbed out. The Woodlands are visible as part of the lovely landscape from many public vantage points.

7. These are particularly fine Coppice Woodlands - the Inspector is invited to visit the site and evidence the high quality of the coppice - and therefore that the woodlands should be retained in the landscape; not destroyed.

8. These Woodlands are natural habitats for wild animals and birds, and for plants, and that such habitats should not be destroyed.

9. Large tracts of land designated Sites of Special Scientific Interest exist close to the south and grubbing out would affect the ecology of the entire area to the detriment of the S.S.S.I's.

10. The Kent Structure Plan Policy CC5 adopted by C.C.C. states that existing Woodlands should be conserved when they contribute to the landscape or the appearance of the locality, or to the wildlife existing there.

11. The Kent Structure Plan Policy CC7 states that long term protection be given to Special Landscape Areas.

12. The Kent Structure Plan Policy CC8 states that developments not be permitted at or near Sites of Special Scientific Interest.

13. The proposals of the Appellant are contrary to all these sections of the Kent Structure Plan, and the proposal should not therefore be permitted.

14. These Woodlands were purchased about 2 years ago as Coppice Woodland without planning permission for grubbing out, and that the Appellant is motivated by expected personal financial gain to the detriment of an ancient site of amenity value to the public.

15. If permission was granted for such a speculative development it would create a precedent for other Woodlands in East Kent which might quickly become subject to grubbing out applications. Such a precedent should be avoided.

16. The Appellant's Grounds I of Appeal that there would be no serious amenity loss to the local environment is plainly not true; there would be amenity loss to the environment. The Appellant's "further factual evidence" to support his claim is awaited with interest.

17. The Appellant's Grounds II of Appeal claims that the Ministry of Agriculture has given "full support" is not founded. Written evidence that the Ministry of Agriculture does not give "full support" to the Appellant will be submitted with this statement.

18. The Appellant's claim to have the "full support" of Farm Horticultural Grant Aid E.E.C. scheme is questioned, as the Ministry of Agriculture has advised that grants would not be given for grubbing out trees. In such circumstances "full support" can not be claimed.

19. The Appellant's Grounds III of Appeal is meaningless.

20. The Appellant does not state in his grounds of appeal, (nor did he is his original application) what agricultural purpose he proposes if granted permission to grub out. As a farmer for 25 years (claimed in Ground IV) he will have discovered that the soil of these woodlands has a high Ph value and is heavily acid soil. In such circumstances that land would be poor for pasture purposes as grass would not grow well. Presumably therefore, cereals or root crops would be grown. This would refute the Appellants claim in Ground I that there would be no serious amenity loss to the local environment.

21. The Appellant's Ground V of Appeal that he reserves the right to make a claim for compensation if he is refused permission to grub out, does not seem relevant to this Inquiry.

As the Appellant purchased the Woodlands only two years ago without any grubbing out permission or guarantee of permission, it is difficult to find justification for seeking compensation when the Appellant's conduct has been throughout this matter speculative.

22. This Society is concerned that the Appellant seeks financial gain at the cost of the community by destroying this amenity woodland.

It is significant that the Appellant is understood to have purchased a total of 88 acres of Woodland (including Featherley and Quilters) for about £23,000.

Cost £261 per acre.

The average cost of arable farmland in the South East is in the order of

£4,000 - £4,500 per acre.

(Reference : Farm Management Pocket Book - Published by Agricultural Dept. of Wye College,Ashford,Kent.)

The difference in Capital Value maybe :

50 acres as Arable Land	£ 200,000	approx.
50 acres as Coppice Woodland	£ 13,000	approx.
Difference	£187, 000	approx.

or £3,740 per acre

23. The Appellant is undoubtedly attracted by E.E.C. guaranteed grain prices.

Using the Wye College guide again a single crop of Winter Wheat might produce an income as below :

50 acres each yielding 47 cwt. winter wheat
= 2,350 cwt.
= 117.5 tons.

Guaranteed purchase by E.E.C. at guaranteed price of about £125 per ton.

117.5 x 125 = £ 14,687 for one Winter Wheat crop.

From this figure production costs and overheads would have to be deducted.

24. It is reasonable however to state that the Appellant is motivated by financial gain and that this does not take account of the landscape and ecological value of the Woodlands.

25. The European Economic Community publication "Green Europe : Mechanisms of the Common Organisation of Agricultural Markets, Crop Products, No. 189 " dated December, 1983 states (page 9) "The E.E.C.'s degree of self sufficiency in cereals exceeded 100 % for the first time in 1980/81."

It is fact that the E.E.C. - which includes this country - now produces more cereals than are needed and intervention prices are costly to tax payers and profitable to producers.

26. The E.E.C. does not need more cereals.

27. It is now common knowledge that the E.E.C. is facing financial embarrassment primarily due to its Agricultural Policy. The Nailbourne Protection Society is non political and does not advocate any political doctrine, but recognises that changes in the E.E.C. Agricultural Policy during the next few years could render cereal prices less attractive and production less profitable.
It would be deplorable if these ancient Woodlands were destroyed on account of short term profit.
These Woodlands should be preserved whatever E.E.C. Agricultural Policy might be.

28. The Society recognises that the Appellant owns, in law, an estate which includes these Woodlands. But the Appellant does not own the land, ownership of which is vested in the Crown. The Appellant is the custodian of this land and its Woodland feature.
In November 1977 the National Farmers' Union (of which the Appellant may be a member) published a leaflet "Caring for the Countryside". It stated :
"We (farmers) have an important and positive role to play not only in the production of food and timber <u>but also in conserving scenery and wildlife.</u>"

29. There is heritage value in ancient Woodland, and there is need for the timber from good coppice Woodland.

30. The public appreciation and concern for these Woodlands is evidenced by individually signed letters. These letters have been signed during a period of just 10 days. The number of signed letters by members of the local public, objecting to the Appellant's grubbing out proposals, and submitted by this Society is .

31. This Society urges the Inspector for the Secretary of State for the Environment to dismiss this Appeal.

Ian D. Taylor.

Ian D. Taylor
Hon. Secretary
Nailbourne Protection Society

10th February 1984.

NAILBOURNE PROTECTION SOCIETY

APPENDIX I

1. Mrs. P. Hogben of 3,Park Rd.Bishopsbourne submits :
"I have known and loved this Woodland for over 60 years, my Grandparents, and Mother and family all being born at Westwood. I am a member of the K.T.N.C. and feel strongly about this (proposed) desecration of my lovely part of Kent. Moreover we do not need to add more wheat to the mountains of it."

2. Mrs.E.B.Barber-Starkey of Heathfield Way, Barham submits :
"I belong to the R.S.P.B. and already in Barham and around enough hedges and trees have been cut down. Where are the birds to make nests?"

3. Mr.J.K. Cook of 5,Nailbourne Close, Kingston submits :
"I further object to the destruction of beautiful and ecologically important Woodland for the benefit of a farmer who intends to use the land to contribute to the existing grain surplus. Great Britain already has a lower proportion of Woodland than any European Country and it is time a dangerous trend was reversed."

Ian D. Taylor
N.P. Soc.
10.2.84

NAILBOURNE PROTECTION SOCIETY

APPENDIX II

Samples of Financial Income from 50 acres
Reference : 'Farm Management Pocket Book' 1984 edition
by John Nix of Wye College

	MAINCROP POTATOES	OILSEED RAPE	FIELD BEANS	SUGAR BEET
AVERAGE YIELD PER ACRE (tons)	13.5	0.825	1.15	14.25
YIELD FROM 50 ACRES (tons)	675	41	57.5	712.5
AVERAGE PRICE PER TON	£50	£280	£175	£29
TOTAL CASH INCOME	£33,750	£11,480	£10,062	£20,662

PROFITS CAN BE CALCULATED ONLY
AFTER DEDUCTION OF PRODUCTION COSTS

Ian D. Taylor
N.P. Soc.
10.2.84

N. Boss C/A 51433

Ministry of Agriculture, Fisheries and Food
Crown House Sittingbourne Road Maidstone Kent ME14 5EY

N Clark F&D
N Youngs

Telex 96107 Telephone Maidstone 54300.ext

I D Taylor Esq
Nailbourne Protection Society
3 Whitelocks Close
Kingston
Canterbury CT4 6JG

Your reference

Our reference
EL 9611
Date
3 February 1984

Dear Mr Taylor

MR PETER BELL, PALMSTEAD FARM, KINGSTON, CANTERBURY, KENT

Thank you for your letter of the 14 January 1984 requesting information on land classification and clarification of the statement concerning "Ministry of Agriculture, Fisheries and Food Support" outlined in Mr Bell's grounds of appeal.

In reply to your first query I can confirm that this Ministry has undertaken a study of the land quality on the site using the criteria established for the Agricultural Land Classification Maps of England and Wales. I enclose for your information an Explanatory Leaflet setting out the basic information on this system of land classification.

As you will see from this leaflet, areas in non-agricultural use such as woodland are shown separately and not graded according to land quality. The classification was carried out in May 1983 as part of our normal investigations following the consultation by the Canterbury City Council on the proposals to fell woodland protected by a Tree Preservation Order. Full details of the results would be available from that Authority.

Turning to your second point, I would say that there has been a misinterpretation of this Ministry's role in the planning procedure and it may help if I explain the Ministry's involvement.

At the outset I would emphasise that the responsibility for administering planning legislation and issuing planning permission lies with the relevant local Planning Authority. Similarily it is the applicant's responsibility to make his own case with the assistance from whatever professional advice he considers necessary to employ.

This Ministry's role in development for agricultural purposes is set out in the DOE Circular 75/76 and the Annex to Circular 24/73. Briefly stated it provides that a local Planning Authority who does not find it possible to determine a planning application satisfactorily on the information before them, or with advice available to them, may ask the Divisional Surveyor from this Ministry for a technical appraisal of the agricultural issues. There is no question of an automatic or general reference. The technical appraisal letter provided by the Divisional Surveyor in response to such a reference would include a factual description of the holding and farming enterprise; the statement of the agricultural considerations relevant to the proposed agricultural development; and an evaluation of the matters raised by the reference. The appraisal may also set out the effect on the holding if the development was not approved, but it would make no recommendations for or against the application. Again details of the

.....

appraisal provided by this Department are with the Canterbury City Council.

I hope this provides the information you require, but if there are any points upon which you would like further information please contact me again at the above address.

Yours sincerely

K G PUGH ARICS
Senior Surveyor

3, Whitelocks Close,
Kingston,
Canterbury, CT4 6JG

To The Editor,
Kentish Gazette,
St. George's Place,
Canterbury.

5th. February, 1984

Dear Sir,

Correcting the "Landowner" Fallacy

Much is argued about the rights of "landowners" to do as they wish with their own property. But "land ownership" is a fallacy (though the term "landowner" is often convenient to use). All land in this country is legally vested in The Crown; the greatest interest an individual (or Corporate Body) can own is an Estate in Fee Simple, which provides for certain rights and privileges to be conferred upon the Estate Owner, in respect of a piece of land.

Perhaps the most significant right is to determine who may or may not enter upon that land to which the "Estate" refers. Such a right is curtailed by some predetermined conditions such as the existence of public footpaths and bridleways across the land.

An "Estate" is immobile. Other material possessions (including for example a house built upon the land) can be moved or destroyed. An "Estate" can be sold or split into several smaller "Estates", but the total land itself remains the same acreage.

The vesting of ownership of all land in The Crown clearly demonstrates the unique value and special quality of land. The Crown represents "the people" and the Public therefore have a vested interest in ensureing that land is not misused or despoiled by Estate Owners. In lay terms, the Public has rights in respect of land just as Estate Owners have rights in respect of their Estates.

cont...

Estate Owners therefore need to be mindful that the land is not theirs to do with as they wish. Estate Owners are restricted by statute law and cannot of their own accord close public paths, divert rivers, erect dwellings, destroy forests or woodlands, or change the fundamental nature or use of the land. (Incidentally you may own the house you live in; but you do not own the land; you own the estate upon which your house is built.)

It might be more correct to describe "Estate Owners" as "custodians in possession to preserve the land for present and future generations."

It is encouraging that most owners of larger estates (i.e. farmers) are mindful of the onerous responsibilities which the law places upon them, and their moral responsibility towards the Public. The Public Interest in land, will,however, be upheld with persistence, vigour, and integrity, in those circumstances.where estate owners fail to respect their legal and moral obligations and duties to present and future generations.

Yours faithfully,

Ian Taylor,
Hon. Sec.
Nailbourne Protection Society.

BLEAN, HACKINGTON & TYLER HILL SOCIETY

4 Sunnymead
Tyler Hill
Canterbury, Kent

REF.SE2/5273/147/5

Department of the Environment Inspector
South East Region
Charles House
375 Kensington High Street
LONDON W14 8QH

28 January 1984

Dear Sir,

QUILTERS AND FEATHERLEY WOODS, KINGSTON

I understand that the owner has appealed to the Secretary of State following the Canterbury City Council's decision not to allow him to fell these ancient woodlands.

On behalf of our Society I write to support the Nailbourne Protection Society in their opposition to what would be an unpardonable destruction of a precious asset in the beautiful Kent countryside.

Yours faithfully

J.B.

(Mrs. J. Barlow)
Assistant Secretary

(Copy for information)

Canterbury
CITY COUNCIL

(Mr. S. S. Milgate)

My Ref: 16SL/13/SSM/CA/T/83/1/KIN

Extn: 510

Your Ref:

Date: 21.2.83

Dear Sir/Madam

The coppicing of underwood on three sites (i) North east area of Quilters Wood (ii) Eastern portion of Middle Wood (iii) Western end of Featherly Wood, near Lynsore Court, Kingston.

With reference to the above application, I have to inform you that the Town Planning (Development Control) Committee has granted consent subject to the following conditions:-

(i) All coppice shall be cut at ground level with the cuts sloping outwards so as to prevent any moisture from forming towards the centre of the stool and rotting it.
(ii) All brushwood shall be either burnt after cutting or be properly cleared away from the site to the satisfaction of the Local Planning Authority.
(iii) No cutting operations shall be carried out between 31st May and 31st October in any year.
(iv) All existing oak standards shall be retained.

Yours faithfully,

T. Jackson

CITY ARCHITECT AND PLANNER

I. D. Taylor,
3 Whitelocks Close,
Kingston.

Percy Jackson, RIBA, FRTPI, City Architect and Planner
Military Road, Canterbury, Kent, CT1 1YW. Telephone: Canterbury 51755

N.P.Soc.

3 Whitelocks Close
Kingston
Canterbury.

26th January 1983

To: The Planning Dept.
Canterbury C.C.

Dear Sir,

Re: CA/T/83/1/KIN & CA/T/83/2/KIN

Of these two Applications only 83/1 seems to have been publicised in the local press.

This Society feels that both Applications require more thorough investigation before a Planning decision can be made.

The areas of woodland in question are subject to Tree Preservation Orders, which are not made without reason, and should not be lightly overruled.

The Applications state "Felling for change of use to Agricultural use." It is questionable therefore, whether this woodland will remain as woodland or become arable/pasture land.

The Applications seek Planning consent for "felling", but do not discriminate between "mature Trees" and "underwood". A licence to fell could be contruod as a licence to fell ALL trees on the sites.

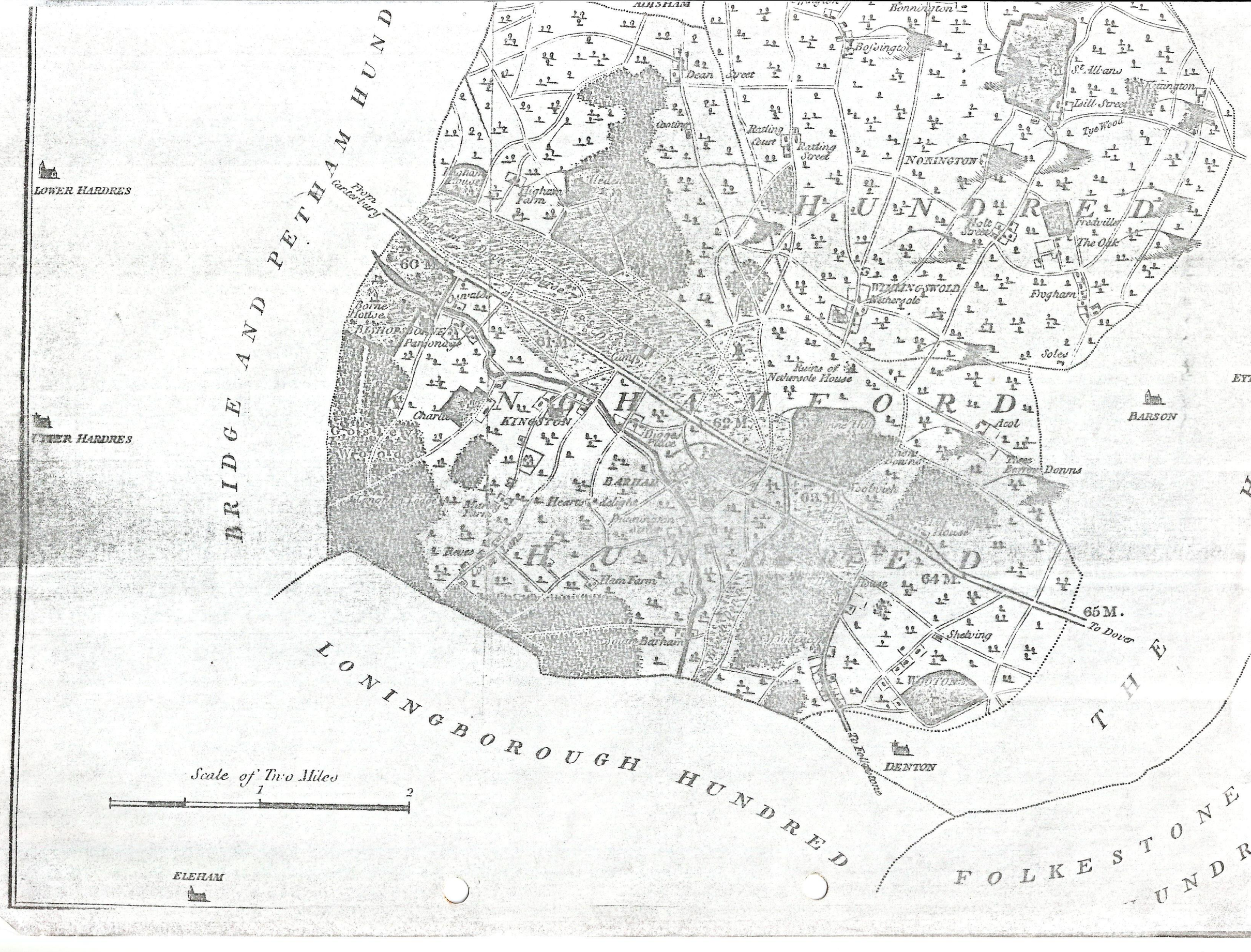
Any Planning Department action taken after trees have been felled contrary to Tree Preservation Orders, would do nothing to preserve such trees.

This Society does not oppose the cutting of underwood, but requires the Canterbury City Council Planning Department to ensure that trees subject to Tree Preservation Orders are protected.

Yours faithfully,

IT Taylor

Ian Taylor
Secretary.



ADISHAM
Bonnington
Bossington
Dean Street
St. Albans
Kettington
Isill Street
Tye Wood
Cooting
Ratling Court
Ratling Street
NONINGTON
LOWER HARDRES
From Canterbury
Higham Farm
HUNDRED
Holt Street
Fredville
The Oak
60 M.
Borne House
BISHOPSBORNE
Parsonage
WILLINGSWOLD
Nethergate
Frogham
Soles
61 M.
Ruins of Nethersole House
EYTHO
KINGHAMFORD
BARSON
Charlton
KINGSTON
62 M.
Acol
Gosley Wood
Higgins Place
Thee Barrow Downs
BARHAM
Woolwich
Hearts delight
63 M.
Reves
Ham Farm
64 M.
65 M.
To Dover
Shelving
South Barham
WOOTON
LONINGBOROUGH HUNDRED
THE
DENTON
To Folkestone
Scale of Two Miles
1
2
ELEHAM
FOLKESTONE
HUNDRE

QUESTIONS FOR MR Pete BELL

1. What is acreage ? Appeal Site
   What is acreage ? total estate ? Acreage ? dto Woods.
2. What use will be made ? the land ~~trees~~ if were grubbed out ?
3. What would Farm + Horticultural Development Grant be (Grant ~~##~~ II
   used to finance ? Why "full Support" ?
4. Why has he claimed Min ? ~~Forestry~~ Agrid "full support". II
5. What is "further factual evidence" ? no loss to amenity I
   to local environment ?
6. What happened to the caterpillar track heavy plant
   left a site ? grubbing out at Clumbercrown
   for 18 months ?
7. Is Mr Bell a Member ? Nat Farmers Union ?
8. Why did Mr Bell ~~buy 88 acres~~ pay ~~about~~ £23 000
   for 88 acres ? Woodland ?
9. Was Mr Bell prosecuted for unlawful grubbing out ?
   When ? What ? Where ? Court Action ?