

Representation on planning application 19/05832/FUL – Use of land as a natural burial site at Leafy Lane Wood, Rudloe

The Planning Statement – general observations

There are a number of insufficiencies in the Planning Statement not least that the application would bring about a further erosion of the natural or green spaces at Rudloe. It was argued, in the long, drawn-out battle over the rights of way, that the Leafy Lane Playing Fields (LLPF) organisation should have acted in accordance with its aims affirmed in its founding documents, that is 'To advance and improve the education and physical, mental and social well-being of the community by the provision of sporting and recreation amenities, grounds and facilities of all kinds' and 'To provide for the inhabitants of Corsham and surrounding areas in the interests of social welfare facilities for recreation and leisure time occupation with the object of improving their conditions of life'. The principal purpose of LLPF was and is to provide sporting facilities but the woodland was also included in the project in order to fulfil the wider aspects of the above aims. The not inconsiderable grant of £75,000 from North Wilts District Council towards the initial project costs would have had in mind these wider aims. It was therefore more than surprising that LLPF not only decided to sell off the woodland to the detriment of the local (and wider) community but that the Charity Commission found no issue with the proposal (the Public Accounts Committee, in 2014, asserted '*It is clear that the Charity Commission is not fit for purpose. The Commission too willingly accepts what charities tell it when it is investigating alleged abuses. It too often fails to verify or challenge the claims made*'). Following a number of questions related to the proposed sell-off, the Charity Commission's last response included '*Any further questions you may have on these matters should be directed elsewhere*' which tends to confirm the Public Accounts Committee's view. The Commission knew perfectly well that there is no 'elsewhere' other than an expensive legal route through the courts.

Leafy Lane Wood constitutes the only natural recreational area in Rudloe. There was a strip of beech woodland, owned by GreenSquare, between the Bradford Road and the school which could easily be accessed by children of Rudloe Estate and in which they played and made dens, particularly during the summer holidays. However this was given over to the school, fenced in and became an outdoor educational/play area for the schoolchildren quite some years ago, and so was lost as a natural play area for the Estate's children. Even the long-established (for about 75 years, since the days of the prefab estate) Rudloe Green is now under threat of development or at least of being shifted as part of a development. The residents' application for village green status this year was not successful in spite of the Green being designated as 'public open space' in the North Wilts Open Space Study (http://www.wiltshire.gov.uk/northwiltsoopen_space_study.pdf) which states that Corsham and Rudloe are locations in north-west Wiltshire "where the deficiencies of Public Open Space are most acute" (para. 4.76). However, given the issues identified in the first paragraph, perhaps this application represents the only option for Rudloe to retain some semblance of public open space.

Whilst the applicant has been at pains to point out that the activities currently undertaken (dog walking, children playing including den building, the more formal woodland activities of Snapdragons children's groups and just general walking plus the footballing activity going on in the playing fields) will not be affected by this application, it is not easy to imagine how this would work in practice. There is considerable use of the footpaths in the woods at all times, particularly by dog walkers and footballs will penetrate (particularly during summer tournaments) the trees/hedgerow into the

burial ground perhaps while visitors are present. It is noted that a perhaps valid comparison between this site and Ladbrook Lane cemetery which lies adjacent to Corsham Town's football pitch is made in section 7.16 but the use of Corsham Town's pitch is not as extensive as Leafy Lane usage with its multiple pitches and summer tournaments.

With regard to specific parts of the Planning Statement, the following observations are offered:

In section 2.7, para. 2.7.2 we find the statement: "A detailed appraisal of the habitat types found within the application site is contained within the Preliminary Ecological Appraisal prepared by Johns Associates". This appraisal is far from detailed.

Just a small point but the tree preservation order (TPO) number identified in section 3.0, para 3.8 appears to be incorrect. The original TPO was No.1 of 1995; as far as I know this has not been superseded.

In section 5.0, para. 5.3, the responses gleaned from the public consultation include "... an appreciation of the benefits that would flow from habitat management and welcomed the ongoing public access to the site and protection from alternative, more intensive forms of development". It is far from clear what benefits will flow from habitat management (see later section on this subject); 'the ongoing access to the site' is enabled through public rights of way fought for resolutely by local residents over the last few years, the applicant can claim no kudos regarding the retention of these rights of way; as this site is at the south-east corner of the Cotswold Area of Outstanding Natural Beauty, outside the settlement boundary and is subject to a blanket tree preservation order (TPO) there should be no question of "more intensive development" here (but who can tell in these days of development at all costs).

The concerns raised in para. 5.4 are not addressed within the Planning Statement

Regarding section 6.0, paras 6.9 and 6.10, the email from Wiltshire Council's Arboricultural and Technical Support Officer dated 19th July is relevant. She is highly sceptical that the proposed protection of tree roots is feasible and is concerned about compaction and the effect on tree roots of the proposed use of a mini-digger.

Para. 6.20 appears to contain much wishful thinking with regard to the future. The last sentence implies that the burial ground whose title will still be with the applicant's successors would be voluntarily transferred to the local authority who would, willingly, take responsibility for it.

Given what we find in the various accompanying ecological reports and the proposed management plan, the statement "*a natural burial ground will have limited impact on the character or appearance of the site, or the wider area*" in para. 7.4 is contentious to say the least – see more detailed analysis of this later in this document.

The use of green wood chippings in the parking areas for service access, mentioned in para. 7.5, and burials undertaken outside the root protection zones, from para. 7.6, are questioned by the Arboricultural and Technical Support Officer in her 19th July email.

The statement in para. 7.8 could well be true but the content of the Habitat Management Plan gives a great deal of disquiet regarding the extent of management activities (see later analysis in this document).

The title of section 7.9 Impact on Highways should be extended to include ‘... and the Woodland’. The areas required for vehicular access and movement, particularly access 04 for committal attendees have, I consider, been underestimated. I would imagine that there would be a great deal of ‘interest’ in what is still a relatively rare event, a natural woodland burial. But even if this is not the case, the impact of the proposed parking area and pathways would be significant. Winter aconites (flowering in February) are to be found adjacent to both proposed parking areas with an extensive patch to the south of proposed parking 04 and shown here:



In addition, the proposed “clearance of existing pathways and surfacing with green-wood chippings” (see the Arboricultural Officer’s report on the subject of green-wood chippings) would detract from the natural nature of the woodland and its pathways.

I would hope that the statement in para. 7.21 “... will result in a net public and biodiversity benefit in the long-term and provide protection for the woodlands in perpetuity” will come about if the planning application is approved but given the issues unearthed in the analysis of the ecological and arboricultural plans and reports (below) this seems unlikely.

The Ecological Management Plan

For a proposal which promises to preserve the natural state of Leafy Lane Wood, this 33-page report does not bode well. Pesticides are mentioned four times, weedkilling three times and chainsaws twice, the word ‘neat’ is used on three occasions and ‘even’ twice (‘clean even’ and ‘neat even’).

Natural woodland does not appreciate pesticides, weedkilling, chainsaws, neat, clean and even; perhaps the spirit of the report is encapsulated in its section 4.3 with “*Annual monitoring to assess the condition and health of the trees and woodland in general, as well as identifying those trees which are deemed to be dead, diseased, dangerous or dying and may pose a risk to members of the public, visitors, staff etc to be carried out in May/ June*” showing that natural woodland is viewed as potentially ‘dangerous’ and ‘posing a risk’. There is, of course, far more risk to funeral-goers in the journeys to and from the site. However, more woeful narrative is to be found in the detail; text from the plan follows along with comment.

“Remove litter and fallen leaves regularly to maintain a neat appearance”. *Please - no neat appearances in natural woodland.*

“Remove fallen leaves from all grass and hard areas by most efficient means - raking, sweeping with a motorised vacuum sweeper or rotary brush sweeper”. *Fallen leaves in natural woodland - outrageous! There is enough motorised, electronic equipment in the environment already, we should not countenance the racket made by such equipment in Rudloe’s only refuge from 21st-century din.*

“When grass areas are well established, form edges around newly planted trees with a suitable edging tool, to clean straight lines or smooth curves. Draw back soil from edges to permit use of edging shears and remove all arisings” *More unnatural neatness specified.*

“SPOT WEEDKILLING: To be carried out on approval of the CA. Walk through grass areas with a suitable portable applicator and spot treat weeds with a suitable herbicide. Take particular care to treat all broad leaved weeds present, as well as all injurious weed species listed in the Weeds Act 1959 and Countryside Act 1981. 5.1.8 SELECTIVE WEEDKILLING: Where required application of selective herbicide, as approved by CA. Application as per manufacturer’s instructions”. *No chemical weedkillers should be used in natural woodland. Glyphosate (Roundup), the weedkiller of choice these days, is mentioned yet lawsuits in the US against Monsanto (the manufacturer) claim that glyphosate causes several types of cancer such as non-Hodgkin’s lymphoma, b-cell lymphoma, leukemia, and others. Monsanto faces more than 13,000 Roundup lawsuits, including one already concluded in which the plaintiff received an award of \$78.5 million in damages. Yet it is proposed to use this in our natural woodland! Fran Brook’s well-researched ‘Leafy Lane Woodland Management Project’ the link to which may be found in the 29th April 2019 article here: <https://www.rudloescene.co.uk/localities/rudloe/leafy-lane-flora-fauna/> includes the following ‘The meadow area already contains some excellent woodland edge habitat, not mowing or treating the area with chemicals will allow the return of meadow flowers to this area, enhancing the biodiversity value of the whole woodland’.*

“CUTTING: Cut all short, mown grass areas as necessary, including watering and weeding, to maintain a neat finish with a height appropriate to the use (e.g. 150 to 300mm) throughout the growing season”. *More neatness.*

And so it goes on with, for example, the seven pages of sections 5.2 and 5.3 full of information about the proposed maintenance of trees in the woodland. But one aspect in particular encapsulates the underlying rationale and this is to be found in the Tree Reports discussed below.

The Tree Survey Report, Arboricultural Statement and Ecological Appraisal

Here, and also in the Tree Safety Inspection Report, we find the statement “... **it should be noted that the site has a high number of ivy clad trees, these are potential hazards and ivy should be severed to reduce risk and to allow detailed inspection in the future**”. *This is probably the most significant statement highlighting the mentality behind the management of this natural woodland. Once again, the natural state is seen to be a ‘risk’ which requires the removal of ivy, not for the benefit of the natural environment but for the amenity of future tree inspections. On its Web pages, the Woodland Trust says the following: “The wildlife benefits of ivy are huge. At least 50 species are associated with it and the real figure is likely to be much higher. Both the pollen and berries can be an essential source of food for many insects and birds and ivy provides shelter for invertebrates, birds, small mammals and bats. Any management of ivy must consider the impact it might have on these dependent animals. Here at the Woodland Trust, we do not have a policy of cutting or managing ivy on our sites unless there is specific reason. This could include the conservation of plants that grow on ancient trees (e.g. lichens and mosses), prolonging the life of ancient trees that have structural problems, or for tree safety reasons”. Yet in Leafy Lane Wood it is proposed that ivy is cut and killed simply to enable future tree inspections and, ironically, in the report’s summary we find the contradiction ‘The proposal is for a green burial ground and as such every effort has been made to minimise the impact on the trees and woodland on the site’. For no other reason than this, this planning application should be opposed.*

And one begins to wonder further about the two tree reports, one of which (the Survey) finds no hornbeams (*carpinus betulus*) in the wood yet the other (the Safety Inspection) finds one which it recommends should be felled! However, there are three hornbeams in the wood, all at its north-eastern corner. This is the only tree in the reports to which I have applied my ‘eagle eye’; with such a glaring error here, how much reliance can be placed on these reports? And while on this subject (of dubious reports), the Ecological Appraisal is superficial to say the least. No mention is made of Bath asparagus, found in the wood and recognised as a **nationally scarce species in the UK and also protected under the Wildlife and Countryside Act (1981)**.

Conclusion

Whilst I initially thought I would see this project in a favourable light, having analysed the application documents, I now have considerable doubt. The overriding requirement of the habitat, ecological and tree reports appears to be one of gratuitous over-management (cutting/killing ivy growing on trees to enable future tree surveys is a conspicuous example) contrary to the stated aims of the applicant. There are also, apparently, glaring errors and omissions in these documents.

Paul Turner
29 Springfield Close
Rudloe

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