

Dear Mr Rowbotham and Cllr Scholey

Jenkins Neck Wood, Shacklands Road

You previously requested an update, email on 13/3/2017 from Cllr Scholey, from Badgers Mount Parish Council (BMPC) regarding progress in relation to the woodland. Our response and the current situation is as follows.

1. BMPC places a very high priority on the protection and preservation of Jenkins Neck Woods (JNW). Since the construction of the M25 in the late 1980's, JNW has formed a vital part of the natural woodland barrier protecting the residents of Badgers Mount from the noise and pollution of the motorway.

The woodland sits within an Area of Outstanding Natural Beauty and is designated Ancient Woodland. It has created an ecological, environmentally friendly barrier to the noise and pollution from the motorway and it has created a haven for wildlife including deer, badgers, foxes, rabbits, many birds and no doubt bats.

2. The importance of the woodland in this regard was fully recognised at the time of the motorway's construction. The particular choice of the M25 route carried with it the implication that the woodland in question would be preserved in perpetuity for the purpose of protecting the residents of Badgers Mount. Owned at that time by the Forestry Commission, the woodland subsequently came into SDC's ownership in 1991. As a result of this transfer of ownership, BMPC believes that SDC has a moral obligation – possibly even a legal obligation – to ensure the continued preservation of this woodland screen. BMPC believes that SDC would be in breach of this obligation were it to sell the woodland into private ownership, particularly if SDC were to seek to profit commercially from such a sale.
3. BMPC wishes to see no increase in the noise and pollution from the M25 affecting the residents of Badgers Mount. SDC sold a long lease on part of JNW in 2008 to the owners of 1 Shacklands Cottages, Shacklands Road. The new owners later felled most of the trees on their land, and Badgers Mount residents along Highland Road reported an increase in traffic noise as a result.
4. BMPC believes that protection and preservation of JNW cannot be guaranteed if the remaining woodland comes into private ownership. SDC has placed a TPO on the woodland. However, BMPC has no confidence that this TPO would in any way be effective in protecting the woodland if it was in private ownership. While SDC might impose conditions or a covenant on the sale to a private owner, there is no guarantee that this could be imposed on subsequent purchasers if the first one decided to sell the woods again. Once felled the woodland would be gone and no amount of fines for breach of the TPO would restore it.

5. BMPC therefore believes it is imperative that the woodland remains in public ownership. If SDC is unwilling to safeguard the woodland itself in perpetuity, then BMPC would be prepared to enter into discussions with SDC with a view to the ownership of the woodland being transferred to BMPC for a nominal sum. In this manner SDC would be relieved of the financial burden of maintaining the woodland in future. BMPC is aware that other tracts of woodland have been transferred in this manner (for example by KCC) into ownership by other parish councils, and BMPC believes this could possibly be the best route forward.

6. BMPC is in no position to purchase the woodland from SDC at a “commercial valuation” which SDC informally suggested might be in the region of £80K and has, in any case, no intention of doing so at such a price. If in spite of its obligations to preserve the woodland, as explained above, SDC is nevertheless intent upon realising some commercial value from it, then BMPC would respectfully suggest that the opportunity to do so would likely arise naturally in conjunction with the granting of planning permission for a residential redevelopment of the Chelsfield Depot site on Shacklands Road, currently owned by F M Conway (FMC). The timescale within which such a development might take place is unknown, but it appears likely that it will happen as the site is included in the Sevenoaks Local Plan, now being produced. It is purely a matter of time. We attach for your information, a copy of FMC letter to BMPC dated 02.06.16 (which we believe that you already have a copy of), within which they make it clear that:

“... we envisage that a management trust of some description would be established as part of the development scheme to take ownership of the woodland, with an endowment towards its long term management ...” and

“... FMC is keen to work with the PC and local people to try to devise a way for the woodland to be acquired and managed as part of a coordinated and holistic approach in the future ...”.

The outer area of woodland surrounding the FMC site is also part of JNW, and it would be good and a natural event for all the woods to be reunited as one again.

Yours faithfully