

QUESTIONS FROM MEMBERS OF THE PUBLIC

In accordance with Rule No. 15.1 the following questions were submitted to the Council from members of the public:

(i) Wendy Patterson

“On 11th November 2021, before and during the overnight occupation of the Library Garden by four protestors, instructions were issued by a council representative about what could and could not be brought on site to keep the protestors warm and comfortable. The gift of a chair from supporters was refused by the council representative on the grounds that nothing that can be used for ‘habitation’ is permitted. Similarly, a pillow was refused, sleeping bags and a pop-up tent. From where did these instructions come? Who decided what and what would not be allowed? It should be noted that the police officers were far more reasonable about what the protestors were allowed and when the council representative was not on duty, a swap of chairs for more comfortable ones was permitted and various previously forbidden items were brought to the protestors by the police.”

Reply from Councillor David J Lloyd – Leader of the Council

Thank you for your question. It is worth reminding ourselves of the context/background related to your question. On this particular day, Council officers had arranged for an ecologist to visit the site. If you remember, he’d been on-site the week before but was unable to carry out his job due to the level of interest and some interference by certain campaigners. He was advised to leave the site by the Police and to return on another occasion. Council Officers and the ecologist were simply trying to go about their work to implement the decision taken by this Council and specifically to review the already completed ecology assessment from the planning permission in light of information submitted not least by yourselves. That’s what we expect them to do. The advice that you received about prohibiting trespass for the purposes of habitation was correct and remains so. People are very quick to demand action when other unlawful encampments take place and we are reminded on such occasions that equality is part of the law. Throughout this whole episode and at times in the face of significant pressure, confrontation and abuse – yes, some people, maybe not aligned directly to yourselves, have subjected Council staff to intimidation and unpleasant accusations face to face and over social media – Council staff have remained professional, calm and extremely patient. On the day, there were frequent conversations about the health and well-being of the campaigners, with one elderly lady in particular, and every effort was made to avoid forcibly removing people from the site.

Supplementary Question from Wendy Patterson

Wendy Patterson asked who had decided what could be done, as a matter of law?

Reply from Councillor David J Lloyd – Leader of the Council

It is not who decided what could be done but what was the law. The application of the law is the interpretation of Officers and land owner. The requirements to prosecute thereafter might be in conjunction with the Police but only once criminality had occurred.

(ii) Darrell Pointing

“11/11/21: A police officer from Mansfield spoke to the protestors who remained on site and said that ‘this appears to be a matter of trespass only, which is not police business’. On what grounds did NSDC require the police to attend and what did they tell the police which led the force to mount a large and expensive operation with very many hours of police and community police officers time taken up with supervising a peaceful protest? Having been issued with the directive to leave the garden to avoid arrest, why were those protestors who remained not arrested? What laws were the protestors breaking by staying on the garden?”

Reply from Councillor David J Lloyd – Leader of the Council

I’m really grateful for the question as it gives me the opportunity to set the record straight on this particular matter. As I said in my previous response, the original plan was simply for an ecologist to visit the site with a couple of Council staff and undertake a survey. People on - site prevented him doing that and the Police advised him and Council Officers to return on another day when the Police could arrange for a greater presence. That tells you something about the nature of the situation. A return day was agreed, in conjunction with the Police, and it’s completely inaccurate to say that the Council required the Police to attend. The Police are independent of ourselves and determined for themselves the level of resource that they felt was needed given the risk and the nature of the situation. The arrangements were carefully and jointly planned between the Council and Nottinghamshire Police and the Police determined that the offence of aggravated trespass would be committed if campaigners chose not to respond to their requests to leave the site. At every point, the Council and the Police sought to avoid confrontation and that’s why people were given time to leave of their own accord. That those remaining were not arrested is further testament that we have sought to be reasonable where possible.

Supplementary Question from Darrell Pointing

Darrell Pointing commented that if it was a Police decision as to the level of presence of Police Officers then the question needed to be asked of them.

(iii) Christine Stevenson

“11/11/21: With about 50 protestors on site and while designated PNGS spokespersons were led away to the rear of the garden to speak to a police officer - Sgt 2858 Matt Ward. A council worker/contracted by the council attacked the hedge between the garden and the public footpath on the London Road car park with a chainsaw. This took place with no warning, no cones, no health and safety measures at all, while members of the public and children were present on the path, on the grass and on the garden. Who authorised this dangerous and illegal action? Video and eye witness accounts available.”

Reply from Councillor David J Lloyd – Leader of the Council

The choice of words is sadly typical of some of the misleading and inaccurate information that has been pedalled. No hedge was attacked, no members of the public were endangered and no health and safety laws were broken. A suitably qualified contractor with a hedge trimmer began to trim the hedge for access to the site. They were flanked by banksmen wearing “Hi-Viz” clothing. Protestors purposefully walked towards the workers to stop the work. Work stopped nearly as soon as it started and there was no risk to pedestrians or protestors making their way towards the hedge.

Supplementary Question from Christine Stevenson

Christine Stevenson advised that a chainsaw had come within inches of her person and asked why does your account of the situation not match that of mine? I was present at the time and also have video evidence.

Reply from Councillor David J Lloyd – Leader of the Council

I can only give a response from those persons we have sought to contact since, to establish their version and the veracity of the situation. If there is something to the contrary it needs to be submitted to the Council.

(iv) Louise Smith

“On 11 November, metal fence panels were brought onto the garden and council workers/council contracted workers proceeded with speed to erect the panels. Their haste and lack of attention to detail was such that they commenced installing the fencing along the public footpath by the Library thereby blocking the fire exit from the Library. When this was pointed out, in the midst of a chaotic and brutal operation to seal off The Library Garden, the fencing was moved forward onto the grass and off the footpath.

Please could you address the following questions:

- * On whose authorisation was the attempt to block the fire exit from the Library?
- * What were the precise instructions given to council representatives/workers/ contracted workers about this operation to secure the ‘compound’ for an immediate start of work (despite police assurances to the protestors that the only work that would be carried out was the fencing).”

Reply from Councillor David J Lloyd – Leader of the Council

Fencing feet were briefly laid on the footpath at the side of the library as the protesters began to stand in the way of the fence panels and footings as they were being carried onto the site. These feet were moved onto the grass area once final assembly of the compound was complete. At no point was the fire exit door blocked. Do you think the contractors were working so fast? It was because they knew that if they hung about, you and others would do your best to prevent them doing their jobs. No tree works were planned for this day. The site was being fenced off and an ecologist was visiting the site to undertake a survey. That’s all. Nothing brutal, nothing chaotic. Just fencing and a survey.

(v) Pamela Ball

“12.11.21 - A person was escorted on to the library gardens (proposed car park annexe), to undertake a bat survey. Protestors were informed that this person would not provide a name, or credentials. A protestor read out the regulations for such a survey at this time of year, namely bat hibernation period.

A minimal ground survey of the four trees using binoculars was conducted, to establish likelihood of bat roosts. Ladders were then used to examine a bat box in the large sycamore tree. However, bat boxes are only used for summer roosting and should therefore not be used to establish the presence of bats.

After the preliminary bat survey, which is an incomplete survey, a phase 2 survey should be conducted between May-September.

St Georges Trust conducted a detailed bat ecological survey on 24 October 2021, on behalf of the campaign group, which was subsequently provided to Newark and Sherwood District Council, establishing a high level of bat activity!

Very shortly after this preliminary survey, council contracted workers readied themselves at the rear of the garden to bring tree felling equipment onsite.

Did the bat surveyor actually submit a report with all the details, analysis and photos etc within minutes of his survey? Which officer at NSDC received the report, read it, checked it for completeness and validity and authorised the tree felling to go ahead? Had a licence from Natural England been applied for?

Over the past 50 years our wildlife has declined by 41%. Bats are a protected species and have lost much of their habitat. It is illegal to disturb or destroy bat roosts, the penalty for which is huge fines.

In these times of environmental awareness, did NSDC feel it appropriate to commit a wildlife crime?

Had Cllr Girling not arrived onsite to announce a uturn, this is exactly what would have happened!

Finally, if the tree felling had not been stopped minutes before it was due to start, what would have happened to the four remaining protestors? Would they have been forcibly removed by the police and on what grounds? If the protestors had been allowed to stay, what health and safety measures were in place to protect them?"

Reply from Councillor David J Lloyd – Leader of the Council

It is hardly surprising that the ecologist didn't want to disclose his personal details to you or anyone else for that matter. You were hardly welcoming him on to the site with open arms. Perhaps you didn't want him there because you knew what he'd establish – he found two recently installed bat boxes but no bats and no evidence of occupancy by bats. For the record, the person commissioned was a senior ecologist who holds a Natural England Level 2 Class License and we prefer to take our advice from independent and properly recognised and qualified professionals. Again, for the record, we were never minutes away from the trees being felled. That's simply untrue.

As a Council, at Planning Committee and on many other matters, we work very closely with Nottinghamshire Wildlife Trust and Natural England. We seek their advice as statutory consultees whenever required. We know environmental law as we prosecute people under it. We are not the experts on everything but we do work with people who are experts on certain matters and we take their comments on board.

Those reviewing the original planning permission might wish to dig out the comments of the Wildlife Trust and Natural England. They might also wish to look at the original ecology assessment or the second one, copies of which can be made available. They might also like to look at other planning applications. Referring to my own Ward where 3 mature trees were being severed at Lovers Lane; at one point in excess of 38 trees at Highfields; the previous site of nature conservation half way up Beacon Hill Road on the right; to the left where the new Heights Development is; to the right where the Beacon Heights Development is; in front of the shop, or behind it, in excess of 70 mature trees, all of which I have defended and sought to protect. Indeed half way up Beacon Hill Way there was a bat survey undertaken indicating more bats than were present on the London Road Car Park survey but no comments were submitted, no campaign was run, no protests were held, no contact with myself as Ward Member was made, no comments received from the Wildlife Trust opposing the plans, no comments received from Natural England opposing the plans, no fever and nothing online. I would welcome the support in defending those trees.

My sadness on this episode in not being able to be involved was the counterpoise – we're about to hit the target of planting 10,000 trees; that we're developing a Tree Strategy; that we recognised this issue head on; that we have an understanding that some trees do have a life. They require remediation and repair, as the trees already do in the London Road annex. The lime tree will need repeatedly pollarding. We know, because we've sought the expertise, that towards the end of life, trees emit carbon, not absorb it. We know that while we're using this smaller species of trees that they very rapidly absorb carbon and the reality is if we're going to sequester carbon, those trees will need felling but they will also need replacing. Mature trees are statuesque and we want more of them but of themselves they take an incredibly long time to absorb the carbon and distinct from the goat willow, rowan and other trees we're encouraging people to plant, they won't do the job.

The Council said that when it would address carbon reduction and climate change they would do it properly, they would base line it, look at the solutions and understand them, they would put them in place and would remediate them.

Whilst I share an empathy with the tree that is now being nominated for a national competition and the other 3 that never get mentioned on the site and the 2 immediately adjacent, it was an incredibly difficult decision. I have to say that, I know I had to be away, so I must thank Councillor Girling for taking on the specific matters and assisting us that way but I know now how very difficult it was for Officers and Councillors and indeed campaigners, but a result has arrived that I think people should now recognise, that the trees are now protected as is the land. I am not saying move on, I am not saying don't campaign hereafter but there could be a spirit of constructive engagement on all these sites, on all these issues, on an agenda which the Council share with the campaigners.