

question, research published by the founders of Ms Mac Queen's own parent company (Lawson M & O' Callaghan D, 1995, reproduced here at Appendix 7) in the same year as Dr Dobson's paper, describes beech at p.95 as '*shallow (non-deep) rooting trees, lacking the genetic capability to pursue moisture at depth*'. Thus, a fuller reading of the cited text and associated research does not in fact, create a disjunction with the evidence / reality.

- 7.4 Of course, the RPA need not be co-extensive with the current rooting system: there is the sense that the RPA is a reservation of benefit in that area for the tree's maintenance. However, in this regard the consultant may indicate an alternative polygon that provides the same reservation by area, but displaced to reflect the tree's rooting pattern. Tree Projects provided just such polygons in their report. We have updated these polygons within our plans (in our AIA report at Appendix 5 to this proof) to incorporate the larger stem diameters of the trees, including beech tree, T4.
- 7.5 The construction of the LGF beneath the canopies of both trees (subject to method of working) was also considered within our AIA and the Tree Projects' report. T1 already requires arboricultural work to be undertaken on husbandry grounds, which should provide the necessary clearance for construction. Both reports proposed a crown-lift and minor reduction to T4 to provide the necessary clearance, in combination with an inverted crash deck and the use of low-access equipment (e.g. mini-piling rigs). The overall impact of these arboricultural works and proposed use of low-access equipment was rated low, a point verified again within the Committee Report of the 16 December 2013 (See Para. 5.6 above). The photographs 16 and 17 below illustrate the small diameter branch wood that would need to be lifted to 3.5m facilitate construction access.



Photographs 17 and 18: Small diameter branch wood only below 4m height on T4

8.0 AMENITY CONTRIBUTION

- 8.1 The scheme will retain existing private open space and valuable trees and will provide a substantial amount of soft landscaping and green roofs (see Section 10 Replacement Planting below).
- 8.2 The development involves the removal of a small number of trees only (5 excluding Category U trees) either of low quality or of limited visual amenity. Trees lost will be more than mitigated through replacement planting: currently, the site frontage is a mess of overgrown scrub in poor condition that does nothing for the conservation area, but perpetuates an air of neglect. Felling and replacement can only improve upon the current situation; it certainly cannot harm the appearance of the conservation area.



Photographs 19 & 20: Trees along frontage of the site



Photograph 21: Low visibility of elm T2

- 8.3 Even the horse chestnut (T1), which is to be retained, is currently looking the worse for wear: in addition to replacement planting for the scrub, various cultural treatments have been proposed for this sick tree, and any chemicals used in those treatments will be safe and appropriate for use. The street tree is a singularly poor specimen, bifurcated in two, which is wholly inappropriate for a tree in such a location. Removing one of the two stems would give it a lop-sided, unsightly appearance. It is best removed while it is still young. The semi-mature elm (T2), inset behind the horse chestnut, has little visual presence within the streetscape and makes a limited contribution to the conservation

area or setting of buildings, thus is not worthy of retention. It is likely to have a short life expectancy due to its susceptibility to and early signs of Dutch Elm Disease. T3 birch, insofar as it is visible, has a sickly / thin appearance, and can only be improved upon by new healthy planting. There are four sycamores within the rear garden and again, the two healthy and attractive Category B specimens that contribute most to the appearance of the conservation area are to be retained, while the poorer quality Category C & U scrub specimens are to be removed.



Photographs 22 and 23: Sycamore trees T6 and T7 to be retained



Photograph 24: Poorer quality scrub to be removed

9.0 TREES IN RELATION TO CONSTRUCTION (BS5837: 2012)

- 9.1 My involvement with this site has been, and remains, through the lens of British Standards Institute publication, Trees in Relation to Construction BS 5837: 2012 HMSO, London. The scope of my works therein is to take the trees as I find them, and evaluate their constraints on development, with reference to their condition and contribution to the site and surrounding area.
- 9.2 The core guidance to which this proof (and the arboricultural industry itself) refers in order to determine such material tree constraints (and to assess and mitigate arboricultural impacts to them) is the above British Standard. BS documents are the product of cross-industry consensus with clear definitions of terms of art and technical requirements. They are practical documents, which seek to demonstrate best practice. This core document is hereafter referred to as BS5837.
- 9.3 In BS5837, paragraph 5.1.1 councils are encouraged to exercise their discretion in protecting too many or unsustainable trees:
- 5.1.1 The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration. Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification. However, care should be taken to avoid misplaced tree retention; attempts to retain too many or unsuitable trees on a site can result in excessive pressure on the trees during demolition or construction work, or post-completion demands for their removal.
- 9.4 The felling of 5 category 'C' trees T3, T5, T8, T9 and T14 (with 4 further category 'U' trees T2, T8, T9 and T12 to be felled on husbandry grounds/ to facilitate landscaping). Is compatible with BS5837:2012 advice. (Similarly, the determination of low impact to trees, T1 & 5). The recommendations of our report were consistent with those of the Committee Report:
The arboricultural report, method statement and tree protection plan are considered acceptable subject to the intended tree protection measures put in place prior to any demolition or development works commence.
- 9.5 In respect of Tree Projects use of modified polygons to designate a Root Protection Area more consistent with the distribution of roots on the site, the BS advises as follows:
4.6.2 *The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.*

10.0 REPLACEMENT PLANTING

- 10.1 As noted the preceding sections of my proof, the general principle of loss and replacement of trees is acceptable in terms of local and national policy and guidance. The acceptability of such replacement proposals will depend to a great extent upon both what is removed and what is proposed. It is by no means a given, that tree removal should be conceived of as a loss of amenity: not all trees are an amenity and not all trees will continue to provide amenity in the future.
- 10.2 I have outlined in Sections 7 above, what is to be lost: T3, T5, T10, T11 and T14 (with 4 further category 'U' trees T2, T8, T9 and T12 to be felled on husbandry grounds/ to facilitate landscaping). The Bowles and Wyre Landscape Plan 1375-11-02 (see Appendix 6) illustrates the proposed landscaping and replacement planting. Final stock sizes can be agreed under condition, but the principle will be the use of advanced / semi-mature nursery stock for immediacy of effect. Figure 1 below provides an overview of the proposed replacement planting shown on these plans. There will be a total of 26 replacement trees to the front and rear of the site.

Figure 1: overview of replacement tree planting

Trees to Front of site		
	Trees Removed	Replacement Trees (noted against approximate area of felled tree)
	T11 Plum, Myrobalan	6 multi-stem trees & shrubs below/adjacent to T1
	T12 Cherry, Kanzan	Bird Cherry (Prunus Avium)
	T14 Rowan	Bird Cherry (Prunus Avium)
Total:	3	8
Trees to rear of site		
	Trees Removed	Replacement Trees (noted against approximate area of felled tree)
		Rowan / Mountain ash (Sorbus Aucupana)
	T2 Elm, English (NB above multi-stems also within same area)	Flowering Cherry (Prunus Subhirtella)
		Flowering Cherry (Prunus Subhirtella)
		Flowering Cherry (Prunus Subhirtella)
		Field Maple (Acer Campestre)
		Field Maple (Acer Campestre)
		Japanese Cherry (Prunus Serrula)
		Japanese Cherry (Prunus Serrula)
		Japanese Cherry (Prunus Serrula)
	T3 Birch, Silver	Yulan Magnolia (Magnolia Denudata)
		River Birch (Betula Nigra)
	T8 Laburnum	River Birch (Betula Nigra)
	T9 Laburnum	River Birch (Betula Nigra)
	T10 Sycamore	River Birch (Betula Nigra)
		River Birch (Betula Nigra)
	T5 Sycamore	Juneberry (Amelanchier Lamarckii)
		Juneberry (Amelanchier Lamarckii)
		Juneberry (Amelanchier Lamarckii)
TOTAL	6	18

- 10.3 The new planting will offer considerable enhancement and replaces 4 category 'U' trees (T2, T8, T9 and T12) to be felled on husbandry grounds, in addition to those low quality trees felled to facilitate development. Replacement trees will have the advantage of being specifically selected for the proposed site/surrounding area, healthy and fit-for-purpose (Right Tree Right Place - **London Plan at 7.2.1 (B)**). They will not require onerous future management in terms of reducing canopy encroachment. They include a good mix of native and ornamental trees to deliver the requirements of local and strategic policy objectives (e.g. **Policy DP24 - Securing high quality design**).
- 10.4 The net position is one of significant enhancement. While the replacement trees are individually smaller in initial size, they are greater in number and their future is not compromised by disease or poor conformation. Larger sizes can be specified by agreement / under condition; the current specification is deemed ample. In terms of equivalence between existing and proposed trees, any shortfall in initial size might be termed a deduction for physical deterioration (disease) and all relevant forms of obsolescence (poor structure), in that the planting proposed is optimized for the site.

11.0 CONCLUSION

- 11.1 Although the proposal will result in the loss of 5 low quality trees (and 4 poor quality ones), the current amenity value provided by those trees is very limited, and their future contribution is doubtful.
- 11.2 In terms of net present amenity value (which takes into consideration both current and future value), their removal is estimated as having a relatively minor impact on the character and appearance of the conservation area. That impact will be more than compensated for by new landscaping, with the provision of substantial on site planting, comprising replacement of the 26 new healthy trees. At the front of the site, where visual amenity is most keenly observed and appreciated, the applicant is replacing 3 sub-optimal trees in and around neglected scrub with 8 new trees in a well-designed landscape.
- 11.3 The scheme has potential to provide betterment to the visual character of the surrounding area. The future visual amenity contribution invested in currently indifferent trees (Category C & U), will be delivered several times over with a diverse range of complementary, native and ornamental species, improving open spaces and encouraging greater biodiversity, and specifically selected to fit the setting with minimal maintenance requirements.
- 11.4 The proposed development and its associated excavation works would NOT result in the removal of a number of trees on the site which are considered to have a high amenity value in the townscape, which would be detrimental to the character and appearance of the streetscene and conservation area (Reason 5); the development involves the removal of a number of trees either of low quality or of limited visual amenity (Committee Report).
- 11.5 The scheme adheres to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 11.6 In terms of recent appeal decisions, specifically Barnwell Manor, the scheme provides significant enhancement to the tree resource and its long-term amenity contribution to the conservation area. There is no substantial harm to the wider tree resource or conservation area. It is a perfectly acceptable, even encouraged, aspect of resource management to remove and replace underperforming members to manage the long term and overall delivery of benefits. The provision of substantial mitigation in the form of new planting within a well-designed whole will deliver significantly more benefit into the conservation area than preservation of those existing underperforming and self-sown elements. Insofar as harm and mitigation may be weighed against each other in planning, then the balance is tipped unequivocally in favour of mitigation: the loss is minor, the redress is major.
- 11.5 For the above reasons, it is respectfully requested to the Inspector that this appeal be upheld.

12.0 REFERENCES

- British Standards Institute. (2012). Trees in Relation to Design, Demolition and Construction - Recommendations BS 5837: 2012 HMSO, London.
- Gilman E F (2011) An Illustrated Guide to Pruning, Third Edition. Cengage Learning
- Harris R (2003) Arboriculture, Integrated Management of Landscape Trees, Shrubs and Vines, Prentice Hall USA
- Lonsdale D (1999) Research for Amenity Trees No.7: Principles of Tree Hazard Assessment and Management, HMSO, London
- Mattheck C (2007) Updated Field Guide for Visual Tree Assessment, Forschungszentrum Karlsruhe GmbH
- Planning Policy Guidance Note: Tree Preservation Orders and tree protection in conservation areas. ID: 36 Updated: 06 03 2014
- Shigo A L (1989) Tree Pruning, A World Wide Photo Guide, Shigo & Trees Assoc.'s, Durham, New Hampshire 03824 USA