



**Case Ref: APP/X5210/W/16/3164577**

28 Redington Road LLP – Appellant

Vs.

London Borough of Camden - Respondent

<p><b>Statement of Case from:</b> Adam Hollis Arboricultural Consultant, Landmark Trees - Rule 6 Party Respondent</p>
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**Name and Address for Service**

This is the Statement of Case of Adam Hollis. The address for service of documents is The Linton Group, 8 Headfort Place, Belgravia, London SW1X 7DH

## Summary

This is our rebuttal of the London Borough of Camden's (LBC) statement commenting on the appellant's grounds of appeal with reference to appeal ref. APP/X5210/W/16/3164577.

It will show with reference to the LBC statement and original non-determination that:

- The trial pit evidence is sufficient to show that T11 and T12 will not be harmed by the development;
- The levels of theoretical impacts to both trees are well within the limits set out in published guidance;
- The proposed mitigation measures will ensure any impacts arising from the development are minimised.

## **1. Reasons for non-determination of the original Application**

### **Reason 5**

In the absence of sufficient information, the applicant has not demonstrated that trees T11 and T12 would not be harmed by the development contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the 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; and policies A3 and D2 of the Camden Local Plan Submission Draft 2016.

## **2. Background to Reason 5**

2.1 At section 6.70 of its Statement of Case, LBC comment firstly that:

*“The applicant has carried out trial pit investigations at various points across the site where excavation is proposed within the root protection areas of trees that are proposed to be retained. The trials pits were largely free of significant roots.”*

2.2 They then go on to allege at 6.71 that:

*“The locations and findings of the trial pits are not considered sufficient to demonstrate that T11 and T12 would not be adversely affected by the proposed excavation within the root protection areas. The appellant has therefore not demonstrated that the proposed development would not damage these trees contrary to policy.”*

### **3. Facts upon which the Appellant intends to rely**

#### **3.1 Facts in Relation to Reason 5:**

- The trial pits excavated demonstrate that the prevailing site conditions have minimised root colonisation within the proposed development area.
- There is no minimum level the relevant British Standard requires when conducting site investigations, nor is there within LBC's cited planning policy documents.
- The impacts to T11 and T12 are both well within widely accepted tolerances.
- The mitigation proposed within our submitted Arboricultural Impact Assessment report is sufficient to minimise the impact in the unlikely event any significant roots are in fact present.

## **4. Discussion**

- 4.1 As noted, LBC's Statement acknowledges that the trial pits excavated were largely free of significant roots as defined by the relevant British Standard 5837: 2012 (those with a diameter in excess of 25mm). As Table A5 of our Arboricultural Impact Report (ref: JCA/28RDR/AIA/01a, submitted under cover of the initial application) details, no such roots were found in the trial pits excavated within the rear garden.
- 4.2 Whilst an argument could be made that an additional trial pit could have been excavated opposite T11 and T12, it was my initial assessment that the existing site conditions are such that root colonisation within the development area is significantly limited. Accordingly, the trial pits commissioned were intended to provide a representative sample of the development area to confirm this hypothesis. It is clear that my initial assessment was correct, and further, there is no reason to imagine that the tranche of ground between trial pits 6 and 8 would be any more hospitable to root growth than the areas either side of it.
- 4.3 In the absence of either LBC policy or best practice guidance from British Standard 5837: 2012 as to the level of investigation necessary, it is left to the practitioner to determine what is sufficient. This inevitably leads to the potential for argument but I would comment that the trial pit findings vindicate my assessment of the sufficient level of investigation necessary in this case.

- 4.4 LBC's Statement also assumes that even if significant roots from T11 and T12 are present within the proposed development area, their disturbance would significantly affect the trees. There are numerous references in published literature and guidance (APN 12 and Tree Roots in the Built Environment to name but two) that cite 20% root loss as sustainable (as variously cited in our impact assessment report). I would also point out that scientific evidence published by Cambridge University Press which suggests, as per our report, that *"in practice 50% of roots can sometimes be removed with little problem, provided there are vigorous roots elsewhere. Inevitably, this degree of root loss will temporarily slow canopy growth and even lead to some dieback"* (Thomas, 2000, Trees: Their Natural History).
- 4.5 I am of course not advocating such a degree of root loss, merely referring to the fact that disturbance to the Root Protection Area in the region of 10 – 12.5% is not likely to result in harm to T11 or T12 when one considers that the proposed development area is demonstrably not a priority area for rooting for the adjacent trees. The precautionary mitigation measures proposed within our Arboricultural Impact Assessment report (manual excavation of the basement line and retention of surrounding hard landscape features) will further reduce the impact to the trees in the unlikely event significant roots are encountered.

- 4.6 Further trial pits excavated on 10<sup>th</sup> and 11<sup>th</sup> July 2017 support my initial assessment, only 2 significant roots emanating from T11 and / or T12 will be impacted by the proposals. Even if one assumes the worst case scenario and that both roots belong to the same tree, such an impact is still readily sustainable by otherwise healthy trees even if they do generally have a poor tolerance to root disturbance. It should also be noted that the presence of even significant roots does not necessarily mean that an area is the *priority* to protect, as British Standard 5837: 2012 envisages in its definition of a Root Protection Area. That only 2 significant roots were found across the 3 trial pits (6, 8 and 10) where they might reasonably be expected indicates that the development area is indeed not a priority area to protect and therefore our initial assessment of low impacts to both trees stands.
- 4.7 Not infrequently, in appeal situations, one becomes perhaps overly focused on nomenclature and semantics: “significant” is just one such case of loaded terminology, meaning anything from worthy of recording to of vital import. Clearly the threshold has to begin somewhere (25mm diameter), but it is not as if the severance of a 20mm root will have no effect and that of a 30mm one will be fatal. I would hazard that significant at this size bracket (25—50mm) means, to be noted in any impact assessment and allowed for in mitigation. In this instance, good quality topsoil will be provided over the basement slab’s projection into the garden (for root regrowth) by way of mitigation.

## 5. Conclusion

- 5.1 The trial pit findings show that the proposed development area is not being significantly utilised for rooting and there is no reason to conclude that the area between trial pits 6 and 8 differs from this. This assertion is supported by the findings of trial pits 10, 11 and 12 which found 2 significant roots present.
- 5.2 Even though significant roots from T11 and / or T12 are present in this area, it does not follow that their disturbance will result in undue harm to the trees. The published science indicates that the level of encroachment is well within tolerable limits with the mitigation proposed being sufficient to minimise impacts.

### **Appellant Documents**

- i. Arboricultural Impact Assessment, issued by Landmark Trees on 13<sup>th</sup> May 2016 Ref: JCA/28RDR/AIA/01a, author Adam Hollis
- ii. ArborAeration Root Excavation Report (undertaken 10<sup>th</sup>-11<sup>th</sup> July 2017)