



Dear Charles

For the record I fully endorse the City's objection sent to you this morning and the respectful request the Application is not determined by delegated powers today but referred to the next DCC. **This request takes account of the negotiations over the weekend but given the circumstances, stakeholders will only be assured when they see the t's crossed and i's dotted by Camden and your Officers Report is factually accurate as due process requires.**

It would therefore be inappropriate for you to action Stuart Minty's personal request to you on Friday evening that despite all the official paperwork not reflecting accurately the full position on this Application it should still be determined today. Please ensure the Members are fully informed of our position as detailed in this - and other emails you will have received this morning.

The full facts for the Council record are:

Following my objection acknowledged by means of your email below, the Applicant, Leonard Lewis made direct touch with me by email.

As a consequence of those discussions he instructed Stuart Minty to contact Bob Warnock, Superintendent of Hampstead Heath, in an effort to agree terms that would see Agreements with stakeholders on the protection of the 3 veteran trees upheld. In this regard we have been sent a copy of a letter SM Planning sent to you at 21.01 on Friday 2nd March. We have now also seen the personal email Stuart Minty sent to you that evening that included detailed points on the recommendations for inclusion in the S106, but also

included a paragraph that would see the Council have the case heard today, rather than deferred to the next DCC. **The stakeholders were dismayed to discover this is the position he took with you.**

It is imperative the Council's documents are put in order and your Officer's Report amended so it is factually correct. As it stands we consider it represents a gross misrepresentation of the facts. Consequently we consider it untenable for Members to rely on this despite all that has unfolded behind the scenes over the weekend. It is critical you embed the Treeworks SJAE report into the Planning Application giving it equal weight to Dawson's road report and reflect in the S106 drafting the agreements with this Applicant.

I would also draw your attention to my email of 19 December 2017 at 13.57 where I set out very clearly to you how it would be premature if the Council were to evaluate the construction impacts both along the lane and on site until two key reports had been issued namely: a survey of the boundary structures along Millfield Lane and, critically, the findings of a Single Joint Expert to review the Arboricultural Impacts on the Lane and site. Your response at 17.13 that day included your acknowledgement "if more reports are needed to support the scheme in CMP terms which are materially different from earlier ones, then of course we may need to extent consultation deadlines."

Yet despite this acknowledgement and commitment you did not provide stakeholders with any time to consult on the SJAE report last week. Despite knowing this report was due you wrote your report several weeks prior without any reference to the SJAE report, a report whose findings it was agreed by all parties would be binding. In so doing you failed to take account of matters you should have taken into account. **As a consequence your decision as set out in your Officer's Report was unreasonable in the sense described in *Wednesbury*.**

The KEY issue from our perspective has NOT been how the surface of the Lane will deform (as you describe at length in your report). It is how 5000 vehicle movements will impact on the roots of the 3 veteran Oaks (and other mature trees along the Lane) that were found at a depth as shallow as 150mm, not deeper as Dawson has wrongly stated. Although there is some overlap between these two construction impacts they are fundamentally different, as is their mitigation.

It had been the City's position, unanimously supported by all other local stakeholders, that the installation of any protection to the surface of the Lane to protect the veteran trees needs to be implemented prior to work commencing. Furthermore the cell web protection system needs maintaining during the works and retained permanently on completion of the works. Whilst we all welcome the proposed smaller vehicles to facilitate the development this requires in excess of 5,000 vehicle movements over the proposed years to build and boundary structures of land owners needs to be monitored.

Because there remained a conflict of opinion on this very point, it was agreed by all parties to instruct jointly a Single Arboricultural Expert and to be bound by his findings. Given the long and contentious history about possible construction impacts on the Lane it was considered the only way to resolve this issue - to the satisfaction of all parties - once and for all.

Why Ms Haji-Ismael, the Planning Agent, wrote to you in early February just days after Treeworks had been instructed by SM Planning suggesting a cellular protection was not necessary prior to construction will need further investigation and explanation, as will why Stuart Minty who was employed by this Applicant to oversee communication with stakeholders failed to forward any documentation to us in the past 2 months. Given the circumstances it is only right and proper Ms Haji-Ismael's letter is withdrawn, as should Landmark's most recent letter sent in last week. These letters make an absolute mockery of the consultation process with stakeholders.

Turning to the expert reports, whilst you focus on the international status of Andrew Dawson you fail to highlight his report deals only with the response to stress of the structural integrity of the Lane. You fail to mention by his own admission he has no arboricultural qualifications and as such cannot comment on the

impacts of the 5000 vehicles on the veteran tree roots which was the key issue. Nor do you highlight his wrongly stating roots were found at 350mm when in fact they were found at 150mm.

Furthermore you dedicate half a dozen paragraphs on his report but fail to give equal weight to the Treeworks SJAЕ report in any meaningful way. How you can conclude no cellular web was required when this report clearly states at para 1.33 ***“I am of the opinion that the health and longevity of the three veteran trees (namely T1, T2 & T3) would be best served by installing a permanent “no dig” cellular confinement system solution as specified by Geosynthetics Limited (shown in Figure 1) a minimum of 59.5m in length, delineated on the Tree Plan (Appendix C). In addition, I recommend the system also incorporates the specification set out in my recommendation (para 4.1.7).”***

Or paragraphs 4.1.6 and 4.1.7 that clearly critiques Andrew Dawson’s non-arboricultural analysis of the circumstances where they also highlight Dawson had stated wrongly the veteran tree roots along the Lane are at 350mm rather than at 150mm.

I would respectfully request you take the necessary action to rectify these issues and this email is added to my original objection sent last week and uploaded to the Council’s website.

Regards
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