

London Borough of Camden
Application for Tree Works at 7 Maresfield Gardens NW3 5SJ
Application No. 2019/4258/T - Eucalyptus Tree

We submit that the Application should be refused on the grounds that:

1. The tree is a significant general public amenity in terms of appearance and air quality in the area as set out in comments already submitted under the name Mathias
2. Its removal would be contrary to Council's declaration of a Climate Emergency and specifically contrary to the proposal at the top of list of recommendations by Camden's Citizens' Assembly on the climate crisis (see p. 24 of the Autumn 2019 guide to Council services distributed in the last few days.)

These should be the overriding criteria against which the Application should be assessed with a minimum requirement to demonstrate that the structural damage can be unequivocally attributed to a significant degree to the presence of the subject tree and would be significantly mitigated by its removal.

We contend that the application fails to do so.

1. The Technical Report on a Subsidence Claim by Crawfords (Crawford Ref. SU1901788) provides no direct evidence.
 - a. Under "Discussion" it states merely that the damage is indicative of an episode of subsidence and
 - b. The cause appears to be "clay shrinkage".
 - c. Most significant is that the reason/cause of the "clay shrinkage" is not specified.
 - d. In particular, under "Recommendations" it states that they are satisfied that nearby trees can be removed but without presenting any evidence that the trees in general, let alone the single one subject to the Application are the cause of the movement. There is no more than a bland statement that the cause of the movement needs to be dealt with whilst leaving floating in the air what that cause may be.

(It should be noted that this Technical Report is entirely erroneous regarding the subject tree. It overstates the height by almost double, vastly understates its distance from the area of damage and has a drawing showing it in a completely different location from reality. This in itself raises questions as to the reliability of the report as evidence.)

2. The word "indicative" and the words "appears to be" together with a lack of an unequivocal attribution of the cause of clay movement to the subject tree mean that Crawford's Technical Report does not meet the minimum requirement as stated above.
3. Given the foregoing three points in the "Arboricultural Appraisal Report" by MWA Arboriculture should be taken to have no relevance because it states (top of third page, beginning of discussion):

"Opinion and recommendations are made on the understanding that Crawford & Company are satisfied that the current building movement and the associated damage is (*sic*) the result of clay shrinkage subsidence and that other causal factors have been discounted."

Far from discounting other causal factors, as noted above Crawford & Company left the cause floating in the air and did not unequivocally identify trees in general, let alone the specific tree of this Application.

4. Even if the MWA Report is not considered entirely irrelevant based on the preceding point, its conclusions render it so.
 - a. The fact (if it is one) that conditions necessary for clay shrinkage exist is not evidence that clay shrinkage has occurred.
 - b. The statement "Engineering opinion is that the damage is related to clay shrinkage subsidence" is not supported by any reference to the source of that opinion. The source is clearly not the MWA report itself since this is arboricultural, not engineering. Neither can it be the Crawford report above since that report leaves the cause floating in the air (see 1d above.)
5. The MWA Arboricultural Report is noncommittal and states that it is subject to review upon receipt of additional site investigation data, monitoring, engineering opinion or other information (see the report's Introduction). On that basis, until the further information is provided and this qualification is removed from the report, nothing that it states can be given sufficient weight to override public amenity concerns, let alone the importance now given by Council to its Climate Emergency policy focussed on carbon dioxide reduction and the significant impact of trees on this.

It is surely to be expected that the Application could not be granted on speculative grounds subject to unspecified review at an unspecified date.

Furthermore, the arboricultural report states that "No superficial deposits were recorded". In fact very significant landscaping was carried out on the site about fifteen years ago. This landscaping is evidenced by the very high retaining wall in the neighbourhood of the subject tree. About eight feet of superficial earth cover was added precisely in the location of the subject tree which in fact is rooted in this very earth. Hence, as far as the subject tree is concerned, references to the historical geology of the site as London Clay are less relevant than querying the stability and impact of additional artificial overlays.

If Council does not accept our contention that the Application fails to provide sufficient grounds to overcome objections to removal on the grounds of public amenity and Climate Emergency then alternatively we submit an objection to immediate removal.

1. The subject tree should be left in place at least until the effectiveness of granting the parallel Application No. 2019/4257/T for the beech tree far closer to the reported damage can be assessed.
2. The subject tree is at least ten metres distant from the area of damage, a distance further than its crown spread. In comparison the beech tree is less than two metres distant from the damaged building, a distance less than a third of its crown spread.

We submit that this assessment could not be meaningful short of at least two years from the time of felling the beech tree.

The foregoing paragraph assumes the granting by Council of Application No. 2019/4257/T for the beech tree. We have made no submission on that Application but it hardly needs stating that a refusal by Council to grant it should be an iron-clad precedent in relation to Application No. 2019/4258/T for the eucalyptus tree.

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