

Application No:	Consultees Name:	Received:	Comment:	Response:
2022/0419/T	Marian Sommerlad	27/02/2022 19:45:05	COMMNT	<p>I was surprised and shocked that another attempt is being made to destroy the two mature London Plane trees in the garden of 8 Doughty St. Just over a year ago the previous application was rejected and I think it should be again.</p> <p>They are magnificent trees - rare in this conservation area - which provide habitat for bird life and reduce pollution, benefitting health.</p> <p>Reports have been obtained that show there are ways of preserving the trees and minimising damage to the rear wall of the Egyptian Exploration Society building in Doughty Mews. This must surely be explored before these ancient trees are sacrificed.</p> <p>I am sure the mayor would totally disapprove.</p>
2022/0419/T	Marian Sommerlad	27/02/2022 19:45:10	COMMNT	<p>I was surprised and shocked that another attempt is being made to destroy the two mature London Plane trees in the garden of 8 Doughty St. Just over a year ago the previous application was rejected and I think it should be again.</p> <p>They are magnificent trees - rare in this conservation area - which provide habitat for bird life and reduce pollution, benefitting health.</p> <p>Reports have been obtained that show there are ways of preserving the trees and minimising damage to the rear wall of the Egyptian Exploration Society building in Doughty Mews. This must surely be explored before these ancient trees are sacrificed.</p> <p>I am sure the mayor would totally disapprove.</p>

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2022/0419/T	Cany Ash	27/02/2022 17:34:05	OBJ	Dear Camden

I object to this application which casually suggests two plane trees could be felled on three fronts:

1. We can't keep ignoring the Big Picture

Camden has worked hard to make a cleaner, greener, walkable neighbourhoods in South Camden which has suffered high levels of pollution. It is counter to Camden policies to deprive children with developing lungs, now and in the future, of the benefit of approximately 20,000 leaves which two extremely large trees bring to clean the air in the neighbourhood.

As the forward to the Council's "Tackling the Climate Crisis: Action Plan 2020 -2025" the Leader of the Council put a huge emphasis on the need to work together and respect everyone's ideas, honouring the young people who came together through the schools network to demonstrate the urgency of joint action in the declaration of a climate emergency.

"I will always be proud that Camden was the first local authority to hold a climate emergency citizens' assembly because I believe that a challenge as urgent and all-encompassing as global heating requires all of us. As a Council we are committed to setting an example in how we make decisions for how we want to act in the world. I believe we have shown a way forward – how tackling a global crisis locally requires all our ideas, all our energy and passion, all our desire for change and a better world for ourselves and future generations."
Georgina Gould

Camden needs to stand up to pressure, from short-termism, and private property interests to give the climate a chance. It has the backing of the GLA who are targeting 30% more tree coverage in the capital and its own tools to protect our environment. In 2020, Camden was awarded the 'Tree Cities of the World' designation by The Food and Agriculture Organization of the United Nations. This shows that Camden is lauded for its respect for large trees.

Then there is a social and human aspect which affects mental health more than we perhaps now appreciate in an age of climate emergency.

While trying to raise awareness over the last few weeks I have consistently found local people who love walking through Doughty Mews and will often make a huge detour to do it. Regulars like the school off to Coram Fields the daily skipping of family groups and a dense stream of irregulars... people from all over the country and world who once lived here or discovered it say it feels like a bit of country in the city and it makes them happy. The reason we know is not a bit of bougie planting is that those two trees breaking the skyline. Those in the Millman Street flats have told me the trees are an amazing visual and emotional support every day. Camden claims to listen to everyone, to want to break isolation and support people post Covid and there is clearly a much larger discussion to be had before anyone signs away these trees.

2. We need to stop acting through fear, reject knee jerk reactions and Act Rationally

We need to measure, analyse and determine good structural solutions to maintain our built infrastructure which include not only public and private property and also important ecological assets benefitting from Tree

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Protection Orders. Without going into chapter and verse here, the investigations have simply not been carried out as required by Camden at the end of the last attempt to gain permission to fell the trees.

There are many contradictions and some untruths some of which are pretty shocking in the applicants' professional reports. The letters they sent out to neighbours were very misleading and seemed to have swayed a large number of people onto their side. By stating in bold that 'the trees must come down' and pleading victim status their behaviour is unbecoming of a charity with an educational remit.

We believe, as architects and building professionals that the wall in question is NOT falling down and indeed no cracks are visible in the external wall. The cement render internally is cracking but has strangely not been removed for further investigation. There is absolutely no danger to the welfare of occupants in the applicant's property. It would be sensible if the gutters were regularly cleared to stop water ingress but that is a matter of maintenance. They have a responsibility to their premises and now need to focus on the pragmatics of their situation.

The trees are growing very close to the back wall but by now in their life cycle the growth is extremely slow. Various established practices of brickwork remediation present themselves and there are plenty of precedents to refer to. The least invasive approach is simply a single brick recess with a relieving arch in place where the tree is closest to the wall, this will not affect the interior space of the Egypt Exploration Society's rooms. Even if more structure was eventually deemed necessary a low plinth at a single point in the interior back wall, ideal for exhibition purposes, would be all that is required.

3. Camden must be mindful of litigation if the trees are removed

As a council taxpayer I object to the idea that Camden might invite litigation involving very large sums if they approve the felling of these trees. We need the council to spend money on public services and not insurance premiums, and waste officers time fighting the consequences of ground upheaval/subsidence under the old and shabby mews properties in this street. The trees and houses have co-existed a long time, perhaps planted either side of a doorway leading to the stables when the mews houses and Doughty Street houses were built. They will continue to happily co-exist in what is called a hybrid structure into the future with intelligent management. Radical intervention in this area over tributaries to the Fleet River and made up ground is unpredictable and should flash red on Camden's risk register of its exposure to legal action.

As we have a studio open to the street, a billboard and a printer to generate a steady stream of leaflets we have been able to inform people as they pass by [but sadly not everyone] We have also coordinated a group in the community ready to finance a structural report and an arboricultural report. We hope there will be no delegating this decision and given the broad areas of concern these trees raise, a great number of officers in Camden will read the evidence first hand and reject this application firmly and finally. Then property owners will realise that alternatives will be absolutely necessary and Camden is not going to waver in protecting these two trees already under the Council's Tree Protection Orders.

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2022/0419/T	Andrew Sommerlad	28/02/2022 10:37:04	OBJ	<p>I would like to register my opposition to this ridiculous planning application. The two London plane trees which the applicants intend to fell are about 100 years old and are a great asset to this Conservation area. They provide habitat for birds and mammals, combat pollution, and contribute to the fight against climate change.</p> <p>I am informed that alternative measures can be taken fairly simply to ensure that the trees do not cause damage to the rear wall of the EES, and that the cracks that exist can be easily remedied.</p> <p>Therefore this harmful destruction of two magnificent trees should not be accepted.</p>
2022/0419/T	Debbie Radcliffe for Bloomsbury Residents Action Group	28/02/2022 14:06:34	OBJ	<p>The Bloomsbury Residents Action Group (BRAG) objects strongly to the application for felling to the ground two mature plane trees that lie behind the rear of 3 Doughty Mews, home of the Egyptian Exploration Society. We note the application is from One Housing Group at 8 Doughty Street, as the trees lie within their property's grounds.</p> <p>Protecting and preserving the natural landscape within a conservation area is as important as protecting and preserving buildings and their setting. Both trees have TPOs (Tree Protection Orders) so their removal would set an alarming precedent.</p> <p>A local community initiative has resulted in a potential remedy to the issue of impact on the rear wall of the EES - professional architects and engineers are involved. With imagination, effort and the will to do so, it is usually possible to work around existing trees, even in complex situations. It seems extremely premature and foolhardy to remove these plane trees before there has been sufficient time to explore ALL possible solutions. A compromise is very likely to be found. But if the trees are felled now, when they're gone, they're gone.</p> <p>The environmental benefit of trees on health and wellbeing should not be under-estimated, especially within a dense residential area in central London. Bloomsbury needs more trees, not less. It seems irresponsible to approve this application when a solution is at hand.</p> <p>We object to the application in support of the many local residents who see the trees as a community and environmental asset.</p>

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2022/0419/T	Debbie Radcliffe for Bloomsbury Residents Action Group	28/02/2022 14:06:38	OBJ	<p>The Bloomsbury Residents Action Group (BRAG) objects strongly to the application for felling to the ground two mature plane trees that lie behind the rear of 3 Doughty Mews, home of the Egyptian Exploration Society. We note the application is from One Housing Group at 8 Doughty Street, as the trees lie within their property's grounds.</p> <p>Protecting and preserving the natural landscape within a conservation area is as important as protecting and preserving buildings and their setting. Both trees have TPOs (Tree Protection Orders) so their removal would set an alarming precedent.</p> <p>A local community initiative has resulted in a potential remedy to the issue of impact on the rear wall of the EES - professional architects and engineers are involved. With imagination, effort and the will to do so, it is usually possible to work around existing trees, even in complex situations. It seems extremely premature and foolhardy to remove these plane trees before there has been sufficient time to explore ALL possible solutions. A compromise is very likely to be found. But if the trees are felled now, when they're gone, they're gone.</p> <p>The environmental benefit of trees on health and wellbeing should not be under-estimated, especially within a dense residential area in central London. Bloomsbury needs more trees, not less. It seems irresponsible to approve this application when a solution is at hand.</p> <p>We object to the application in support of the many local residents who see the trees as a community and environmental asset.</p>
2022/0419/T	Vivien Parker	26/02/2022 20:07:05	OBJ	<p>I object to the plan to fell the trees at 8 Doughty Street. My objections are based on the following factors: (not in priority order)</p> <ul style="list-style-type: none"> * The city environment needs more trees not less * We should not be destroying trees unless there is no alternative solution * The matter is not urgent * More research should be done to see if there are ways to keep the trees
2022/0419/T	Dr. Anna Garnett	27/02/2022 19:15:59	COMMNT	<p>I am writing in full support of the Egypt Exploration Society's application to fell the two trees. The Society's building preserves some of the most important documentation relating to the history and excavation of Egypt and Sudan anywhere in the world, and the damage being wrought to the building as a result of these trees - and thus the potential damage and destruction of these vital records - is unacceptable.</p> <p>Not only is the building itself now increasingly unsafe to access, due to unstable guttering, roofing and walls and increased damp from the growth of these trees, the Council must act to preserve these vital histories which represent our shared global heritage. Further spending on preventative measures by the EES is continually taking funding away from their charitable work, and to me as an EES member and supporter this is a huge waste of time and money.</p> <p>I wholeheartedly support the removal of the trees, and thus the preservation of this key Camden asset, and the safety and security of its staff and members.</p> <p>Dr. Anna Garnett, Curator, Petrie Museum of Egyptian and Sudanese Archaeology, University College London</p>

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2022/0419/T	Dr Mary Boulos Ayad	24/02/2022 22:21:49	SUPPRT	As much as the trees are beautiful and valued, in this case they cause significant harm, danger and this harm must be weighed against equal considerations for their value; the harm sadly outweighs their benefits and there equally valuable considerations to be weighed, in favour of EES. Below is an explanation of this:

EGYPT EXPLORATION SOCIETY SUBMISSIONS TO CAMDEN COUNCIL IN THE MATTER OF TWO TREES

The case of Pharoah

V

The Two Trees

SECTION A BACKGROUND FACTS

I CURRENT AND FUTURE DAMAGE CAUSED BY THE TWO TREES

PARAGRAPH 1.3 OF: Subsidence Tree Report For The Egypt Exploration Society

"1.3 2 mature London Plane trees are in direct contact with the rear wall of the property causing displacement damage to the wall of the building. This is not a 'typical' subsidence claim as a result but due to direct physical contact damage." The report further states that the trees are not subject to a protection order even though they are in a conservation area.

Further details re the damage caused by the trees is found in paragraph 5.3 of said report: "5.3 Subsidence from vegetation and trees occurs when the vegetation dries the underlying soil and if this contains clay it can shrink in size and the building subsides. The soil then rehydrates during the wet winter months giving classic cyclical movement profiles. In this claim damage is being advised as being due to the direct physical contact of the stems of the 2 trees against the rear elevation." Furthermore, there is physical evidence of future damage as per soil conditions here at paragraph 5.8: "5.8 Soil testing is inconclusive given the underlying soil type but there can be no doubt given the size of T1 & T2 relative to the property that the trees will be depleting soil moisture levels below foundation level." This assessment proves future damage which is reasonably foreseeable. Further damage is at paragraph 5.9: "5.9 No monitoring is available, but the overall engineering opinion is one of direct physical displacement damage of the rear wall being caused by long standing direct contact of an expanding lower stem. This is pushing the rear wall of the property out of line."

More evidence of deep future damage is cited here: "5.12 The proximity of the trees is such that large structural roots likely extend below the footing and there is a risk that as they decay voids are created but this would be unusual in resulting in actual further damage to the building as the general rate of decay of such roots is generally slow. The alternative is to not remove the trees but the issue will progress as the trees continued to expand in size." However, the decay is taking place. There are two sources of damage: 1. Physical damage, and 2. Damage to the soil. They invoke the legal principle of reasonable foreseeability because they are now known and have been made known to the Council.

II PRECEDENCE OF THE BUILDING OVER TREES

As per the quoted report, the building was erected before the trees were planted:

"5.11 The buildings appear to date from circa 1890 and both T1 & T2 are of the same size and located either side of what would likely have been a door to stabling originally. This suggests they were planted after the buildings were constructed. A highly shrinkable clay soil is not present suggesting (when considered in the context of tree age) the risk of heave in the event of the trees being removed would appear low."

III CONSERVATION AREA

The trees are large but not accessible to the public. In terms of conservation, the trees are therefore not

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significant and do not give a significant benefit or amenity to the area, in this case, in fact, worse than that, they cause harm and should not be protected. Please see paragraph 5.13 of report that states they are not accessible. Sadly, they add no value to the public.

SECTION B APPLICATION OF THE RELEVANT LAW TO THE FACTS I ENGLISH LAND LAW CASES

In the case of *Donoghue V Stephenson* [1932], the judge held that neighbours (and this thus applies to tree owners) have a duty of care to avoid acts or omissions which if allowed to persist can harm a neighbour. In this case, the trees are on neighbouring land which border meets the building of the Egypt Exploration Society.

Rylands V Fletcher [1868] held the person who for his own purpose brings on his lands and collects and keeps there anything likely to do mischief, if it escapes, must keep it in at his peril, and if he does not do so, is prima facie answerable for all the damage which is the natural consequence of its escape. Here, the mischief is in the form of the two trees which are encroaching and an argument can be made that they have escaped their boundaries by physically leaning against the building with such force that they have caused structural damage (mischief) to the building and are causing it to lean in.

Kent V Marquis [1940] upheld this precedent. In the case of *Chapman V Barking* [1997], the court held that there is a duty for a follow up inspection that the tree is not causing an unreasonable danger to the target zone underneath, and a duty to remedy the damage, in this case to remove the trees. In this case, the two trees have already been proved to be causing unreasonable danger to the soil which will manifest in a matter of time, in addition to physical danger to the building so the case of *Chapman* applies. It is unreasonable danger because it is causing harm to the building and to the soil under the building which has ramifications for the building.

In *Leakey V National Trust* [1980], the judge held there is a general duty to ensuring that natural hazards do not stem from the land and affect the neighbouring land. That case concerned land of a status similar to this case in which the trees are on a conservation area so the case facts parallel in this regard. Moreover, the Counsel has a duty to act now that the trees have become a natural hazard to their neighbouring land.

In *Khan v London Borough* [2013], the court held that the duty of care arises when the damage is known. In this case, the tree report has exposed three known factors of damage; the physical leaning of the trees on the building, the soil damage, and future physical and soil damage which are undoubtedly going to happen if this continues. Moreover, this case employs the objective test of what ought to have been known to the reasonable owner. Therefore, since the tree report verifies that the current and future damage is known, this case applies.

Quinn V Scott [1965], argued that since the clear hazard was visible, the tree should have been felled. This applies to our case because the hazard is conclusively proved by the experts and thus the tree should be removed. The trees are visibly leaning on and pushing into the building and have clearly caused physical damage to the structural integrity of the building.

In *Kennedy v Bournemouth Borough Council*, 17.09.12, Bournemouth County Court held that by the spring of 2009 it was reasonably foreseeable to D that the maple tree's roots could cause blockages to the drains to C's property. D was then under a duty to consider what, if anything, would be reasonable to do about this. Here,

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again, the reasonably foreseeable test was applied and upheld and again, the Council is now under a duty to give planning permission to remove the trees because it is reasonable foreseeable that if it does not act or if it fails to act, further hazards, damage, and mischief will occur.

In *Berent v Family Mosaic Housing* (Court Circular, September 2012), the Court of Appeal held that if a tree creates a 'real risk' of property damage, consideration should be given to what action, if any, should be taken to address that risk. In this case the risk to property damage is real because it has already occurred and expert evidence shows it will continue.

To summarise, on the merits of these facts alone, the body of case law authority and precedent shows a strong favourable view in removing these trees, even if they are on a conservation area.

II INTERNATIONAL HUMAN RIGHTS LAW PROTECTIONS ON WORLD HERITAGE

Cultural rights fall under international human rights instruments and are available to everyone. Within cultural rights are protections that are relevant to this case.

1. UNESCO

The constitution of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) was ratified by the United Kingdom in 1946. This means that the United Kingdom has bound itself to the obligations enshrined therein.

2. Resolution A/HRC/RES/37/17

On 22 March 2018, the Human Rights Council adopted Resolution A/HRC/RES/37/17. This resolution calls upon all states to respect, promote and protect the right of everyone to take part in cultural life, including the ability to access and enjoy culture heritage, and to take relevant actions to achieve this. Thus, the council of London is duty bound to uphold this provision in the context of the valuable and rare cultural heritage records and artefacts held at the Egypt Exploration Society library and buildin.

3. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Two Protocols

The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Two Protocols are designed to protect cultural property from destruction and looting during conflict. These include monuments, archaeological sites, work of arts and important artefacts. This further cements the UK's position as a world leader in cultural heritage protection and sends out a clear message on our commitment to protecting cultural property during conflict. The UK signed this in 2017.

Although we are not in war time, this is still absolutely relevant because the UK has made itself a world leader in the protection of world cultural heritage and therefore to allow two trees to damage rare holdings goes against the principle of the international obligations that the UK has signed up for as a leader. It is incumbent upon the UK to demonstrate leadership and a precedent in the protection of such rare and valuable world and cultural heritage items.

4. The Granada convention 1985

First entitled the European Charter of the Architectural Heritage, it became the "Convention for the Protection of the Architectural Heritage of Europe."

It defines 'architectural heritage' and each signatory promises to maintain an inventory of it and to take statutory measures to protect it. There is also a promise to provide funding, but only within budgetary limitations, and to promote the general enhancement of the surroundings of groups. Signatories (including the UK) also promise to adopt integrated conservation policies in their planning systems and other spheres of

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government influence that promote the conservation and enhancement of architectural heritage and the fostering of traditional skills. Thus, here, in this case there is the need to conserve and protect cultural heritage above and beyond protecting the building as a physical property but also as a cultural footprint and as a sanctuary for housing cultural artefacts of great historical importance and significant value. This need outweighs the need to protect these two particular dangerous trees. The fact that the tree is leaning is an indication of its instability and foreseeable danger.

III Criminal Law

An argument can be made that the trees are causing damage to the building and this can be construed as the trees causing criminal damage to the building. Moreover, if in future a person is in the building and is harmed by the building as a result of the impact of one or both of these trees, it could incur criminal liability. The case law authority for this is the case of the Birmingham Ash, Stagecoach South Western Trains Ltd v Hind and another [2014], where the defendant was ordered to pay £150 K and could have been found criminally liable. Here, the court held that the resources of the landowner would be taken into account when assessing whether they had done all that could be expected of them, and a local body or corporation may be held to a higher standard than the one given to Mrs Hind. In this case, it means that the Council can be held to a high standard of liability given the seriousness of the damage and the fact that it is affecting a charity which serves the public. The matter of reasonable foreseeability in the case of the Council is also important.

IV INTERNATIONAL HUMAN RIGHTS LAW ON THE PROTECTION OF PROPERTY.

There are international human rights laws that protect property, many which derive their authority from the Universal Declaration of Human Rights of 1948 and in this case both the building and the records constitute property that is protected on its own merits and even more so on the merits of its cultural and world heritage value. In addition to this there are international human rights instruments that protect African property such as the African Charter on Human and Peoples' Rights and this is relevant here because the records reference sites that no longer exist in Egypt and Sudan. In the case of Sudan this is even more vital that the building that houses rare records on lost Sudanese sites is ever more important especially in the light of Sudanese history where conflict has led to such losses that what does remain of its heritage is even more rare and valuable as part of world heritage.

SECTION C ARCHEOLOGICAL WITNESS OF THE EXTREME VALUE OF THE LIBRARY HOLDINGS.

The Egypt Exploration Society archive contains a unique record of British-Egyptian relations since 1882 as well as some of the only records pertaining to sites now lost in Egypt and northern Sudan. The building itself was once the home of renowned Argentinian Egyptologist, Ricardo A Caminos who lived there from the 1980s until his passing in 1992, and is used as a library of rare records vital to world cultural heritage.

The fact that the library contains the only records pertaining to sites lost in Egypt and Northern Sudan makes these records extremely valuable as part of humanity's cultural heritage. From an archaeological and Egyptological perspective, these records are absolutely protected items. In 2004 I worked in the UNHCR Cairo office with Sudanese refugees who crossed into Egypt through the Southern border of Egypt and can attest first to the fact that Northern Sudan was part of the Sudanese war; as I interviewed Asylum Seekers awaiting refugee claims on details of their war experiences. The fact that these sites currently documented in these records no longer exist make these extant records extremely valuable. I can further attest that archaeological sites are also vital primary data sources and that records of lost sites are as valuable as the original sites, because they are all that remain of world and cultural heritage. The building itself holds cultural significance as

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a foundational part of the history and footprint of the Egypt Exploration Society and should have the protected status of a museum.

Because this library holds world heritage items, the London Council of Camden bound to uphold the spirit of the provisions when the United Kingdom ratified UNESCO's provisions. These records are vital to humanity's world heritage. The functioning and day to day operations of the Egypt Exploration Society are absolutely vital to the preservation and conservation of world heritage.

SECTION D PLEA FOR RELIEF

I NO PROTECTION ORDER

We therefore respectfully request that the Council not grant a protection order for the two trees; T1 and T2 and that the Council respectfully weight the value of the archeological records and artefacts as outweighing the value of these two trees in question; T1 and T2 and that the Council cuts down the trees due to expert testimony of established current and foreseeable future damage to world heritage, and even beyond that that the Council provides financial compensation for the damages already incurred by the two trees which were planted after the building in question was build.

II NO COST TO THE SOCIETY

We plea that the Council grants written permission for the trees to be removed without costing the Society, and in accordance with legal standards by paying for a tree surgeon to carry out the work.

III FINANCIAL COMPENSATION

In fact, when the trees were planted, they were negligently planted too close to the building in the first instance and as such are legally considered a nuisance which is a legal term due to the roots and to the heavy weight of the trunk leaning and pushing against the building, as well as due to the impact on the soil which in turn affects the building foundationally. This gives rise to a civil liability claim which under the objective test is that the harm caused is indeed reasonably foreseeable and which gives rise to liability because no steps at the time were taken to prevent the now current and future harm. This liability implies financial damages caused to the building and to the Society due to harm and ought to be compensated for, particularly as the Egypt Exploration Society is a valuable charity.

SECTION E CONCLUDING REMARKS

The loss or risk of loss of these records is tantamount to a loss of human history. These records constitute the subject matter of human memory and as such are classed as documentary heritage by UNESCO. We have a duty to preserve these original, unaltered documents in their current format. These documents and their accessibility is essential to the collective memory of humanity. By definition these records and the building that houses them are protected cultural property.
