

21 00790 AS Land between Woodchurch Road and Appledore Road Tenterden, Kent

Arboricultural and landscape comments.

Submitted documents considered:

SJA AIR April 2021

ReFormat Avenue Assessment

The submission of a new application has provided an opportunity to reassess the site as owing to a period of not working and COVID-19 a visit to the site has not been possible since 2018. In addition, the response to application 19/01788/AS was a composite of the Tree Officer and the Interim Tree Officer, in retrospect, this may have not resulted in as cohesive and holistic response as should have been achieved.

Whilst application 19/01788/AS has informed the current application, it is a new application and all matters including a re-appraisal of the site is seen as appropriate.

As with many complex applications, a better understanding of the site and its tree and landscape assets in relation to the application has now been gained with the both the passage of time and the benchmark of application 19/01788/AS. In mind of this, the approach to some areas and specific trees has altered and may not accord with application 19/01788/AS.

- **The Avenue and T43 Horse Chestnut**

Summary.

The assessment of the avenue quality, the lack of importance of the tree as an avenue component and the likelihood that the tree will succumb to disease is not supported by the Tree Officer. The tree is a component within a section of the avenue that still retains many mature trees, removal of any avenue trees is not desirable.

The tree has a good prospect of contributing to the landscape as an important component for many years to come. It is likely that the approach is contrary to ENV3a(b).

Kent Highways and Transportation Position

It is noted that a S106 agreement is acceptable to KH&T and that a CAVAT value of £34,213 has been placed on T43 Horse Chestnut. This must be seen separate to the LPA's view as to whether or not the tree may be adequately mitigated with such a financial value.

Detail

The SJA AIA (date) recognises that the avenue is a ... "significant feature in the local landscape" ... when measured against ALP 2030 Policy ENV3a(b). Both the SJA AIR and the ReFormat Avenue Assessment (AvA) assert that the formal nature of the avenue has been eroded by the removal over time of mature trees owing to decline and access roads for development, this leads to the supposition that owing to its position within an area of the avenue that has a number of mature trees still extant and the likelihood that it is unlikely to have a significant SULE that it may be removed without any great loss in the quality of the avenue.

The two photographs below seem to illustrate a different picture to that demonstrated within the SJA AIR, showing a tree that clearly has individual landscape impact when the B2080 is travelled from either direction.



Photo 1 - View to east

As a result of the Tree Officer's site visit and assessment, the SJA AIR view that with the removal of T43 the visual character of the road would be largely unchanged is challenged by the photographic evidence suggesting that a gap would indeed be created and that would be to the detriment of the avenue.



View to west

The LPA's approach has been consistent, the quality of the formal avenue is of such importance that further denudation should be resisted – this is supported by ALP 2030 Policy ENV3a(b). Whilst the resource that KCC Highways have applied to replanting is very much welcomed and has been constrained by service runs, the replants do not currently have the presence that the mature trees possess. The logic of removing one further mature tree owing to it not having a distinct individual value, being susceptible to future pest/diseases and access roads to other developments have resulted in removal of trees

may be seen as flawed in the context of a policy-led approach to retaining the significant tree specimens within the borough. The reasons for this are as follows:

1. The avenue as is still has a large number of mature trees that define it as being a significant feature in the local landscape. The cohesion of the mature trees forming the avenue is such that it must be protected from future removals. Furthermore, T43 may be shown to have a high individual value in addition to its collective contribution;
2. The justification for removal owing to the fact that other trees have been removed to permit access roads/crossovers over time does not rationally transcend an LPA approach that seeks to retain the feature with as much mature integrity as possible, past removals should not automatically secure future removals;
3. The tree is completely healthy, to suggest that its retention value is diminished because it *could* be affected by pests and diseases is not an approach that is founded;
4. Owing to the view that the tree has very significant individual and collective value as part of the avenue feature, the CAVAT mitigation value supplied by Kent Highways and Transportation is not accepted as sufficient mitigation for the tree's removal in a policy-led approach. Neither a financial value or replanting can directly or immediately mitigate the loss of the tree.

The Tree Officer objects to the removal of T43 Horse Chestnut as it is contrary to ALP 2030 Policy ENV3a(b).

- **T381 Ancient Field Maple. (F10)**

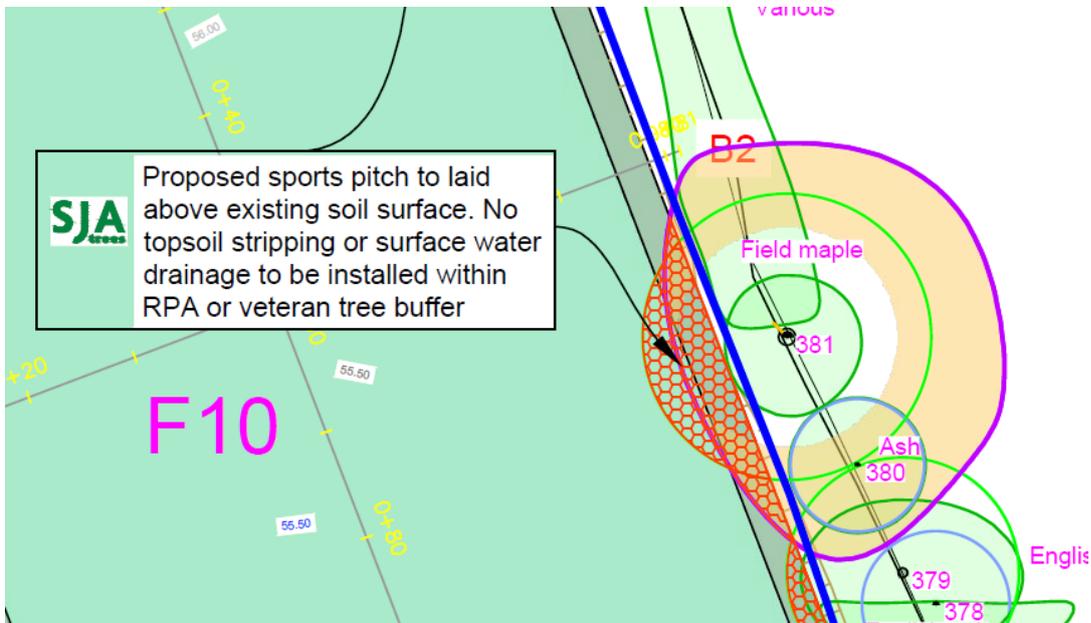
Summary

Recent examination shows a silted ditch to the E aspect (much as the ditch adjacent to T312). The morphing of the Buffer Zone to the E may be an approach that is flawed owing to the likely root morphology having preference to the W. With an adjusted Buffer Zone that reflected the likely root morphology, both the raising of soil levels and the excavation for drainage would have a significant impact on the Buffer Zone area – this may be seen as contrary to NPPF para 175 (c) as a 'deterioration'.

Detail

Advice given by the Tree Officer in relation to 19/01788/AS should not form a basis of understanding as it was given with an incomplete picture.

The application shows a football pitch proposed within the offset Buffer Zone for T381 and an incursion within the RPA.



TPP excerpt 1 – T381

Tree no.	Species	Incursion	Extent of incursion	% of RPA	Proposed mitigation: above soil solution (Abs) or manual excavation (Man-ex)
379	English oak	Proposed sports pitch and run-off finish level lower than existing ground level by a maximum of 540mm	41.5m ²	12.7%	Man-ex
381	Field maple		45.9m ²	15.4%	Man-ex
384	English oak		29m ²	12.3%	Man-ex

Table 1 showing extent of incursion within RPA – T381 has an effective stool diameter of 0.81m

During the Tree Officer’s site visit of 08 07 2021 it was noted that a silted ditch was visible at a lower level to the east of the stool, this will have been a long established historic boundary feature that has not been cleaned out recently.



The ditch as a historic feature is likely to have had some bearing on the rooting morphology as a barrier to some extent, and a buffer zone and RPA being offset by some degree to the west not the east is an evidenced response to the feature.

It is noted that not only would the soil level be raised by the pitch run off zone and probably the pitch itself within a reconfigured buffer zone and RPA, but incursions are shown even within the offset to the east buffer zone of the proposal shown in TPP excerpt 1 above. In addition, excavation is planned for within T381 to install drainage for the pitch. This level of incursion is unacceptable as BS5837:2012 recommends that no development should occur within the RPA of any ancient or veteran tree, in my view, drainage excavation is development and would likely result in a deterioration to the rooting area of the ancient tree.

Furthermore, as has been highlighted, the ditch will have likely had an effect on the rooting morphology of T381 and with an appropriately offset RPA and buffer zone to the west aspect the incursions would be even greater and of a magnitude that should not be reasonably countenanced.

As per the NE/FC Standing Advice relating to veteran and ancient trees, the buffer zone of an ancient tree should be a semi-natural habitat, short mown grass would not accord with the Standing Advice as a semi-natural habitat

The Tree Officer objects to the developmental incursions within T381 and the application of the offset buffer zone as this will likely result in a deterioration to the ancient tree – this is contrary to 2021 NPPF para 180 (c). Furthermore the buffer zone would not be a semi-natural habitat and contrary to the NE/FC Standing Advice on Veteran and Ancient Trees.

- Area F10 and the construction of the sports pitch, pavilion and car parking are relies on the crown lifting of a significant number of trees. Currently, many have attractive low crowns that would have a significantly altered aesthetic if crown lifted – a partially collapsed field maple showing good vitality may need to be removed – the photograph below of G26 and T175/6 in context and on the eastern boundary T382 – 384. The development of the pitch in F10 seems to rely on the pruning and incursion of a number trees by the pitch run off zone and the car park area – the default position within BS5837:2012 is that all development should be outside of RPAs unless there is an overriding justification – the justification appears to be that the pitch, car park and pavilion must be sited in this area despite it not quite having the space to accommodate it comfortably.



Photo 3 - Low crowns of G26



Photo 4 – Low crowns of T382-4

The F10 pitch site is also notable in having one of the key views from one of the well-trodden footpaths within the site toward St Mildred's church, the landscape impact of the development on this view could be significant.



- The indicative layout on the west aspect of T312 appears to run very close to the Buffer Zone with garden space not seemingly achievable, the quantum of development in the section may not be viable but space could be freed by consideration of T312's true rooting morphology. Owing to the ditch acting as a barrier to rooting (as shown in the SJA AIA tree survey table excerpt below) T312 has a root morphology that has concentrated on the eastern side of the ditch, and the RPA should reflect this and logically so should the buffer zone.

No.	TPO	Species	Height	Trunk diameter	Radial crown spread	Crown break	Crown clearance	Age class	Physio - logy	Structure	Comments	Category
312	TPO	English oak	20m	1535mm	11.5m N 13.5m NE 10.5m E 9m SE 9.5m S 7m SW 8.5m W 9m NW	2m	1m	Veteran	Average	Good	Root morphology implies preferential rooting to the east, historic ditch immediately to the west has restricted root growth; large dominant specimen; significant feature of the landscape; of particular visual importance; particularly good example of species; entirely in keeping with the character of the landscape; of high quality, high landscape and significant ecological value and of long-term potential. Shown on Woodland Trust Ancient Tree Inventory as a 'notable' specimen, ID 204149.	A (123)

- Section 4.2.2 of the SJA AIA has made mention of the circular and centred nature of the RPA and buffer zone but does not seem to justify this within the document.

4.2.4. The buffer for the veteran oak no. 312 is shown as a circle with a radius of 23m centred on the trunk. This differs from the previous application, when with the agreement of the LPA tree officer, the buffer was offset to the east because of a likelihood that the now largely filled and flattened ditch between Fields 4 and 5 that runs immediately adjacent to the west side of this tree's trunk would have originally been deep enough and filled with water, sufficient to represent a barrier to rooting and would have restricted root growth on this side.

Not reflecting the rooting morphology of the veteran tree, in my view, amounts to a deterioration of an irreplaceable habitat and is contrary to 2021 NPPF Para 180(c). The Tree Officer objects in relation to T312 as a result of the RPA and buffer zone plotting.

- SUDs area within the RPA of T313 Oak
The SUD appears to run through the RPA of this TPO oak, concerns exist as to whether this may be achieved without harm to the tree and further detail is sought as to whether or not there is an impact.