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SJA ref: SJA wp 14023-01

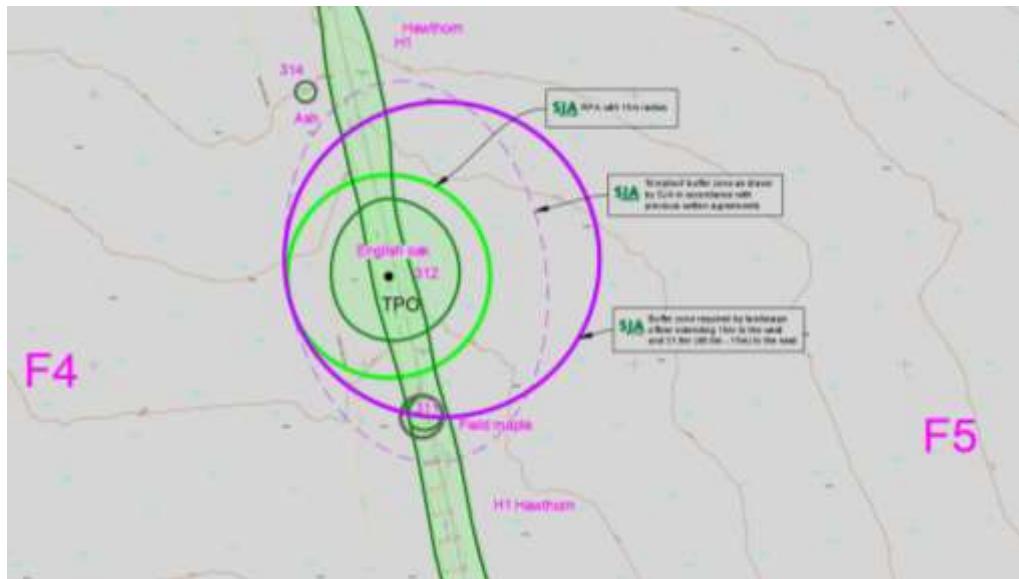
LPA ref: 19 01788 AS

### **Without Prejudice Statement**

### **Response to Ashford Borough Council's Landscape Officer Comments dated 17<sup>th</sup> June 2020**

1. I have been instructed by our clients Wates Developments Ltd., 'the Applicants' to respond on a without prejudice basis to the latest comments from the Landscape Officer. As evidenced by the updated Masterplan and Tree Protection Plan (TPP), Wates has resolved to revise the shape and size of the veteran buffer zone for the oak tree no. 312, as requested by the Landscape Officer. .
2. Given the above, the layout for the outline portion of the application to the east of tree 312, within field F5, has been amended to accommodate these requirements. Notwithstanding Wates decision we do not agree that the changes requested by the Landscape Officer were necessary in arboricultural terms or reasonable in relation to the viability of the scheme and historic written agreements.
  - a. As stated on several occasions, most recently in our technical note dated May 2020 (ref: SJA ten 14023-03b), the Landscape Officer confirmed that he was happy with the sketch we provided for the morphing of the veteran oak buffer zone when we met on site in 2018. On that basis we have continued to seek a morphed veteran tree buffer zone that encompasses more of the hedgerow than the grassland. As the principle of morphing the buffer zone had been agreed we consider the current change of approach to be unreasonable.

b. The changes now sought do not allow for any ‘morphing’<sup>1</sup> of the veteran tree’s buffer zone. The Landscape Officer clearly states in his most recent comments that ‘*the buffer zone may be morphed or offset*’ but the equation on which he has based the sketch in his comments results in a circle, thus making the morphing of the buffer zone impossible. Therefore, we have ended up with an offset, circular buffer zone, as illustrated below.



**Figure 1 – illustrating the comparison between the morphed buffer zone we have recommended, and the circular buffer required by the landscape officer**

c. Maximising the buffer zone to the east incorporates land that is less beneficial to the tree than the hedgerow and ditch associations we are seeking to include to the west. As we have shown in our fourth technical note (ref: SJA ten 14023-04a, dated June 2020), the soil in the fields available for tree rooting is shallow and overlays stiff clay. The open fields to the east are likely to be less hospitable for tree root growth as the shallow soil means roots need to compete with the well-established and more vigorous grasses present. Accordingly, the tree will have preferentially established much of its rooting system aligned with the historic ditch and made favourable associations with other trees in the hedgerow to the north and south. Seeking to maximise the veteran tree buffer zone to the east and thus protecting more grassland that is unfavourable for root growth is unnecessary and doesn’t comply with the intended use of buffer zones. A buffer zone that extends 23.3m to the east of its trunk is entirely appropriate in this instance. Due to the morphing of the area we have recommended

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<sup>1</sup> Morphing refers to adjusting the shape but not the area of the buffer zone as opposed to ‘offsetting’ which maintains the same shape and area but shifts the location of the central point around which the zone is centred.

that it also includes a greater proportion of the hedgerow and historic ditch that are more favourable for root growth.

d. The Landscape Officer argues that the tree already has the hedgerow as part of its buffer and is seeking to maximise the buffer by extending it to the east; also citing the fact that the recommended buffer zone equivalent to 15 times a tree's trunk diameter is intended to be a minimum. However, this is not entirely appropriate. For the reasons set out above it is not necessary to extend it further to the east. On the other hand, morphing the buffer zone now to incorporate more of the hedgerow to the south and north sets a specific principle that can be incorporated into forthcoming reserved matters and landscaping schemes to prevent new paths or footways becoming constructed too close to the tree's trunk.

**To conclude, whilst the Applicant has amended the proposed layout in response to the Landscape Officer's recent comments it has done so on a without prejudice basis.**

Yours sincerely

*Frank Spooner*

**Director and Associate Consultant**

**Simon Jones Associates Limited**