

Ben Abbatt

From: Ben Abbatt <ben@saplingarboriculture.com>
Sent: 24 October 2022 10:52
To: 'Parker, Nicholas'
Cc: 'Grandfield, Andy'
Subject: RE: T/22/93538 Land to the rear of 58 to 63 Albrook Knoll

Dear Nicolas,

Many thanks for your quick response. It is appreciated.

It seems that there remain areas of disagreement:

- I note that the comments relating to the felling licence process are effectively withdrawn. It might be useful for such comments to be in an informative rather than detailed by the planning authority's notice referencing the officer's comments as the reasons for refusal. The officer's comments imply that the proposed works may have been acceptable in a Felling Licence application. If this is the case, then is it reasonable for the planning authority to refuse consent?
- I note you have not commented on the benefits of carrying out proactive management to prevent issues becoming an imminent threat / danger in the future. Proactive management is normal where good practice occurs and, in this instance, the Estate is applying its long standing Tree Risk Management Plan. I note you have not commented upon the benefits of the proposed management that might accrue for the adjacent residents and the prudent and reasonable proactive management that will help to manage the medium and long term risk that trees present for the Estate. In effect, the decision prevents reasonable and preventative management of the site and will unreasonably and correspondingly increase the cost of management in the long term and potentially lead to the need for more works in the future having a greater impact than managing the current circumstances as they are at the present time. My client has an extensive history of retaining trees and woodland adjacent to residential development / urban areas and can happily refer you to many such sites where proactive management occurs.
- In your comments you identify that the application "... *did not suitably demonstrate risk*". It is not necessary to demonstrate risk in a tree works application. The majority of tree works applications do not identify risk; for instance, crown lifting for access or light does not require a "risk". Tree Preservation Orders are not meant to prevent management. They are meant to control and limit unreasonable works. It is my client's view, and mine, that the works applied for are reasonable and that the balance that the planning authority in determining the application is in error.
- I note you have not commented further on the visual amenity provided by the trees and the impact on the wider visual amenity mitigated through retention of trees within the polygon area applied and outside / beyond the area applied for.
- I note you have not commented on lesser works that the planning authority might have found acceptable.
- I note you have not commented upon the lack of communication between the planning authority and the applicant / agent to try to resolve issues prior to determination.
- I note you have not commented upon the contradiction between fly tipping within the woodland and the planning authority's refusal impeding the Estates ability to manage this issue that is of concern to both the planning authority and the Estate.

Additionally, I note there is no local plan policy reason for refusal. Therefore, is it reasonable to assume that the decision has been made on a subjective basis without (planning authority) forethought to how the planning authority wishes to manage the tree resource and landscape?

I must reiterate, my client and I would like to impress upon the planning authority that the only reason we are seeking to do these works is to address the concerns of local residents and discharge our responsibilities as a responsible landowner under the Estate's overall Tree Risk Management Plan.

Regards, Ben

Ben Abbatt

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From: Parker, Nicholas <nicholas.parker@eastleigh.gov.uk>
Sent: 21 October 2022 16:25
To: ben@saplingarboriculture.com
Cc: Grandfield, Andy <Andy.Grandfield@eastleigh.gov.uk>
Subject: FW: T/22/93538 Land to the rear of 58 to 63 Albrook Knoll

Nicholas Parker
Planning Manager

Service Delivery - Specialist Services - Housing and Development
023 8068 8176



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Eastleigh Borough Council

Hi Ben

Andy has passed your e-mail to me to respond as Planning Manager

I attach my response which hopefully explains the reasoning informing the decision but should you have any further queries please drop me a line

Kind regards

Nick Parker

From: Ben Abbatt <ben@saplingarboriculture.com>

Sent: 15 October 2022 13:29

To: Grandfield, Andy <Andy.Grandfield@eastleigh.gov.uk>

Cc: Planning @ Eastleigh Borough Council <Planning@eastleigh.gov.uk>

Subject: T/22/93538 Land to the rear of 58 to 63 Albrook Knoll

Good morning, Andy,

A long time since we last saw each other!

I am sorry to add to your workload.

My client and I have had a recent decision (attached) from Eastleigh that we would like you to review. The application is T/22/93538 and relates to the management of the trees to the rear / north of these properties.

My client and I would like to impress upon the planning authority that the only reason we are seeking to do these works is to address the concerns of local residents and discharge our responsibilities as a responsible landowner under the Estate's overall Tree Risk Management Plan.

The officer report (attached) identifies the proposed works as "clear felling". Clear felling is, as I understand the definition, the removal of all trees within a defined forestry compartment or part of. The application submission and submitted letter (attached) in support of the application identified that trees larger than 30cm diameter are to be

kept at a spacing of 7m spacing. I fail to understand how this specification can be determined as “clear felling”. May I suggest that the planning authority reconsider this element?

The retained trees would continue to provide visual amenity from the points identified by the planning authority. Therefore, the planning authority’s consideration that there would be a significant impact upon the visual amenity from the public points identified is difficult to sustain. Additionally, the area of woodland beyond the area defined in the application is also retained. Any potential impact as a result of the implemented proposed works is diminished by the retention of the majority of the woodland, also in my client’s ownership. May I suggest that the planning authority reconsider this element?

In the decision notice, does the planning authority identify that the tree preservation order is superfluous as the exceptions given in s9 of the Forestry Act (FA) 1967 <https://www.legislation.gov.uk/ukpga/1967/10/section/9> override the Town and Country (Trees) Regulations 2012? The works applied for can be implemented within s9 of the Forestry Act, but the Tree Preservation Order relates to the site. Does the planning authority consider, that the FA s9 exceptions given are, in reality, a form of predetermined felling licence and therefore there is no need for Consent via the Tree Works Application Process? Please can you advise of the planning authority’s view?

The planning authority gift is to determine a tree works application where trees are subject to Tree Preservation Order, not determine the process in which the management of trees can be legally implemented (via the Forestry Act exception and felling licence processes). I do not believe the gift of the planning authority is to determine the way in which my client fulfils their statutory duties. Please correct me if I am wrong. May I suggest that the planning authority reconsider this element?

The submitted letter identifies that there is concern of falling trees in the rear gardens. The officer’s report fails to identify that active management at this point will aid management of my client’s responsibilities to these adjacent property owners whilst retaining the visual amenity of the local area, managing the woodland ecology and aid the management of the precious resources at my client’s disposal. The officer’s report fails to accept that the proposed works is, in part, the management plan and that the woodland in close proximity to gardens requires management if it is to provide the benefits for visual amenity and ecology whilst being managed in proximity to adjacent garden use. May I suggest that the planning authority reconsider this element?

Comments relating to fly tipping and trespass within the area subject to the tree works application is of concern to my client. However, I fail to see the merit of such comment from the planning authority on fly tipping and trespass relating to the management of trees or the refusal of a Tree Works Application. The refusal impedes my client in the management of these issues which appear to be a concern to the planning authority and my client. Therefore, my client and I are confused that the refusal is contrary to the appropriate management of the site and the circumstances. May I suggest that the planning authority reconsider this element?

Does the planning authority prefer an alternative management to the area subject to the tree works application? If so, could negotiation and discussion have helped to promote a tree works application specification that would be acceptable to both parties? Are there lesser works that the planning authority have Consented as part of a Part Consent / Part Refuse decision notice? I note I have no emails relating to such. Please could you let me know if I have missed such opportunities? May I suggest that the planning authority reconsider this element?

Again, I apologise for adding to your workload, but I would be grateful if you could consider these issues as my client’s opportunity to appeal the decision expires on the 7th November 2022.

Regards, Ben

Ben Abbatt

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