

Ben Abbatt
Sapling Arboriculture Ltd
Holbache
Mount Pleasant Road
Alton
Hampshire, GU34 2RS

Case Ref:
T/22/9353
8

21st October 2022

Dear Ben

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

I refer to your e-mail correspondence with Andy Grandfield on 15th October 2022 relating to the above tree application.

As the Planning Manager at Eastleigh Borough Council I have been asked to respond to the matters you have raised. I have done so in co-ordination with the Council's Tree Consultant Chris Stringer who is aware of this case.

The Council understands the duty of care regarding tree risk on the estate, but I note the application did not suitably demonstrate that the risk from these trees was elevated beyond what would be considered reasonable. Therefore, as the Local Planning Authority has to balance the reasons for the proposed work against the impact on amenity, it was considered that the reasons for the proposed work did not outweigh the impact on the amenity.

Under Section 16 (c) (iii) of the Town and Country Planning (Trees) Regulations 1999 an applicant must include, within the application, a statement of the reasons for the proposed work. The submitted letter (reference J139 28) refers to concerns from neighbouring properties regarding falling trees and branches. However, it goes on to state that: "...*there is no specific cause for concern other than the obvious proximal relationship*" and there were "*no obvious failures*" following last February's storm events. The letter does not mention long term management of the woodland, other than to suggest a timeframe by which the financial costs of repeated work would be less.

Because the trees are subject to a woodland TPO, the LPA also had to take into account Section 17(3) of the Regulations. However, as mentioned above, no information was submitted that stated that the reasons for the proposed work were in accordance with the practice of good forestry or demonstrated that the application would secure the maintenance of the woodland character of the area.

Regarding your points on the officer's remarks in the tree assessment report. The purpose of the officer report is to provide additional comments in the assessment of the application. We consider comments made by the officer in

this report to be additional to the reason for refusal, and to act as guidance and information for the applicant and the wider public.

Specifically regarding your point on clear felling, within the officer report the officer identifies the proposed work as equating to clear felling, as "...*the trees within the area specified are [all] below 30cm diameter at 1.5m*", rather than stating that the proposal was categorised as clear felling.

Further, the advice regarding felling licences was, as stated above, meant to be taken in the spirit of guidance and to inform the applicant. We do not consider that it suggested the Local Planning Authority considers an application unnecessary. There remains a requirement to make a TPO application to the Local Planning Authority where exceptions to the Forestry Act apply.

If the above response has not satisfied your request and you are aggrieved by the decision of the Local Planning Authority to refuse consent, you may, by notice served within 28 days of the receipt of this notice, appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Please see the information supplied with the formal decision notice.

I hope my account assists in clarifying the issues which you have raised.

Yours sincerely

Nicholas Parker
Planning Manager