



## Rebuttal Statement - TREES

Christy's Lane, Shaftesbury, Dorset SP7 8TL

Phillip Brophy HNDArb MArborA MICFor RCarborA

Ref: 17353-Rebuttal Statement-TREE-PB DRAFT

LPA ref: P FUL 2023 05051

2<sup>nd</sup> November 2023



## 1 INTRODUCTION

### 1.1 Instruction

I am instructed by Planning Issues Limited to provide a Rebuttal Statement in response to the consultation return of the Tree and landscape officer (S L Saunders), dated 9<sup>th</sup> October 2023 to Tunbridge Wells Borough planning department specific to the extant planning application at Christy's Lane, Shaftesbury.

### 1.3 Qualifications and experience

This statement is based on my site observations and the provided information, interpreted in the context of my experience. I have experience and qualifications in arboriculture and a summary can be found on our website (<https://www.barrelltreecare.co.uk/who-we-are/>).

## 2 REBUTTAL

The provided consultation was across a two-page document without section reference or page numbering. For ease of reference, I have set out my response directly below each element of the stated areas of raised concern (indicated in italic).

*The beech trees fronting the road will become under pressure from excessive or over regular requests for tree survey intervention.*

If trees are retained close to occupied buildings and / or garden amenity space, then it is sometimes claimed by tree officers that these situations could cause future occupiers to have concerns regarding excessive shade or anxiety relating to potential tree failures. However, in this instance (as is rightly highlighted by the tree officer), the beech trees are located on the northeastern boundary of the site, so shading concerns should not be an emergent issue. It is important to also note that trees offer significant benefits (such as providing cooling benefit to adjacent built form), which can reasonably be advanced to outweigh any potential disadvantages relating to shade or anxiety.

Furthermore, when dealing with trees that are subject to tree preservation order (which is now the case in respect to these beech trees via the servicing of tree preservation order reference 'TPO/2023/0071'), there is an overarching presumption that such trees will be retained, and that unreasonable work proposals refused, unless it can be demonstrated that the normal use of the properties are harmed to a significant extent. Importantly it should be noted that there is little published evidence to support either of the extremes, which means that each case must be intelligently assessed on its own merits and interpreted in the context of the experience of the assessing arboriculturist. In this instance I fully considered the matters of potential overbearing relationships and daylight, and concluded that there is sustainable space between the proposed built form and these beech trees to provide a reasonable relationship that avoids a need for

excessive or overly frequent management. Finally, it is pertinent to highlight that the management of the outside space associated with the development, will be centrally managed by an independent management organisation and not to the discretion or ability of a singular occupier.

*The associated tree protection plan shows the road fronting trees to have a circular root protection area. In this case due to the presence of the pavement and highway to the northeast of this line of trees brings me to the conclusion that these trees would not have a circular (unadjusted) root protected area. The industry British Standard BS5837:2012 states under section 4.6.2 The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.*

The compacted and disturbed nature of the existing ground within the site (to the southwest of the beech trees – as can be seen in photograph 1 and 2 below), was such that I determined that an adjustment to the root protection areas to show potential preferential rooting in this direction would not be reasonable. It is clear that the bulk of the tree rooting is occurring within the existing grass verge, and that it was reasonable to expect that some rooting would also be occurring within the public footpath and potentially the carriageway (although this surfacing element occupies a very minor part of the radially expressed RPAs and is limited to only trees T11 and T16).



**Photograph 1:** View of existing ground conditions adjacent to trees T10, T11 and T12 taken at time of survey – April 2023.



**Photograph 2:** View of existing ground conditions adjacent to trees T14 and T15 at time of survey – April 2023.

As a result of my site-specific assessment, I am content that I have robustly accounted for the considerations set out in section 4.6.3 of the British Standard (BS5837:2012), and that the RPAs shown on the extant tree protection plan (referenced '23061-01 A1- Custom' and cited as '23061-2' in the tree report) are aligned to the directed recommendations of the standard.

The RPA information shown on the tree protection plan is unchanged from the data that was provided to the client as part of the initial constraint advice for the site, which was then used to fully inform the onward design process that led to the current scheme. The scheme shows that all proposed built form structures are located beyond the existing canopy extents, and outside of the calculated RPAs for all retained trees, and this will ensure that these trees will remain sustainable landscape assets to the locality in the long term.

**Phillip Brophy HNDarb MARborA MICFor RCarborA**

2<sup>nd</sup> November 2023



Field House Fordingbridge Business Park Fordingbridge Hampshire SP6 1BD  
☎ 01425 651470 ✉ [info@barrelltreecare.co.uk](mailto:info@barrelltreecare.co.uk) 🌐 [www.barrelltreecare.co.uk](http://www.barrelltreecare.co.uk)