

REPORT SUMMARY

CASE REFERENCE: 24/502178/TPOA		
ADDRESS: Trees Along River Len Footpath, Spot Lane, Downswood, Kent		
PROPOSAL: TPO application for following works: T1, Ash (dead/dying), Fell; T2, Ash (dead/dying), Fell; T3, Ash (dead/dying), Fell; T4, Ash (dead/dying), Fell; T5, Ash (fallen tree over river). Clear; T6, Cobnut (dead), Coppice; T7 Ash, Fell; T8 Ash (fallen over river), Clear; T9, Ash, Remove hanging branches; T10, Willow x2 (leaning across footpath), Coppice; T11, Cobnut (decay at base over footpath), Coppice; T12 Cobnut (large stem of path), Coppice; T13 Alder, Remove stem from river; T14, Willow (over path), Coppice; T15, Alder (dead), Monolith; T16, Willow (over path restricting access), Coppice; T17, Willow (dead), Remove; T18, Willow, Coppice; T19, Cobnut, Coppice.		
RECOMMENDATION: Application Permitted – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The works are considered acceptable arboricultural safety management, to ensure the Council is complying with its duty of care for users of the footpath.		
REASON FOR REFERRAL TO COMMITTEE: The application has been submitted by Maidstone Borough Council’s Park and Open Spaces Team.		
PARISH: Downswood	WARD: Bearsted And Downswood	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 23.07.2024	
DATE VALID: 04.07.2024	CONSULTATION EXPIRY: 13.08.2024	DECISION DUE: 29.08.2024

RELEVANT PLANNING HISTORY

Planning:

24/502178/TPOA - TPO application for following works: T1, Ash (dead/dying), Fell; T2, Ash (dead/dying), Fell; T3, Ash (dead/dying), Fell; T4, Ash (dead/dying), Fell; T5, Ash (fallen tree over river). Clear; T6, Cobnut (dead), Coppice; T7 Ash, Fell; T8 Ash (fallen over river), Clear; T9, Ash, Remove hanging branches; T10, Willow x2 (leaning across footpath), Coppice; T11, Cobnut (decay at base over footpath), Coppice; T12 Cobnut (large stem of path), Coppice; T13 Alder, Remove stem from river; T14, Willow (over path), Coppice; T15, Alder (dead), Monolith; T16, Willow (over path restricting access), Coppice; T17, Willow (dead), Remove; T18, Willow, Coppice; T19, Cobnut, Coppice. - **Pending Decision** -

23/503247/TPOA - TPO application to remove right hand trunk of one Ash T1 with red paint to 1m above ground level, starting height 19m. Broken limb/poor condition. –

Lesser works Permitted

Enforcement:

None

Appeals:

None

MAIN REPORT

1. DESCRIPTION OF TREES

1.01 The subject trees (listed T1 to T19) are all growing to the south of the River Len within falling distance of the road/path edge of Spot Lane.

2. PROPOSAL

2.01 The works proposed in the application are summarised in the table 1 below:

Tree No.	Species	Reason for works	Proposed works
T1-T4	Ash	Dead/dying	Fell
T5	Ash	Fallen tree over river	Clear from river
T6	Cobnut	Dead	Coppice
T7	Ash	Dying	Fell
T8	Ash	Fallen tree over river	Clear from river
T9	Ash	Split hanging branches	Remove split branches
T10	Willow x 2	leaning across footpath	Coppice
T11	Cobnut	Decay at base over footpath	Coppice
T12	Cobnut	Large stem over path	Coppice
T13	Alder	Fallen into river	Clear from river
T14	Willow	Overhanging path	Coppice
T15	Alder	Dead	Monolith
T16	Willow	Over path restricting access	Coppice
T17	Willow	Dead	Remove
T18	Willow	In decline	Coppice
T19	Cobnut	In decline	Coppice

3. PLANNING CONSTRAINTS

3.01 Tree Preservation Order No. 9 of 1975:

The 19 trees listed in the application (as detailed in table 1 above) are all growing within woodland W1 of the TPO.

3.02 Conservation Area:

NO

4. POLICY CONSIDERATIONS

4.01 Government Policy:

National Planning Policy Framework (2023)

Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

4.02 Compensation:

A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal.

5. LOCAL REPRESENTATION

- 5.01 Having publicised the application on site with a site notice, no local representations have been received.

6. CONSULTATIONS

- 6.01 Downswood Parish Council – No comments received.

- 6.02 Adjacent properties flanking spot lane – No Comments received.

7. APPRAISAL

Following a ground level inspection, the 19 trees listed in table 1 at section 2 above have been categorized as follows:

7.01 Condition:

Poor – Obvious decline/health and/or structural integrity significantly impaired.

7.02 Contribution to public amenity:

Reasonable – Limited views only/partially blocked by other features.

to

Good – Clearly visible to the public.

7.03 Retention/Longevity:

Short – Safe useful life expectancy of fewer than 10 years.

to

Medium – Estimated remaining life expectancy of at least 10 years.

7.04 Comments/Considerations:

The trees listed for felling are mainly Ash which all show advanced decline/death due to infection by Ash Dieback Disease. Whilst the felling of these trees is

considered appropriate in the interests of safety the retention of the main trunks as standing monoliths (where appropriate and safe to do so) should also be considered for sound ecological reasons. Therefore, the inclusion of this requirement has been added to the conditions listed below.

Those trees identified for Coppicing are all lapsed coppice trees with multiple main stems rising from old degrading coppice stools. Some, especially the Willow, hang very low over the main paths as seen in Photo 1 below. The proposed re-coppicing of these trees to remove degrading dead stems and low branches over the paths is considered acceptable safety management.

Photo 1 – View of Willow T14 leaning & overhanging main path (Spot Lane).



Three of the trees (Ash T5, Ash T8 & Alder T13) have fallen across the river and are now in need of removal to aid in the flow of the water during spell of heavy rainfall. (Please refer to photo 2 below).

Photo 2 – View of fallen Ash T5 across the river.



8. CONCLUSION

- 8.01 Taking into consideration the poor structural and physiological condition of the 19 trees listed in the application, the proposed works are considered justified in the interests of safety and good arboricultural management. Consequently, the works should be permitted, so the Council can comply with their duty of care to ensure trees growing on their land are managed in a safe condition.

9. RECOMMENDATION

- 9.01 **Application Permitted** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

Conditions:

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person; ensuring the main trunks of trees to be felled are retained as monoliths at suitable heights, if practically safe to do so.

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the

tree/s and its/their contribution to the character and appearance of the local area

- (2) No grubbing or extraction of stumps or coppice stools, nor application of herbicide or chemical treatment, shall be used to prevent re-growth;

Reason: To safeguard the successful regeneration and longevity of the trees/coppice and their/its contribution to amenity and nature conservation together with the character and appearance of the local area

Informatives:

- (1) Adjacent trees should be protected from damage during the course of the tree works hereby allowed/permitted in accordance with the current edition of BS3998. Any damage which occurs as a result of poor arboricultural practice and which affects the structural stability and/or health and longevity of adjacent trees may result in legal action against you.
- (2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (3) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.
- (4) Removal of dead trees, split hanging branches and dead wood from protected trees is an exception to current legislation and does not require a formal application. However, the regulations require five days notice in writing of intention to carry out such works. Their inclusion on this application is considered to satisfy that requirement.

Case Officer: Paul Hegley (MBC)

NB – For full details of all papers submitted with this application, please refer to the relevant Public Access Pages on the Council’s website.