

REPORT SUMMARY

CASE REFERENCE: 23/503247/TPOA		
ADDRESS: Trees Along River Len Footpath Spot Lane Downswood Kent		
PROPOSAL: 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.		
RECOMMENDATION: Lesser Works (Trees) – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed works are considered excessive and contrary to the current British Standards so lesser works are considered more appropriate to alleviate any safety risk whilst balancing the amenity value of the tree.		
REASON FOR REFERRAL TO COMMITTEE: The application has been submitted by Maidstone Borough Council’s Park and Open Spaces Team.		
PARISH: Downswood	WARD: Downswood And Otham	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 07.11.2023	
DATE VALID: 25.07.2023	CONSULTATION EXPIRY: 18.08.2023	DECISION DUE: 19.09.2023

RELEVANT PLANNING HISTORY

Planning:

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. -

Pending Decision -

Enforcement:

None

Appeals:

None

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The Ash tree (listed as T1 in the application) is growing to the south of the River Len close to the road/path edge of Spot Lane.

2. PROPOSAL

- 2.01 Remove right hand trunk of one Ash T1 with red paint to 1m above ground level, starting height 19m. Broken limb/poor condition.

3. PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 9 of 1975:

The Ash listed as T1 in the application falls within woodland W1 of the TPO.

- 3.02 Conservation Area:

No

4. POLICY CONSIDERATIONS

- 4.01 Government Policy:

National Planning Policy Framework (2021)

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 have been received.

7. APPRAISAL

Ash trees listed as T1 in the application (designated within W1 of the TPO)

- 7.01 Condition:

Fair – Showing minor signs of deterioration and/or defects consistent with early signs of Ash Dieback Disease (ADD).

7.02 Contribution to public amenity:

Excellent – A prominent natural feature of the area/particularly suited to the location forming part of the wider sylvan character of the woodland flanking south of the River Len (as seen in photo 1 below)

7.03 Retention/Longevity:

Medium – Estimated remaining life expectancy of at least 10 years based on current condition during the site inspection.

Photo 1 – View of Ash tree T1 taken from Spot Lane



7.04 Comments/Considerations:

The Ash tree T1 is a maturing specimen attaining a height of 16 meters, growing towards the edge of scrub/woodland that flanks the southern banks of the River Len. It has an asymmetrical crown towards the south caused by the growth and presence of similar sized trees within the woodland to the north. Dense Ivy growth (as seen in photo 1 above) covers the main trunk and inner scaffold branches.

The application seeks consent to remove the lowest main arterial branch/limb that extends over Spot Lane to the south which can be seen in photo 1 above. The limb to be removed is over 11 meters in length with heavy overweighted outer branches. A similar sized branch extending close to the base of this lower limb recently failed falling and blocking Spot Lane. Consequently, the removal of this similar sized overweighted branch is now proposed to prevent a similar failure and remove any potential danger to users of Spot Lane.

Whilst there is some risk of this limb failing due to its overweighted length, its complete removal back to the main trunk/stem would create a large open pruning that would be open for decay pathogens. Such a large wound close to the trunk

would be contrary to the recommendations of British Standard 3998:2010 Tree Works – Recommendations.

Therefore, taking this into consideration a lesser reduction of the limb by no more than 50% of its current length is recommended, which would result in smaller wounds whilst reducing sufficient branch weight to alleviate the risk of future failure.

8. CONCLUSION

- 8.01 The proposed works are considered excessive for the reasons given in the recommendation below. However, lesser works should be approved that would still address the potential failure of the branch whilst complying with current British Standards and good pruning practices.

9. RECOMMENDATION

- 9.01 **Lesser Works (Trees)** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

Approved Lesser Works and reasons for lesser works decision:

- (1) The Council considers the proposed removal of the lower main stem/branch of the Ash tree (listed as T1 in the application) is excessive and unacceptable for the reasons stated below.

The Council considers that a maximum reduction of the lower stem/branch of the Ash T1 to no more than 50% of its current length (as indicated by a red lines on the annotated photograph accompanying this notice) is the maximum works that should be allowed. This will help to reduce loading of the stem whilst balancing amenity considerations. A reduction beyond this would be detrimental to visual amenity, create a larger pruning wound back to the main trunk contrary to the recommendations given in British Standard 3998:2010 Tree Works - Recommendations , and would therefore be contrary to policies intended to confer protection to trees and tree cover in the borough, specifically Maidstone Borough Local Plan October 2017 - Policy DM 3, Local Plan Review, draft plan for submission (Regulation 22) dated October 2021, Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000) together with Government Policy: Planning Practice Guidance; Tree Preservation Orders and trees in conservation areas.

Conditions:

- (2) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

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

Informatives:

- (1) 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.
- (2) 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.

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.