

APPENDIX A

406/122/37

26/12/12
TPO 1 of 2013

TO WHOM IT MAY CONCERN

I would like to clarify some issues regarding my application to fell the lime trees in Lenham Square.

My proposal is not just about felling the lime trees, it includes the replacement of the trees with new lime trees within root barriers. I make this application reluctantly because I do, of course enjoy the trees, especially as they provide dappled shade and enhance the conservation area. Also, it will take several years for the new trees to become established.

The existing lime trees were planted approximately 25 years ago to replace the mature limes that had grown too large. They were negligently planted too close to the buildings along the side of the square known as "The Limes" without regard to the potential damage they would cause. The technology was available to contain the roots and the mechanics of soil and roots was understood, but ignored. The problem is exasperated by impervious surfacing of the square causing the roots to hunt water from the gardens to the rear of the buildings.

I have been in communication with the council since 2004 to limit the spread of the lime trees. Their tree specialist recommended retro fitting root barriers but this was not done. Pollarding was suggested but this was only carried out once 5 years ago and raised local objection. Now, the trees are too large to retro fit barriers and the council have failed to maintain a regime of annual pollarding allowing the trees to increase in size by some 30%. Pollarding does not solve the problem anyway it slows the ingress but does not stop it.

The correct solution to this problem is to re-plant the limes properly in root barriers to rectify the irresponsible planting some 25 years ago. Also tarmac should be removed around trees to allow to create a pervious surface for rain watering. Although having a cost implication now, it will probably be less expensive overall.

I was of course aware of this prior to the purchase of the hotel.

However taking up the challenge of restoring the Lime Tree Hotel includes finding a long term solution to this root damage.

Legally, under the Law of Tort, the council is liable for damage caused by their trees trespassing roots. The size and quality of foundations is immaterial.

Maidstone Borough Council have placed a temporary T.P.O.'s on the trees for six months from 31st July 2012. Should this order become permanent or should the trees be replaced?

The medieval square and its listed buildings are your heritage as much as mine.

What should be done?

[REDACTED]

REPLACEMENT TREES :- LIME TREES
TILIA CORDATA STREET WISE - UPRIGHT BRANCHES
APHID FREE - 25 YEARS 9 METRES & 5M DIAMETER