

Appeal By

T A Fisher

at

The Hollies Nursing Home
Reading Road
Burghfield Common
Berkshire
RG7 3BH

Local Planning Authority
Ref: 22/00244/FULEXT

Statement
of
Jago Keen
Keen Consultants

Subject Matter

TREES

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APPENDIX JK3 Tree Preservation Order number 201/21/0989

1. Introduction

- 1.1 This statement sets out the evidence of Jago Trevelyan Keen (CV at Appendix JK1) in respect of tree matters in relation to the application for development of the site on Land rear of The Hollies Nursing Home, Reading Road, Burghfield Common, Berkshire, RG7 3BH.
- 1.2 The evidence which I have prepared and provide for this appeal is true and I confirm that the opinions expressed are my true and professional opinions.
- 1.3 This evidence extends the information laid before the Council in the determination of the application.
- 1.4 I am familiar with the site having undertaken an update to the tree survey on the 10th September 2021. The information gained during the tree survey is used as the basis for assessing the effect upon trees at the site.
- 1.5 In this statement I will consider Reason for Refusal 3. The only tree-related concerns are:
- the impact of the loss of trees protected by Tree Preservation Order;
 - and, the potential to plan replacement trees within the application site.
- 1.6 No other tree-related matters are cited as a reason for refusal.

2. Arboricultural information

- 2.1 A tree survey was undertaken in accordance with the guidance contained in *British Standard 5837:2012: Trees in relation to demolition, design and construction – Recommendations* (“BS5837”). This document sets out the parameters for the tree survey and the means of categorising the quality of trees encountered. It is the nationally recognised means for providing sufficient and reliable information for the determination of the effects of a scheme of development upon trees.
- 2.2 The tree survey was presented in the form of a schedule of trees within an explanatory document. It is accompanied by a Tree Constraints Plan that shows the location of each tree, its crown spread coloured according to category and its root protection area.
- 2.3 By comparing the proposed scheme with the tree information within the tree survey and upon the Tree Constraints Plan it is possible to determine the effects of the proposed development scheme upon the trees.
- 2.4 The relationship of the application proposals to the trees is shown on the Tree Protection Plan where the loss of trees in relation to the retained trees and proposed layout of development can be seen.
- 2.5 All of the above information was submitted to the Council and formed part of the planning application.

3. The impact of the loss of trees protected by Tree Preservation Order

- 3.1 There are two cohorts of trees protected by Tree Preservation Order (“the Order”) that the application proposals seek to remove.
1. The loss of trees within group 68A that fall within W1 of the Order.
 2. The loss of five stems from group 80, being part of G1 of the Order.
- 3.2 The trees within Group 68A are diminutive, comprising of mixed saplings that have grown due to a reduced regime of land management. The group includes a mix of field maple, goat willow, blackthorn and ash. The ash are in decline and dying from a common disease, Ash Dieback.
- 3.3 None of the trees within 68A offer significant amenity; they are barely perceptible from public viewpoint and have little visual merit from internal views. None of the trees are of exceptional quality and some are dying. In my view they are not of sufficient quality to constrict the proposed scheme of residential development.
- 3.4 The loss of those trees from Group 68A is offset by the new planting proposed to bolster the existing woodland edge. This direct intervention to increase native tree and shrub cover, and also extend the woodland, results in a net gain of woodland cover.
- 3.5 The trees within Group 80 are all early-mature English oak trees that form part of a row of similar sized trees, of varying quality, that bisects the fields.
- 3.6 The trees are not exceptional individual specimens but they do have collective value as part of the row.
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- 3.7 None of the trees (in fact none of the trees on site) are of an age, or bear characteristics of, veteran or ancient trees such that paragraph 180 (c) of the NPPF need be considered.
- 3.8 The trees are protected by Tree Preservation Order. The Council's online mapping service indicates two Tree Preservation Orders are in place: TPO 201/21/0835 from 2014 (Appendix 2) and TPO 201/21/0989 from 2019 (Appendix 3).
- 3.9 Tree Preservation Order number 201/21/0835 appears not to be confirmed (there is no indication on the document, as provided by the Council, that it is confirmed) hence it lapsed at the expiry of six months from the date it was served.
- 3.10 Tree Preservation Order number 201/21/0989 seems to have been formulated to protect specific trees; those deemed worthy of protection rather than all of the trees, irrespective of merit, within the Area designation of 201/21/0835. This is normal practice as advocated by government guidance.
- 3.11 Tree Preservation Order number 201/21/0989 records G2 (see the 1st schedule of the Order) as containing seven oaks. The tree survey undertaken (see Tree Constraints Plan for location and schedule of trees) shows there to be ten oak trees (tree 78 and 9 stems within Group 80. The pair of ash trees numbered 79 are not protected as they are not oaks) within the boundary of G2 as drawn on the map accompanying the Order. It is not possible to determine which of the ten trees present are the seven protected trees but, given that the trees in Group 80 are the better quality oak trees it is most likely these are the ones the Order sought to protect.
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- 3.12 The five stems of Group 80 are proposed for removal to accommodate the road that links the parcels of land north and south of the tree line.
- 3.13 The loss results in an opening in the tree line, close to the junction with tree Group 113 that extends the tree line to the north east.
- 3.14 The trees within Group 80 that are proposed for removal are not perceptible from public view. There is no view of them from Regis Manor Road to the north east, Reading Road to the south east, Paddock End to the south, or Lamden Way to the south west. On all other sides the site is screened by woodland that lies outside the site boundary.
- 3.15 The loss of trees does not therefore detract from public amenity nor does it have a discernible impact on landscape character. The loss of trees creates an opening, not uncommon in tree lines and certainly evident in the local area, that is a normal component of landscape character.

4. Potential to establish replacement planting

- 4.1 The reason for refusal links the loss of trees protected by Tree Preservation Order with the alleged deficiency of space to replace those that are lost.
- 4.2 The trees protected by Tree Preservation Order that are lost are set out at 3.1 of this statement.
- 4.3 In determining whether there is suitable replacement tree planting I have considered the Landscape Strategy Plan, produced by RPS, that was submitted as part of the application. It shows how the proposed soft landscape is intended.
- 4.2 A key tenet of the Strategy that is apparent to me is to ensure an adequate buffer to the ancient woodland as well as provide high quality open space.
- 4.3 The Strategy retains the existing vegetation within the buffer proposed to the rear of plots 24 to 29. This area will undergo natural processes of vegetation development and no new planting is intended, or appears required, to sustain those natural processes.
- 4.4 The main area of open space is sited in the north west corner of the site. It extends the buffer zone and allows for more separation and a soft edge to the woodland beyond.
- 4.5 The buffer to the ancient woodland, and the increased buffer that incorporates the open space, help to mitigate the loss of trees from the site. Locating these green/biodiversity features along the north western edge of the application site bolsters the existing woodland feature and it is good practice to extend and enhance existing features such as this.

4.6 The buffers and open space provide a generous area of the site in which to plant replacement trees.

4.7 The planting, as indicated on the Landscape Strategy, makes provision for extensive new “native shrub mix & native buffer infill” in three main areas:

1. Along the south eastern boundary between Plots 1-5 and Plot 15.
2. North east of Plots 21 – 23.
3. Along the north western boundary north of Plot 24.

4.8 These three main zones of planting provide a far greater area of new woodland cover than the limited number of saplings removed from the section of Group 68A that is removed. There is, therefore, ample space to accommodate replacement planting to offset the loss of the protected trees and that space has been maximised to secure a far greater quantity of new planting.

4.9 Throughout the layout of development, including with the open space areas, thirty new trees are proposed to be planted. The Landscape Strategy shows new “Feature trees, Street/Park trees, and multi-stemmed trees”.

4.10 The trees have been sited in places where there is room for them to grow and develop to maturity. A detailed landscape scheme can determine what species of tree suits which location with those trees that are larger at maturity being placed in the larger open spaces and those trees of smaller stature being placed amongst the layout of dwellings.

4.11 These thirty new ‘specimen’ trees have space to develop and provide ample provision to replace the five protected trees removed from Group 80.

4.12 Overall, the landscape scheme provides generous space for new planting and indicates an extensive scheme of new tree planting to offset the losses of the protected trees, and those that are not protected.

4.13 Should the appeal be allowed, a condition can be imposed to require the production of a detailed landscape scheme to show the location and specification of all proposed planting.

5. Policy considerations

5.1 The reason for refusal cites policies the Council considers the proposals are contrary to. Looking at the tree-related parts of those policies, my opinion is:

5.1.1 Policy ADPP1 talks of the need to protect and enhance green infrastructure within the supporting text of the policy. However, this specific element does not appear in the policy itself. In this case the application proposals do protect and enhance the green infrastructure. They do require some tree loss but they provide buffers to the woodland areas, provide new open space and secure new tree planting to offset losses and ensure a sustainable contribution to the local green infrastructure.

5.1.2 Policy CS14 seeks efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area. It also seeks the provision, conservation and enhancement of biodiversity and its linkages. The application proposals respect the landscape and biodiversity by retaining the majority of significant landscape features, providing buffers to the ancient woodland, adding new native planting to bolster the tree cover and new specimen planting. All of which complements and builds on the existing landscape and biodiversity network.

5.1.3 Policy CS18 seeks the protection and enhancement of green infrastructure. It also provides for the acceptance of loss of green infrastructure where replacement can be provided. It has been identified that the loss of those few protected trees is offset by areas of new planting that are far greater in extent than those lost and the planting of thirty specimen trees to replace the five trees removed from Group 80.

5.1.4 Policy CS19 seeks the conservation and enhancement of local landscape character. As set out in paragraph 6.1.2, the character is conserved and enhanced through the retention of the majority of trees, the provision of buffers to ancient woodland and the provision of generous new planting to supplement the retained tree cover.

5.2 The reason for refusal also considers the proposals to be contrary to the “advice contained within the NPPF”. Where trees are material to NPPF policies my opinion is:

- Paragraph 131 recognises the importance of trees to urban environments. The application proposals are accompanied by a landscape strategy that seeks to provide trees within the streets and open spaces, securing the right trees in the right places. The application therefore meets this policy requirement.
- Paragraph 180 (c) concerns itself with the loss or deterioration of irreplaceable habitats such as ancient woodland and veteran trees. The application proposals result in no loss of these habitats (there are no veteran trees on, or adjacent to, the site). By providing a buffer to the ancient woodland, in accordance with Natural England guidance, ample provision is made to avoid deterioration of the habitats in the long term. The provision of new native planting alongside the retained woodland provides a net gain. The application therefore meets this policy requirement.

5.3 Following the above analysis it is my opinion that the loss of a small group of saplings (section of Group 68A) and five protected oak trees (from Group 80) does not constitute valid arboricultural grounds to substantiate the refusal of consent when considered against the policies cited in the reason for refusal.

6. Conclusions

- 6.1 In this statement I consider the two grounds the Council put forward to substantiate their reason for refusal number 3 due to impact on trees. Those grounds being the loss of trees protected by Tree Preservation Order and the alleged inability to replace those trees.
- 6.2 The development proposals result in the loss of small area of saplings and five trees from a linear tree group, all of which are protected. All other protected trees on the site are retained and will be unharmed by the proposals.
- 6.3 Those trees proposed for removal are currently not perceptible to public view. They are masked by other trees; i.e. the trees that are being retained.
- 6.4 The trees proposed for removal are not of exceptional quality; the saplings are diminutive and the five oak trees being removed are those that are commonplace in the area. None are veteran or ancient trees.
- 6.5 None of the trees proposed for removal are those of sufficient merit to warrant their retention such that the layout of development as proposed should not be consented. The harm derived through their loss is minor.
- 6.6 The loss of the trees is offset with a net gain of tree cover. Extensive areas of new native planting offset the loss of saplings. Thirty new trees are proposed in prominent places – the right trees in the right places – to offset the loss of the five protected oak trees.
- 6.7 My analysis of the policies cited in the reason for refusal indicates that those policies are met.
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6.8 In summary, the loss of a small group of protected saplings and five protected oak trees represents minor harm, especially when considered in relation to the extensive and high quality proposed planting that this scheme delivers.

APPENDIX JK1

Curriculum vitae for Jago Trevelyan Keen

Curriculum Vitae

of

Jago Keen

Qualifications: MSc Conservation Management
Professional Diploma in Arboriculture

Professional Accreditation: Registered Consultant of the Institute of Chartered Foresters
Member of the Arboricultural Association
Chartered Arboriculturist

Voluntary Posts: Retired - Chairman of the Arboricultural Association

Commissions:

Rushmoor Borough Council – Tree Preservation Order Study

Lead consultant to undertake study within Rushmoor Borough Council of its Tree Preservation Orders, applications and decisions. Analysis of the works requested, the reasons given for requiring the works, and the outcome, demonstrated the effectiveness of Orders in the protection of tree populations.

Biodiversity Study

I undertook a research project to determine the support of biodiversity by urban street trees. Trees are a major component of green infrastructure so it is essential that the species of tree planted is conducive to hosting biodiversity.

The study found marked differences in the support of biodiversity, with native tree species generally performing better. The study also gave an indication of how our native trees perform in higher average temperatures providing an insight to how these trees will fair in the wider countryside if climate change predictions are realised.

Massaria disease of London Plane

On behalf of the City of London I undertook a survey of its plane trees to ascertain if this novel disease was present. 39% of the City's plane trees were infected. I formulated a strategy to overcome the risk to humans of branch failure and how to manage the tree population to ensure sustainable tree cover in the urban core of London. I presented my findings to the Forestry Commission's conference entitled "Tackling the threat to London's trees".

Landscape Management

I have prepared a number of concept, strategic and management plans for a variety of amenity and recreational landscapes in the UK and Russia. Those plans have sought to integrate built-form, respect local landscape, enhance the landscape setting and deliver benefits to occupants and local community. Projects have varied from gold medal-winning gardens at Chelsea Flower Show, concept plans for development projects, restoration of historic palace landscapes and urban green infrastructure planning.

NHS Trusts

As part of the NHS initiative to integrate trees within their estates for the recognised benefits to patient well-being and speeding of recovery times I have been involved in the redevelopment of major sites to integrate the need for built form with tree retention. In addition we have devised concept and detailed schemes of landscape to ensure continuity of healthcare benefits.

Tree Strategies

I have prepared, for an inner-London borough and for private landowners, tree strategies to ensure the management of their tree populations is sustainable. Following analysis of their current tree stocks I was able to put forward proposals for tree management and regeneration to create resilience. Resilience in tree populations is key to mitigating the threat from novel pests and diseases many of which are host specific.

City of London Research Department

Published in early June 2013, Following commendation from the Forestry Commission, I have written a focussed technical paper setting out the threats to London's trees and how the threat may be approached. Written primarily for the informed layperson the paper considers current and future threats, the challenges faced in managing the impact and concludes to recommend resilience through diversity. Diversity of portfolio is a term familiar to those in the financial capital.

Russia

On behalf of the Regional Government of the Voronezh Region I was engaged to provide advice in relation to integrating trees within their green infrastructure, restoration of historic parks and gardens, and development of their urban landscapes.

Jago Keen has over 30-years' experience in arboriculture, landscape and conservation. Throughout this career many thousands of trees, hundreds of landscapes and many aspects of conservation have been considered.

APPENDIX JK2

Tree Preservation Order number 201/21/0835

Town and Country Planning Act 1990

West Berkshire District Council

(Land to the North West of Reading Road Burghfield Common Reading Berkshire) Tree Preservation Order 201/21/0835 2014

WEST BERKSHIRE DISTRICT COUNCIL, in exercise of the powers conferred on it by Section 198 of the Town and Country Planning Act 1990 hereby makes the following Order:-

1. Citation

This Order may be cited as **West Berkshire District Council (Land to the North West of Reading Road Burghfield Common Reading Berkshire) Tree Preservation Order 201/21/0835 2014**

2. Interpretation

- (1) In this Order "the authority" means West Berkshire District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. Effect

- (1) This Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall--
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

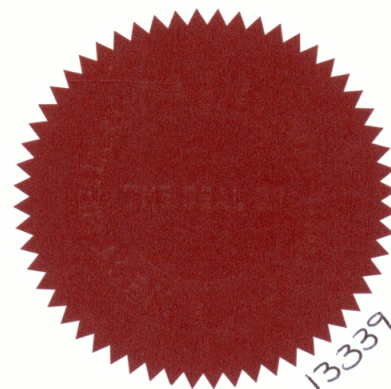
Dated this 14TH day of NOVEMBER 2014

EXECUTED AS A DEED by affixing the Common
Seal of WEST BERKSHIRE DISTRICT COUNCIL

and authenticated by:

S. Case

Authorised by the Council to sign in that behalf



SCHEDULE

SPECIFICATION OF TREES

Article 3

Trees specified individually (encircled in black on the map)

—

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
A1	Mixed Species	Land to the North West of Reading Road Burghfield Common Reading Berkshire

Groups of trees (within a broken black line on the map)

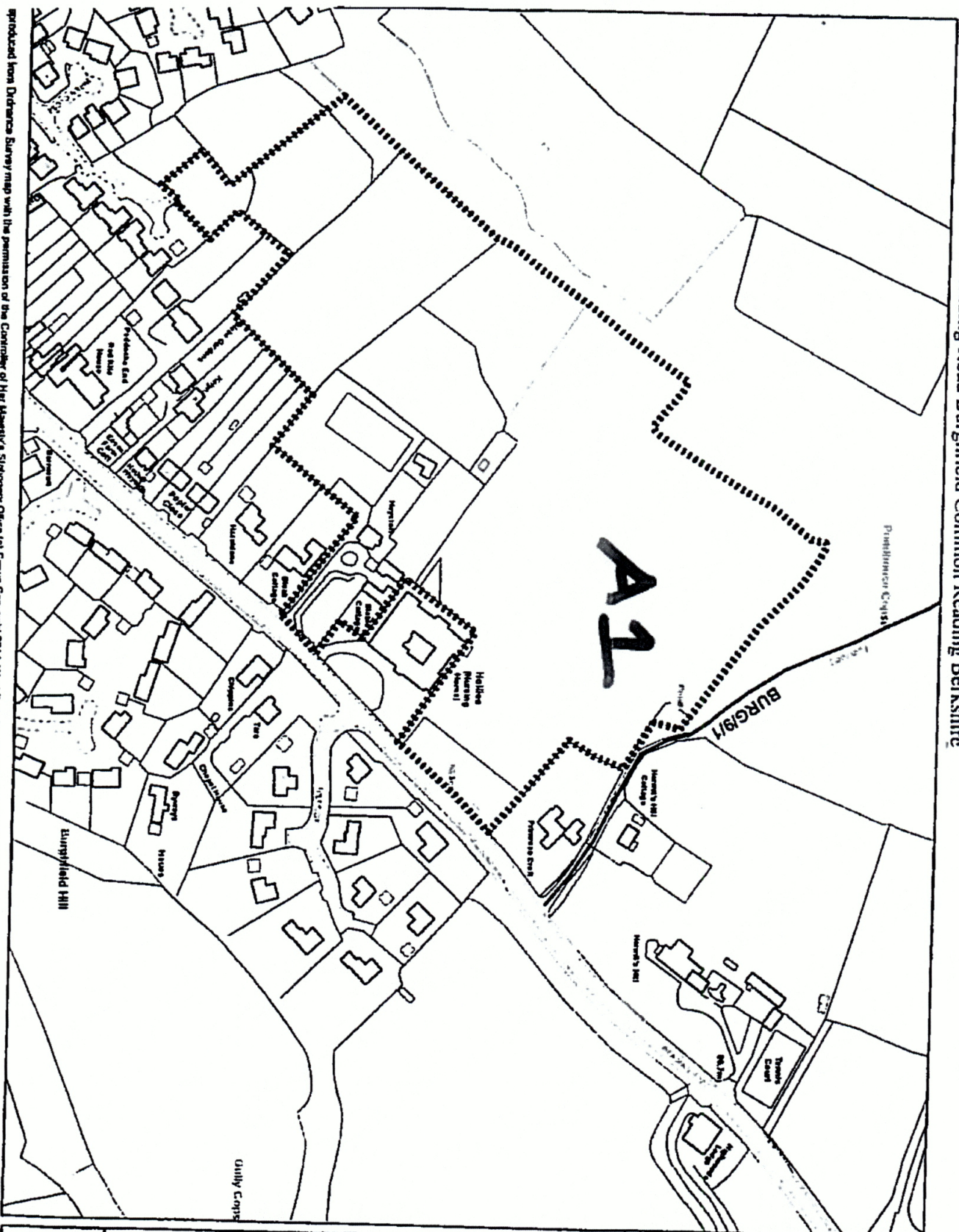
—

Woodlands (within a continuous black line on the map)

—

Tree Preservation Order

Land to the North West of Reading Road Burghfield Common Reading Berkshire



- X Tree not covered by TPO (Tree positions approximate)
- (T) Individual Tree
- (A1) Area of Trees
- (G) Group of Trees
- (W) Woodland

Authorised Signature: *S. Croke*

Tree Preservation Order No: 2011/21/835

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31/10/2014
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APPENDIX JK3

Tree Preservation Order number 201/21/0989

Town and Country Planning Act 1990

West Berkshire District Council

(Land to the North West of Reading Road, Burghfield Common, Reading,
Berkshire) Tree Preservation Order 201/21/0989
2019

WEST BERKSHIRE DISTRICT COUNCIL, in exercise of the powers conferred on it by Section 198 of the Town and Country Planning Act 1990 hereby makes the following Order:-

1. Citation

This Order may be cited as **West Berkshire District Council (Land to the North West of Reading Road, Burghfield Common, Reading, Berkshire) Tree Preservation Order 201/21/0989 2019**

2. Interpretation

- (1) In this Order "the authority" means West Berkshire District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. Effect

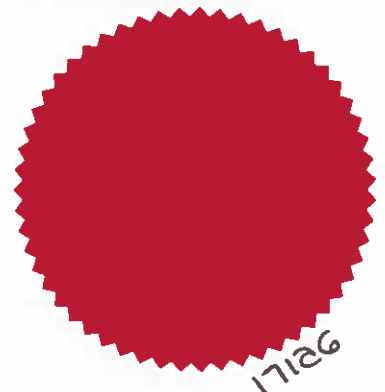
- (1) This Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall--
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Dated this 1st day of October 2019

EXECUTED AS A DEED by affixing the Common
Seal of WEST BERKSHIRE DISTRICT COUNCIL

and authenticated by:



Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the West Berkshire
District Council without modification on the
18th day of November 2019



Authorised by the Council to sign in that behalf

SCHEDULE

SPECIFICATION OF TREES

Article 3

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Land to the North West of Reading Road, Burghfield Common, Reading, Berkshire

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T2	Oak	Land to the North West of Reading Road, Burghfield Common, Reading, Berkshire

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T3	Ash	Land to the North West of Reading Road, Burghfield Common, Reading, Berkshire

Trees specified by reference to an area (within a dotted black line on the map)

Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	13 Oak	Land to the North West of Reading Road, Burghfield Common, Reading, Berkshire

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G2	7 Oak	Land to the North West of Reading Road, Burghfield Common, Reading, Berkshire

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1		Land to the North West of Reading Road, Burghfield Common, Reading, Berkshire

Land to the North West of Reading Road, Burghfield Common, Reading, Berkshire

