

ITEM

ITEM

Case Officer: R. Kennerley

Site: Kingswear Wood, The Lane House, Kingswear

Application No: 2707

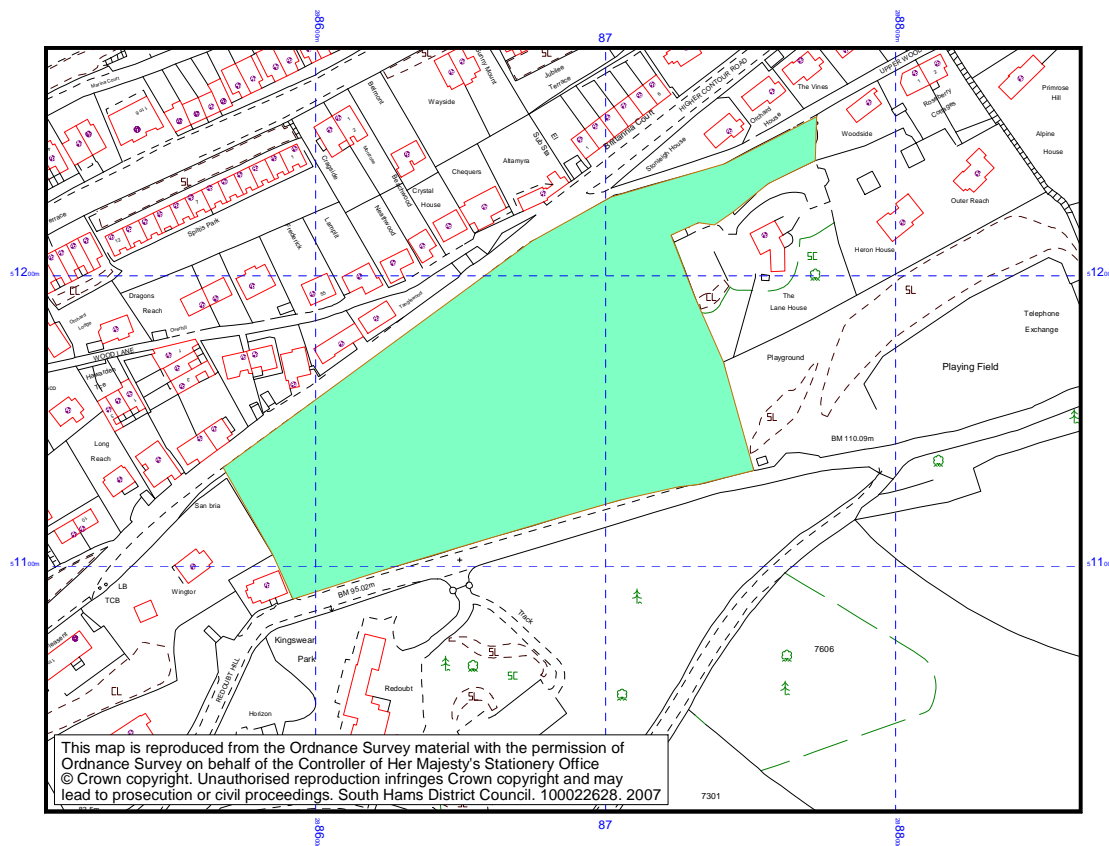
Date Received: 23 January 2008

Agent: Mr P Hambridge, CBA Trees, 32 Keyberry Road, Newton Abbot, TQ12 1BX

Applicant: Mr D Elliot, The Lane House, Upper Wood Lane, Kingswear, TQ6 0DF

Works: Woodland Management including the felling of 26 individual trees, trees within 3 groups, the coppicing of 4 individual trees and trees within 1 group, and crown surgery to 15 individual trees and trees within 2 groups.

Site Plan:



Policies

The site is subject to a Woodland Tree Preservation Order. The framework for assessing applications within woodland orders is set out within the Tree Preservation Order thus

“where the application relates to any woodland the authority shall grant consent so far as accords with the principles of good forestry, except where, in the view of the authority, it is necessary in the interest of the amenity to maintain the special character of the woodland or the woodland character of the area”

Consultations

Kingswear Parish Council objects to the application. In particular the Parish Council object to the proposed works involving the felling of Sycamores in group 7, coppicing of trees in group 2 and work around the Lane House.

Kingswear Parish Tree Warden objects and claims that the application includes meaningless statements that some operations are inappropriate and that justification is lacking.

1 letter of support for the application

5 letters of objection including the following comments

- That the work will have a detrimental effect on the character of the wood and its wildlife.
- The timing of the works might affect nesting birds
- An independent assessment should take place
- That they do not understand why the owner is only looking now at woodland management
- That it is in an Area of Outstanding Natural Beauty and should be retained
- That it might pave the way for a planning application
- That if the intention is to pass the wood to the parish council - why undertake drastic works now.

Site Description

Kingswear Wood is a significant and prominent feature standing within the heart of the village. It occupies steeply rising land above the village and is prominent from numerous viewpoints within the village, from the Dart and from Dartmouth.

It has notable public amenity value both in a local context and in the wider context of the AONB and is typical of the woodlands on the steep land in this lower part of the Dart Valley.

The woodland consist of two distinct areas. The northerly section of the wood, on the lower ground, is longer established and consists of a broad range of species including Oak, Ash, Beech and Sycamore. The more southerly section of the woodland is more recent sycamore dominated woodland and this is bounded at the southern edge by a mature historic hedgerow (including individual trees) with a high content of Beech.

The Proposal

The applicants agent has undertaken a detailed and extensive inspection of trees around the periphery of the woodland where, should they collapse or fall, they might cause harm to neighbouring owners or adjacent highways. This has involved an inspection of in the region of 94 individual trees and 8 groups of trees.

The proposal is accompanied by detailed plans and work schedules which identify trees for removal, tree surgery, coppicing (that is cutting to base and allowing to re-grow), crown cleaning, removal of ivy or for no works. This proposal is driven by a safety assessment and duty of care approach to the management of the woodland.

TPO History

This site was made subject of a comprehensive Tree Preservation Order in 1999 (which replaced earlier orders with less clear coverage). Since 1999 there have been a range of applications and a number of notifications to undertake. The current application represents, for the first time, a comprehensive assessment of all trees around the periphery of the woodland.

Analysis

The proposal has been subject to detailed review by consultants retained by the Council and Council officers. During this process the applicant / agent was asked to clarify some of the wording within the schedule of proposed works and they have done so, clarifying the meaning of some of the proposed crown reduction.

The majority of the proposed works are for trees around the periphery of the woodland where they present a potential threat to road users or to neighbouring properties. Most of the trees identified for removal are suppressed specimens of poor form or have defects which may render them prone to failure and therefore the removal, or reduction, is considered to be justified as reasonable management and would benefit the remaining trees in some cases. Nevertheless some of the proposed works do not appear to be necessary and the officer recommendation is that the following works be refused. In making this proposal it should be noted that it is open to the Council to make a "split" decision granting consent for some of the works and refusal or modification to others. Those trees within the application being proposed for refusal are as follows:-

Tree No	Species	Proposed Works	Reason for Refusal
1685	Oak	Crown reduce by 3m.	Lack of information over the tree identified
1689	Oak	Reduce Crown by 2 metres	Limbs appear well attached and free from decay and proposed crown reduction is not justified.
1692	Oak	Fell	Decay pocket is present but appears contained and is not considered to propose unacceptable threat to right of way.
1694	Oak	Reduce by 4-5 metres	Crown is one sided but no obvious defects visible from ground level inspection and the proposed 4-5 metre reduction seems unjustified. Severing Ivy would reduce soil

			area of the crown and enable more thorough inspection.
9894	Oak	Remove	Mature tree which has lost its upper crown and is growing in a one sided manner beneath a more mature tree. Felling is not considered to be justified notwithstanding the noted condition of the tree.
9906	Oak	Crown reduce or undertake specialist inspection	Would be prudent to undertake the further inspection prior to agreeing such a significant reduction to the tree. Further inspection may identify that more limited or no works were necessary.
Group 2	Mature Beech Trees in Hedgerow	Re-coppice	Some individual trees have been applied for and are recommended for approval but not all Beech Trees require coppicing and it would be detrimental the appearance of the lane.
Group 7	Sycamore	Fell	Whilst the trees are drawn up beneath the Oaks (1686-1689 and 9872-9873) some of these oak trees are recommended for repeat reduction and accordingly the removal of the sycamore at this time is considered to be premature and detrimental to the localised wooded character.

Ultimately the Council is beholden to grant consent insofar as the work accords with the principles of good forestry practice unless, it is necessary, in the interest of amenity to maintain the special character of the woodland or the woodland character of the area by refusing the application.

Whilst this application is not bedded in traditional woodland management (for example clear felling) it is the view of the officer that safety works are appropriate woodland management and that the works proposed, in combination, do not impact on the overall long-term amenity and special character of the woodland or the woodland character of the area. It is considered that prudent management to address safety of trees is consistent with good forest management practice.

Tree Preservation Order legislation does not allow for the imposition of a re-planting condition for the felling of individual trees under woodland orders (it only allows for a general planting direction). Notwithstanding this it is considered that the works have limited overall landscape impact and that the proposed felling and reduction does not significantly or materially impact the overall character of the woodland or the woodland character of the area. A condition will be attached seeking the retention of cut stumps to allow them to re grow as coppice.

Human Rights Act

Due regard has been given to the provisions of the Human Rights Act, and in particular to the rights under article one of the first protocol of the applicants in respect of their

right of peace and enjoyment of possessions and protection of the property. Due regard has also been given to the rights under article 8 of local residents and objectors with respect of their rights. In arriving at the recommendation the right to the applicants have been balanced against the interests of others, as expressed through the legislation.

Recommendation

Conditional Approval for the works except for:

Refusal in relation to trees 1685, 1689, 1692, 1694, 9894, 9906, Group 2 and Group 7

Conditions

Works to be undertaken to BS3998: Tree Works.

Stumps to be retained throughout to allow coppice regeneration.