

OBJECTION to planning reference A/64/18/T – Caffyns – Removal of Trees with TPO

Circumstances

I note planning application A/64/18/T which states that the two Copper Beach trees subject to the TPO have 'had their life expectancy compromised as a result of approved building works'.

This infers that the 'approved building works' were themselves responsible for any damage. This cannot be correct. The fact is that any approved works would not have been of a type or of a proximity to the trees in question to cause any damage. Therefore, any building works which have caused damage must have been in a location or proximity to the trees that was **not** approved. This would therefore appear to be prima facie evidence of wilful negligence.

Image TPO1

This illustrates the placement of protective fencing and some ground works around the western-most tree. It can be seen that the fencing on the East side of the tree is barely 1 metre from the tree, contravening the directives contained in the original TPO. It should also be noted that this is deliberate and not accidental as the ground works illustrated have been excavated to create the forecourt.



Images TPO2 and TPO3

These illustrate the Copper Beech nearest to the new building and particularly the entrance driveway to the new dealership. It can be seen that the placement and the direction of the driveway is intended to pass very close to the tree. This infers that either the installation of the driveway has been located in error or that it was always intended to compromise the tree and facilitate a process of removal.



In Conclusion

There is no evidence presented on the extent of the root damage, although damage will have occurred. Neither can it be conclusively asserted that the life expectancy of the trees have been irreversibly shortened. However, National Planning Policy Guidance states:

“Anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting permission from the local planning authority is guilty of an offence and may be fined.”

Section 210(1) and section 202C(2) of the Town and Country Planning Act 1990 provide that anyone who, in contravention of a Tree Preservation Order

- cuts down, uproots or wilfully destroys a tree; or
- tops, lops or wilfully damages a tree in a way that is likely to destroy it; or
- causes or permits such activities

The actions of the contractors concerned would appear to constitute wilful damage and the owners (Caffyns) have ‘caused and permitted’ the activities.

I urge the Council to properly investigate this matter and instigate criminal proceedings against those culpable. **Their application must be refused.**

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