

Tree Works

Application Number: TPO/20/0627

Site: NORTHFIELD, LOWER PENNINGTON LANE, PENNINGTON
SO41 8AN

Proposed work: Felling of 10x Monterey Pine trees, 6x Monterey Cypress trees, 1x Oak tree, 1x Horse Chestnut tree and 1x Elm tree.

Applicant: Mr N Hayden

Agent: Hayden's Arboricultural Consultants

Case Officer: Hannah Chalmers

1 SUMMARY OF THE MAIN ISSUES

The key issues are

1. Condition and safety of the trees
2. The affect this proposal will on the amenity and character on Lower Pennington Lane

2 SITE DESCRIPTION

Northfield is located just outside the Lymington settlement boundary as now shown in the adopted Local Plan 2016-2036 and within the South West Hampshire Green Belt. The site is accessed from Lower Pennington Lane.

The site is part of a horticultural nursey site and the line of trees subject to the application and growing along the western boundary of the site, adjacent to Lower Pennington Lane. These trees are situated on a bank/ground level above the ground level of the highway.

These trees are part of group of trees that are subject to a Woodland Tree Preservation Order which is part of TPO/0025/17 Northfield, Lower Pennington Lane, Pennington.

3 PROPOSED WORKS

Felling of 10x Monterey Pine trees, 6x Monterey Cypress trees, 1x Oak tree, 1x Horse Chestnut tree and 1x Elm tree

4 TREE WORK HISTORY

A tree work application was made in 2017 application number TPO/17/0881. This application was made by a land agent for the site using a tree condition report that was produced by Hayden's Arboricultural Consultants. The application was granted consent although the works did not get carried out. Eight of the trees identified in this report (the applicant only applied to remove 2x trees in this group as part of TPO/17/0881 application) for removal have been included in this application along with the 5 trees identified in the 2017 report as requiring further investigation. See table 1

Table 1

Tree No	Species	Proposed work TPO/20/0627	Works granted consent/advised in 2017	Arborventure Assessment of tree	NFDC assessment of tree (Recommendation)
A001	Elm	Fell	None	Retain	This tree is small and overall has a limited life expectancy given it will succumb to Dutch Elm Disease. Removing and replanting will have a greater benefit in the longer term. (Grant – condition replacement)
G001	Group	Remove dead acacia tree	None	Agree with assessment	Dead tree – exempt works condition replacement planting. (Exempt – condition replacement)
T002	Monterey Pine	Fell	Clear ivy and reinspect	Retain no evidence of decay, remove deadwood and monitor	Extensive thinning in the crown of this tree
T006	Holm Oak	Prune back from overhead cables	None	Agree with assessment	Reasonable works (Grant)
T009	Monterey Pine	Tip back western aspect over adjacent road by 1.5m – monitor	Yes - Tip back western aspect over adjacent road by 1.5m	Agree with assessment	Reasonable works (Grant)
T010	Monterey Cypress	Fell	Climbing inspection and crown clean	Retain and reduce in height by 6m in order to retain T009 & T011	There are a number of split and hung up branches within the crown of this tree. This tree is also suffering with Coryneum canker. Although this tree could be reduced and retained this would remove all amenity value that the tree currently provides and would only extend the time this tree could be safely retained. Removing this tree and replanting will be more sustainable in the longer term. (Grant – condition replacement)

T013	Monterey Pine	Remove deadwood and storm damaged branches. Remove 2x lowest branches overhanging the road.	Yes - Removal of storm damaged branches and 2x lowest branches over road.	Agree with assessment	Reasonable works. (Grant)
T014	Monterey Pine	Fell	Fell recommended in 2017 report	Agree with assessment	Fallen tree would be considered exempt for application works. Condition replacement planting. (Grant – condition replacement)
T015	Monterey Cypress	Fell	Yes – Fell	Agree with assessment	Tree with poor form, low vigour and severe decline. (Grant – condition replacement)
T016	Monterey Pine	Remove sub-dominant stem overhanging road.	Remove sub-dominant stem overhanging road. Recommended in 2017 report	Agree with assessment	Reasonable works (Grant)
T017	Monterey Cypress	Fell	Fell recommended in 2017 report.	Agree with assessment	Tree showing poor structural vigour with dieback throughout canopy – fell and condition replanting. (Grant – condition replacement)
T018	Oak	Fell	Fell recommended in 2017 report	Agree with assessment	Dead so exempt works (Exempt - condition replacement)
T019	Horse Chestnut	Fell	Fell recommended in 2017 report	Retain as the tree is not posing a risk to the highway.	This tree is of poor structural condition. Consent granted in 2017 for the removal of this tree. (Grant – condition replacement)
T021	Monterey Pine	Fell – due to the removal of adjacent trees this tree will be exposed and is likely to result in failure.	None (removal of deadwood)	Retain	Asymmetrical crown shows that this tree has grown as part of a group and the adjacent trees have impact to structural form of the tree. Removal of the adjacent trees will impact

					<p>this tree and increase the likelihood of failure.</p> <p>(Grant – condition replacement).</p>
T022	Monterey Pine	Fell – previous failure in leader, large wounds.	Reduce crown by 0.5m in height and remove lateral branch extending over field.	Retain and reduce by 6m in order to retain T021	<p>This tree has already had a major failure in the leader and this has left the tree exposed to decay. Reducing this tree by 6m would remove most of this amenity this tree provides to the area.</p> <p>(Grant – condition replacement).</p>
T024	Monterey Pine	Fell – Decay fruiting bodies on tree – <i>Sparasis crispa</i> & <i>Phaeleous schweinitzii</i>	Further investigations required	Agree with assessment	<p>Given the presence of 2 significant decay fungi at the base of this tree and its proximity to the adjacent highway – recommend removal.</p> <p>(Grant – condition replacement)</p>
T025	Monterey Pine	Fell	Yes – Fell	Agree with Assessment	<p>Tree has poor form, large pruning wounds and showing signs of significant decline.</p> <p>(Grant – condition replacement)</p>
T026	Monterey Pine	Fell – due to removal of adjacent trees	Further investigations/re moval of ivy	Retain – no decay, canopy taller than adjacent trees, reinspect after removal of adjacent trees.	<p>Has poor form low vigour. If the tree was in better health I would of objected to the removal of the tree but this tree is in clear decline.</p> <p>(Grant – condition replacement)</p>
T027	Monterey Cypress	Fell	Fell recommended in 2017 report	Agree with assessment	Agree with assessment made on the tree.
T028	Monterey Pine	Fell – Tree in decline removal of adjacent trees will compromise safety of tree	Climbing inspection and investigation of cavities	Retain – currently in a low risk area and could be reduced	<p>Asymmetrical crown shows that this tree has grown as part of a group and the adjacent trees have impact to structural form of the tree. Removal of the adjacent trees will impact this tree and increase the likelihood of failure.</p> <p>(Grant – condition</p>

					replacement).
T029	Monterey Cypress	Fell – poor health, coryneum canker present.	Remove ivy and further monitoring	Agree with assessment	Poor from and in significant decline. (Grant – condition replacement)
T030	Monterey Pine	Fell – Tree in decline, poor structural union and heavy lean over highway	Remove ivy and remove poorly attached sub-dominant stem.	Agree with assessment	This tree has significant dieback in the crown. The tree has a heavy lean over Lower Pennington Lane which appears to be progressive. Fell and replant.

5 POLICIES

Lymington Local Distinctiveness Plan

Relevant Legislation

Town and Country Planning (Tree Preservation) (England) Regulations 2012

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council

Objection

7 COUNCILLOR COMMENTS

Cllr Andrew Gossage - Objection

- Tree works are excessive
- This application has been submitted to facilitate an access to the land of Northfields.
- Any trees removed replaced with suitable planting

Cllr Jacqui England – Objection

- Works are excessive and unnecessary
- Questions the validity of the submitted tree report given the report made in 2017.
- The trees are landmark group and should be removed in a phased works with replacement planting.

8 **CONSULTEE COMMENTS**

NFDC Ecologist

“As identified in the Tree Survey Report there are numerous woodpecker holes and areas of deadwood, rot holes and lifted bark which could have potential to support nesting birds but also roosting bats. I cannot see that an assessment of bat roost potential has been undertaken for these trees. I would be minded to raise an objection until such a time that, as a minimum, a ground level assessment of bat roost potential has been undertaken of the affected trees (and any subsequent surveys shown to be necessary are undertaken).”

9 **REPRESENTATIONS RECEIVED**

64 – objections

Including

PALLS (Pennington and Lymington Lanes Society)

Lymington Society.

Summary of points made

- These trees are important landscape trees are part of the local area distinctiveness and should be retained
- These trees provide a benefit to wildlife and should be retained.
- Trees should be retained to help mitigate the impact of Climate Change.
- The trees help reduce local flooding and should be retained.
- These trees contribute to people’s wellbeing and should be retained.
- The applicant’s report is biased (as it was made on behalf of the landowner) and therefore not a reasonable assessment of the trees.
- The validity of the submitted tree health and safety report has been questioned as a report made in 2017 stated these trees had a longer life expectancy.
- The trees are in good condition and do not require removal.
- This application to remove the trees are part of a larger development scheme.
- In support of objections 2 independent professional opinions have been submitted

10 ASSESSMENT OF APPLICATION

Amenity

This is a line of trees consisting mainly of mature Monterey Pines and are highly prominent to Lower Pennington Lane. The works proposed in this application will have a significant impact on the amenity of the area. The local importance of the verdant character of Lower Pennington Lane has been recognised in the Lymington Local Distinctiveness SPD and these trees are noted as “landmark pines”. However, the defining elements of the Rural lanes are “varied green verges and ditches; with hedgerow boundaries and mature native trees”. There only two native trees subject to proposal – a small oak with poor form and dead and a small Elm tree. The remaining trees proposed for removal are all non-native species

Justification for proposed works

T006	Holm Oak	Tip back branches to give 1.5m clearance of cables.
T009	Monterey Pine	Tip back western aspect of canopy over adjacent road.
T010	Monterey Cypress	Fell
T014	Monterey Pine	Fell
T015	Monterey Cypress	Fell
T017	Monterey Cypress	Fell
T018	English Oak	Fell
T019	Horse Chestnut	Fell
T021	Monterey Pine	Fell
T022	Monterey Pine	Fell
T024	Monterey Pine	Fell
T025	Monterey Cypress	Fell
T026	Monterey Pine	Fell
T027	Monterey Cypress	Fell
T028	Monterey Pine	Fell
T029	Monterey Cypress	Fell
T030	Monterey Pine	Fell
G001	1x dead Acacia	Fell

Based on the supporting evidence in the submitted Tree Survey carried out by technically able and Arboricultural Association Approved arboricultural consultant.

Most of the trees to be removed are identified as having significant defects that, given their proximity to the highway and residential dwellings. However, 3x trees (T021 Monterey Pine, T026 Monterey Pine and T028 Monterey Pine) are identified for removal due to increased likelihood of failure as the result of the removal of companion trees.

There is a high level of local objection to this proposal and 2 Local groups have provided written statements from different independent Arboriculturalists. John Shutler Tree Services has provided a general letter stating that there is scope for alternative management to some of the trees proposed for removal although this letter has not provided specific details on each tree. Arborventure has also given a second opinion and has directly disagreed with some of these works on specific trees. I have included this in a table above. Neither of these qualified, experienced, professionals (both approved by the Arboricultural Association) have disputed the grounds for the removal of several of the trees subject to this application.

Loss or damage arising from refusal or granting consent subject to conditions

New Forest District Council should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions for up to any damage that occurs within 12 months from the date of the decision. NFDC should take this factor into account alongside other key considerations, such as the amenity value of the trees and the justification for the proposed decision.

Consideration of protected species

As identified in the Tree Survey Report there are numerous woodpecker holes and areas of deadwood, rot holes and lifted bark which could have potential to support nesting birds but also roosting bats.

Therefore, any contractor carrying out works to these trees should make a detailed assessment of the trees for bats. If bats are considered likely to be affected by any works then the contractor would need to notify Natural England. This can be emphasised through and informative in the decision notice.

11 CONCLUSION

The large Monterey Pine trees are estimated to be 80-100 years old and were most likely planted as a shelter belt for the horticultural nursery. They are now reaching the end of their life expectancy. The characteristic growth of these trees is to form long, heavily end-weighted, branches. There are limited pruning points on Monterey pine trees due to this branch formation making managing them through pruning difficult. The condition of these trees has deteriorated to such an extent that pruning these trees will not significantly extend the time they can be safely retained. Exposing mature trees to new wind loading stressors (by removal of adjacent trees) often results in failure from the retained trees. This is particularly likely in Monterey Pine trees due to their characteristic growth form as mentioned above.

The Monterey Cypress trees are likely to have been planted around the same time as the pines. These trees have low vigour, suffering from coryneum canker and the individuals identified for removal have suffered storm damage in the past.

Given the submitted report and my own assessment of the trees 16 out of the 19 trees require removal on the grounds of safety. A further 3 trees could be retained and heavily reduced in order to reduce the likelihood of failure (from new wind loading caused by exposure by the removal of the adjacent trees). However, this would result in these trees having poor form and the loss of most of the amenity they

currently provide. Retaining these trees would also inhibit the establishment of replacement tree planting. In the longer term this line of trees would be further eroded.

Although I accept the removal of these trees will have a negative impact on the amenity of the area. The condition of these trees is too poor, their proximity to the Highway and domestic dwellings means there is a foreseeable risk that these trees could cause damage to third parties and the highway. The most reasonable course of action is to condition high quality replacement planting scheme and ensure that these new trees are successfully established. Any new tree planted in this area will be automatically protected as this land is covered by a Woodland Tree Preservation Order.

12 RECOMMENDATION

Grant Consent

Proposed Conditions:

1. A total of **19** replacement trees consisting of **10 Sessile Oak trees and 9 Scots Pine trees** are to be planted before **31/03/2022** within the curtilage of Northfield, Lower Pennington Lane, Pennington, Lymington SO41 8AN in the same vicinity as the original trees. The replacement trees to be of minimum stock size 8-10cm girth at 1m above ground level when planted.

If within a period of 2 years from the date of planting the trees (or any other tree planted in replacement for it) is removed, uprooted, destroyed or dies, another tree of the same size and species shall be planted in the same place or in accordance with a variation for which the Local Authority give their written consent

Reason: To ensure that any loss of amenity through the removal of trees is mitigated for future generations and to preserve the character of the local area.

Informative to include with decision

As you are probably aware, all bat species and their roosts are fully protected in Britain under the Wildlife and Countryside Act 1981(as amended) and the Conservation (Natural Habitats &c.) Regulations 1994, making it an offence to:

- Intentionally kill, injure, or take a bat.
- Intentionally or recklessly damage, destroy, or obstruct access to any structure or place used for shelter or protection by a bat.
- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for that purpose.

If bats use your trees or proposed works may have an impact on bats or their roosts, an offence could be committed. It is your responsibility, along with the person who will undertake the work, to observe the law and make sure no offence is committed.

If you consider that there is potential for the tree(s) to be used by bats, we recommend that a bat survey of the tree(s) is undertaken by a consultant (a list of bat consultants can be obtained from English Nature). If bats or bat roosts are found to be present, a licence from Defra may be required for the work to be undertaken legally. This licence simply permits works which effect bats or their roosts which are otherwise unlawful.

However if you consider that there is a low probability of bats using your tree(s), we recommend that you consider the following advice prior to starting the works:

Timing of tree works:

- To reduce the chance of disturbing a bat roost it is important to avoid the summer (breeding season) and winter (hibernation) months.
- Works to trees with potential for bats is best done from late August to early October when young bats are mobile and on the wing, female bats are unlikely to be pregnant and the hibernation season has not yet begun.
- March to April is also a suitable time, **though consideration should also be given for nesting birds as these are also protected by law.**
- Crown pruning and minor tree works can also be completed over the winter months. The removal of potential roost sites during this time should be avoided, as some bat species hibernate in trees.

Best practice methods:

- Keep tree work to a minimum retaining all potential roosts where possible.
- A precautionary inspection of the tree(s) by the tree surgeon looking for signs of bats should be carried out before starting work. This should include an inspection of all holes and niches using a torch and preferably an endoscope. If bats or signs of bats are found no work should start and English Nature should be contacted for further advice.
- Where possible avoid cross cutting in proximity to cavities or hollows.
- Limbs with internal fissures should be pruned carefully to maintain integrity of features as potential roost sites.
- Any sections felled containing cavities should be lowered carefully and left on the ground (preferably for 24 hours) with the openings clear, allowing anything inside an opportunity to escape.
- Split limbs that are under tension may need to be wedged open to prevent their closure when pressure is released, potentially trapping bats.
- If ivy covers areas of a tree's trunk or branches there is roosting potential behind it; potential roosts in the tree may also be hidden behind it. Dealing with ivy covered trees depends on the amount of ivy. If there is a thick mass of ivy growth it may be practical to consider felling the tree on the basis that the thickness of the foliage will soften the fall and reduce the shock. This tree can then be inspected on the ground and if possible left for 24 hours, before section cutting. If the tree is only partially covered, pruning or sectioning may be more appropriate. If the works are not

urgent cutting the ivy at its base and completing the work when the ivy is dead, thus reducing the bat roosting potential should be considered. However where stems of ivy create a dense mass against the trunk there will always be roosting potential.

If bats or evidence of bats are found at anytime, all works must stop immediately and English Nature contacted for further advice.

For further information contact:

Hannah Chalmers

Senior Tree Officer

023 8028 5588



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Claire Upton-Brown
 Chief Planning Officer
 Planning
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

January 2021

Northfield
 Lower Pennington Lane
 Pennington, Lyminster SO41 8AN
 TPO/20/0627

Scale 1:1250

N.B. If printing this plan from the internet, it will not be to scale.