

**Natural Environment Officer response to appellant's 'Additional Material - Vastern Road Sections' dated 6th May 2022**

12.5.22

**1.0 5m Exclusion Zone**

The 5m set-back from the Vastern Road carriageway is stated as being '*to preserve zone for highway improvements*' - this includes tree planting. With reference to Figure 1, it is noted that for Plot A, effectively the entirety of this zone is within RBC Highways land (outside the red line); in relation to Plot B, approx. half the width is within RBC Highway land and half within the site boundary and in relation to Plots C & D the entirety is within RBC Highways land (except a small portion on the west end of Plot C).

Figure 2 confirms, as is implied by Figure 1, that the tree planting, as indicated, relies entirely on provision within Highways land for Plots A, C & D and it will impinge on Highway land adjacent to Plot B. This is not considered acceptable for the following reasons:

- Landscaping should, as a default position, be provided within the site boundary (ref EN14 & objective 11 of the Tree Strategy)
- No discussion has taken place between the appellant and Council to agree landscape provision on Highway land
- Services information indicates significant constraints to planting within the Highway which have not been explored by the appellant to confirm planting is possible (ref Tree Note provided during the inquiry)

It is noted that Figure 2 indicates trees planting as being 2.5m back from the kerb line, however, this is not necessarily the intention, as explored further in Section 3 of the document.

**2.0 TPO 9**

I note that Figure 3 indicates the cycle lane to be running alongside the kerb, whilst the pavement (for pedestrians) is diverted into the site and around the tree. I would suggest that if people are walking along Vastern Road, they are more likely to continue in a straight line along the roadside hence this could create conflict with cyclists - I will leave my colleague Mr Cook (Highways/Transport) to comment further on that point. It is important to note that this layout could not be achieved if Plot A was built out to its fullest extent, which is the extent we have to consider. This is shown indicatively by an annotated version of Figure 3 below (broken red line):

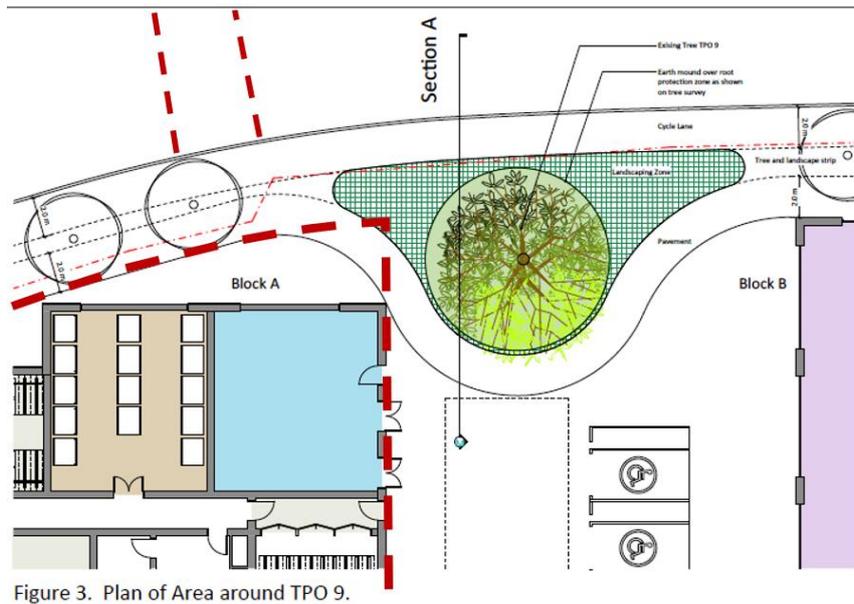


Figure 3. Plan of Area around TPO 9.

In relation to Figure 4, whilst I realise this is shown for illustrative purposes, we have no demonstration through an Arboricultural Impact Assessment that the proposals indicated are acceptable or how these might be achieved.

In relation to Figure 5, it is unclear how the section relates to that shown in Figure 3. In this section it appears the TPO9 'tree mound' should be the 'landscaping zone' and the pavement should be to the right of the 'tree mound' and in front of Plot B shown. Figure 5 should be amended to clarify and be consistent with Figure 3. In addition, the RPA of TPO9 should be plotted on Figures 3 and 5 to confirm ground works within the RPA and to clarify any ground reduction required from the existing (shown by the broken red line) to the proposed (not labelled but assumed to be the level on which the car, building base and pedestrian are shown).

In relation to Figure 6, it is extremely difficult to make out the full extent of the existing ground level (broken red line) but it indicates a drop in levels within both the site and on Highways land, which was not raised in application submissions, hence formally considered. I would suggest that the lack of demonstration of how levels will be considered is a contributory factor in making the appeal scheme unacceptable.

### **3.0 Cycle lane / Pavement / landscaping arrangements.**

As indicated the above, whatever the layout of these provisions to provide the 'public realm', the appellant is relying on Highways land outside the site boundary and that services will allow the tree planting provision. Neither of these points have been discussed, addressed or confirmed by the appellant hence this matter is another contributory factor to the appeal scheme being unacceptable.

I explained during the Round Table discussion on 3 May 2022 that there would have to be sufficient canopy space from the outset to avoid tree canopies overhanging the highway at the time of planting. This is due to the requirement for the lowest branches to be at the statutory height of 5.5m above the carriageway, hence if a tree overhung the highway on planting, it would have to be of a large enough size

(height) for crown lifting (removing the lower branches) to a height of 5.5m over the highway to be feasible. Even if the largest stock size of tree (semi-mature) were planted, the height of the tree would vary from approx. 6-12m, depending on the trunk girth (which varies from 20-75mm within this stock size). Crown lifting to 5.5m, would range from almost the entire height of the tree to nearly half the height of the tree hence would not be reasonable. The layout shown in Figure 9, at least, appears therefore unfeasible. As confirmed during the discussion, the development footprint needs to allow for the canopy spread of trees until such time as they are tall enough to allow for the required crown lifting above the highway, albeit avoiding an overhang is the preference.

#### 4.0 Tree Selection

It is stated that: *'The sections shows that it is possible to establish a large growing tree with a significant crown (ie not a columnar or spired)'* and that the document has *'shown the scale of tree that could comfortably be established in the space and have based this on Tilia platyphyllos 'Princes Street' which is described in Hillier's Designer's Guide as a large growing tree'*.

It is significant to note that the appellant refers to a *'large growing tree'* with reference to the Hillier's Guide, by which I assume the appellant means a *'large tree'* which reference to ultimate height, i.e. ultimately 20m+ in height. The appellant is not referring to a *'large growing tree'* as being a *'large canopy tree'*, the definition of which is within my PoE (CD 10.7) and agreed during the Round Table discussion on 3 May 2022, with the indicative tree shown clearly not having a *'broad spread'*.

It is also significant to note that the appellant claims the indicative tree would not be *'columnar or spired'* (*'columnar'* meaning *'resembling an upright pillar or column'*), yet the description of the tree used as an example confirms the tree to have an *'upright habit'*, hence they are confirming that it would not have a broad spread, so not be a *'large canopy tree'* (as per the agreed definition). This demonstrates the lack of space, even when relying on Highway land, to allow for the required large canopy trees and confirms the appellant's intended use of more narrow form trees. Allowance of canopy spread is required, as discussed in Section 3 above.