

## Planning Committee – 24 February 2010

### Report of the Growth and Development Manager

**08/09/0024T**

**Application to fell 8 Ash trees to the south of West Combe and to thin out by 80% the area to the east of the Mill, within Hestercombe Conservation Area at Hestercombe Gardens, Cheddton Fitzpaine**

Submitted by Ben Knight, Landscape Garden Supervisor, Hestercombe Gardens Trust

### PROPOSAL

The application can be divided into two proposals. The first part of the application proposes to fell 8 ash trees in the area of land to the south of West Combe, adjacent to the main entrance drive and at the eastern end of the newly planted oak avenue. The second part of the application proposes to thin out the woodland area to the east of the newly restored mill and barn, by 80%. The application proposes re-planting in both areas with native trees and shrubs (in the woodland).

### CONSULTATIONS AND REPRESENTATIONS

CHEDDON FITZPAINE PARISH COUNCIL – objection on the grounds that there is insufficient information in the application to explain the reasons for the felling and its possible impact on wildlife. There is also insufficient information about the re-planting proposals. The PC raises the question of whether the woodland area to the east of the mill and barn is designated 'Ancient Woodland'.

25 INDIVIDUAL OBJECTIONS, INCLUDING 8 BY PETITION – the issues raised by the objectors can be summarised as follows:

8 ash trees south of West Combe

- i) The trees are healthy and not dangerous. There is no reason to fell them.
- ii) They provide a link for wildlife between West Combe and the 'sinks'.

Woodland area east of the mill and barn

- i) The thinning is too drastic and will destroy ancient 'natural' woodland, flora and fauna.
- ii) The works will have a detrimental impact on wildlife, particularly the lesser horseshoe bats.
- iii) The works will have a detrimental impact on the public rights of way through the woodland.
- iv) The wood is designated 'Ancient Woodland' and contains rare native broadleaved trees.
- v) The copse provides a useful windbreak and screen between Hestercombe Farm and the gardens.
- vi) The area has been continually denuded of trees and ground cover, and will become sterile parkland, or managed suburban-style park.
- vii) The area has been 'untouched' for many years.
- viii) Wildlife surveys and impact assessments should be carried out.

## ASSESSMENT (AND BACKGROUND INFORMATION)

As well as being in the Conservation Area, Hestercombe Gardens has also been designated as a Special Area of Conservation (SAC) due to the presence of a lesser horseshoe bat roost (the roost is also a Site of Special Scientific Interest). Following initial site visits before and after receiving the application, a meeting was held on site between the applicants and representatives from TDBC, Natural England, Somerset Wildlife Trust and Somerset County Council, at which it was agreed that further detail about the proposed works was required, and that Hestercombe would work with the Wildlife Trust to draw up a management plan for the woodland area. Due to the presence of the bat roost (SAC), it was necessary for TDBC to carry out a 'Test of Significance' which would assess the application's possible impact on the bats. This was done by an ecologist at SCC, and approved by Natural England.

The Woodland Management Plan 2010 to 2035, together with subsequent further detail by email stating the number of replacement trees that would be planted in the woodland, provided the information necessary to make an informed assessment of the application. It should be noted that most, if not all, the objections were received prior to our receipt of the woodland management plan and 'Test of Significance'.

### 8 ash trees south of West Combe

The 8 trees are within a triangular area that contains 17 trees in total. The ones to be removed are the poorer specimens, to allow space for the remaining trees to spread and give space for replanting with oaks. The proposal is considered acceptable tree management of the area, so long as a reasonable number of new trees are planted. The 'Test of Significance' concludes that removal of the trees is unlikely to have a significant effect on the bat flight-paths.

### Woodland area east of the mill and barn

The Woodland Management Plan states the number of trees to be removed. The 80% thinning stated in the application proposal includes the removal of shrubs (most of the laurel) and small naturally re-generated trees such as sycamore and elder. It also includes removal of dead trees such as elm and a number of larch. Shrubs, dead trees and small trees (in woodland) with stem diameters less than 100mm at 1.5 metres cannot be protected under the Town and Country Planning Act 1990 – permission is therefore not required to remove them under this Act.

The woodland area is part of Gotton Copse, designated as a Planted Ancient Woodland Site. It has been almost entirely clear-felled in the past, and now contains predominantly trees that are 30-40 years old. Many of these trees are non-native, such as larch and sycamore. Whilst these trees, along with the laurel, create a woodland and provide some habitat for wildlife, it is considered that restoration and regeneration of the woodland so that it contains more native species will be beneficial to the wildlife in the longer term, and should increase the biodiversity of the area. None of the trees currently in the woodland are rare. The application does not propose the removal of the old sweet chestnuts.

It has been agreed that certain areas of laurel will be left in order to provide flight paths and feeding areas for the bats, and to retain some screening between Hestercombe Farm and the mill and barn. The 'Test of Significance' carried out by SCC's ecologist has concluded that the works, as detailed in the management plan, should not adversely affect the bat colony, so long as re-planting is carried out immediately after felling.

The public footpath runs alongside and to the south of the area of works, and will not be affected by them.

The woodland management plan shows that Hestercombe Gardens Trust intends to retain the area as woodland. So long as the plan is adhered to, the area will not become 'suburbanised' or part of the formal garden.

#### RECOMMENDATION

It is recommended that Hestercombe Gardens Trust be allowed to carry out the felling and re-planting, and that no Tree Preservation Orders should be served.

(Note that the 6-week notification period expired 2 February 2010)

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