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Wednesday 19th February 2025.

Local Planning Authority (LPA)

Medway Council

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Re: Save Hoo's Oak Trees (TPA/24/0427 and TPA/24/0717).

Dear Local Planning Authority (LPA),

This representation concerns Tree Preservation Order (TPO) applications **TPA/24/0427** and **TPA/24/0717** - the proposed felling of eight beautiful English Oaks (in total) behind the properties along Aveling Close and Knights Road in Hoo.

TPA/24/0427 has already been determined but requires the permission of Medway Council (as tree owner) to fell the four oak trees - this representation should be taken into consideration for the landowner decision. **TPA/24/0717** proposes to fell another four oak trees and is yet to be determined by the Local Planning Authority (LPA).

The eight English Oaks in question form part of a line of protected mature oak trees (more than a dozen) - Tree Preservation Order (TPO M230-2015). They sit on a long strip of land owned by Medway Council - this strip is flanked on one side by the properties of Aveling Close/Knights Road and the neighbouring agricultural field (Taylor Wimpey). The planning application (MC/24/2022) proposing 450 houses on this agricultural land includes the line of oak trees as part of the landscape design of the development site.

If permission is granted by the Local Planning Authority (LPA) and if Medway Council consents (as tree owner) to felling these oak trees, Medway Council as landowner will need to also apply for a felling licence from the Forestry Commission - because of the proposed volume of English Oak to be felled. Contractors (tree surgeons) carrying out the proposed work will also need permission from the landowner of the neighbouring agricultural field (Taylor Wimpey) to access the oak trees with their machinery and vehicles.

The English Oak (*Quercus robur*):

Quotes from The Woodland Trust (www.woodlandtrust.org.uk).

"The ruling majesty of the woods, the wise old English oak holds a special place in our culture, history, and hearts. It supports more life than any other native tree species in the UK; even its fallen leaves support biodiversity."

"Oak trees in the UK can support more than 2,300 different species. While you won't find that number on a single tree, it does mean oak is associated with a greater biodiversity than any other native tree."

"Oak forests support more life forms than any other native forest. They are host to hundreds of insect species, supplying many birds with an important food source. In autumn, mammals such as squirrels, badgers and deer feed on acorns."

"Flower and leaf buds of English oak are the food plants of the caterpillars of purple hairstreak butterflies."

"The soft leaves of English oaks break down with ease in autumn and form a rich leaf mould beneath the tree, supporting invertebrates such as the stag beetle, and fungi, like the oakbug milkcap. Holes and crevices in the tree bark are perfect nesting spots for the pied flycatcher, redstart or marsh tit."

"Bats also roost in old woodpecker holes or under loose bark, as well as feeding on the rich supply of insects in the tree canopy."

The purpose of Tree Preservation Orders (TPOs):

A Tree Preservation Order (TPO) is an order made by a Local Planning Authority (LPA) to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the: cutting down, topping, lopping, uprooting, wilful damage and wilful destruction of trees without the Local Planning Authority (LPA)'s written consent. 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local

environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including: size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area.

Public Highway and Landscape Amenity Value:

The line of oak trees stretches approximately 200m along the garden boundaries of the Aveling Close and Knights Road properties. The Tree Preservation Order (TPO M230-2015) protects thirteen significant individual oak trees, a group of nine smaller oak trees and a group of eight smaller oak trees. In total, there are thirty trees of different sizes. The two applications propose the removal of eight significant individual oak trees - more than half of the protected trees will be lost.

The line of oak trees is clearly visible from the public highway on Aveling Close and Knights Road. They are visible above and in between the residential properties, as well as up to 250m away along the northern and southern parts of Knights Road (heading East). The trees soften the street scape and provide significant amenity value to around one hundred properties in the immediate vicinity.

The line of oak trees is also visible on the landscape from Ratcliffe Highway between Mill House (Mill House, Ratcliffe Highway, Hoo, Rochester, Kent, ME3 8QB) and the former Windmill Public House (City Way Health - Hoo, Ratcliffe Highway, Hoo, Rochester, Kent, ME3 8PX). The Grade One listed St. Werburgh Church stands out on the local landscape with the line of oak trees complimenting the landscape views of the church. Their removal would have a significant detrimental impact on this heritage asset. The church and trees are visible from across the Medway Estuary, particularly The Strand in Gillingham, meaning there would be widespread landscape amenity implications.

Cultural and Historic Value:

The line of oak trees is present on a historic Ordnance Survey map from 1862 (published in 1870). Google Satellite imagery from 1940, 1960 and 1990 shows the line of oak trees present and a Britain From Above aerial photo of Hoo shows the line of oak trees present. This evidence shows the oak trees are at least 160 years old and predate the neighbouring properties on Aveling Close and Knights Road - built in the 1950/60s. The oak trees form part of the historic landscape of Hoo, when the village had a much smaller population and was less built up and developed. This is particularly demonstrated in a painting by distinguished maritime artist William Lionel Wyllie.

From the mid-1880s to 1906 Wyllie lived at Hoo Lodge near the River Medway. The property has an observatory in the roof, and this is where Wyllie observed and painted scenes of the River Medway and Chatham Dockyard, with its many naval ships. Wyllie also painted scenes around Hoo, including "Foxhounds of the Hundred of Hoo" in the 1880s/90s from the present day Ratcliffe Highway. This painting shows the historic landscape of Hoo and the River Medway, including dozens of oak trees, farmland and the spire of the Grade One listed St. Werburgh Church. The removal of these oak trees would have a significant detrimental impact on Hoo's cultural heritage.

Capital Asset Value for Amenity Trees (CAVAT):

Capital Asset Value for Amenity Trees (CAVAT) was developed by Chris Neilan and the London Tree Officers Association (LTOA) in 2008 and is regarded as one of the principal methods of tree valuation in the UK. CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms.

TPA/24/0427

Using the applicant's Arboricultural Report, the CAVAT Quick Method value of the four oak trees is: **£232,435.00**

My own CAVAT Quick Method value of the four oak trees is: **£352,447.70**

The Applicant states the worst-case financial scenario (if the trees are retained) is: **£65,000.00**

The value of the oak trees significantly outweighs the worse-case financial scenario for the applicant.

TPA/24/0717

Using the applicant's Arboricultural Report, the CAVAT Quick Method value of the four oak trees is: **£162,933.00**

My own CAVAT Quick Method value of the four oak trees is: **£384,352.51**

The Applicant states the worst-case financial scenario (if the trees are retained) is: **£40,000.00**

The value of the oak trees significantly outweighs the worse-case financial scenario for the applicant.

On this monetary basis alone, the eight protected oak trees should be retained and the applications refused.

Climate Change Declaration and unprecedented loss of species:

Medway Council declared a climate emergency in April 2019 and passed a motion committing to: reducing its carbon footprint; providing the local community with a clean, green future; becoming a place people want to work and live, which has a sustainable future; establishing a clear action plan for Medway Council to deal with climate change, setting out an achievable and clear timeline.

In June 2021 Medway Council created a Climate Change Action Plan setting out several priority areas to achieve the commitments stated above. This includes Priority Area 8 “Green and Blue Infrastructure” and section 8.2 with a target to “Increase tree canopy cover in Medway to support resilience to climate change and disease”. The action plan confirms the canopy cover of the Medway Council area is 16.5% - this is slightly less than the Kent average of 17%.

The felling of eight English Oaks would fly in the face of this climate emergency declaration and the objective of increasing tree canopy cover. The loss of this specific species of tree and quantity would be unprecedented in Medway Council’s history and modern times.

Clay soil shrinkage and the hottest UK summer temperature on record (in 2022):

Clay soil expands during the autumn/winter and becomes very wet. During the spring/summer, clay shrinks and becomes very hard, with cracks in the soil sometimes appearing. A mature oak tree can absorb 100 gallons or 454 litres of water a day - equivalent to one and a half bathtubs of water. The removal and destruction of the eight English Oaks in question is likely to result in clay soil expansion and damage to the applicant’s property - this is known as heave, where there is an increase in water contents due to the loss of absorption from the nearby trees.

On 19th July 2022 for the first time on record, temperatures in the UK exceeded 40 °C. A new record maximum temperature of 40.3°C was recorded at Coningsby, Lincolnshire, exceeding the previous record of 38.7°C, recorded at Cambridge University Botanic Garden on 25 July 2019, by 1.6°C. These extreme temperatures were recorded as the UK was impacted by an unprecedented heatwave, with the previous UK temperature record met or exceeded at 46 stations, from Kent to North Yorkshire and from Suffolk to Warwickshire.

The Addendum Arboricultural Report (Crawford) for **TPA/24/0427** states: “Damage was observed to recur during summer 2022 during a time of year when soil moisture deficits due to tree root activity would be reaching their peak. However the damage was not observed until February 2023.” Damage or subsidence caused by clay shrinkage is likely to have been caused by the unprecedented heatwave, rather than the four protected oak trees in question. No immediate neighbours to the applicant have reported damage or subsidence or submitted similar applications to remove the oak trees. Also, no representations supporting the application have been received from neighbouring properties.

The Engineer’s Report (360Globalnet) for **TPA/24/0717** states: “Damage was first noticed by the policyholder in early August 2022. A potential claim was then reported to insurers. We understand neighbouring properties are also being affected by movement.” Damage or subsidence caused by clay shrinkage is likely to have been caused by the unprecedented heatwave, rather than the four protected oak trees in question. No immediate neighbours to the applicant have reported damage or subsidence or submitted similar applications to remove the oak trees. Also, no representations supporting the application have been received from neighbouring properties.

Zone of influence and the distance of the protected oak trees from the properties:

According to the standard published work on shrinkable clay soils by Cutler, D.F. and I.B.K. Richardson (1989), further confirmed by Mercer, Reeves & O’Callaghan (2011), English Oak is capable of causing subsidence damage at distances up to 30m, with 75% of cases occurring where the tree was within 18m.

The applicant’s Arboricultural Report (by Enviro Trees UK) for **TPA/24/0427** confirms all four protected oak trees are 20m or more away from the property (20m, 20m, 25m and 30m), meaning there’s a 25% chance the trees are responsible for the clay shrinkage and subsidence damage.

The applicant’s Arboricultural Report (by JCA Arboricultural and Ecological Consultants Ltd) for **TPA/24/0717** confirms all four protected oak trees are 18.7m or more away from the property (18.7m, 19m, 19.5m and 21m), meaning there’s a 25% chance the trees are responsible for the clay shrinkage and subsidence damage.

The eight protected oak trees are simply too far away from the properties concerned to conclusively be considered responsible for any subsidence damage.

Photographic and DNA evidence to support the applications:

Photographic evidence of damage (cracks) needs to be provided to prove what is stated by the applicant is indeed taking place at the property concerned. Photographic evidence of tree roots (matching the suspect tree species) at the property also needs to be provided to prove their presence. DNA evidence is required so that one tree root from a given species cannot be linked to more than one tree. Where such ambiguity exists, it is necessary to turn to DNA testing as opposed to simply identifying the type of tree from the root structure. This avoids innocent trees from being felled unnecessarily.

The applicant’s Geotechnical Survey Report (by Fasttrack) for **TPA/24/0417** states the root samples provided to EPSL Independent Scientific Analysis were “*probably Quercus spp.*” and were “*Rather juvenile root.*”. There is no certainty there are oak tree roots present from the four protected oak trees in question. The applicant has not provided any photographic evidence of damage (cracks) or tree roots at the property - proving the situation. The applicant has also not provided any DNA evidence linking any roots found at the property to a specific tree - therefore avoiding innocent trees from being felled

unnecessarily. The evidence provided is weak and does not conclusively prove the presence of damage or the presence of oak tree roots from the four protected oak trees concerned.

The applicant's Engineer's Report (360Globalnet) for **TPA/24/0717** has provided a number of photographs showing slight cracks in the rear utility room, the rear shower room and the rear conservatory. Slight cracks are also photographed on left wall of the rear extension and the rear wall of the rear extension. The applicant's Drainage Report (Drainage Repair Company) confirms that English Oak (*Quercus robur*) roots were found in Trial Pit One to the south (the rear left corner of the rear extension) but no roots were found in Trial Pit Two to the north (rear left of the rear conservatory). However, the applicant has not provided any photographic evidence showing tree roots were found at the property. The applicant has also not provided any DNA evidence linking any roots found at the property to a specific tree - therefore avoiding innocent trees from being felled unnecessarily. The evidence provided is weak and does not conclusively prove the presence of oak tree roots from the four protected oak trees concerned.

Building Research Establishment (BRE) Digest 251 Assessment of damage in low-rise buildings:

In order to help building surveyors to identify when ground movement has occurred and when structural intervention is necessary, the BRE carried out an assessment of 130 properties that had suffered from subsidence. The results of the study enabled a way of categorising cracks, which would help building surveyors and insurance assessors to determine whether the cracks were likely to affect the property - and what repairs were appropriate. The results of the study and the conclusions were published in BRE Digest 251 Assessment of damage in low-rise buildings. Six categories of crack were identified, which linked the width and number of cracks to the type of repair that was appropriate.

Category 0 (negligible) - Hairline cracks of less than about 0.1 mm which are classed as negligible. No action required.

Category 1 (very slight) - Fine cracks that can be treated easily using normal decoration. Damage generally restricted to internal wall finishes; cracks rarely visible in external brickwork. Typical crack widths up to 1 mm.

Category 2 (slight) - Cracks easily filled. Recurrent cracks can be masked by suitable linings. Cracks not necessarily visible externally; some external repointing may be required to ensure weather-tightness. Doors and windows may stick slightly and require easing and adjusting. Typical crack widths up to 5 mm.

Category 3 (moderate) - Cracks that require some opening up and can be patched by a mason. Repointing of external brickwork and possibly a small amount of brickwork to be replaced. Doors and windows sticking. Service pipes may fracture. Weather-tightness often impaired. Typical crack widths are 5 to 15 mm, or several of, say, 3 mm.

Category 4 (severe) - Extensive damage which requires breaking-out and replacing sections of walls, especially over doors and windows. Windows and door frames distorted, floor sloping noticeably. Walls leaning or bulging noticeably, some loss of bearing in beams. Service pipes disrupted. Typical crack widths are 15 to 25 mm, but also depends on number of cracks.

Category 5 (very severe) - Structural damage that requires a major repair job, involving partial or complete rebuilding. Beams lose bearing, walls lean badly and require shoring. Windows broken with distortion. Danger of instability. Typical crack widths are greater than 25 mm, but depends on number of cracks.

The BRE states: *"In general, categories 0, 1 and 2 with crack widths up to 5 mm can be regarded as 'aesthetic' issues that require only redecoration. Categories 3 and 4 can generally be regarded as 'serviceability' issues, that is, they affect the weathertightness of the building and the operation of doors and windows. Category 5 presents 'stability' issues and is likely to require structural intervention."*

The Addendum Arboricultural Report (Crawford) for **TPA/24/0427** states: *"In structural terms the damage falls into Category 2 of Table 1, Building Research Establishment Digest 251, which describes it as slight."* The Case Officer's report for the application states the category of damage as slight and, more importantly, this category does not require the felling of the trees: *"Whilst the evidence notes the damage category as slight (typically not requiring felling of trees as a remedy)".* The report also states the Local Planning Authority (LPA) has reasonable and strong grounds to refuse the application: *"Medway has reasonable grounds to refuse the application, based on the environmental impact and the relatively minimal category of damage."* The damage and cracks described by the applicant can easily be repaired and are nothing more than cosmetic/aesthetic rather than a structural concern - requiring the felling of trees.

The applicant's Engineer's Report (360Globalnet) for **TPA/24/0717** states: *"It is common practice to categorise the damage in accordance with B.R.E. Digest 251 Assessment of Damage in Low-Rise Buildings. In this case, the damage to the garage falls into Category 3 Moderate."* I believe the damage in this report has been miscategorised. The damage photographed in the rear utility room, rear shower room and rear conservatory are reasonably considered Category 1 (very slight) or Category 2 (slight). The crack photographed on the left wall extension is in-between the main house and the extension - i.e. the crack is not running through either the main house or extension itself. This has most likely been caused by the mortar drying out and lack of bonding. The report recognises that the external crack on the rear wall extension is "slight". This crack is visibly very minor and mainly cosmetic/aesthetic rather than structural (it's a DIY repair). Therefore, the photographic evidence does not justify a Category 3 (moderate) damage rating.

It's important to note that both applicants and their properties have built single-story rear extensions in recent years. According to Google Earth satellite imagery, The applicant for **TPA/24/0427** installed their rear extension just before 1990 and the applicant for **TPA/24/0717** installed their rear extension just before 2018. The damage and subsidence claims are only affecting the single-story rear extensions and not the original Cornish Unit properties (prefabricated houses made from reinforced concrete panels) and their footprints, built in the 1950s/60s - these are completely unaffected by damage and

subsidence. No original and neighbouring Cornish Unit properties (without rear extensions) have submitted applications to fell the protected oak trees.

The cause of the damage (or cracks) to both rear extensions is probably due to poor foundations or poor quality of build. The original Cornish Unit footprints have stood the test of time for more than sixty years, yet there appears to be issues already with the recently constructed rear extensions - within a significantly shorter timeframe.

Alternatives to felling and conclusion:

I understand the applicant for **TPA/24/0427** is no longer intending to fell the four protected oak trees, connected to this application, and is instead installing a root barrier. Due to their significant environmental value, amenity value, landscape value, historic value and cultural value, all eight protected oak trees should remain. This is supported by the Capital Asset Value for Amenity Trees (CAVAT) assessments. The evidence provided by the applicants is very poor - there is missing photographic evidence proving the damage and the presence of English Oak (*Quercus robur*) roots. There is no DNA evidence provided, proving the presence of roots from a specific tree - in order to avoid innocent unrelated trees from being felled. The damage category for both applications is "slight", meaning cosmetic/aesthetic cracks repairable by DIY - this category doesn't require the felling of trees. The only reasonable course of action is for the Local Planning Authority (LPA) to refuse the felling of all eight protected oak trees and for both applicants to install a root barrier instead (if required).

The Local Planning Authority (LPA), and Medway Council as tree owner, has reasonable and strong grounds to refuse both applications/proposals. The loss of eight protected oak trees would be unprecedented.

Best wishes and kind regards,

Michael Pearce

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Hoo & High Halstow Ward
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