

12th May 2023

Urgent: planning application to remove a protected oak tree (reference HGY/2023/0827) Decision date: 19.5.23

Dear Mike, Daniel, Mark and all copied to this letter,

Further to my letter sent to you on 29.04.23 I have further updates relevant to this case and additional requests for information and action from Haringey Council.

Updates

1. We have asked that the Council carries out a full independent arboriculturist report to ensure that all the issues objectors have already raised are properly assessed. We believe that further important considerations have been left out. We have spoken to an independent arboriculturist Simon Stephens (Simon Stephens MA Oxon, Dip Arb (RFS), MArborA, MICFor, C Env Chartered Arboriculturist and Arboricultural Association Registered Consultant
Principal Consultant, SJ Stephens Associates Ltd Office: 01672 871 862. Mobile: 07831 341 887)
 - a. He is able to carry out a full survey for £785 plus VAT. What plans does the Council have to do a survey? Could he be recruited to do this? Is funding an issue?
 - b. His initial findings highlight that the Crawford and Unity surveys have missed important considerations, this includes:
 - There is another oak tree (T3) much the same distance from the house (the plan is distorted). Would need DNA evidence to prove it is T1 rather than T3 to blame.
 - A root barrier – depending on site factors – could be an option. (www.rootbarrier.com for details)
 - The house was previously underpinned – why has this failed and what recourse is there?
 - There will be a risk of heave if the tree is removed as the tree predates the property and there is a permanent moisture deficit
 - c. In addition there appears to be no evidence that building control approval was granted in respect of the 2009 extension where the damage is occurring, which raises further questions over the quality of its construction and in particular the adequacy of its foundations.
2. We now have over **1300 local residents and young people from Scouts** who have signed this petition: <https://chnq.it/JxB7jnVCCN>. You can see the strength of local feeling and the call to the Council / Insurers to act differently to resolve this problem. The tree is situated in the Scout Park, which is a Site of Substantive Nature Conservation Value (SINC). The tree is right on the park boundary and as such gives its full amenity value to the community as well as Scout park users.
3. We have evidence of between **3 and 5 species of bats** (including soprano, common pipistrelles and noctules) and **bat roosting potential** from a bat survey we carried out 4-7th May. Chloe Taylor has written to the Council to request an official bat survey is carried out and has shared the evidence in the form of recordings and photographs. As bats are a protected species we ask that this survey is carried out as a priority alongside the arboricultural survey.

4. In an email to me dated 9.5.23, Mike Hakata confirmed that he has spoken with ward councillors about this case to ensure a proper assessment is made as soon as possible, taking into consideration the value of the tree on many levels. Can you please confirm what the assessment will include (see point 1 and 3 above)? Can you tell us when the decision will be made, by who, and if we are able to see the notes of the discussion (under freedom of information request or otherwise)?
5. Catherine West MP spoke at the House of Commons on 10th May 2023 <https://www.parliamentlive.tv/Event/Index/fdbd81f2-0d9c-49d4-a7c1-d80a2da7297f> to raise the issue of trees only needing to be 'implicated' in subsidence to bring about applications to fell trees and the way in which insurers are forcing Haringey council to pay hundreds of thousands of pounds in claims. Please listen to the recording at 16:38:44 for her specific reference to this oak tree.

Earlier information sent to you for reference

The tree has a TPO (Tree Protection Order) which should be upheld.

The insurers state on the planning page that the effects to the house structure is 'slight'. The soil is clay and with the two summer droughts we have experienced, this is likely to be a significant factor in the subsidence. There are many factors that influence subsidence and these should be fully monitored and assessed by the council with independent experts.

The tree is quite a distance (18.5m) away from the house.

There are other proven methods to manage the risk of subsidence from trees such as tree pruning, crown reduction, root barriers, and adequate underpinning. These have not been carried out.

The Scout Association has objected to the removal of the tree and is willing to carry out tree management measures.

Further risk to other properties / the claimant's home: As a homeowner, I can appreciate the worry that the claimants will be experiencing. There is a risk of further damage to the soil and buildings from the removal of a large tree. The tree was there before the house was built, which adds to the risk of increased instability of the ground (heave). As I live nearby I am concerned about potential heave affecting my property, the claimant's home and other homes were the tree to be felled. Can you provide an independent report that the risk of heave and further subsidence to all neighbouring properties has been assessed?

There is extensive waterlogging in the area and in the Scout Park, causing considerable problems for the council, for residents and the Scout Park. Trees provide vital structure to the soil to improve drainage and reduce surface runoff.

An oak tree provides habitat for over 2,300 species of life providing a vital wildlife resource and is a critical source of CO₂ carbon capture. It takes 156 new trees to replace one mature Oak tree.

We are in a climate and ecological emergency and Haringey Council announced a climate emergency in 2019 and has pledged to increase canopy cover by 30%.

<https://www.haringey.gov.uk/news/tough-action-pipeline-protect-mature-trees>

Mike Hakata, (Deputy Leader & Cabinet Member for Climate Action, Environment & Transport) has said "With each passing year the climate and biodiversity emergencies

become increasingly urgent. We are determined to take huge steps to reduce carbon with an ambitious and transformational programme which will make our borough one of the greenest in the capital".

Young people, Scouts, and our community in general, need trees for wellbeing and mental health. This mature tree reduces air pollution, provides irreplaceable shade and cools the surrounding area, which is really important in increasingly hot summers.

We understand that the Haringey tree department can carry out its own reports and series of monitorings (public meeting July 2022).

The UK is one of the only countries which routinely fells trees for insurance claims. I support the Council taking a stand on this issue and encourage better dialogue with insurers.

We urge you to carry out independent monitoring and reports, also to arrange for an independent arborist report, ask the insurers to fully evaluate previous underpinning done, and to thoroughly assess the wide range of options available to manage subsidence.

We look forward to hearing from you as a priority given the published decision date (19.5.23) is fast approaching.

Sincerely

Eva Mohler Beresford (56 Woodfield Way, N112NS), also sent on behalf of Claudia and Kerem Aksoy (44 Woodfield Way), Chloe Taylor (148 Woodfield Way), Jessica McKoen (80 Woodfield Way), Mark Himsworth (108 Woodfield Way)