

Thatcher & Hallam Solicitors
Island House
Midsomer Norton
Bath
BA3 2HJ

4th December 2012

Dear Sir / Madam

Re: Oak Tree, Radstock

I am writing in response to your letter dated 30 November 2012.

The Council has long supported the need to redevelop brownfield development sites in our urban areas. As such in 2008, a planning consent was granted for the development of the former railway land in Radstock, a site which itself been allocated as a housing site in B&NES Local Plan 2007. The planning consent identified the need to improve the surrounding highway network to support the new homes and commercial space. The solution for the road scheme requires the removal of the oak tree on the junction of Wells Road and The Street, and the outline application included a detailed specialist tree survey that indicated the oak tree to be in poor condition and proposed its removal.

The Outline Planning Consent 06/02880/OUT endorsed the submitted details and provides the authority to remove the oak tree. The subsequent approvals of reserved matters and discharges of Conditions (or S106 Agreement obligations) all fall under the umbrella of the initial permission, and it is that planning permission that gives authority for the removal of a tree, and not any of the subsidiary matters that come later.

The Council is in the process of updating the planning consent and anticipate a new planning application next year. However, in the meantime the extant permission provides the necessary authority to remove the tree.

The Council's own Arboricultural Officer has more recently re-assessed the tree and has concluded that it will die prematurely in its current location. The roots are buried in tarmac and the tree is in its early stages of decline. By relocating the tree to a location more suitable for the species, i.e. to an area not covered in tarmac, allowing the tree root system to breathe, the Council will be giving the tree a chance to survive. To give the transplanting the best

chance of success, the relocation must take place when the leaves have fallen. Therefore the work is planned for this week.

Please note this letter will be made available to the public via the Council's regeneration pages on its website and released to the local media so that others with similar questions can be well informed.

Yours faithfully

A handwritten signature in blue ink that reads "Paul Crossley". The signature is written in a cursive style with a large initial 'P' and a long, sweeping underline.

CLLR PAUL CROSSLEY
Leader of the Council