

FOI Ref  
7369

Response sent  
17 Jul 20

### **(CCC) Planning permission for 18 Vinery Road site, Cambridge**

We were very disappointed to see that one of the 'protected' mature trees has now been felled on the above site, despite multiple assurances from the Council that the 2 silver birches at the front of the site would be protected. We did protest on the day on which it was taken down and the only way we could get any evidence that the protection order had been lifted was through a local councillor calling the planning officer direct.

The protection of these trees was one of the main reasons that the local residents agreed to the plan without taking further action, as they were supposed to represent some compensation for the other two trees which were to be removed (one of which was perfectly healthy).

We took an active part in the consultation and would like the following information to be provided by e-mail within the timescale outlined in the FOI legislation:

1. If there is, as the site foreman (and MD of Aspire, the developing contractor) said, a major sewer running under the killed tree's location, why was this not highlighted during the planning consultation?
2. If the ground really is 'toxic' where a very healthy 70 foot tree was growing perfectly well, please send us a copy of the report which confirms this and also please confirm who commissioned the report and when it was ordered;
3. Please explain why local residents were not informed of the impending felling, either by the Council or by Aspire, particularly as we and our neighbours expressed our concern regarding the 'green' credentials of the development.

We checked on the day of the felling and there was no notification on the Council website, despite us being informed that there were no delays in uploading any information at that time. Neither was there any notification posted near the tree site that this was about to happen and the 10 or so local people who witnessed, and were concerned by, the felling had no knowledge that this condition of the planning application had been rescinded by the Council.

Moreover, the site foreman had no written evidence with him that the protection order had been lifted - if the local councillor had not arrived to confirm this with the planning officer, we would have called the police to stop the work going ahead until such evidence had been provided;

4. Please confirm that the replacement tree will match the one so barbarically taken down, in terms of height, spread and contribution to the local air quality. We are closely monitoring work at the site and particularly the health of the one remaining tree.

Hopefully from now on, if there are to be any significant changes to the agreed plans that resulted from the public consultation, you will inform us before those changes take place so that we can exercise our democratic rights to ask for further information and object if we feel that is necessary.

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Thank you for your request for information above, which we have dealt with under the terms of the Freedom of Information Act 2000.

I hope the following will answer your query:

Thank you for your request, please be advised that this department is only able to assist you with information requests that fall under the Freedom of Information Act and the Environmental Information Regulations. These access to information rights relate to information that already exists and is held by the organisation. They do not provide an avenue for general queries or compel an organisation to create new or additional information.

We find the highlighted request in your Question: 2. If the ground really is 'toxic' where a very healthy 70 foot tree was growing perfectly well, please send us a copy of the report which confirms this and also please confirm who commissioned the report and when it was ordered; and Question 4, will fall under the Environmental Regulations and we can confirm that we do hold this information relating to these two questions, and there are two reports, we find that regulation 6(1)(b) – the information is already publicly available and easily accessible, applies as the information is accessible as part of the planning application and you can access it here:

<https://applications.greatercambridgeplanning.org/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZ0F4LDXH900>.

The reports were commissioned by the landowner (Aspire Residential Ltd) between June 2018 and August 2019 and were submitted as part of the planning application in October 2019. Whilst these reports were commissioned by the landowner, they were required by the City Council due to the risk of ground contamination at the site – the site is a former quarry that has been infilled with waste soil and rubble of unknown origin.

The planning department also provide the following additional information to assist with this part of your query:

The removal of the tree was totally unconnected with the existence of contaminated ground at the site. The meeting on 24<sup>th</sup> March was largely concerned with preserving the protected trees in light of the site clean-up operation that was agreed to with the landowner. This clean-up operation involved the wholesale stripping of surface soil across the whole of the site and replacing it with verified clean soil. Such a destructive approach would have involved the removal of both trees. However after talking through the issues to exclude the trees (and the ground in their immediate vicinity) from the site strip as the benefits of retaining the trees far outweighed any risk posed by leaving a very small amount of contaminated ground in situ.

'Toxic' implies that the ground is poisonous and that it presents some sort of immediate hazard to anyone/anything that comes into contact with it. This is obviously not true as there were two mature trees thriving in these so-called 'toxic' conditions. When Planning Officers and Environmental Health Officers refer to ground contamination, we are using a legal definition that defines contamination in terms of long-term health risks posed to residents over a lifetime of exposure (50+ years). The soil at the Vinery Road site can be described in layman's terms as low level toxic – it would take a lifetime of living on the site (and very actively using the garden and coming into habitual contact with the soil) for any potential health effects to manifest themselves. This would appear to be relatively low risk given the long timescales (and assumed very high garden use and soil contact) but UK

legislation takes a highly precautionary and conservative approach to the protection of human health and such long-term (yet low toxic) risks are legally required to be mitigated on new residential developments.

4. Please confirm that the replacement tree will match the one so barbarically taken down, in terms of height, spread and contribution to the local air quality. We are closely monitoring work at the site and particularly the health of the one remaining tree.

We can confirm that the replacement will be a heavy standard birch planted between November and March. We do not request semi-mature trees as replacements because the establishment success rates are much lower and if trees do survive the older the tree the more likely it is to 'sulk' for a while.

As noted above the access to information regulations provide access to information that is already in existence, is held and able to be published, general or additional queries, such as 'why?' questions relating to a matter should be raised directly with the relevant department, however in order to be of assistance to you on this occasion, the planning department have kindly provided the following responses to your additional questions 1 and 3:

1. If there is, as the site foreman (and MD of Aspire, the developing contractor) said, a major sewer running under the killed tree's location, why was this not highlighted during the planning consultation?

The advice from specialist drainage, environmental health and arboricultural officers did not raise concerns with the location of the sewer network within the application site. However, the purpose of condition number 27 on the attached decision notice was to enable the City Council Arboricultural officer the opportunity to conduct a site meeting/inspection with tree specialists that represent the applicant to discuss the proposed Arboricultural Method Statement (submitted to discharge condition No.26). As such, the outcome of this meeting and specialist advice received from the City Council Arboricultural officer is that the removal of the existing tree and replacement with a heavy standard birch to be planted is the most appropriate solution. Officers are satisfied that the removal of the additional tree can be dealt with via the discharge of condition process and determination of application reference 19/1389/COND26 which is not subject to further neighbour consultations.

The exact location of the sewer system did not run. Originally it was proposed to retain two of the TPOd Silver Birch at the front of the site. However, as part of the investigations required to detail construction methodologies drainage was found to be located very close to the stem of the easternmost tree along with soil contamination that required mitigation. A meeting was held on March 24 to discuss options for tree protection, however, it was agreed that the combined impact of the removal of the drainage run, which could not be retained and soil contamination mitigation, although agreed could be kept to a minimum, would result in the tree's decline.

The applicant's arboriculturist agreed that the most pragmatic approach and one that would result in a healthy tree in the front garden of the plot on completion of the development was removal and replacement. This was then detailed in the Arboricultural

Method Statement, which was approved. The discharge of condition is decided by the case officer.

3. Please explain why local residents were not informed of the impending felling, either by the Council or by Aspire, particularly as we and our neighbours expressed our concern regarding the 'green' credentials of the development.

We are not required to consult neighboring properties on discharges of condition applications.

We aim to provide a high-quality service to you and hope that you are satisfied with this response. If you have any further questions, please do not hesitate to contact us.

Further queries on this matter should be directed to [foi@cambridge.gov.uk](mailto:foi@cambridge.gov.uk)