

Item No: 6.1 & 6.2	Classification: Open	Date: 24 January 2024	Meeting Name: Planning Committee (Smaller Applications)
Report title:		Addendum report Clarifications and further information	
Ward(s) or groups affected:		North Bermondsey & Champion Hill	
From:		Director of Planning and Growth	

PURPOSE

1. To advise members of clarifications, corrections, consultation responses and further information received in respect of the following items on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the stated recommendation.

RECOMMENDATION

2. That members note and consider the additional information and consultation responses in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and/or revisions have been received in respect of the following items on the main agenda:

ITEM 6.1: 22/AP/4173 for: Full Planning Application – Site At 1-36 Priter Road, London, SE16 4QW

Corrections and clarifications on the main report

4. Paragraph 42 should also refer to London Plan Policy H8 (2021). As explained in the report, the proposed new residential building would replace the existing hostel accommodation at a higher density than the existing. The new development would provide 35 residential units, with the capacity to accommodate up to 129 individuals based on the unit mix and would increase the overall floorspace on the site in accordance with the aims of Part A of Policy H8.
5. Whilst the proposed development does result in the loss of hostel accommodation, the facility has been closed since 2020. Following a review of the temporary/hostel accommodation it was established that it does not meet the Government requirements as it only has shared facilities including toilets, bathrooms and laundry. Alternative provision has been made in the borough for temporary/hostel accommodation and the proposed new development would

provide social rented units which meet the identified need for affordable housing in the borough and the aim of providing 11,000 council homes by 2043.

6. London Plan Policy H8 should also be added to the list of relevant policies on Page 71 of the Officers Report.
7. Heritage assets: the Design and Conservation Officer has provided additional information regarding the assessment of the impact on the setting of the nearby listed buildings.

Heritage Impacts - Updated January 2024:

8. As referenced earlier in paragraph 13 of the Officers Report, little of the historic environment survives within the area, with many of the surrounding terraced streets demolished and re-planned during the post war period. The site is not within a conservation area, the nearest being Wilson Grove, which is over 300m to the northeast, beyond Jamaica Road; and Thorburn Square, which is over 400m to the southwest, beyond the main line railway viaduct. Given the distance and intervening context, the development would have no material impact on the settings of these designated heritage assets.
9. Nonetheless, there are several notable surviving historic buildings and structures within the wider context, most significantly the Grade II* listed St James's Church, which is 90m to the north of the site, and the Grade II listed railway bridge on Spa Road, which is 150m to the west. The church dates from 1827/9 and is by James Savage, and is two-storeys in stock brick and yellow stone dressings and a pitched slate roof. The well-detailed architecture features an Ionic columned entrance portico with pedimented frieze and a square bell tower with two stages, featuring Ionic pilasters, clock and a spire with gilt ball, spike and weathervane.
10. The building is of particularly high architectural and historic significance, and sits within its former churchyard (now public gardens) that forms its immediate setting, particularly when viewed from its main access point on Thurland Road. In this view the modern large housing blocks of 20-30 St James's Road, with their pop-up 2-storey copper clad roofs, sit immediately behind the church, significantly impacting upon its setting. By contrast, whilst there is some inter-visibility between the churchyard and the application site, the development would be positioned sufficiently to the south not to affect the main view of the church. It would be seen above and partly to one side of the intervening low-rise residential block on the junction of St James's Road/ Dockley Road, but would be largely screened by mature tree cover. Its modest scale and material finish would remain relatively neutral in the backdrop to the churchyard. As such, the development would preserve the setting of the listed church.
11. The Grade II listed railway bridge runs across Spa Road and is by the engineer Colonel Landman and dates from 1836. It comprises semi-circular brick arches that are carried on rows of cast-iron Doric columns that separate the carriageway and footways, and is of significance for its architecture and

historical importance as the first railway bridge to be built in London and the oldest to remain operational. However, with the widening of the mainline railway, a later bridge spanning the road has been added to the east of the historic bridge, screening it from general view and truncating its setting. The site can be glimpsed from the entrance to the historic bridge, although the view is heavily shrouded by the later bridge. The proposed development would not alter the appreciation of the listed bridge, which can only be experienced in immediate views. As such, the development would not affect views of the listed bridge, preserving its setting.

12. Lastly, the site is near to two locally listed buildings: the former booking office of the Spa Road railway station (closed), which sits within a railway arch c. 50m to the west of the site; and the mid/ late Victorian corner pub at 72 St James's Road, which is c.50m to the south. The former booking office dates from the mid/late 19th century and served the former South-east Chatham railway. Its setting is formed mainly by the railway viaduct, but to an extent by the trading estate that makes use of the railway arches and has a large parking forecourt that includes an avenue of mature trees. The former booking office is relatively low-key in its appearance and mainly evident in close-by views from within the working yard. The development would be screened by the mature trees and would have no unduly harmful impact on the setting of the locally listed structure.
13. Regarding the Victorian corner pub, its setting is the immediate street scenes within St James's Road and Webster Road. The development would sit recessed behind the general building line of the pub and neighbouring housing block (1-9 Georgia Court)), with the latter and the mature street trees largely screening out the new development when viewed from outside the pub. As such, the development would have no unduly harmful on the setting of the pub as a locally listed building.
14. Overall, the new development would not impact on the settings of any nearby conservation areas and would sufficiently preserve the settings of the Grade II* St James's Church and Grade II railway bridge in Spa Road. Furthermore, it would cause no material harm to the settings of locally listed buildings within its environs. As such, no objection is raised on heritage grounds.
15. Paragraph 161: The date for the completion of the Unilateral Undertaking is incorrect and should be 24 April 2024.
16. Paragraph 180: spelling mistake should read as Georgia Court.
17. It has been confirmed by the applicant that the new development will be tenure blind. The social rent units will be mixed with the private market units. An additional set of labelled drawings have been submitted to show the proposed layout and will be secured in the Unilateral Undertaking.
18. Following concerns raised by Members, the windows on the northern elevation of the proposed building facing 28-32 Dockley Road have been amended to

include obscure glazing. The following drawings have been updated to reflect this change:

PROPOSED NORTH ELEVATIONS - 879 GA-E-002 REV 5

PROPOSED LEVELS 01&03 - 879 GA-P-002 REV 5

PROPOSED LEVELS 02&04 - 879 GA-P-003 REV 4

Conclusion of the Director of Planning and Growth

19. Having taken into account the additional information, following consideration of the issues raised, the recommendation remains that planning permission should be granted, subject to conditions as amended in this Addendum report and completion of a Unilateral Undertaking

FACTORS FOR CONSIDERATION

20. Additional consultation responses have been received in respect of the following planning applications on the main agenda:

Item 6.2 - TPO 701 Confirmation Report - Land to North of Featherstone Mews and Rear 13-16 Talbot Road, SE22 8EH, 25-30 St Francis Road, SE22 8DE

Recent representations

21. Additional comments have been received by the Council from the site owner, Network Rail, and from local residents concerning, in objection, the suitability of the TPO and its woodland designation and also local support for the preservation of amenity.
22. A full response is located at the end of this report, as an appendix; this report represents a precis of those matters salient to the serving of a TPO.
23. Network Rail have stated that whilst (TPO Number 701) 2023 was made on 14th August 2023. It was not received by Network Rail until after 28 days of the date of the Notice. In view of this, contact was made with Southwark Council who agreed to extend the time for written representations to be received.
24. It should be noted that a copy of the Order was sent to the Registered Address held with the HM Land Registry on the day the order was made. The order was also posted at the station, and a copy given, by hand, to the station official, on the day the order was made. Further, that the Council, did agree to receive depositions after the date stated in the Order with due regard to regulation 6 (2) (b) of the Town and Country (Tree Preservation) (England) Regulations 2012.

25. The Order contains a schedule (which includes a map) specifying which tree or trees are protected by the Order. With reference to (TPO Number 701) 2023, the trees that are subject of the Order have been designated as W1 - 'Woodland' within the TPO schedule and includes trees of all woodland species, mainly Sycamore, Ash, Elder, Hawthorn and Holly.
26. The Map and Schedule are proposed to be amended to include an updated schedule which includes all tree species on site and to refine the area of woodland proper.
27. The Objector consider that the site and its trees are not suitable for protection under a Tree Preservation Order due to condition, retention span and visibility, nor that the site should be considered as woodland, for the purpose of preservation.
28. The appraisal of the site, as a Woodland, is validated by the SINC citation and has been verified through an on-site visit which has recorded the structure of the woodland as formed of some mature dead trees, older mature trees with branch junction cavities and potential for roost. Multi-stem mature sycamore (coppice regrowth). Understorey of Yew, Holly, emergent Holm Oak and Ash. Groundcover: Bramble, Fern.
29. Other Woodland TPOs within the Borough include tracts of what was once the Great North Wood and former large Georgian estate lands, but which have become isolated or surrounded due to previous, historic urban development.
30. As such, the site would not serve as any precedent with regards the serving of a Woodland Order, particularly if, by that order, it serves to protect the very structure of the Woodland which exists.
31. Tree condition within a woodland stand is diverse and would include deadwood habitats. The objector notes the prevalence of a known pathogen, Sooty Bark Disease which is affecting certain trees.
32. While *Cryptostroma corticale* (Sooty Bark Disease) readily colonises the entire wood of dead trees or of dead parts of trees, the wood of live trees appears to be variably resistant to its spread. The fungus can remain confined to the inner wood of trees that externally appear perfectly healthy, and live affected trees often recover from the disease.
33. The disease does not in fact lend itself to...felling (and burning)... as infection is not apparent until a very late stage and, once the sooty layer has developed, billions of spores are inevitably released when trees are felled... In the past outbreaks of the disease soon subsided virtually without... intervention; thus, on the available evidence, there appears to be little justification for any great

expenditure on attempted control by sanitation measures. Along with this, there are biosecurity concerns should pruning operations extend to healthy trees.

34. Deadwood can provide a wealth of habitat within a woodland for insects and fungi which would not otherwise be present, increasing overall biodiversity for the site. The emergent Ash and Holm Oak, along with Sycamore regeneration and other more shade tolerant species, such as Yew and Holly are likely to allow the site to thrive as a dynamic woodland, for many years, even as affected trees demise.
35. The Objector notes: A local planning authority may make an Order if it appears to them to be: “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”.
36. Amenity value ... is not defined in the Act, but the Tree Preservation Order Guidance advises: “*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. There should be a reasonable degree of public benefit in the present or future*”.
37. When assessing amenity value, the authority might take the following into consideration: - Visibility:
38. 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.
39. Individual, collective and wider impact: Public visibility alone will not be sufficient to warrant an Order.
40. The upper canopy is visible from public areas along Dog Kennel Hill and at St Francis Park, the rear gardens of residents living on St Francis Road and residents at Talbot Road and Featherstone Mews. The wider expanse of the woodland is visible from the platform at East Dulwich Station and, incidentally, by persons using the rail network.
41. The collective and wider value for the site is confirmed by local residents who have responded in favour of the Tree Preservation Order (indeed a further 5 letters in support have been received since the date of the committee meeting has been posted), the strategic designation of the site as a Site of Borough Importance to Nature Conservation and as reinforced by the Council’s policies and wider strategies, most notably Priority 3 of the Council’s Climate Change Strategy.

42. In respect of tree condition, the Objector states that only 3 trees on the site have a safe useful life of 20+ years and are considered appropriate to be retained. This therefore does not justify the use of a woodland designation in the Order where, so few trees remain suitable for long-term retention. In such cases, it is usually considered only appropriate to protect the trees either as individuals or as part of a group designation.
43. The author appears to have confused BS5837* tree categorisation with the method by which tree preservation orders are considered. Retention spans, even for Category C trees are to allow for new growth to take hold and is not a justification for removal. However, it may be, that through replacement planting, the loss of these trees could be easily mitigated for.
44. Many of the trees may outlast the conservative retention spans set out in BS5837, in accordance with their recorded lifespans within an urban environment. Again, Officer's would reiterate that the site is indicative of woodland and contains ground flora, an under-canopy, emergent growth of new species and an upper canopy. This is the ecological definition for the site as cited in the SINC designation since 1989, and, again, under review in 2015.
45. As a statutory undertaker, Network Rail may however remove trees in order to facilitate inspection, repair or renewal of our infrastructure. With reference to protected trees, Section 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 enable railway undertakers to remove protected trees in order to maintain its infrastructure and safe operation of the railway.
46. With this in consideration, the imposition of including the trees in a TPO, will be of limited effect and benefit; it is also considered onerous and unnecessary as the trees have been retained and managed on the site for many years.
47. It is the Officer's opinion that, whilst there is an exemption, the site designation as a Woodland TPO would allow for enhanced and prudent management of the site, ideally through a Woodland Management Plan and that due to the topography of the site, there is a reduced risk of failure into the Railway which would limit any interventions required.
48. Should the site be sold on and no longer be operational land, then, the woodland would continue to be protected, until such time as a Full Planning Permission is granted, or granted on appeal.
49. As such, it would appear that the confirmation of the TPO would not adversely affect any party, nor would it be onerous or engender any increased financial burden over and above any that already exists.

50. This, Officers consider is suitable protection of rights as it pertains to the planning system, Paragraph 131 of the NPPF, London Plan Policy G7 and Policy P61 of the Southwark Plan 2022. With trees as covered by an order, given material consideration within the Planning System and with due regards to the relevant policies outlined above.

Conclusion of the Director of Planning

51. Having taken into account the additional consultation responses, and other additional information, following consideration of the issues raised, the recommendation remains that the Order is confirmed, with amendment to the Map and to the Schedule; with the site owner advised to submit an application for works to the trees, or a full planning application, in the usual manner.
52. Whilst there is no right of appeal against confirmation, the affected parties can apply with further evidence to carry out works to the tree should that be considered necessary. This is considered to be sufficient protection of the rights of all parties concerned and their ability to enjoy and protect their property.

REASON FOR URGENCY

53. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting.

REASON FOR LATENESS

54. The new information and corrections to the main reports and recommendations have been noted and/or received since the committee agenda was printed. They all relate to items on the agenda and members should be aware of the comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Environment Neighbourhoods and Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries Telephone: 020 7525 5403

APPENDIX 1

SOUTHWARK COUNCIL PLANNING COMMITTEE - SMALL SITES

24 JANUARY 2024

OBJECTION TO THE MAKING OF THE TREE PRESERVATION ORDER (TPO Number 701) 2023

LAND TO NORTH OF FEATHERSTONE MEWS AND REAR OF 13-16 TALBOT ROAD
SE22 8EH, 25-30 ST FRANCIS ROAD, SE22 8DE, EAST DULWICH

1. INTRODUCTION

1.1 This arboricultural report has been prepared on behalf of Network Rail in response to the issuing of a Tree Preservation Order (TPO Number 701) 2023, being served by Southwark Council on Network Rail freehold-owned land adjacent to East Dulwich Station.

1.2 A formal objection to the making of the Order – (TPO Number 701) 2023, has been made on behalf of Network Rail, which is proposed to be heard at the meeting of Southwark Council's Planning Committee on 24th January 2024.

2. BACKGROUND

2.1 Tree Preservation Orders are made under Section 198 of the Town and Country Planning Act 1990 (the Act). The Act is supported by guidance issued by the Department for Communities and Local Government on 6th March 2014 entitled "Tree Preservation Orders and trees in conservation areas" ("the DCLG Guidance").

2.2 Tree matters throughout the Dulwich area are dealt with by the Tree Officers at Southwark Council, as part of the local planning authority (LPA).

2.3 Where a Tree Preservation Order is made by a Tree Officer acting on behalf of the Council, it has immediate provisional effect to protect the tree(s) which are subject to it. This provisional effect will last for six months, or until the Order is confirmed by the LPA, whichever is earlier.

2.4 (TPO Number 701) 2023 was made on 14th August 2023. It was not received by Network Rail until after 28 days of the date of the Notice. In view of this, contact was made with Southwark Council who agreed to extend the time for written representations to be received.

Officer comment:

A copy of the Order was sent to the Registered Address held with the HM Land Registry on the day the order was made. The order was also posted at the station, and a copy given, by hand, to the station official, on the day the order was made.

2.5 The Order contains a schedule (which includes a map) specifying which tree or trees are protected by the Order. With reference to (TPO Number 701) 2023, the trees that are subject of the Order have been designated as W1 - 'Woodland' within the TPO schedule and includes trees of all woodland species, mainly Sycamore, Ash, Elder, Hawthorn and Holly.

Officer comment:

The Map and Schedule are proposed to be amended to include an updated schedule which includes all tree species on site and to refine the area of woodland proper.

2.6 A woodland Order is designed to protect woodland as a whole. While each tree is protected, not every tree has to have high amenity value in its own right. It is the general character of the woodland that is important. A woodland order would protect trees and saplings which are planted or grow naturally after the order is made.

Officer comment:

The appraisal of the site, as a Woodland, is validated by the SINC citation and has been verified through an on-site visit which has recorded the structure of the woodland as formed of some mature dead trees, older mature trees with branch junction cavities and potential for roost. Multi-stem mature sycamore (coppice regrowth). Understorey of Yew, Holly, emergent Holm Oak and Ash. Groundcover: Bramble, Fern.

3. CRITERIA FOR MAKING A TREE PRESERVATION ORDER

3.1 A local planning authority may make an Order if it appears to them to be: “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. Amenity value This term is not defined in the Act, but the Tree Preservation Order Guidance advises: “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. There should be a reasonable degree of public benefit in the present or future”.

When assessing amenity value, the authority might take the following into consideration: -

- i. Visibility: 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.
- ii. Individual, collective and wider impact: Public visibility alone will not be sufficient to warrant an Order.

Officer comment:

- i. ***The upper canopy is visible from public areas along Dog Kennel Hill and at St Francis Park, the rear gardens of residents living on St Francis Road and residents at Talbot Road and Featherstone Mews. The wider expanse of the woodland is visible from the platform at East Dulwich Station and, incidentally, by persons using the rail network.***
- ii. ***The collective and wider value for the site is confirmed by local residents who have responded in favour of the Tree Preservation Order (indeed a further 5 letters in support have been received since the date of the committee meeting has been posted), the strategic designation of the site as a Site of Borough Importance to Nature Conservation and as reinforced by the Council’s policies and wider strategies, most notably Priority 3 of the Council’s Climate Change Strategy.***

4. OBJECTIONS TO THE MAKING OF TREE PRESERVATION ORDER 701

4.1 (Tree Preservation Order Number 701) 2023 has been made to protect trees as a woodland (W1) designation on land that is located to the north of Featherstone Mews and rear of 13-16 Talbot Road and 25-30 St Francis Road; it is also located to the west of East Dulwich Train Station.

The area surrounding the trees is a dense mix of residential housing, with the main rail line enclosing the site to the east.

4.2 In this situation, it is unusual to have used a woodland designation to protect the trees on the area of land that are subject to the Order.

Woodland designations are to be used in situations where a group of trees is large enough to be considered a 'woodland'. I do not consider it to have the characteristics of a woodland nature; and consider it inappropriate use to protect such a narrow section of land in a woodland designation, where it is enclosed by both dense residential dwellings and railway infrastructure.

Officer comment:

As previously noted, the site exhibits a woodland structure and has been designated as such in the SINC citation. Other Woodland TPOs within the Borough include tracts of what was once the Great North Wood and former large Georgian estate lands, but which have become isolated or surrounded due to previous, historic, and sometimes, unsympathetic urban development.

As such, the site would not serve as any precedent with regards the serving of a Woodland Order, particularly if, by that order, it serves to protect the very structure of the Woodland which exists.

4.3 Following a survey of trees undertaken during November 2022, an Arboricultural Survey and Constraints Report was compiled by Hallwood Associates for Featherstone Homes (*this survey can be found attached as Appendix 1 Ref: HWA10432.02AP11 - dated 07/11/2022*).

4.4 It was noted in their report that approximately 10 individuals of the mature Sycamore trees growing on the site had been infected by Sooty Bark disease (*Cryptostroma corticale*). This fungal disease is triggered into activity within the sapwood by moisture stress and is often associated with long hot dry summers. The active spread of the fungus can kill off significant areas of the affected tree and can also be extensive enough to kill the entire tree.

4.5 The affected individuals on the site are considered to only have a limited safe useful life remaining of around 10+ years and are advised to be removed, in order to stop the spread of the disease to other Sycamores. In view of this, these Sycamore trees are not considered suitable for inclusion in a Tree Preservation Order in view of their diseased condition, limited life expectancy; and subsequent recommendation for their removal for safety/sanitation reasons.

Officer comment:

Arboricultural Leaflet 3, Sooty Bark Disease of Sycamore states:

"While *Cryptostroma corticale* (Sooty Bark Disease) readily colonises the entire wood of dead trees or of dead parts of trees, the wood of live trees appears to be variably

resistant to its spread. The fungus can remain confined to the inner wood of trees that externally appear perfectly healthy, and live affected trees often recover from the disease.”

“The disease does not in fact lend itself to...felling (and burning... as infection is not apparent until a very late stage and, once the sooty layer has developed, billions of spores are inevitably released when trees are felled... In the past outbreaks of the disease soon subsided virtually without... intervention; thus, on the available evidence, there appears to be little justification for any great expenditure on attempted control by sanitation measures.”

Indeed, deadwood can provide a wealth of habitat within a woodland for insects and fungi which would not otherwise be present, increasing overall biodiversity for the site. The emergent Ash and Holm Oak, along with Sycamore regeneration and other more shade tolerant species, such as Yew and Holly are likely to allow the site to thrive as a dynamic woodland, for many years, even as affected trees demise.

4.6 Only 3 trees on the site have a safe useful life of 20+ years and are considered appropriate to be retained. This therefore does not justify the use of a woodland designation in the Order where, so few trees remain suitable for long-term retention. In such cases, it is usually considered only appropriate to protect the trees either as individuals or as part of a group designation.

Officer comment:

The author appears to have confused BS5837* tree categorisation with the method by which tree preservation orders are considered. Retention spans, even for Category C trees are to allow for new growth to take hold and is not a justification for removal. However, it may be, that through replacement planting, the loss of these trees could be easily mitigated for.

Indeed, many of the trees may outlast the conservative retention spans set out in BS5837, in accordance with their recorded lifespans within an urban environment.**

Again, Officer’s would reiterate that the site is indicative of woodland and contains ground flora, an under-canopy, emergent growth of new species and an upper canopy. This is the ecological definition for the site as cited in the SINC designation since 1989, and, again, under review in 2015.

Historic management includes coppice, which is a recognised woodland management practice.

Woodland sites comprise a mixture of trees in varying states of growth and decay. The site is also located on an embankment falling away from the Railway and also some distance to built structure so the potential for any impact or nuisance is severely limited.

***BS5837:2012 Trees in relation to Design, Demolition and Construction**

****Barcham Trees, Top Trunks Guide. Time for Trees. A guide to species selection for the UK – edition 04**

4.7 It is accepted that the trees subject to the Order can be seen from some public viewpoints. The trees are only clearly visible from limited sections of the public road and footpath in Featherstone Mews and Talbot Road; and the railway platform at East Dulwich

Station. There are wider views of the trees, as a backdrop to buildings, from St Francis Road and Railway Rise but again these views are limited.

Officer comment:

The visibility of the trees has been duly considered and it remains the Officer's recommendation that the Order be confirmed with the proposed modifications to the Map and to the Schedule.

5. THE EFFECT OF THE ORDER

5.1 If the Order is confirmed it is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy the protected tree or trees without first gaining consent from the Council through a tree works application, unless such works are covered by an exemption within the Act.

5.2 As a statutory undertaker, Network Rail may however remove trees in order to facilitate inspection, repair or renewal of our infrastructure. With reference to protected trees, Section 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 enable railway undertakers to remove protected trees in order to maintain its infrastructure and safe operation of the railway.

5.3 With this in consideration, the imposition of including the trees in a TPO, will be of limited effect and benefit; it is also considered onerous and unnecessary as the trees have been retained and managed on the site for many years.

Officer comment:

The site is subject to a live planning application. In the event that Network Rail sold on the site, as is intended, much of the site would cease to be operational land. It is understood that Network Rail would retain a 3m boundary to the railway should the site be sold, along with enhanced access for vehicle parking.

It is the Officer's opinion that, whilst there is an exemption, the site designation as a Woodland TPO would allow for enhanced and prudent management of the site, ideally through a Woodland Management Plan and that due to the topography of the site, there is a reduced risk of failure into the Railway which would limit any interventions required.

Should the site be sold on, then, the woodland would continue to be protected, until such time as a Full Planning Permission is granted, or granted on appeal.

As such, it would appear that the confirmation of the TPO would not adversely affect any party, nor would it be onerous or engender any increased financial burden over and above any that already exists.

SUPPORTERS

Since the notification of the Committee date, the Council have received a further 5 depositions from local residents in support of the TPO.

These raise the following considerations:

"This green space is valued by our community and in a climate emergency it would be a travesty to destroy trees and this (what should be) protected habitat."

“...any removal of the TPO presents a severe threat to local biodiversity, contravenes multiple policies in the Southwark Plan 2022, and overlooks the broader environmental objectives essential for sustainable urban living. I strongly urge you to give permanent status to this TPO and safeguard our valuable natural assets for the wellbeing of our community and future generations.”

“I am a local resident ... and I'd like to express my support for the Tree Preservation Order to remain in place and be extended... I am concerned about the loss of these established trees which provide SINC-protected habitat, help to counter the significant local pollution which is above WHO recommended levels and support a key SINC unique site, which makes up part of a fundamental portion of green railway belt. The trees in this site further support local wildlife, providing a vital habitat in the city and help with carbon capturing as well as providing the community with green spaces as a surround.”

“I would like to express my strong support for protecting this woodland area. Having lived adjacent to this land for 23 years, I feel that this natural habitat has huge value not just to the local residents but also to the thousand of commuters who use East Dulwich station every day. This woodland provides a beautiful mature tree line along the length of the station platform, is highly visible to the community and much valued by local people.”

“As well as the benefits on mental health of this natural environment, adjacent to an area of high density housing, this land provides an important link in the nature corridor adjacent to the railway which extends over miles. It is designated as a SINC and as such should be protected by the council, for the benefit of the local environment and local residents. In addition to a diverse range of trees and shrubs, I have personally seen that his land supports multiple bird species, many squirrels, foxes and smaller invertebrates. “

Recommendation

The recommendation remains that the Order be confirmed with the noted amendments to the Map and to the Schedule.