Dear Madam,

Thank-you for your e-mail. The planning authority has been considering this matter this week, it has determined to set up a formal planning enforcement case to consider this matter, a formal acknowledgment letter will follow next week.

Regards
Planning Enforcement Team
Development Management – Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR

Web: www.bristol.gov.uk

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From: [redacted]
Sent: 27 September 2019 15:29
To: [redacted]
Subject: Bristol Tree Forum accusations against Cotham School/ BCC

Dear [redacted],

I'm [redacted]

On 29th August 2019 BCC contractors dug a trench at Stoke Lodge Playing Field and laid cable duct to the pavilion.

Following this, the lobby group We Love Stoke Lodge, along with Bristol Tree Forum, posted a series of tweets re accusations that Cotham School/ BCC damaged a TPO Ash Tree.

I also note that Bristol Tree Forum submitted a question to BCC Full Council 10th September claiming, in relation to the cabling work, that:

'It is likely that the tree will go into decline and it may eventually die as a result of this damage.'

Can you please let us know BCC’s position on the alleged damage to the TPO and what evidence, if any, there is to support these claims?
If the claims are supported, does BCC intend to prosecute those who are alleged to have damaged this tree or cause it to be damaged?

Your sincerely
Dear Sir,

Further to our e-mail dated 23.9.19 – we can now confirm that the planning authority will be setting up a case to consider the matter of the damage to protected tree roots, a formal acknowledgment letter will follow next week.

Regards
Planning Enforcement Team
Development Management –
Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR

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Web: www.bristol.gov.uk

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Hi,

Fyi – better news!

Hi

This issue has been dealt with, there is not a problem on site as far as I'm concerned. The guys have dealt with a number of local residents and have assured me that there has been no damage to any roots or trees with the works. This kind of action is typical of We Love Stoke Lodge, BCC are visiting site and will deal with the issue.

Regards

On Thu, 29 Aug 2019 at 15:22, [Name] wrote:

I believe SELECT will be in touch with [Name] shortly to discuss next steps/ route options. If it hasn’t been done already is it worth ensuring that the relevant Council department are fully aware of the route/plan ahead of any further work? I assume [Name] has contacts to ensure the relevant paperwork has been raised?

Regards,
Hi all,

I am not sure if you've heard from Select or yet, but the Council have rang [redacted] to instruct the contractors to stop immediately.

The local residents are causing issues. One of their many posts in their Facebook community below.

---

We Stoke Lodge Mini digger cutting through roots of protected tree at Stoke Lodge this morning for CCTV cabling. No permissions, no supervision or arboricultural method statements - many roots cut. BCC informed (redacted)

What can we do about this? Is it possible to take another route with the Fibre?
Kind regards,

On Fri, 2 Aug 2019 at 16:52,

Ok great – ticket now opened with Networks to get SELECT on the case.

Thanks

From: 
Sent: 02 August 2019 16:48
To: 
Cc: 
Subject: Re: Stoke Lodge Quote

Order number is RQ11992

Thanks
On Fri, 2 Aug 2019 at 16:33, [Name] wrote:

OK sounds good – can we get this number today / first thing Monday? [Name] will then raise the call to Networks to get this done.

Regards,

Hi,

TwS is on there as Bristol City Council - this is how I raise POs for SSL certificates in the past.

We can give you the PO number (a number starting RQ) when [Name] raises this on the system without the finance team being on site.

I hope this is OK

Kind regards,
On Fri, 2 Aug 2019 at 15:54

Is BCC on there? We will need to raise Purchase Orders going forward for any SSL certificates etc that needs from us – but I am not sure if BCC has had to before.

Let me know re BCC. Any idea when someone from the finance team would be in to raise a PO otherwise? We would still need one but I may be able to move things forward without.

Thanks,

I am also having some issue raising a PO at the moment as there is no finance team and neither TWS or SELECT appear as a supplier option currently. Who am I best raising an order to? Can you take these emails as authority to proceed?

Thanks
On Fri, 2 Aug 2019 at 14:48,

Hi [Name]

SELECT can do this yes. If you can provide cab specs: Depth required, U space, etc we can ask them for a quote.

Regards,

[Name]

---

From: [Name]
Sent: 02 August 2019 14:34
To: [Name]
Cc:
Subject: Re: Stoke Lodge Quote

I understand that the wireless element will be unsupported, however I am sure that should there be an issue we would be well placed to sort this in house. We will consider buying additional equipment, but in reality the wireless link will be to an eventual sub point of the network which will not have high priority as an SLA for us anyway.

One other question; can SELECT supply a wall mounted cabinet in the termination point or are we best organising that ourselves so there is a cab to terminate to?

Thanks
On Fri, 2 Aug 2019 at 14:24, [Name] wrote:

Hi [Name],

Apologies for the delay with this. SELECT have confirmed the route shown in [Diagram] is for Option 2.

Our networks team are keen to stress that they do not support the wireless links that will be used in this option. So option 2 has these caveats:

* TWS/BCC would be the first point of contact should there be an issue with the fibre – we would then engage SELECT under our support contract

* As BCC do not support the wireless links we advise you have a support agreement with a 3rd party (possibly SELECT if they offer it)

* we also recommend you have 2 wireless spares, configured and working in the event you need to do a swap out to keep downtime to a minimum. (Advice is that the wireless units are cheap)

If you can provide a Purchase Order we will start the process asap. I have cc'd in as I am off after 430pm today for a week and may need to raise this work to Networks officially in my absence.

Regards,

[Name]
I hope you are well. Just wondering if you have heard from Networks or Select about this please?

Kind regards,

On Tue, 30 Jul 2019 at 15:34. I've passed this on to Networks and will chase to confirm it's got to SELECT tomorrow.

Regards,

Further to telephone yesterday. Please see attached fibre route as proposed. Please can you confirm that this is the route they will take including pull points?

Obviously the wireless connection part is not shown on my drawing.

Regards
Hi

Would it be possible for you to call me with a consideration of us starting the option 2 specification? I would like to proceed asap, but will want to see that the planned route is the one that we would want.

Thanks

Hi

After the visit by SELECT yesterday please find attached the quotes provided by them to complete the work you requested. There are 2 different options we are assuming here you understand which building 1 and 2 are that are mentioned!

Please note this does not include a CAB, Power or Switch.
Please let us know if you wish to proceed with either option.

Regards,

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Hi

As discussed I have provided commentary on the photos within the Witness Statements of both and relating to the impact to TPO Trees.

It is clear from the evidence provided by these witnesses statements that a trench has been dug within the BS 5837:2012 Root Protection Area (hereafter, referred to as RPA) using a mini-digger. The trenching has been undertaken in the outside edge of the RPA, some meters from the subject ash tree.

Generally speaking, using a mini-digger within the RPA of a tree will cause compaction of the soil, which prevents the tree from undertaking its usual gaseous exchange, required for a healthy tree. The excavation of a trench using a mini-digger and bucket can cause irreparable damage to a tree as it ‘tears’ tree roots – which creates an uneven wound with a large surface area, which is prone to fungal infection and decay. Moreover, this type of trenching may damage minor and major roots alike, regardless of their size.

Photographs EB12 is evidence of below ground damage to a TPO’ed tree, showing non-compliance with Section 210(1) and Section 202C(2) of the Town and Country Planning Act 1990; the exact impact of this to the tree is unknown and the impacts of this may not show in the canopy of the tree until next summer.

In summary, it is clear trenching has occurred within the RPA of a tree covered by a TPO. This will cause compaction and root severance; although this may not immediately kill the tree is may weaken it and lead to its early demise. For us to understand the extent of this damage I would suggest the school commission an arboricultural consultant to suggest methods of establishing the actual damage to the subject ash and recommending remediation works, such as soil decompaction, Mycorrhizae injections, root pruning etc.

The below table outlines my observations of the photos in the two witness statements. The photo references are in order as you read the documents.

<table>
<thead>
<tr>
<th>Photo Ref.</th>
<th>Subject</th>
<th>Tree officers comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>EB 1</td>
<td>Tree survey extract with blue cross showing location of digger.</td>
<td>The circle around T8 in this drawing is the BS5837: Area. The digger is positioned within the RPA of T1 TPO 1192.</td>
</tr>
<tr>
<td>EB 2</td>
<td>Tree survey extract with red arrows showing location of trenching undertaken by mini-digger</td>
<td>The location of the red lines on this drawing is con</td>
</tr>
<tr>
<td>EB 3</td>
<td>Mini-digger behind green Fence. No trench</td>
<td>This mini digger appears to be behind the Pavillion being moved aside by the digger and trenching is l tower behind the pavilion. No ground protection ε</td>
</tr>
<tr>
<td>EB 4</td>
<td>Mini-digger behind green Fence. No trench</td>
<td>See comment on photo 3</td>
</tr>
<tr>
<td>Photo Ref.</td>
<td>Subject</td>
<td>Tree officers comment</td>
</tr>
<tr>
<td>-----------</td>
<td>---------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>EB 5</td>
<td>Mini-digger behind green Fence. No trench</td>
<td>See comment on photo 3</td>
</tr>
<tr>
<td>EB 6</td>
<td>Mini-digger behind green Fence. No trench. Tower clearly in view</td>
<td>This mini digger clearly beginning trench west of P the RPA of T8 - TPO Ash.</td>
</tr>
<tr>
<td>EB 7</td>
<td>Mini-digger behind green Fence. No trench. Tower clearly in view</td>
<td>This mini digger clearly beginning trench west of P the RPA of T8 - TPO Ash.</td>
</tr>
<tr>
<td>EB 8</td>
<td>Mini-digger appears to be next to Oak located in Stoke Lodge Cottage.</td>
<td>Oak on right of photo not covered by TPO. Ash on TPO.</td>
</tr>
<tr>
<td>EB 9</td>
<td>Trench with some minor root severance.</td>
<td>Minor root severance evident. Similar to EB 10 - t next to Stoke Lodge Cottage.</td>
</tr>
<tr>
<td>EB 10</td>
<td>Trench with some minor root severance.</td>
<td>Minor root severance evident.</td>
</tr>
<tr>
<td>EB 11</td>
<td>Photo of chalk, stones and severed tree roots.</td>
<td>Impossible to know where photo is taken from or from TPO tree or non-TPO Tree.</td>
</tr>
<tr>
<td>EB 12</td>
<td>Photo of woman looking at trench with tower in background</td>
<td>This trench has clearly been dug using a mini-dig, chalk running through this trench, which is referre, Some roots may have come from ash tree in EB 8. T8 tree roots would have been damaged roots which T8 - the TPO'ed Ash.</td>
</tr>
<tr>
<td>EB 13</td>
<td>A thumb and a branch</td>
<td>The bark on this piece of wood suggests it is a bra, the way the branch has fractured, the branch died natural cycle of the tree.</td>
</tr>
<tr>
<td>EB 14</td>
<td>Photo fo a thumb and root</td>
<td>The root looks approx. 30-35mm diameter. The ch the trench dug by the mini-digger in EB 12. The ro clean by or with a sharp tool.</td>
</tr>
<tr>
<td>EB 15</td>
<td>Photo of trench with chalk.</td>
<td>Appears to be the same section of root in EB 14. T fibrous roots on the left hand side of the photo, w provided significant water to the trees.</td>
</tr>
<tr>
<td>EB 16</td>
<td>Photo of trench with chalk.</td>
<td>Appears to be the same section of root in EB 14.</td>
</tr>
<tr>
<td>EB 17</td>
<td>Blurry photo of trench</td>
<td>Hard to make out much here. More fine root sev</td>
</tr>
<tr>
<td>EB 18</td>
<td>Photo of ash branch from non-tpo tree</td>
<td>No comment.</td>
</tr>
<tr>
<td>EB 19</td>
<td>Photo of soil and dead branch and root</td>
<td>Dead branch on the right. Possible root on the rig</td>
</tr>
<tr>
<td>EB 20</td>
<td>Photo of trench through green fence</td>
<td>Another photo of the trench from the tower.</td>
</tr>
</tbody>
</table>

### Photo Ref. | Subject | Tree officers comment
| SF 1 | Map showing location of TPO Ash | This is an Ash tree (Tree ID 100176) covered by TP managed by Bristol City Council. |
| SF 2 | Trench showing severed roots | It is challenging to establish where this trench w photographs from (EB12) witness s photo of damaged roots is likely to have come from. |
| SF 3 | Photo showing round stick and root | The root appears to have been ripped, rather than The contractors have not followed best arboricultu |
| SF 4 | Trench with fibrous roots | A trench which appears to have been dug by hand major roots and clumps of fine roots. |
| SF 5 | A trench which appears to be next to the fence line of Stoke Lodge Cottage. | This trench does not appear to have contacted me very deep and may have been part filled back in. T affected roots of a TPO tree. |
From:...
Sent: 23 September 2019 16:08
To:...
Subject: BCC formal position - digging or a trench for electric cabling 29th and 30th August 2019 - Stoke Lodge Paying Field

Hi...

The planning authority needs to decide by the end of this week if it is going to set up a formal case and progress prosecution.

We have advised BTF that we will let them know by next Monday.

The Mayors response to BTF is attached.

Thank-you for copying us into your enquiries to establish if BCC actually commissioned the work in question.

I would like us to conclude on two things:-

- Can the tree team please review the two Witness Statements – accepting that they are an accurate account – what is the likely damage to the protected tree?
- Finalise a position – did BCC instruct the contractor or did Cotham School?

I attach the letter which was sent and acknowledged by the school.

In short at the moment we have no live case and do not propose any action until we have the answers to the two points above.
Further to my e-mail on 12.9.19.

I have now had sight of the Mayors formal response to your questions dated 19.9.19 and have a copy of that on file.

The planning authority is still considering the submissions you made and evidence it holds and is following further lines of enquiry and information gathering before deciding whether to set up a panning enforcement case.

This work will take a further week and we will give you our decision on whether we are setting up a case and taking any action by Monday 30.9.19.

Regards

Planning Enforcement Team
Development Management –
Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR

Web: www.bristol.gov.uk

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Dear Sir,

Thank-you for contacting us.

We are aware that you have raised formal questions to the Mayor on this matter, as such the planning authority will need to review what you have asked and what the Council has said in reply.

We will also consider this further information and advise by the end of next week if the planning authority is to set up planning enforcement case and consider the matter further.

Regards,

Planning Enforcement Team
Development Management –
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Bristol City Council
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Dear [Redacted]

On behalf of Bristol Tree Forum, I attach two statements from witnesses with direct knowledge of the events complained of and invite you to reconsider your department's position on this matter.

On the basis of this evidence, it is clear to us that your assertion that "In respect of the actual works to form trenches and to install the cabling we are satisfied that the staff were provided with adequate instructions as to how to carry out work if roots of protected trees were identified, they were dealt with using similar methods to the ones employed when the fence posts were installed." is unsustainable.

If you are unwilling to change your department's position, please set out your reasons why and provide us with the evidence you rely on to support this.

Best Regards

Trees of Bristol
facebook.com/BristolTreeForum
@BristolTreeFora
The facts of this statement are made from my personal knowledge.

At about 11:45 on Thursday 29th August 2019, in response to email I went to the West Dene entrance to the Stoke Lodge Playing Field which is by the derelict pavilion. I could see an open trench had been cut from the tower on the north western corner of the derelict pavilion towards the fence of 2, Stoke Lodge Cottage, passing through the roots of a large Ash tree.

I spoke to one of the workmen digging the trench and asked to look at the roots of the TPO 1192 Ash Tree in Group 7 (which is the tree mapped by Bristol City Council as site code: STOKLOPLF1, plot no:100176, marked with a tree icon to show its position in the image below):

I asked the workman if he knew that this tree was protected by a Tree Preservation Order (a TPO). He said he did not. I saw a power drill lying on its side by the trench, and asked him if it had been used to dig the trench. He said it had, but told me that they had stopped using the power tool because the owner of Stoke Cottage had complained that they were digging through the roots of an Oak tree nearby. They had resorted to hand digging past this Oak instead.

The presence of the power drill caused me to conclude that the workmen had used it to dig the trench from the tower past the pedestrian gate leading onto the playing fields and then
turning along the fence between Stoke Cottage and the Field, thus passing through the root zone of the TPO Ash.

The workman called his foreman, who offered to let me into the fenced-off area of the playing field, which I did via the gate by the Overflow Car Park at the Adult Learning Centre. I then returned with to the area by the derelict pavilion tower. From that position I could see that many of the small roots of the TPO Ash had been cut through. I also saw two larger roots had been severed. I measured these at 2.5 cm in diameter.

I asked if knew that this tree had a TPO. said did not. told me that had not been told that the Council owned the trees nor that they were protected by a TPO.

I also took photographs of the trench and the severed tree roots. These are exhibited below.
I believe that the facts stated in this witness statement are true.

Signed:

Dated:
I believe that the facts stated in this witness statement are true.

Signed: [Redacted]

Dated: [Redacted]
11th September 2019

The facts of this statement are made from my personal knowledge.

At 0916 on the 29th August 2019 I was walking at Stoke Lodge Playing Fields with [REDACTED]. As I approached the Pavilion, I heard the noise of machinery and went to have a look.

A contractor from RBS Civils Ltd was operating a mini-digger. The digger was facing the tower and at the position marked with a blue cross on the below diagram.
There was a single contractor/ workman operating the mini digger in the cab. Whilst other contractors were on site, a single contractor was completing works and operating the digger with no other workmen/contractors/ consultants or staff visable on this (the marked) side of the Pavilion. I watched as the mini-digger was used to start to dig a trench close to the tower. I walked away and stood behind the wall. Before I did so I took three photographs, one of which is provided in annex A: I would be happy to meet with Planning Enforcement Staff to show both the time and date stamps of these. Please note: as the photos were taken on an iPhone there is also a 3 second moving image available for these photos so that you can see the mini-digger was digging in the root zone of this protected tree — not stationary.

I waited for a few minutes watching the digger trenching a relatively deep trench. At no time did anyone inspect the trench or supervise the works. I went off to find someone I was keen to talk to the digger driver about the methods he was using to dig in the root zone of a protected tree and particularly was worried about this.

By the time I returned (circa 0950) to the site the trench had been dug all the way to the fence by Stoke Lodge Cottage and down towards the field (as indicated by the red line on the diagram below). There were no spades or hand digging tools in sight, the digger was still digging. The contractor was using the mini-digger to dig the trench next to the trunk of the Oak indicated as T3.
was shouting at the digger drivers to stop as they were digging at the roots of the T3 Oak Tree in [redacted] was trying to explain that [redacted] had been advised that only hand digging could be used within three metres of the T3 Oak Tree as stipulated by BCC in a recent planning application at [redacted] property. Eventually the contractors stopped and advised they would call their foreman and arrange to hand dig the rest of the trench. I have a video started at 0957 where I ask the contractors if they have an arboricultural method statement and they stated they didn't hold one and didn't need one as they were doing the work for BCC. This is on video and available for inspection. The contractors also advised they didn't have to worry unless they came across really big roots and then they would just dig around them. They advised they did not know that the Ash tree had a TPO.

[redacted] was very concerned about the work completed next to (and under) [redacted] tree and fence so I accompanied [redacted] onto the field. I took photographs of several roots of the TPO Ash Tree that had been torn by the mini digger in the trench – I have three separate photos of roots that are significantly wider than my thumb that were torn/broken.

At 10.09 am I went over to the contractor who was in his van to explain that I had taken evidence of the roots and he advised he was just doing “what he had been told”. Again, I have a video of this.

At 10.14 the contractors returned to the mini digger and started to move it away from T3 back towards the Pavilion. They attempted to scrape soil over some of the larger roots that had been cut. [redacted] asked them to lift the branches of the Oak as they moved the digger to the field as they had not done so and damaged the branch when they brought the digger to the site. Again, I have video of this.

I returned to the site at 13.48 to find the trench filled in. I understand Planning Enforcement visited the site after the trench was filled in.

Having complained to BCC Planning Enforcement and provided some photos of this incident I received a response to advise “In respect of the actual works to form trenches and to install the cabling we are satisfied that the contactors were provided with adequate instructions as to how to carry out work if roots of protected trees were identified, they were dealt with using similar methods to the ones employed when the fence posts were installed. As such the planning authority has determined that it need give no further consideration to this matter.”

This is simply not true:

- No method statement was agreed; the contractors were not instructed about/ or not aware of any instructions regarding methods
- There was no consultant on site when digging in the root zone of a protected tree, in fact
no one was supervising the works at all

- The contractors confirmed that they did not know that the Ash Tree was protected
- A mini digger was used to dig the entire trench under the protected Ash Tree
- Roots were torn by the bucket of the mini digger not cut – some over 2.5CM.

Please advise if you would like me to visit the BCC Offices to show the videos and time and date stamped photos. In addition, there are a number of other photos taken by other passers-by who would also be pleased to help provide these.

Copies of the photographs referred to in this statement and taken by me are annexed to and form part of this statement. I believe that the facts stated in this witness statement are true.

Yours sincerely,

[Signature]
From: [Redacted]
Sent: 23 September 2019 15:18
To: [Redacted]
Subject: Digging of a trench for electric cabling 29th and 30th August 2019 - Stoke Lodge Paying Field
Attachments: Digging of a trench for electric cabling 29th and 30th August 2019 - Stoke Lodge Paying Field

Dear [Redacted],

Further to my e-mail on 12.9.19.

I have now had sight of the Mayors formal response to your questions dated 19.9.19 and have a copy of that on file.

The planning authority is still considering the submissions you made and evidence it holds and is following further lines of enquiry and information gathering before deciding whether to set up a panning enforcement case.

This work will take a further week and we will give you our decision on whether we are setting up a case and taking any action by Monday 30.9.19.

Regards,

[Redacted]
Planning Enforcement Team
Development Management – Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR

T 0117 922 3000

Web: www.bristol.gov.uk

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From: [Redacted]
Sent: 23 September 2019 16:00
To: Planning Enforcement
Subject: BCC Planning Authority letter to Cotham School on potential damage to TPO trees at Stoke Lodge -
Attachments: BCClettertoCS11.9treeworks.pdf

From: [Redacted]
Sent: 11 September 2019 11:09
To: [Redacted]
Subject: Re: BCC Planning Authority letter to Cotham School on potential damage to TPO trees at Stoke Lodge -

Dear [Redacted],

Thank you for your email and the letter. I have read and fully understand the contents of the letter.

Kind regards

On Wed, 11 Sep 2019 at 11:04, [Redacted] wrote:

Dear [Redacted],

I attach a letter and would be grateful if you could confirm receipt.

Regards

From: [Redacted]
Sent: 11 September 2019 11:34
To: [Redacted]
Subject: BCC Planning Authority Note to Cotham School on potential damage to TPO trees at Stoke Lodge - Trench works to install caballing.

Dear [Redacted],

Thank-you for these clarifications.
Regards

Planning Enforcement Team
Development Management –
Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR

Tel 0117 922 3000

Web: www.bristol.gov.uk

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From: [Redacted] Sent: 30 August 2019 15:17
To: [Redacted]
Subject: Re: BCC Planning Authority Note to Cotham School on potential damage to TPO trees at Stoke Lodge - Trench works to install caballing.

Dear [Redacted]
With regard point one the works were being undertaken by BCC IT Services to supply an internet connection to the playing field (to include WiFi). As BCC is the landlord and the agent supplying the service and works I would imagine they would have contacted the relevant department(s) internally.

I do not have any better photographs than the ones you have taken, the contractors assured me that only thread roots had been encountered in the areas completed prior to my visit and they were happy to show you this when you arrived on site.

I take on board other matters and have contacted and met with 'the landlord' today.

Regards

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Latest council news: http://www.bristol.gov.uk/ournews
Consultations: http://www.bristol.gov.uk/consult

PARKING - May we remind visitors there is no on site parking at the school. Parking is available offsite in accordance with the Cotham Residents Parking Scheme.
https://www.bristol.gov.uk/parking/cotham

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Cotham School: a company limited by guarantee
Registered in England: Company Number: 07732888
Registered Office: Cotham School, Cotham Lawn Road, Cotham, Bristol, BS6 6DT
Cottham School undertaking work at Stoke Lodge that has the potential to affect trees.

Further to our last e-mails on 30 August 2019, which were concerned with the potential for the trenching works to have damaged the roots of protected trees. As you are aware we considered this matter with a view to determining whether or not to set up a formal planning enforcement case, which involved a site inspection. Unfortunately the trenching near the TPO'd tree had been backfilled by the time we inspected the site.

As such we should point out that it wasn't clear if significant roots of the TPO'd tree were severed during the trenching works. We determined not to formally set up a case.

Whilst as you indicate the contractor may have used the same principles to form the trench (as used during the installation of fence posts) - no root severing over 25mm - trenching can be highly damaging to tree routes if done incorrectly.

As there are a number of trees on the land that are covered by a TPO I need to remind you that it a criminal offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by an order, or to cause or permit such actions, without the authority's permission. Anyone found guilty of such an offence is liable. In serious cases the case may be dealt with in the Crown Court where an unlimited fine can be imposed.

In light of this it is imperative that you follow proper procedures and we remind you that you need arboricultural advice on all construction/ development activity on the land close to protected trees.

As the Council own the land and trees and as previously advised we recommend that you establish correct means of communication with the Council as landlord, which can help to ensure that tree applications are made when required. This letter has been copied to the departments indicated below.

Yours sincerely,

Head of Development Management
Placesshaping Team Manager
Education Asset Management Planning and Capital Strategy Manager
Horticultural Service Manager

Development Management
City Hall, Bristol City Council,
PO Box 3176, Bristol BS3 9FS

Website
www.bristol.gov.uk
From: [Redacted]  
Sent: 19 September 2019 16:53  
To: [Redacted]  
Cc: [Redacted]  
Subject: Full Council Public Question

Full Council Public Questions PQ05 and 06  

Dear [Redacted] Bristol Tree Forum  

Here is the written answers to the questions you submitted to Full Council earlier this month regarding tree preservation orders and Stoke Lodge playing fields.

As stated previously this relates to a planning matter. While I have responsibility for planning policy, decisions made on individual planning applications are undertaken by the 'non-executive' part of the Council via the Development Control Committee. This is a quasi-judicial process over which I have no influence or executive power.

A site visit was undertaken by a planning enforcement officer and based on an assessment of the work, the site inspection and photographic evidence provided by the community, it was determined that:

• It was unlikely that there had been a breach of planning control that required further consideration;
• The works are not expected to have compromised the health or longevity of the tree.

It was concluded that no further action was required.

Thanks again for taking the time to submit your questions on behalf of the forum.

Kind regards

Marvin

Marvin Rees  
Mayor of Bristol

Twitter | Instagram | Blog

t: [Redacted]  
e: mayor@bristol.gov.uk

My Privacy Notice

Mayor’s Office  
Bristol City Council  
City Hall, College Green  
Bristol BS1 5TR

Postal Address: Mayor’s Office, Bristol City Council, PO Box 3399, Bristol BS1 9NE

c: Democratic Services for information only
PET - Update with school

From: [redacted]  
Sent: 01 October 2019 10:08  
To: [redacted]  
Subject: BCC Planning enforcement case - damage to roots of Ash T8 - on 29 Aug 2019 - 19/30381/TPO

Dear [redacted],

thanks for coming back to me - No - the planning authority cannot share any details from its planning enforcement file with transgressors. If you are willing to accept the offer of a practical solution to the threat to the tree that has resulted from the transgression please ask your Tree Consultant to contact me – so that I can put them in touch with one of our tree officers and they can agree details.

- In short – your tree guy can agree a programme of work with our tree guy that will need to be formally submitted and agreed in writing and then do what it says under his supervision - then we close the case.

This e-mail can be shared with your Tree Consultant-

Planning Enforcement Team  
Development Management –  
Growth and Regeneration  
Bristol City Council  
City Hall  
College Green, Bristol BS1 5TR

T 0117 922 3000

Web: www.bristol.gov.uk

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Dear [Name],

Thank you for your email, I have spoken to our arboriculture specialist and they will further advise.

Please can you send a copy of the witness statement(s) and any other evidence you have been provided in order for us to be able to fully investigate the matter?

Kind regards

On Mon, 30 Sep 2019 at 15:56, [Name] wrote:

Planning Enforcement Reference: 19/30381/TPO

Address: Stoke Lodge Sports Ground Shirehampton Road Sea Mills Bristol

Alleged breach of planning control: Damage to roots of Ash Tree (T8).

I write to advise that after we wrote to you on 11.9.19 setting out that as it wasn’t clear if significant roots of the TPO’d tree were severed/damaged during the trenching works we had determined not to formally set up a case, further submissions have been made by the public.

The submissions have included the provision of Witness Statements which point to direct damage having been caused to certain roots as part of the trenching works that took place on Thursday 29 August 2019.

On the basis that the LPA is willing and able to accept that such evidence is reliable our tree team were asked to review and comment.
The up thrust is that we have set this case up to formally consider action in response to the damage to the roots of the protected tree.

Part of our investigation has been to understand the commissioning of this work and we have had a detailed explanation from our ICT services and Trading with Schools Teams.

Rather than take prosecution action our Tree Team have suggested a form of mitigation.

They advise this department that based on the evidence that has been submitted that it is clear that trenching has occurred within the RPA of a tree covered by a TPO (T8). This will have caused compaction and root severance; although this may not immediately kill the tree it may weaken it and lead to its early demise. For us to understand the extent of this damage we should instruct the school to commission an arboricultural consultant to suggest methods of establishing the actual damage to the subject ash and recommending remediation works, such as soil decompaction, Mycorrhizae injections, root pruning etc.

**Conclusion** – The planning authority is prepared not to consider prosecution proceedings if a scheme of investigation and mitigation is volunteered by the school and delivered to an agreed timetable.

Please confirm receipt of this e-mail and indicate if the school is willing to agree this.

In practical terms, you would need to instruct an arboriculture consultant to do the investigation and make the recommendations. Such recommended work would then be scrutinised by one of our tree officers.

We look forward to hearing from you.

Planning Enforcement Team
Development Management –
Growth and Regeneration
Bristol City Council
City Hall
Dear [name],

Planning Enforcement Reference: 19/30381/TPO
Address: Stoke Lodge Sports Ground Shirehampton Road Sea Mills Bristol
Alleged breach of planning control: Damage to roots of Ash Tree (T8).

Thank-you for replying on 3.10.2019 to our e-mail dated 30.9.2019.

We note that you have advised that;

"Our arboricultural consultant (name of Bosky Trees) thinks that that the investigation and the remediation works can be carried out simultaneously. Therefore, we propose to employ Bosky Trees carry out an air spade investigation and soil remediation works in the area where trenching works were carried out near the tree in a single day, and this will include the following:

- Supply of an air spade, compressor and an experienced operative.
- An excavation of the recently trenched area with the air spade to reveal if any root damage has occurred. We will record this investigation by taking photographs of the hole after the air-spade has excavated the hole.
- If any damaged roots are uncovered these will be pruned back cleanly using secateurs or a pruning saw.
- Supply of 12kg bag of nutrient enriched biochar.
- Use of air spade to decompact the soil in the area where trenching works were carried out near the tree. The air spade will incorporate the biochar into the soil profile during the decompaction works. The ameliorated soil will create a soil environment that will stimulate new root growth and this should result in improved vitality of the adjacent trees. If this methodology is agreed we would intend to carry out these works before the end of October."

I can advise on behalf of the LPA that we accept this method of addressing the matter.

If you can give us the date when Bosky Trees will undertake this work – I can arrange to be present at the site when they start in the morning and again at the end of the day when they finish to take photographs for our records.

Once Bosky Trees have completed the work we would require them to submit a short Summary Report of what they done.

We hope this can now be actioned.

Development Management – Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR
From: Planning Enforcement
Sent: 25 September 2019 16:33
To: 
Subject: Photos of CCTV camera attached to white hut Stoke Lodge-

Dear [Name],

Further to the recent planning enforcement case which was closed following receipt of your letter.

It has been pointed out to the planning authority that a camera on the while hut is less than 2.5m above ground level.

We would ask that this moved to be higher than 2.5m so as to avoid the need for it to require planning permission.

Please confirm and provide photographic evidence once this is done.
Thanks and Regards

Planning Enforcement Team
Development Management –
Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR

Web: www.bristol.gov.uk

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Latest council news: http://www.bristol.gov.uk/ournews
Consultations: http://www.bristol.gov.uk/consult
From: 
Sent: 08 October 2019 09:55
To: 
Cc: 
Subject: Re: BCC Planning enforcement case - damage to roots of Ash T8 - 19/30381/TPO - outcome - case to be closed.

Noted and thanks, 

Best Regards

BristolTreeForum
@BristolTreeFora

On Tue, 8 Oct 2019 at 09:54,

Dear 

City council officials will oversee the work and the Report we expect will explain what has been done.

We do not envisage communicating with BTF further on this matter.

Regards

Planning Enforcement Team
Development Management –
Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR
Many thanks for your email, [Name]

Can you please define what you mean by 'a satisfactory report'?

Is the school prepared to allow a representative of Bristol Tree Forum to be present when this inspection takes place?

Best Regards

facebook.com/BristolTreeForum

@BristolTreeFora
From:  
Sent: 08 October 2019 09:55  
To: Planning Enforcement; Councillor Peter Abraham; Councillor John Goulandris  
Subject: BCC Planning enforcement case Stoke Lodge - damage to roots of Ash T8 - 19/30381/TPO - outcome - case to be closed.

Dear [Name],

Planning Enforcement Reference: 19/30381/TPO  
Address: Stoke Lodge Sports Ground Shirehampton Road Sea Mills Bristol  
Alleged breach of planning control: Damage to roots of Ash Tree (T8).

We refer to the above case registered when the planning authority received submissions from the Bristol Tree Forum that resulted in it concluding that there would have been damage to roots of protected trees during works undertaken on 29 August 2019.

We can advise that the school has agreed some remediation works and to submit an outcome report, which has been consider and agreed as an acceptable process by council tree officers.

We expect this to happen later this month after which we will close this file.

Regards

Development Management – Growth and Regeneration  
Bristol City Council  
City Hall  
College Green, Bristol BS1 5TR

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From: [Redacted]
Sent: 08 October 2019 09:43
To: [Redacted]
Subject: BCC Planning enforcement case - damage to roots of Ash T8 - 19/30381/TPO - outcome - case to be closed.

Dear [Redacted]

Planning Enforcement Reference: 19/30381/TPO
Address: Stoke Lodge Sports Ground Shirehampton Road Sea Mills Bristol
Alleged breach of planning control: Damage to roots of Ash Tree (T8).

We refer to the above case registered when the planning authority accepted that there would have been damage to roots of protected trees following our review of the evidence (Witness Statements) that you provided.

We can advise that the school has agreed the following to take place this month.

"we will employ a tree consultant to carry out an air spade investigation and soil remediation works in the area where trenching works were carried out near the tree and this will include the following:

- Supply of an air spade, compressor and an experienced operative.
- An excavation of the recently trenched area with the air spade to reveal if any root damage has occurred. We will record this investigation by taking photographs of the hole after the air-spade has excavated the hole.
- If any damaged roots are uncovered these will be pruned back cleanly using secateurs or a pruning saw.
- Supply of 12kg bag of nutrient enriched biochar.
- Use of air spade to decompact the soil in the area where trenching works were carried out near the tree. The air spade will incorporate the biochar into the soil profile during the decompaction works.

The ameliorated soil will create a soil environment that will stimulate new root growth and this should result in improved vitality of the adjacent trees. Once this work is done as requested we will submit a summary report to the planning authority."

We can advise that as soon as we are in receipt of a satisfactory report our file on this matter will be closed.

Regards,

[Redacted]

Development Management –
Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR

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From: Planning Enforcement  
Sent: 08 October 2019 09:02  
To:  
Subject: BCC Planning enforcement case - damage to roots of Ash T8 - on 29 Aug 2019- LPA position

Thanks, you can tell I will be on site at 10.30 on 16.10.2019 – any changes please let me know.

Regards

From:  
Sent: 08 October 2019 09:02  
To: Planning Enforcement  
Subject: Re: BCC Planning enforcement case - damage to roots of Ash T8 - on 29 Aug 2019- LPA position

Hi  

I have confirmation from Bosky that the work will be carried out on 16th October starting at 10:30am and finishing at 2:00pm

Health and Safety HelpDesk: http://healthandsafety
Dear madam, thank you for this commentary which is noted and now on file.

Regards

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Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR

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Firstly I should like to thank Planning Enforcement for making sure that remedial work to the root area of a TPO Ash Tree on Stoke Lodge Playing Field affected by the digging of a trench through the roots with a mechanical digger has been carried out.
Thank you for sharing the report written by the Tree Consultant who carried out the work.
I sincerely hope that the tree will survive the experience of having had a mechanical digger sever some of its roots, and that the remedial work will prove beneficial. It is something we cannot test – only time will tell.
I note from the File Note that the tree surgeons found only roots between 6 mm and 12 mm when they re-excavated the trench with an air spade. Today Justice4Cotham has been tweeting that the report from the Arboriculturist demonstrates that no roots larger than 12 mm were cut and that the remedial works were unnecessary. They have suggested that the photographs submitted as evidence were from elsewhere. This is a very unfortunate attitude to have adopted.

I should just like to state again that at the time of the digging of the trench on 29th August 2019 roots larger than 6-12 mm were seen to have been severed. I attach now a photograph I took on the 29th August of a root at 25 mm I found by the side of the trench. The photograph shows the root in comparison with a 25 mm dowel rod. I understand that WeLoveStokeLodge also sent to you on 29th or 30th August a photograph/some photographs of roots at, or larger than, 25mm. These photographs are also timed and dated—a happy circumstance of digital photography.

I am concerned that the Arboricultural File Note of the 16th October will support a view that no root larger than 12 mm was ever cut and will thus foster an attitude that it is acceptable to dig within the root protection area of a significant important tree without proper care and without adopting both permitted and supervised methods. I am not calling the report into question by doubting the findings on the 16th October, but I am saying that roots larger than 12 mm were severed by the digger on 29th August. None of this need to have happened had the contractor received proper instructions either from Bristol City Council or Cotham School before the works commenced. The Bristol residents who love Stoke Lodge (and they are not just residents of Stoke Bishop) hope most fervently that Bristol City Council Planning and Arboricultural teams now understand well what they can and cannot expect of Cotham School when it comes to working amongst the roots of TPO trees, and that they have taken steps to prevent future incidents.

with regards
From: [redacted]
Sent: 18 October 2019 11:08
To: [redacted]
Subject: BCC PLC - Stoke Lodge - 19/30381/TPO

Dear [redacted],

Complaint Ref: 19/30381/TPO
Address: Stoke Lodge Sports Ground Shirehampton Road Sea Mills Bristol
Alleged breach of planning control: Damage to roots of Ash Tree (T8).

We write in respect of the above registered on 30.9.19.

Works were undertaken on 16.10.19 and we have received a report of that which has been considered by council tree officers and found to be acceptable.

As such we have closed the file on this matter.

Development Management –
Growth and Regeneration
Bristol City Council
City Hall
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Dear [Name],

Complaint Ref: 19/30381/TPO
Address: Stoke Lodge Sports Ground Shirehampton Road Sea Mills Bristol
Alleged breach of planning control: Damage to roots of Ash Tree (T8).

Further to the submission by Bosky, thanks.

We have closed our file on this matter and advised the complainants.

Regards,

[Name]
Planning Enforcement Team
Development Management – Growth and Regeneration
Bristol City Council
City Hall
College Green, Bristol BS1 5TR

Web: www.bristol.gov.uk

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Stoke Lodge
Arboricultural File Note

For air spade works on 16th October 2019

1. BACKGROUND INFORMATION

T8 is a healthy mature ash tree located close to the pavilion at Stoke Lodge on Shirehampton Road in Stoke Bishop, Bristol. It is protected as part of a group tree preservation order (TPO). A trench was recently dug within the root protection area of this tree, and a length of ducting installed at the base of the trench. Concerns have subsequently been raised by local residents that significant roots may have been damaged during the excavation of the trench and so the purpose of this site visit was to use an air spade to re-excavate the trench to assess the extent of root damage and prune any damaged roots. A further aim was also to use the air spade to ameliorate the soil in the vicinity of the trench.

2. SITE VISIT OBSERVATIONS

Of Bosky Trees visited the site on 16th October 2019 and met with from Cotham School and from Bristol City Council.

We began by using the air spade to excavate all of the loose soil from the recently dug trench. As expected, the service pipe was located at the bottom of the trench at approximately 400mm deep, which can be seen in Figure 1.

Numerous small feeder roots (<5mm in diameter) were uncovered. Six larger roots with that ranged in diameter between 6mm and 12mm were identified and recorded. The largest root found that had been damaged by the trenching works was 12mm in diameter. All six of these exposed roots were cut with a sharp pair of secateurs and the trench was then backfilled. The locations of these six roots are indicated on the accompanying air spade excavation plan (ASE-1).
During the original trenching works there is a chance the ground may have become compacted and so the air spade was used to aerate the soil to the north-east of the trench (as identified on ASE-1). Afterwards, a 12kg bag of 'Carbon Gold Organic Biochar Tree Soil Improver' was spread evenly over the area and then worked into the soil using the air spade as shown in Figure 2.

Figure 2: Enriched biochar was incorporated into the area that was decompacted.

3 CONCLUSIONS

There are other trees in the vicinity, but it is likely that most of the roots uncovered belong to the large ash tree nearby (T8).

Generally roots of the size encountered are feeder roots, and for a tree of this size it is extremely unlikely that the severance of a small number of feeder roots would adversely impact its overall health. It is our opinion that the trenching works will not have a significant adverse impact on the health or longevity of the ash tree (T8).

The soil decompaction and addition of the biochar will have improved the rooting environment in the ameliorated area and we expect that new roots will soon grow into this area.
4 SUMMARY

1. The trench was re-excavated using an air spade and in accordance with the agreed arboricultural method statement.

2. Six roots with diameters between 6mm and 12mm were identified and recorded, these were cut cleanly with sharp secateurs.

3. Given the number of roots encountered, and their sizes, we expect that the ash tree (T8) will tolerate the impacts of the trenching works without any ill effects.

4. Once the trench had been investigated the area to the north-east of the trench was thoroughly aerated and a 12kg bag of enriched biochar was incorporated into the soil. It is likely that this soil amelioration will improve rooting conditions for the tree and stimulate new root growth.

Chartered Arboriculturist
Arboricultural Association Registered Consultant

&

Arboricultural Consultant

16th October 2019
<table>
<thead>
<tr>
<th>Root Number</th>
<th>Diameter (mm)</th>
<th>Depth (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>12</td>
<td>170</td>
</tr>
<tr>
<td>R2</td>
<td>9</td>
<td>190</td>
</tr>
<tr>
<td>R3</td>
<td>11</td>
<td>110</td>
</tr>
<tr>
<td>R4</td>
<td>7</td>
<td>110</td>
</tr>
<tr>
<td>R5</td>
<td>6</td>
<td>120</td>
</tr>
<tr>
<td>R6</td>
<td>11</td>
<td>120</td>
</tr>
</tbody>
</table>

Key:
- Canopy spread
- Trunk position
- Tree number
- Trench
- Roots (>5mm in diameter) uncovered during excavation
- Tree group
- Area where soil amelioration was carried out

Location:
- Rock Lane House
- Christchurch Street West
- Frome BA11 1FB

Scale: 1:150

Stoke Lodge
Stoke Bishop
Air Spade Excavation
ASE-1

Date: 16-10-2019

Project:
- Cotham School

Location:
- Stoke Lodge
- Stoke Bishop
- Air Spade Excavation
- ASE-1

Date: 16-10-2019