

Committee Date	25 th November 2021	
Address	Downe Hall Stables High Elms Road Downe Orpington BR6 7JL	
Application Number	21/03703/TPO	Officer Chris Ryder
Ward	Darwin	
Proposal	Felling of all Sycamores of seed bearing maturity.	
Applicant Mr Andy Brackstone Downe Livery Stables High Elms Road Downe Orpington BR6 7JL	Agent Quaife Woodlands 4 Squerries Home Farm Cottage Westerham TN16 1SL	
Reason for referral to committee		Councillor call in Cllr Scoates
RECOMMENDATION	Consent in part to allow thinning of sycamore up to a maximum stem diameter of 10cm.	

KEY DESIGNATIONS

Tree Preservation Order (TPO) OUDC 7, 1951

Representation summary	1 Objection received from Downe Residents' Association. 1 Neutral comment. 79 Supporting representations.	
Total number of responses	81	
Number in support	79	
Number of objections	1	

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Members must decide whether to consent, consent in part or refuse the proposed tree removal, based on the evidence submitted and the officer's assessment.

PROPOSAL

1. This application has been made in respect of all sycamore species at the site address. The felling of the trees is proposed to address the impact of seed fall on the horses. The main reason for the felling is to prevent poisoning of horses, by reducing the volumes of wind dispersed seeds.



Figure 1 - Woodland (W1)



Figure 2 - Woodland Composition (W1)



Figure 3 - Trees fronting Cudham Road (G1)



Figure 4 - Sycamore x 2 (G2)

LOCATION

2. The application site consists of stables and associated paddocks located to the east of Downe, between High Elms Road and Cudham Road. The property abuts the conservation along the western boundary. Tree groups, belts and woodland have been protected by the above TPO dating back to 1951. Trees within the groups are protected by species, as named in the TPO schedule. The TPO is one of Bromley's oldest orders.

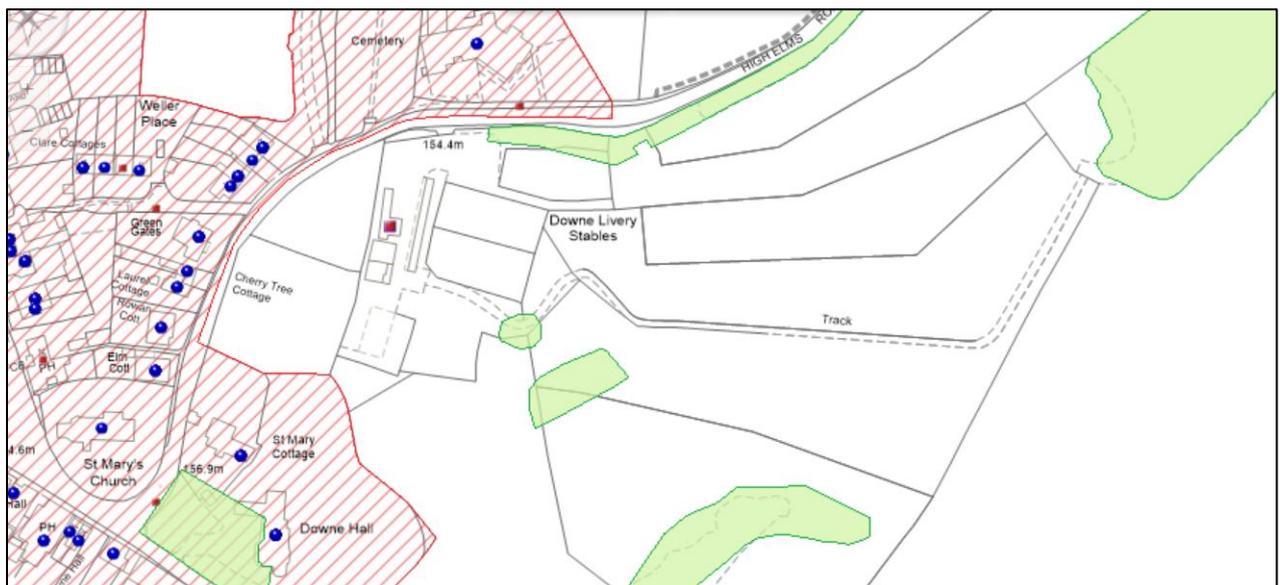


Figure 5 - Site Location

3 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning applications that impacted trees at the site. PREAPP/20/00326 result in pre-application advice for enhancement of the stables.

4 CONSULTATION SUMMARY

- 4.1 The Woodland Trust were consulted, but a response is yet to be received.

- 4.2 The Forestry Commission were consulted and made comments which are summarised as follows:

- No objection to the felling of a single species.
- “If the species represents below 30% of the species mix, evenly distributed, it would count as a thin with no restocking conditions. If it's in coupes, or a high percentage of the mix, it would be a regen or clear fell. We attach restocking conditions to that which legally obliges applicants to either allow natural regrowth, or manually replant if regrowth fails after 3 years, at a minimum density of 1100 stems per hectare (around 3x3m spacing), of sensible species for the site, and to ensure their survival for a 10 year period from establishment/planting.”
- “In cases where the trees in question have advanced into and afforested former unforested land owing to non management, we refer to our National Forest Inventory that most recently surveyed the entire nation in 2019 to establish if the land was recorded afforested at that point.”
- The applicant would need to specify manual replanting of alternative species where thinning exceeds 30%, since natural regeneration would lead to self-seeded sycamore. This will be a cost operation to the applicant. A possible route to pursue would be to insist that the applicant send material to undertake the test for HGA via the Royal Veterinary College to establish if this particular population of sycamore poses a risk. We would not be able to disapprove of a UKFS compliant application as it appears from the documents.

- 4.3 A site notice was displayed and the following comments in support received:

- Stop further harm to horses.
- Works required in interest of horse welfare.
- “This area has been left unkempt and uncared for many years. The new owners are being sympathetic to the natural area and will be planting new trees, the sycamore seeds are deadly poisonous to the horses otherwise there wouldn't be the request. The village needs facilities like Downe Livery stables to stay alive and attract visitors.”
- A pony recently died from seed poisoning.
- “These trees need to be felled for the welfare and safety of the horses stabled there as sycamore is deadly to horses. As Section 9 of the Welfare Act 2006 clearly states Downe Livery has a duty of care to ensure reasonable steps are

taken in all circumstances to meet the welfare needs of the animals in their care.”

- “Having experienced one horse already be poisoned by these trees I am desperate for the same not to happen to my or any other horses at the yard. Surely the welfare of the animals supersedes the desire to protect all trees at any cost.”
- “After losing my beloved horse to sycamore poisoning I cannot support this movement enough, people fail to comprehend the damage and severity of sycamore trees and their seeds and the painful and fast paced death they cause to horses and ponies. Poisonous plants and trees should be removed immediately when putting animals at such high risk of death, if only such measure had been taken before maybe I would not of lost my beautiful mare.”
- “The yard is becoming a hub for the village, and maintenance has noticeably improved there and the road looks so much better, and visibility and and safety driving along the road has improved. I am aware of owners intentions to have an extensive tree planting plan, which includes extensive hedgerows as field separation who sounds very responsible. But first and fore most the welfare of the animals should not be considered second nature to the temporary aesthetics of the street scene!”
- “Downe Livery Stables, formally known between 1912 - 1963 as Downe Hall Paddock has always kept the working horses as a business to either manage the land prior to mechanisation or to house a stud farm of race horses, one of which was a well known winner in the Derby, owned by the Smith family.

Over the years the land has not been effectively managed and now finds the non native sycamore species have over taken the native species to the UK which once resided on the land. Sycamore Myopathy is a relatively new invasive species which releases its toxic leaves and seeds from as early as summer through autumn and winter. The seeds remain toxic for up to 6 months and researchers are still unable to identify how and why horses respond to the toxicity, meaning horses which have been on land with access to the toxic leaves and seeds may not fall to this disease for some years. The advice from the veterinary association in their FAQs is that horses should be removed from the trees to ensure their safety.

Downe livery stables is surrounded on every boundary by Sycamore trees, the leaves and seeds blow several hundred metres (as confirmed by the BHS and RVC) therefore management as this stage is now unreasonable, amongst the other injurious trees which also reside on the site (oaks, horse chestnut and Yew). These also affect the adjoining horse owners and hayage business of JR Tremmain.

The current owners have provided secure fencing to ensure the horses are kept away from the trees to the boundary to avoid debarking of the trees, raised by Bromley Council and the Downe Residents' Association on 28th September 1990, this also coincides with the recommendations by the Royal Veterinary college in management of the invasive Sycamore trees. Sadly the land has not been adequately managed during the exponential growth of these trees and as a result suspected sycamore myopathy has already resulted in the horrific loss of one of the resident horses under the ownership of the previous owners. The fact this loss has occurred shows any management which may have been

in place was insufficient and in fact impossible. The RVC also recommends horses are stabled overnight to avoid eating the sycamore seeds/leaves but the stables face the boundary sycamore trees which fall into the stables. There is now no safe area to position the horses to ensure their safety as required by the joint paper by the BHS and arboricultural society. The non native sycamore species need removing to allow the native species to the UK to thrive, especially given so many are now listed on the endangered species list this year. I would plead with the council to see the long term benefit to not only the resident horses, which have resided on the land for over 110 years, but also the ecological species indigenous to the UK.”

- “Further to my recent visit to your livery yard at Downe Hall on 14 September and our discussion regarding the numerous sycamore trees (*Acer Pseudoplatanus*) surrounding your property, I hope the following gives some explanation as to why removal of these trees is so important for the health and welfare of all the horses and ponies under your care at Downe Hall as well as horses in neighbouring or nearby properties. Atypical Myopathy in horses is a sudden onset muscle disease, now known to be due to ingestion of the toxin Hypoglycin A, which is found in the seedlings, seeds and leaves of the sycamore tree. The disease is extremely distressing for affected horses and even with treatment is often fatal in as many as 50% or more affected cases.

The helicopter nature of the seeds means that they can be carried over a long distance so just removing horses from the immediate vicinity of the treeline is not sufficient and is also why horses nearby may also be at risk, as the large number of trees around Downe Hall means a significant amount of potentially toxic material can easily spread to the surrounding areas possibly several kilometres away. Spring and particularly autumn are the high-risk times and whilst it is in theory is possible to reduce the risk of exposure to the toxin by removing horses from vulnerable pastures you just do not have the available land to move your horses away.

It is not at all appropriate to keep horses stabled for the entire risk period as this constitutes a serious welfare concern in horses and ponies not used to being kept in this fashion. Supplementary feeding at risk times to try and encourage horses not to consume the sycamore products is also not a guaranteed method as horse will often browse tree lines even with plenty of other forage available to them. Hence it would appear that the only option for your field margins are to remove as many as possible - if not all - of these trees, to enable you to keep your field space as toxin free as possible.

Obviously, trees on field margins have many positive benefits too so it would be important to ensure that the sycamore trees are replaced by suitable alternatives to do as much as possible to recreate a natural hedge/tree line. I hope this helps with your efforts to improve the livery yard at Downe Hall and optimise the health and welfare of all the horse and ponies - it is something that is very important to manage.”

- “Further research from the Atypical myopathy action group. In FAQ2 and 3 it specifically refers to pasture being unsafe for equid groups due to Atypical myopathy when surrounded or with trees on pasture with statements that feeding alternative forage is also high risk in Autumn.”
<https://www.mdpi.com/2076-2615/10/2/365/htm>

4.4 One neutral comment was received as follows:

- “One horse has already suffered, we don't want another animal to have the same fate”

4.5 Downe Residents' Association have objected on the following grounds:

- “The original stables were built subsequent to the purchase of the land by the prior owner in 1977, and site has been used for keeping horses, (the business was formerly known as Downe Hall Stables), since then. The 1951 TPO therefore predates the use of the land for keeping horses commercially and any business established using the land would have known of its existence. The previous owner of the stables business, from 1977 to 2020, did not seek to remove the sycamores but managed the use of the land.”
- Request for the Council to preserve any sycamore tree of public amenity.
- “We believe that other measures can be taken to mitigate any risk posed by the sycamore seeds of these trees when necessary, which is not year round.”
- “The British Horse Society has advice with regard to measures that can be taken with regard to the threat posed by sycamore trees to horses, <https://www.bhs.org.uk/our-charity/bhs-policies/felling-of-sycamore-trees-in-relation-to-atypical-myopathy>.

Their conclusion is as follows:

Tree owners and those working in arboriculture should be aware that felling sycamore trees due to concerns about Atypical Myopathy is not an appropriate first course of action. It is strongly advised that the HGA test should be undertaken first with management decisions based on the results. Therefore, arborists should advise horse owners that the test is available and not facilitate the unnecessary removal of sycamore trees.”

- The removal of internal hedging has exacerbated the matter. Wind dispersed seeds are no longer filtered by the hedging/boundary screening.
- “The application states that the land is not large enough to have the paddock area reduced however this is presumably a function of the number of horses to be kept on the land. This is a business decision and not an argument for the removal of protected trees.”
- The proposal would have a detrimental impact on the local landscape.
- “As already mentioned, the site has already undergone significant removal of hedgerow and trees that were also under TPO which has much diminished the amenity and character of the landscape. We understand that planning enforcement were notified of this matter. We are also aware that all Councillors were made aware of the issue by Dr Judy John of the Bromley Biodiversity Partnership who raised concerns in March 2021 after the destruction of the hedgerow and felling of trees in apparent breach of this TPO.”
- “We note that the application mentions a village tree planting initiative. We are not aware of any such initiative.”

- “The TPO predates the use of the land as a commercial stables and must therefore be upheld. Any risk the seeds posed should be managed by other means as it is simply not sufficient reason to remove these trees for what are essentially business reasons.”
- Should any trees be permitted to be removed, a replacement planting condition should be applied.

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.3 Bromley Local Plan 2019

42 Conservation Areas
73 Development and Trees
74 Conservation and Management of Trees and Woodlands

5.4 The London Borough of Bromley Tree Management Strategy 2016-2020

Section 18

5.5 National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)

Paragraph 020 – 057

6 CONSIDERATIONS

- 6.1 This application seeks to fell any sycamore tree situated within the site boundaries. The trees and the seeds in particular, have been identified as a risk to the horses and present a direct conflict with the use of the site. A supporting statement has been supplied by the advising arboricultural consultant.
- 6.2 Officers made two site visits to make observations and understand the concerns of the applicant. Observations have been made of the key groups and the woodland to the eastern corner of the site. Sycamore trees make up a dominant species of the treescape.
- 6.3 The majority of trees noted within the groups have since been removed or have died and been replaced with natural regeneration. This has been highlighted in the supporting arboricultural advice.
- 6.4 Trees situated within the belt of trees referenced as G1 (see Figure 3) form a row of mature tree screening. A large sycamore tree was noted near the boundary shared with Downe Hall. Trees here remain an important amenity feature, providing

cohesion with other tree groups and belts. A couple of dead trees have been identified by the Council and are due to be addressed.

- 6.5 Observations of G2 and G3 (see Figure 4) reveal only two sycamore trees remain a protected feature. The age of surrounding trees are clearly younger than the order and have naturally seeded. The two sycamore trees are significant trees with no defects noted. Vitality appears normal and the trees have seen little management in recent years, so have developed natural canopy forms. The trees directly overhang paddocks and are therefore a direct constraint.
- 6.6 As G5 has not listed sycamore within the TPO schedule, the proposal does not require permission in this grouping/row.
- 6.7 The woodland block is the key feature of the site. Figure 1 and 2 show views externally and internally. Species composition was noted as mainly Sycamore, ash and Cherry with holly dominating the understorey. A near veteran yew tree was present centrally within the woodland. Holly creates dark conditions in the woodland understorey and therefore outcompetes broadleaf sapling establishment. The woodland has not been noticeably managed since the TPO was applied. Ash within the woodland is suffering from ash dieback and nearby woodland sites have seen mass felling to enable re-stocking.
- 6.8 The proposal would ultimately impact a large volume of the tree population of the site and visual amenity would be dramatically changed. Re-planting has been suggested by the advising arboricultural consultant, who has a background and understanding in woodland management.
- 6.9 A number of supporting representations have been received by users of the stables and local residents. Key comments have been included in this report. One of the representations is from a Vet and makes comments regarding the issue of poisoning.
- 6.10 The issue of horses consuming sycamore seeds is the only reason behind the application. No arboricultural justification has been put forward at this stage. A felling licence is considered necessary based on the volume of the felling proposed.

7 CONCLUSION

- 7.1 The felling of all sycamore trees across the site is in direct conflict with Council Policy and the objectives of the TPO. The proposal would therefore result in a detrimental loss in tree canopy cover, clearly meriting continued preservation under the TPO.
- 7.2 The issues raised are beyond the understanding of the Council's officers and require a broader understanding. The felling of all sycamore trees is considered to be a special consideration to address the conflict with the use of the site.
- 7.3 At this stage a balance must be found between the management of persevered trees of high amenity value and appeasing the concerns raised in the application. Members must therefore consider the evidence received so far and respond proportionately to the application.
- 7.4 Ultimately, the matter of seeds being wind dispersed and landing within the site is not something that can be prevented. Steps can only be taken to reduce the impact

of sycamore tree seeds on horse keeping and avoidance of digestion. The applicant has made a case of why sycamore is a major issue for the site use.

- 7.5 Taking into account the issues raised and the level of works proposed, consent in part is considered a reasonable response to begin thinning sycamore species across the site and ensure the objectives of preserving trees are defended. To prevent the loss of significant trees a condition needs to be applied to secure sufficient tree retention. Allowing thinning of all trees under 10cm diameter (measured at 1.5m above ground) would allow much of the smaller, teenage trees to be felled and allow for natural regeneration and re-stocking. This would have a negligible impact on the public amenity, whilst respecting the established trees.
- 7.6 Reduction of larger sycamore trees bordering the woodland block or the site boundaries may be justified, but further support would be necessary and such consent could not be extended in this decision.
- 7.7 The Council must go some way in supporting the use of the site and encourage woodland riding and enhancements of the stables/paddocks. In finding this balance, the above principle is outlined.
- 7.8 Members are recommended to consent in part to allow selective thinning to commence.
- 7.9 In response to the objection received, a degree of management can take place outside of this application. Woodland management principles included thinning operations and in this case selective thinning is acceptable within the limits specified in part.

The consent in part seeks to retain mature trees of public significance.

Further evidence and research is clearly necessary to support the issue of poisoning to an extent that would support largescale clear felling.

Hedging is to be planted between paddocks and along road boundaries. This will restore hedgerows and provide benefits of screening.

A business case of reducing the size of paddock areas is not understood. This would require further support from the applicant. The applicant has informed officers that the trees litter paddocks with falling debris for a large percentage of the available space.

Agreeably the proposal in the current form, would have a detrimental impact on the local landscape. The part consented works would reduce the impact, whilst appeasing the applicant's justification.

An enforcement case is still pending conclusion for the loss of a historic hedgerow bordering High Elms Road. This does not prevent the determination of this applications for the grounds submitted.

The Council can only retain control over planting within the site boundaries via the use of planning conditions. A condition has been listed to this effect.

RECOMMENDATION: CONSENT IN PART FOR

Consent in part to allow thinning of sycamore up to a maximum stem diameter of 10cm (measured at 1.5m above ground).

CONDITIONS

1. TL14 Tree Consent – Commencement

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

Reason: In order to comply with Policy 73 of the Bromley Local Plan and in the interest of good arboricultural practice and the visual amenities of the area.

2. Tree Planting (AG05)

- (i) Prior to commencement; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.
- (ii) All trees planting shall be carried out in accordance with those details and at those times.
- (iii) Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies 37, 73 and 74 of the Bromley Local Plan

REFUSAL FOR

Felling of all Sycamores of seed bearing maturity.

Reason:

The mass tree felling would be harmful to the character of the area and negates the objectives of the TPO and thus conflicting with Policies 73, 74 of The Bromley Local Plan (adopted January 2019), Policy G7 of The London Plan (adopted March 2021).

INFORMATIVES

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.
2. A felling licence is deemed necessary for this volume of tree felling. Applications should be lodged with the Forestry Commission.