

RICHARD BUXTON SOLICITORS

ENVIRONMENTAL, PLANNING & PUBLIC LAW

19B Victoria Street
Cambridge CB1 1JP

Tel: (01223) 328933

www.richardbuxton.co.uk
law@richardbuxton.co.uk

Southampton City Council
Civic Centre
Southampton SO14 7LY

Attn: Democratic Support Officer - ed.grimshaw@southampton.gov.uk

**Please pass Members of the Planning and Rights of Way Committee
For meeting on 23 June 2020**

21 June 2020

Dear Sirs

Marlhill Copse - 20/00067/TPO

We have been advising residents in relation to this which, following judicial review proceedings where it was accepted that the officer decision was unlawful, has resulted in the matter coming before committee. Our client and others are only interested in seeing a fair, lawful, decision made.

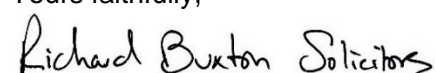
A tree expert Mark Carter has been instructed to review the papers and (although – remarkably, see OR Appendix 3 – not allowed by the airport to conduct a close inspection of the trees) he has reached unequivocal conclusions: agreeing with the Council's tree officer that T119 should be felled, but that T120 and T124 should not be felled on a "need" basis.

Your officer has now shifted his recommendation away from need (let alone urgency) to fell, to "good forestry practice" concluding that "the works do not fail to secure the maintenance of the special character of the woodland or the woodland character of the area". Our expert Mr Carter indeed concludes that permission to fell trees T120 and T124 could be given as part of "good forestry practice" eg. with the normal cycle of replacement planting. However, here it is surely the case that the Monterey pines are critical to "the special character" of this woodland. Your officer gives mixed messages about this: for example, paragraphs 96 and 97 of his report are at odds with his conclusion. We also note that this forestry justification was never suggested by the Airport's experts.

So, members must decide (a) who is right about the need to fell these trees (forestry practice notwithstanding) and (b) if there is (as Mr Carter advises) no need in relation to T120 and T124, how the trees fit with the special character of this woodland and whether that outweighs good forestry practice.

If Members are concerned about need to fell and have any technical doubts as to how the competing information is to be assessed, they must defer and take independent advice in order to take a lawful decision. We respectfully remind members that this is something that must be grappled with. We just cannot see how "good forestry" could rationally trump the significance of the trees in question to the special character of this woodland.

Yours faithfully,



Richard Buxton Solicitors
Environmental, Planning & Public Law