



Sheffield & Rotherham

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Dear Mr Eccleston

Re; Proposed felling of Chelsea Road Elm Tree, adjacent to 111 Union Road

Following the letter our solicitor, Lisa Foster (Richard Buxton Assoc.), and my subsequent letter to you (3rd July), I wish to update you as to our current position with regard to the above elm tree and associated butterfly colony.

Previous assurance from you confirmed that felling will not take place for at least 14 days and so it seems timely to review the situation.

Since our solicitor's letter to you, we have had a number of conversations and emails exchanges with SCC officers about both the elm tree and the butterfly colony, in particular with David Wain, Angus Hunter and Paul Billington, all of which has been greatly appreciated.

Obviously we would much prefer to avoid pursuing a Judicial Review, with the inevitable use of staff time and legal costs to both sides. We really wish to resolve this issue through discussion and mutual agreement. At present, we have the following outstanding concerns:

1. The Decision Making Process

The independent tree inspection reports have now both been shared with ourselves and the wider public, thank you for this.

We are still unclear as to why these were withheld alongside the ITPs advice. Nor why there was over a month's delay in issuing the decision to fell.

2. NERC 2006 s40 Duty to conserve biodiversity & s41 Priority Species in England eg White-letter Hairstreak Butterfly (*Satyrrium w-album*)

We have met with Angus Hunter and David Wain to discuss the butterfly mitigation plan this week. There are notes from that meeting that we have sent to Angus and David. In summary, at present there is no clear written plan, detail is lacking and so we look forward to seeing the detailed written plan in the very near future (and certainly prior to any works taking place on the elm tree).

Irrespective of the plan details, we would like to re-iterate that the best course of action to saving the butterfly colony is, in fact, not to fell the tree.

3. The Rationale of the Decision

We are still unclear as to how the ITPs recommendations and the independent arboriculture reports have led the Council to the conclusion that the tree is a safety risk, requires significant works and then felling. We have sent these concerns in an email to David Wain today.

The Council's own ecologists, the ITP and independent tree reports have all stated this tree is healthy and worth retaining. The Council has said it is a 'safety risk' and 'significantly diseased' but this is not the case. The tree inspection reports recommended the tree be '*managed as a free grown specimen subjecting it to crown reduction and thinning*' They refer to a 2m crown reduction not the half-1/3 reduction proposed. Following the removal of deadwood and crown reduction, '*the overall effect is to leave a reasonable balanced and aesthetically pleasing specimen*'.

Please can you provide a clearer justification for this course of action. It would help us if you could provide the methodology and classification criteria that must have accompanied the inspection reports.

If the tree is considered healthy then the main reason the Council can put forward to justify felling is the engineering solution proposals which have been estimated at £50k. However, as previously stated to the Save Nether Edge Street Tree Group, the Council agreed to a '*patch repair*' approach at this location that was affordable/potentially zero cost. Indeed, until the release of the Council's decision notice on 22nd June last week, we understood this was the intended course of action.

Please can you confirm that a low cost patch repair option was discussed with Paul Selby and agreed as a way forward.

Keeping the elm tree is the simplest approach to retaining the butterfly colony.

Whilst we are both continuing our discussions and considering our options in relation to the elm tree and butterfly colony, please can you confirm that no works will be undertaken on the tree including felling for the foreseeable future.

Regards,



Liz Ballard
Chief Executive