

FAO Hazel Irving

Stephen Hill

Arboricultural Officer

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29/05/26

Re: Application ref 2026-91228 – East Bierley Memorial Garden, South View Road, Bradford BD4 6PH

Proposal: Works to trees at East Bierley Memorial Garden (conservation area / TPO)

Dear Hazel,

I formally object to the above application and request that it be refused. The application is not supported by adequate arboricultural justification and rests on a material misidentification of the trees to which it purports to relate.

1. Material Misidentification by the Applicant

The application, submitted by David Hirst on behalf of the East Bierley Village Preservation Society, (EBVPS) requests branch reductions on "**4 sycamore trees**" along the boundary wall. **This is factually incorrect. The trees in question are the memorial lime trees (*Tilia* sp.), which are botanically distinct from sycamores in every season.**

This application, to the lay person, seems to be in support of recent/current development work, associated with planning applications 2020/94345 (and associated applications).

The Council should not treat this as a minor drafting error. The arboricultural survey prepared by Iain Tavendale F.Arbor.A. on 13 February 2020, relating to application 2020/94345, already correctly identified these four boundary trees (T1–T4) as mature limes and recommended "**No action at present**" for each. Lime trees (*Tilia* sp.) and sycamore (*Acer pseudoplatanus*) are visually and botanically distinct in every season — in leaf, bark, fruit and form — in ways that any qualified arboriculturalist or experienced tree officer would recognise without difficulty. **The Council should examine carefully**

the discrepancy between that survey and the description adopted in this application.

2. Zero Arboricultural Justification

The developer's 2020 survey classified these memorial limes as Category B2 trees—certifying them as a moderately high-quality landscape collective with a remaining life expectancy of at least 20 years. Most damningly, the expert's recommendation for every single one of these four trees was explicitly: "No action at present. Monitor". There is zero arboricultural need for this pruning.

3. Irreplaceable Public Health Infrastructure

The extent of lopping proposed could seriously damage these lime trees and reduce the density of the canopy and its benefits and so it limits the visual barrier the lime trees provide to the Memorial Gardens from the new development. As documented by urban ecologist Dr. Nadina Galle, "nature in cities is infrastructure—not amenity". Lime trees are among the most effective urban trees for public health, known to reduce local air temperatures by up to 3.5°C and improve Human Thermal Comfort significantly more than other common species. Furthermore, unlike sycamores, lime blossoms serve as crucial summer resources for urban pollinators. A single mature tree with a robust crown delivers the health benefits of ten young trees. Unjustified canopy reduction destroys decades of ecological investment that cannot be recovered within any planning-relevant timeframe.

4. Legal Invalidity and Precluded Common Law Rights

Because the application specifically seeks works on "**sycamores**", any consent granted cannot legally apply to the memorial limes. Furthermore, the developer cannot lawfully rely on the common law right to "abate a nuisance" to trim these overhanging branches. As established in *Perrin v Northampton Borough Council*, the simple overhanging of branches does not constitute an "actionable nuisance". The law requires that alternative engineering solutions must be considered before operating on a protected tree.

5. Strict Liability and Proceeds of Crime Act

There are real concerns that works may have already been carried out to the memorial lime trees without specific consent, see my earlier emails on this matter, incl . 3rd July 2025 and 6 Nov 2025, :



If pruning or cutting has already taken place to those trees in connection with adjacent development, that would appear to fall outside the scope of this application, **(which is limited on its face to four sycamores at the rear boundary)**. That issue strengthens, rather than weakens, the case for refusal, because the present application should not be used to blur the distinction between the rear-boundary sycamores and the memorial limes.

The memorial lime trees have substantial amenity, historic and communal value. They contribute to the setting of the war memorial, provide screening, and should not be subjected to incremental or poorly defined works through an application that does not accurately identify them.

Those trees are not generic amenity planting. Lime trees (*Tilia*) are among the most effective urban trees known to science for cooling, air quality, and public health. Scientific research confirms that *Tilia cordata* can reduce air temperature by up to 3.5°C

during daylight hours, and that Human Thermal Comfort improves by 11°C under a large-crowned lime — nearly three times the benefit delivered by other commonly planted urban species (Rahman, 2022; ScienceDirect, 2017). A City of Toronto study found that a mature large-canopy tree intercepts ten times as much air pollution, stores up to ninety times more carbon, and has a leaf area up to one hundred times larger than a young sapling. Each tree intercepts between 500 and 760 gallons of rainfall annually, providing stormwater management that no young replacement could replicate. The lime blossom is also one of the most important summer pollinator resources in the urban environment, supporting bees, butterflies and other invertebrates at the precise moment when other nectar sources are scarcest. At approximately up to 13.5 metres in height with large, established canopies, the memorial trees are operating at peak ecological performance. Their value is not notional — it is measurable, specific, and irreplaceable within any planning-relevant timeframe. As Dr Nadina Galle documents in *The Nature of Our Cities* (HarperCollins, 2024), “nature in cities is infrastructure — not amenity”: trees of this scale cool streets, filter air, manage floods and extend lives. Any reduction in canopy through poorly defined or unauthorised works directly diminishes all of those functions for the East Bierley community.

Accordingly, this application should be refused because:

- It identifies only four sycamores on the rear boundary, not the memorial lime trees.
- The submitted plan and photographs support only branch reduction works to those sycamores.
- It fails to provide a clear, accurate and legally reliable description of any proposed works to the memorial limes.
- It provides no proper arboricultural justification for works to the memorial lime trees.
- Any works already undertaken to the memorial limes appear to be outside the scope of this application and should be investigated separately.
- It fails to give proper weight to the substantial and quantifiable public benefit delivered by the memorial lime trees at their current scale — including air temperature reduction of up to 3.5°C, ten times the pollution interception of a young sapling, and annual stormwater interception of 500–760 gallons per tree — none of which can be replicated by replacement planting within any planning-relevant timeframe.
- It rests on an identification — sycamore — that the applicant’s own arboricultural report had already corrected. Had the trees been sycamore, their ecological credentials, while useful, would not match those of the memorial limes: *Tilia* species deliver measurably superior Human Thermal Comfort (11°C improvement, nearly three times that of other commonly planted urban

species), have been found to be outstanding heavy-metal bioaccumulators in peer-reviewed studies, and provide nectar-rich blossom that sycamore does not.

The misidentification therefore matters not only in legal terms but in ecological ones: approving this application as drafted would allow the Council to act on a materially inaccurate description of the trees' identity and value.

I therefore ask the Council to refuse application 2026-91228, confirm that it does not grant or imply any consent for works to the memorial lime trees, and investigate any unauthorised works already carried out to those trees.