

P-04-658 The Brimmon Oak. Correspondence from the Petitioner to the Clerking Team 01.12.15

To all concerned

My aim is to safeguard an ancient oak tree that my family have cared for since the 1600s and is under serious threat from the construction of the Newtown Bypass.

The ancient oak tree that is situated extremely close in proximity of the scheme with the markers just 3.5 m from the tree trunk. On my tree report it states.

The arboricultural impact is high if the current GPS markers for the bypass edge are retained in their location. The proposed edge of the bypass is currently approximately 3.5m from the tree trunk of this veteran tree. This would infringe on the current BS5837.. 2012 recommendations and sever crucial anchorage and feeder roots. The BS5837..2012 recommends a 15m radius from the trunk as RPA for any tree with a stem diameter over 1250+mm.

The calculations for this would have to be imputed onto a scale tree protection plan if this implemented, along with identifying tree protection physical barriers. Also it would be required to provide an arboricultural method statement and site monitoring by the arborist.

It must be noted that i am not in receipt of any further information from the authority planning this work with regards to firstly original tree surveys and ecology surveys mitigating the loss of trees removed with tree planting and habitat areas .Secondly the site specification of embankments drainage pipes etc. I am giving my professional opinion on this one veteran tree and the current location of the planned route as to the effects on its future health. In my opinion where such trees of this nature are to be retained. Particular care should be taken in the design to accommodate them in a setting that aids their long term retention. The current plans proposed would cause irreversible root damage to this veteran tree. This professional information was taken from my tree report by Mathew Owen FDS Sc Arboriculture.

After the public inquiry i had a site visit at the tree and they told me they planned to do advanced geo -technical engineering to protect the roots. I made it clear that i want to save this tree not risk losing it and if it says 15m ring fence around the tree that's what it should be. That's working to BS5837 and these days we all have to work to British standards. These days, the GPS markers are just 3.5m from the tree trunk, not the 15m to British standards. I will enclose a few photos to highlight the issue.

Thanks for listening.

Kind regards

Mervyn Jones

P-04-658 The Brimmon Oak. Correspondence from the Petitioner to the Clerking Team 02.12.15

e-Petition – The Brimmon Oak 4,731 signatories

The Brimmon Oak, Lower Brimmon Farm, Newtown, Powys

The Brimmon Oak e-Petition has seen phenomenal interest and sign up from... Powys; Wales; the United Kingdom; Europe, and in fact from right around the globe. For example the last signatory to the petition was a Ms McCarty from Charleston, West Virginia, USA. The world is watching WALES!

Nearly 5,000 individuals have taken the time – even though there is a plethora of petitions that want us to sign up to these days – to show their support for the retention and proper protection of this ancient Welsh Oak tree, as recommended by the Welsh Assembly Governments (WAG) own commissioned arboricultural report. This is an obvious demonstration of the heartfelt belief that this culturally significant oak tree should be given space to grow on for another 500 years and continue providing habitat and ecosystem services for its many natural residents, whilst at the same time enhancing the locality and region .

The Brimmon Oak petition now gives the WAG the OPPORTUNITY to show just how forward thinking and caring it is for its arboreal gems of the countryside. In fact, it will demonstrate just how it will move forward with regards to economics, balanced up with the protection of natural landscapes and how they can bring many benefits to Wales, including what we like to call #TreeTourism.

For example, many people right across Europe now know that Wales has some exceptional ancient trees through work that I, along with Coed Cadw have done in the last few years. In 2014 I was asked to choose a last minute, first ever, Welsh tree entry (for Coed Cadw), to go forward into the European Tree of the Year (ETOTY) contest. I chose a very special tree. *'The Oak at the Gate of the Dead'* near Chirk is now a TV star in its own right, appearing with

myself and Julia Bradbury on BBC Countryfile along with many other TV news items.

Similarly the '*Lonely Tree*' at Llanfyllin was another tree that I was heavily involved with from the minute it sadly blew down in 2013. As you should know, it later went on to win Welsh Tree of the Year 2014 and do very well at a European level in ETOTY 2015 contest. Llanfyllin Council even published a book on the tree and if you ask them what it did for the town, I am sure that unanimously, they will confirm it brought significant economic benefit and prestige to the town and area.

#TreeTourism, along with nature tourism is increasing year on year right across Europe. Last February I visited all fourteen trees entered into the 2015 contest. There was great deal of media interest with each tree I visited. At the end of the trip I had performed around 30 tv/radio/newspaper interviews. These events are helping lead the way in re-generating many rural areas where residents are struggling to find employment and purpose.

Having hosted the European Tree 2014 award ceremony in the EU Parliament Brussels myself, I know intimately just how much good for an individual area can be gained from such events. Of course I may be guilty of more promotion of the Welsh trees at these glittering events than other contenders!

The Brimmon Oak WILL be nominated next year as a contender in the Welsh Tree of the Year 2016. I have a feeling that it could do very well and even win this contest and go on to the ETOTY 2017. If the WAG do take this opportunity to protect the Oak tree properly along with several more imaginative ideas discussed in the conclusion below, then I see no reason why the **Brimmon Oak could not become the European Tree of the Year 2017. Now imagine that!**

European Legislation...If you will excuse me plagiarising the text below from ithe...

The European Landscape Convention (ELC) *is the first international convention to focus specifically on landscape. It is dedicated exclusively to the protection, management and planning of all landscapes in Europe. The Convention was signed by the UK government on 24th February 2006, ratified on the 21st November 2006, and became binding in this country on 1st March 2007.*

The ELC provides a people-centred and forward-looking way to reconcile environmental management with the socio-economic challenges of the 21st century and to help people and communities to re-connect with place.
(This is absolutely pertinent to the Brimmon Oak case.)

The active participation of citizens in decision-making processes is vital. 'Landscape' should not be the exclusive preserve of specialist scientific and technical bodies. When members of the public are able to take responsibility for what happens in the landscape and influence on their surroundings, they can reinforce local/ regional identity and distinctiveness, leading to greater individual, social and cultural fulfilment.

The Convention embodies a concern for sustainable development as expressed at the Rio de Janeiro conference. Landscape is essential in balancing the preservation of natural and cultural heritage as a reflection of European identity and diversity, and use as an economic resource

Every landscape forms the setting for the lives of a local population, and the quality of those landscapes affects everyone's lives. The Convention does not confine itself to cultural or man-made landscape elements alone, but to all elements and their interconnections.

Contracting Parties undertake to:

- recognise landscapes in law
- establish and implement landscape protection, management and planning policies
- establish procedures for public participation

Specific actions are also set out within the ELC:

- campaigns to raise awareness amongst the public, elected representatives and associations of the value of present and future landscapes
- provision of high-quality specialist training in landscape appraisal and landscape operations, and multidisciplinary training in landscape matters
- identification and evaluation of landscapes, based on characteristics, evolutionary processes, and perceptions of the population concerned
- setting of landscape quality objectives, in consultation with the public and all relevant interests
- introduction of specific legal, administrative, fiscal or financial instruments to protect, manage and plan landscapes within the agreed policy context.

Obviously, the WAG paid for an independent arboricultural survey for the Brimmon Oak, in line with the need to adhere to the ELC & Aarhus Conventions. They now need to abide by the report's recommendations with reference to the British Standard.

BS5837: 2012 Trees in relation to design, demolition and construction

The Aarhus Convention is a new kind of environmental agreement. The Convention:

- *Links environmental rights and human rights*
- *Acknowledges that we owe an obligation to future generations*
- *Establishes that sustainable development can be achieved only through the involvement of all stakeholders*
- *Links government accountability and environmental protection*
- *Focuses on interactions between the public and public authorities in a democratic context.*

The subject of the Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency and responsiveness.

The Aarhus Convention grants the public rights and imposes on Parties and public authorities obligations regarding access to information and public participation and access to justice.

The Aarhus Convention is also forging a new process for public participation in the negotiation and implementation of international agreements.

Source: United Nations Economic Committee for Europe (UNECE)

<http://www.unece.org/env/pp/introduction.html>

It is of course legally binding to member states.

Conclusion:

Forest, woodlands, trees, and especially Ancient Trees, can now play a significant role in the battle to mitigate climate change. They have a greater need than ever to be retained and protected. Only this last week, world leaders at last made some much needed progress on climate change in Paris at the COP21 meeting.

It can clearly be seen from the numbers signing up to the petition, and the new historical/cultural associations that have come to light since the public enquiry, that it may well be considered that not enough time or effort was actually given over to fulfilling the requirements of the European Landscape Convention along with the Aarhus Convention.

The Brimmon Oak presents an obvious and sensible opportunity to show the world that Wales is actually at the forefront of planning a world that is fit for our children, their children and many future generations to come.

The slight moving of the road, – in line with WAGS's own arboricultural report recommendations, whilst we are still at the planning stage – will

hopefully facilitate the tree to live on and be appreciated for another 500 years, whilst also enabling the much needed bypass to go ahead.

Perhaps we can be the first country in the world to actually name a bypass after a historical tree...'**The Newtown Brimmon Oak Bypass**'...lined with many hundreds of Brimmon Oak saplings. Now that truly would show Wales on a world stage, as forward thinking and innovative, a great place to visit for sure.

I do hope that you take this amazing opportunity, thank you for taking the time to consider this petition.

Rob McBride