

TOLLESHUNT KNIGHTS PARISH COUNCIL

Response to 26/00201/WTPO – T1 -T3. Felling of oak trees, Recreation ground Tolleshunt Knights

29.4.2026

This application concerns a claim by Tolleshunt Knights Village Hall Management Committee and its insurer against Tolleshunt Knights Parish Council (owners of the three protected oak trees) that the trees have caused subsidence of the Hall and should therefore be felled.

The Parish Council **objects** to the above application for the following reasons:

The oak trees as the cause of the subsidence of the Village Hall

Of the reports made available to it by the Village Hall Management Committee's insurers the Parish Council is not confident that sufficient evidence is given that it is the oak trees that are the sole cause of the subsidence of the Village Hall. Overall it feels that proximity is the only basis on which the oak trees are implicated. Movement is likely to be influenced by a number of other factors and the decision made by the Village Hall Management Committee's insurers to attribute responsibility primarily to the oak trees is questioned.

The Parish Council shares the views of Place Services, Maldon District Council's arboricultural consultants, that the application has not provided sufficient evidence to warrant the TPOs being lifted and the oak trees being felled.

The Parish Council has always maintained that an independent expert evaluation by an engineer/surveyor should be undertaken to ascertain the role of the oaks in the subsidence of the Hall. We feel that this is especially important as Clear Councils (insurers for the Parish Council) and Ecclesiastical (insurers for the Village Hall Management Committee) formed a new partnership in December 2024. The Parish Council strongly feels that Maldon District Council should call for such a robust independent survey before it makes its decision on this contentious application.

The three oak trees significantly predate the whole construction of the Hall. This should have been noted at the time of the original application and used to inform Maldon District Council's decision on the suitability of the site for such a building. It is felt that this lack of attention to detail has led to the current difficult situation. In October of 2021 David Hessian of Quadra Claims Services Limited noted that a report by Smithers Purslow mentioned movement of the internal floor slab of the Hall, with the suggestion that the floor slab may have moved on account of it being supported off a clay board. It was also mentioned that until now it had been understood that the movement was to the external walls, and the combined effects of the leaking drains and nearby trees were considered to be the cause. However it now appeared that more recent movement of the floor was the result of a different cause, and it may be that such movement is causing the cracking to the superstructure and the trees are not implicated. Furthermore the Parish Council's insurers received an opinion from Geobear on 11/11/24 in which it was suggested that the Village Hall was clearly erected without properly designed foundations given its close proximity to the existing trees. The floor slab is 200 millimetres thick and ground bearing, with no apparent reinforcement and not suitable for such a large building.

These conflicting comments gave rise to the Parish Council's concerns that there is no conclusive evidence to support the idea that the oak trees are solely responsible for the subsidence of the Hall.

Amenity value of the oak trees

These fine examples of fully mature oak trees are of great amenity value, significantly enhancing the rural charm and character of the playing field and the Village Hall. Their age has been calculated as between 150 -200 years (using circumference of the trunk as noted in arboricultural reports and conversion tables by The Woodlands Trust). They are highly valued by the many users of the playing field, as can be witnessed by the public outcry and considerable media attention in the summer of 2024 (press and BBC radio and TV) which arose when the felling of the trees was first put forward. A meeting to discuss the current application was also attended by a large number of concerned residents. The loss of these irreplaceable environmental assets would have a devastating impact on the rural scene and character of the Hall and playing field.

The importance of the trees as a wildlife habitat.

Mature oak trees of this age each provide a rich and varied habitat for many species of wildlife and it has been calculated that “A large mature oak can support over 2,300 different species of wildlife. Acting as a key ecosystem, a single oak provides food, shelter and breeding sites for a massive diversity of invertebrates, birds, mammals, fungi and lichens, with hundreds of these species relying solely or heavily on the tree.” (The Woodland Trust).

Furthermore, due to their ability to capture carbon in their dense foliage they are also a precious weapon in the fight against climate change.

The species linked to these oak trees includes bats, and the Parish Council commissioned a bat survey by Hybrid Ecology Ltd in September 2024 which reported the potential for multiple roosting bats. The company recommended that further surveys should be carried out in the following spring to ascertain the presence of breeding bats, or in the event that the trees are to be felled. **We note that the applicant has not conducted any further bat surveys but it is important to recognise that bats are protected by law and this should therefore be done before any decision to fell is made.** Protection of the natural environment should be a priority when dealing with any application to fell these trees, as their loss would destroy three vitally important and irreplaceable habitats for wildlife. The Parish Council is also concerned at the timing of this application, coming as it does at the beginning of the bird nesting season.

Lack of information about the this application on its initial publication

The Parish Council is concerned at the lack of information given when the current application was originally published on 30.3.2026. Until only a few days prior to the closing date for responses there was no supporting information shown on the Maldon District Council website other than the name of the applicant. Interested parties and member of the public therefore had no basis on which to inform their response. Nor was any recent information given by the Village Hall Management Committee’s insurers to the Parish Council in any way since the beginning of 2026.

Alternatives to felling the oak trees other than the name of the applicant

The Parish Council is concerned that if the trees are felled, the shrinking of the clay caused by the dying roots of the trees will in fact cause a greater problem of heave in the Hall. Following the felling of the ash trees outside the Hall some years ago it was noted that the floor raised considerably along the line of the tree's growth. Other authorities have documented that the felling of trees can cause greater problems. Smith Purslow in their report of 21.2.2022 on the Hall subsidence noted that "There is also the possibility that the mainframe of the Hall could suffer heave movement if vegetation is removed." The Parish Council does not wish to see the trees removed due to insufficient evidence if it does not lead to a solution to this matter.

Other measures which could be taken

We do not believe that the claimant's insurers have fully or seriously considered alternatives to felling the trees to prevent further subsidence, or indeed to fund such measures. The Parish Council investigated root barriers which were unfortunately outside its financial capacity. Other measures were put forward following a visit to the Hall by the Council's insurance Tree Root Liability Specialist but we have seen no evidence that these were seriously considered by the claimant's insurers.

Summary

Given the above the Parish Council **objects** to this application and asks that Maldon District Council does not permit the felling of the trees until a thorough independent survey by a structural engineer shows more conclusively how much the trees are implicated in the subsidence of the Hall.

This application has caused considerable concern with many residents attending a recent meeting to discuss the issue, and the public must feel confident that any decision is reached by carefully and thoroughly taking into account as much evidence as possible.

V M Banyard

Parish clerk