

Addendum

LA01/2023/0979/WPT

1.0 Update

1.1 Further information was submitted by the applicant, DFI Roads, on 20th and 23rd October 2023. The Addendum provides Members with an update on ongoing discussions between DfI and stakeholders and potential implications for the current Consent to Works application.

Information Provided by DfI

1.2 This information advised that DfI received correspondence in October 2022 claiming that the trees on Bregagh Road (the Dark Hedges) posed a risk to the public, at which point the Department commissioned an Arboriculturist's report, and shared its results with The Dark Hedges Preservation Trust (DHPT) and the landowners. DfI has advised there has been engagement between it, DHPT and landowners throughout in the form of correspondence and meetings.

1.3 DfI confirmed its intention to carry out works to the trees in June 2023 by serving a Formal Notice, in accordance with the Roads (Northern Ireland) Order 1993, on the three landowners, to address the issue of public safety. Shortly after the notice was issued, the Department received confirmation that an independent tree survey had been commissioned by Causeway Coast & Glens Heritage Trust (CCGHT) on behalf of DHPT. DfI requested that this second report be shared with it. The Department submitted an application for Consent to Works to TPO trees to the Council on 25th September 2023 to progress the required works.

- 1.4 Dfl is conscious that the autumn season tends to have windier and more unsettled weather, and wrote to DHPT and the landowners to inform them of its intention to proceed with the works to fell the 11 trees (6 TPO trees, and 5 non-TPO trees). At this stage CCGHT shared the second report with the Department.
- 1.5 A meeting took place between Dfl Roads, CCGHT and DHPT on 18th October 2023, where the potential to carry out a hybrid approach between the two reports to lessen the impact and reduce the risk was discussed. As a consequence, Dfl is now currently considering the possibility of felling only 5 of the 11 trees (one of which, no 24, is a TPO tree) originally identified in its Arboriculturist's report that accompanied the Consent to Works to Protected Trees application. Works to the remaining 6 trees would be carried out in accordance with the CCGHT second report. However, these proposed works are dependent on further discussions and agreement between Dfl, PHPT, CCGHT and the landowners. The Council has not received this second Arboriculturist's report.

Clarification by Dfl of Planning Committee Report on the Extent of Proposed Works to Trees

- 1.6 Dfl has also sought to clarify comments in Section 3 of the Planning Committee report that refers to the carrying out remedial works to the remaining trees and has advised that Dfl would not be undertaking the remedial works, as these do not fall within its statutory role. Dfl's plan is to mitigate the risk posed by the dangerous trees only, and it would then be up to the CCGHT, DHPT and landowners to carry out all the recommended remedial works, etc, as part of their own Tree Management Plan.

Dfl Current Position

- 1.7 Dfl has confirmed its current position remains to fell the 6 TPO trees which are deemed to pose a risk to the public, as outlined in the TPO application (with 11 trees felled in total), with works scheduled to commence in the coming weeks. However, if Dfl receives satisfactory confirmation and commitment, as outlined in

paragraph 1.6 above, then the proposed works will be limited to the felling of 1 TPO tree (5 trees in total) and the carrying out of remedial works to the remaining 5 TPO trees (6 trees in total), again in the coming weeks.

Works to the Other TPO Trees at the Dark Hedges

- 1.8 There are another 43 TPO trees at the site, which do not form part of the current application. A new Request for Consent application would be required for proposed remedial works to these trees, and this would come forward from the landowners, the DHPT or CCGHT, or a combination of these parties, as it is not the responsibility of DfI to undertake this work and it does not form part of the current application.

Update on the Committee Report Options and Recommendation

- 1.9 The original Planning Committee report presented two options to Members, and the principle of both remain valid. This addendum has provided Members with an update on the current situation with regard to the identified 6 trees that are subject to the TPO designation originally requested for felling, and that the situation is still evolving. It should be noted that a revised schedule of works may come forward, as outlined in the above paragraphs, subject to the outcome of ongoing dialogue between the stakeholders. However, DfI has indicated its intention to commence works to fell the identified trees that pose a risk to public safety in the coming weeks.
- 1.10 The two options presented to Members in the Planning Committee report remain appropriate.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and consider the Two Options presented in the Planning Committee report.