

# CARLISLE CITY COUNCIL

**Report to:-** **Development Control Committee**

**Date of Meeting:-** 9 November 2012

**Agenda Item No:-**  
**ED 32/12**

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**Public**

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**Title:-** **CONFIRMATION OF TREE PRESERVATION ORDER 260**

**Report of:-** **Director of Economic Development**

**Report reference:-**

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## **Summary:-**

This report considers the confirmation of Tree Preservation Order 260 Westwood, Station Road, Brampton, and objections to the making of the tree preservation order.

## **Recommendation:-**

Tree Preservation Order 260 is confirmed.

**Contact Officer:** Charles Bennett

**Ext:** 7535

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: The Town and Country Planning Act 1990; DETR Tree Preservation Orders A Guide to the Law and Good Practice**

## **1. BACKGROUND INFORMATION AND OPTIONS**

- 1.1 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a Tree Preservation Order if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. The Department of Environment Transport and the Regions document, “Tree Preservation Orders A Guide to the Law and Good Practice” advises that “Tree Preservation Orders should be used to protect selected trees and woodland if their removal would have a significant local impact on the environment and its enjoyment by the public”.
- 1.2 Westwood, Station Road, Brampton is within the Brampton Conservation Area. Under the Town and Country Planning Act 1990 s211 anyone proposing to cut down or carry out work to a tree in a conservation area is required to give the Local Planning Authority six weeks prior notice. The purpose of this requirement is to give the Local Planning Authority an opportunity to consider whether a tree preservation order should be made in respect of the tree.
- 1.3 On the 3 April 2012 an Officer visited Westwood accompanied by the Owner to discuss works to the trees. At this meeting two trees at the entrance to Westwood were identified as immediately dangerous due to extensive decay, and have since been removed. Works to other trees was discussed and the process of notifying the Local Planning Authority explained.
- 1.4 On the 14 June 2012 a notification of intention to carry out works to nine trees, along with supporting information was received by the Local Planning Authority. On receipt of a notification to work on trees protected by virtue of their location within a conservation area the Local Planning Authority has three options.
  - (i) Make a tree preservation order if justified in the interests of amenity. The proposed tree works would then have to be the subject of a formal application under the tree preservation order.
  - (ii) Decide not to make a tree preservation order and allow the six week period to expire, at which point the works may go ahead as long as it is carried out within two years from the date of the notice.
  - (iii) Decide not to make a tree preservation order and inform the applicant the work can go ahead.
- 1.5 On the 8 August 2012 an Officer visited Westwood to assess the proposed works to the trees, and to determine if a tree preservation order was appropriate. The trees that were the subject of the notification, along with other trees at the front of the property were assessed using the Tree Evaluation Method for Preservation Orders.

The reason for assessing all the trees at the front of the property as well as the trees that are the subject of the notification was to ensure that there will be one consistent method of determining work to these trees at this property, and to avoid the potential for having to make multiple tree preservation orders in respect of one property.

- 1.6 The Tree Evaluation Method for Preservation Orders is a means of objectively assessing the suitability of trees for protection. Of the nine trees that were subject to the notification seven had scores that indicated they were worthy of protection by means of a tree preservation order. Of the other trees at the front of the property eight had scores that indicated they were worthy of protection.
- 1.7 On the 9 August 2012 Carlisle City Council made Tree Preservation Order 260 Westwood, Station Road, Brampton. The Order was served on the Owners of Westfield, those persons interested in the land affected by the Order, and on the person who served the notification of intention. A copy of the tree preservation order plan and the statement of reasons are attached hereto at Appendix 1.
- 1.8 On the 4 September 2012 Carlisle City Council received a letter of objection from the Owners of Westwood to the making of the tree preservation order in respect of seven trees. Officers replied to the objection on the 11 September 2011. The letter of objection along with the relevant supporting information provided in the report by Mr William Robb, and the Officers reply are attached hereto at Appendix 2.
- 1.9 The objections can be summarised as follows
  - (i) The trees are a potential danger and parts of or the whole tree could fail during high winds; and
  - (ii) the proposed works will not have an impact on the visual amenity of the conservation area; and
  - (iii) the pruning of the trees will ensure the retention of the trees; and
  - (iv) in respect of T5 it is dangerous and therefore exempt from the need to apply for consent to carry out works to it.
- 1.10 Officers response to the objections can be summarised as follows
  - (i) It is not appropriate to fell or prune trees because they might, could, or have the potential to fail in high winds. Where there is an evidenced risk this should be managed in an appropriate way; and
  - (ii) A crown reduction would produce a tree with an unnatural truncated form, and this would be detrimental to the amenity of the area and the health of the tree. Other pruning works might be appropriate; and
  - (iii) pruning trees that are already in decline will not improve their health; and

(iv) the exemption relating to dangerous trees has been replaced by an exemption relating to work that is urgently required to remove an immediate risk of serious harm.

1.11 Members should note that the numbering of the trees in the report by Mr William Robb does not match the numbering of the trees in the tree preservation order.

1.12 Having duly considered the objections and Officers observations Members have three options

(1) Confirm the tree preservation order, that is make it permanent without modification; or

(ii) decline to confirm the tree preservation order; or

(iii) confirm the tree preservation order with modifications, that is make the tree preservation order permanent in relation to some of the trees specified in the order, but to exclude other trees from the order.

## **2. CONSULTATION**

2.1 The Owners of the affected property, the person who served the notice to prune the trees, and all those with an interest in the land were sent copies of the tree preservation order. A covering letter was enclosed explaining how to make representations to the Local Planning Authority. Also a site notice was placed in a prominent position at Westwood advising how to make representations about the making of the tree preservation order.

## **3. RECOMMENDATIONS**

3.1 Tree Preservation Orders 260 Westwood, Station Road, Brampton be confirmed without modification.

## **4. REASONS FOR RECOMMENDATIONS**

4.1 The Tree Preservation Order will ensure the continuity of the visual amenity provided by the trees, and ensure their replacement when removal is necessary.

## **5. IMPLICATIONS**

- Staffing/Resources – None
- Financial – Compensation maybe payable if a person establishes that loss or damage has been caused or occurred in consequence of the refusal of consent, the grant of consent subject to conditions, or the refusal of consent, subject to the restrictions and

exemptions set out in The Town and Country Planning (Tree Preservation)(England) Regulations 2012. Necessary works to the trees will not be refused, so it is not envisaged that a claim for compensation will occur.

- Legal – The validity of the tree preservation order cannot be challenged in any legal proceedings except by way of application to the High Court. An application must be made within six weeks from the date of the confirmation of the tree preservation order.
- Corporate – None
- Risk Management – None
- Equality and Disability – None
- Environmental – The tree preservation order will ensure that the trees continue to provide a significant degree of amenity to the conservation area public's and its enjoyment by the public.
- Crime and Disorder – None
- Impact on Customers – Whilst an application to carry out works to the protected trees will be required, applications for appropriate works will not be unduly refused. There is no cost implication to the customer in making an application to work on the trees.

## Impact assessments

**Does the change have an impact on the following?**

<b>Equality Impact Screening</b>	<b>Impact Yes/No?</b>	<b>Is the impact positive or negative?</b>
Does the policy/service impact on the following?		
Age	<b>No</b>	
Disability	<b>No</b>	
Race	<b>No</b>	
Gender/ Transgender	<b>No</b>	
Sexual Orientation	<b>No</b>	
Religion or belief	<b>No</b>	
Human Rights	<b>Yes</b>	<b>Negative</b>
Health inequalities	<b>No</b>	
Rurality	<b>No</b>	

**If you consider there is either no impact or no negative impact, please give reasons:**

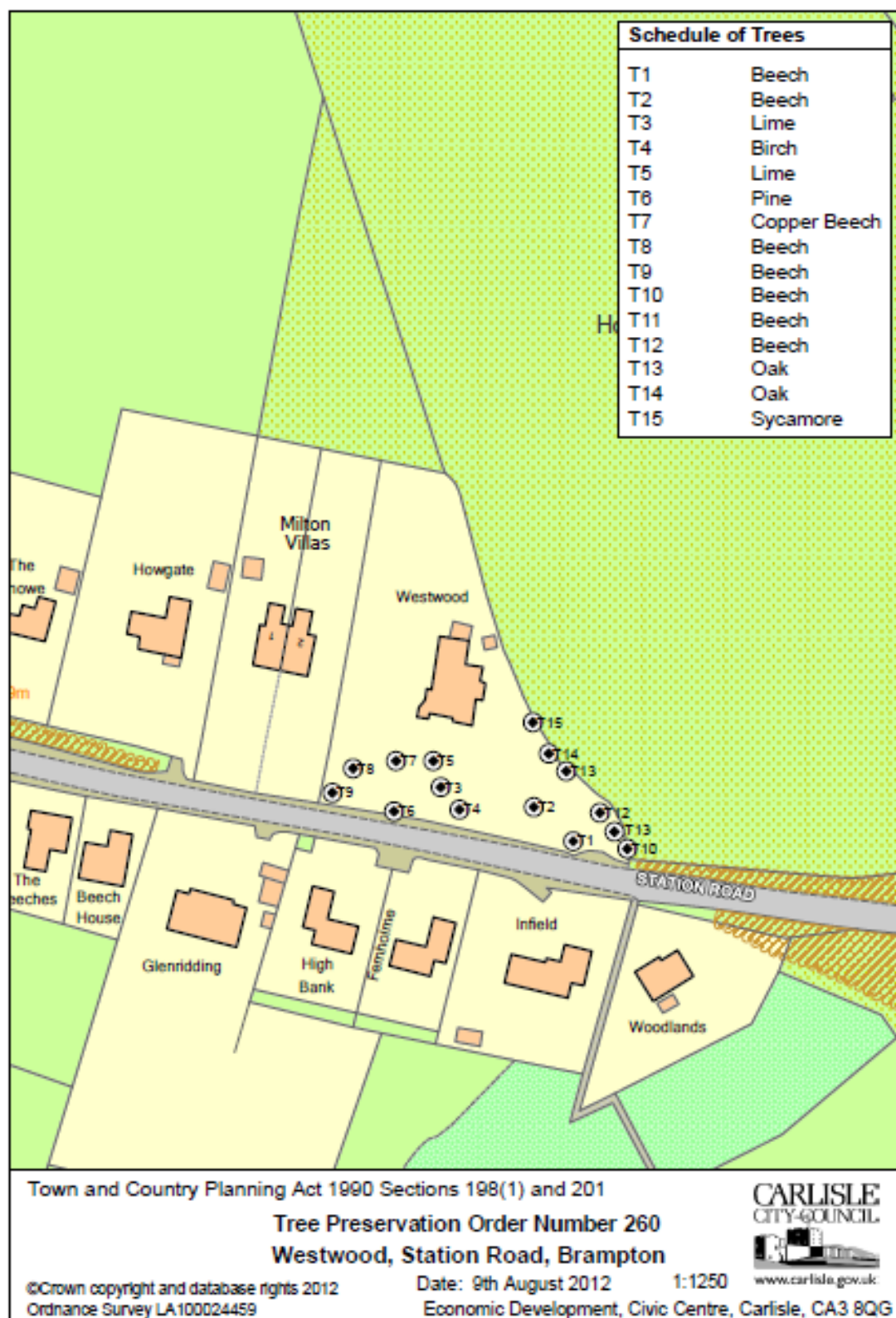
The proposed tree preservation order has the potential to affect the immediate environment and residents in the vicinity as opposed to a particular sector of society.

This Tree Preservation Order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including local residents, who have made representations, have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. In taking account of all material considerations, including Council policy it is considered that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the Tree Preservation Order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**If an equality Impact is necessary, please contact the P&P team**

## TPO PLAN &amp; STATEMENT OF REASONS



# TREE PRESERVATION ORDER NO. 260 WESTWOOD, STATION ROAD, BRAMPTON, CARLISLE, CUMBRIA

## STATEMENT OF REASONS

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity to make provision for the protection of trees and woodlands in its area.

The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

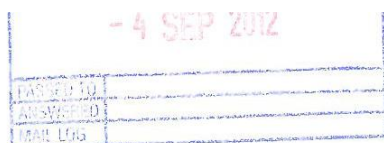
The trees, by virtue of their size and location are clearly visible to the public from Station Road, and are a significant element in the well treed character of the Brampton Conservation Area.

A number of trees on the site have been the subject of a conservation area notice of intention to prune or remove them, to the detriment of the character of the area.

It is considered that the loss and inappropriate pruning of these trees would have a detrimental impact on the area and its enjoyment by the public. Therefore to ensure the continuation of the visual amenity that the trees provide the Council of the City of Carlisle considers it expedient in the interests of amenity to protect the trees by means of a Tree Preservation Order.



**LETTER OF OBJECTION, RELEVANT EXTRACTS FROM THE TREE REPORT AND  
OFFICERS REPLY TO THE LETTER OF OBJECTION**



Richard Innes and Lynn Stevenson  
Westwood  
Station Road  
Brampton  
Carlisle  
Cumbria  
CA8 1EX

M D Lambert  
Director of Governance  
Civic Centre  
Carlisle  
CA3 8QG

PLANNING SERVICES	
REF	
04 SEP 2012	
RECORDED	
SCANNED	
PASSED TO	
ACTION	

3<sup>rd</sup> September 2012  
Your ref: PG3/183 TPO 260

Dear Mr Lambert

**Note of Objection  
Tree Preservation Order 2012 No 260**

We acknowledge receipt of the City of Carlisle (Westwood, Station Road, Brampton, Carlisle) Tree Preservation Order 2012 No 260 dated 9 August 2012 ("the Order"). In accordance with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 ("the Regulations") we submit this note of objections and submissions. The tree numbering referred to below corresponds to both the Order and the Tree Report prepared by William Robb dated 19 May 2012 ("the Report").

T1: We object to the refusal of authority to reduce the crown of this tree by two metres. As can be seen in the Report there are numerous branches that overhang the adjacent road. There is a danger that these branches could break in high winds and fall to the road thus endangering the public. To mitigate against this danger the Report recommends reducing the crown of this tree by two metres. This will achieve a reduction of 'crown sail'; which essentially means the branches will not be as susceptible to being damaged by the wind.

The reason for refusal of permission stated in the Order is to prevent 'inappropriate pruning' that 'would have a detrimental impact on the area and its enjoyment by the public' ("the Reasons"). The stated aim of the Order is to 'ensure the continuation of the visual amenity that the trees provide' ("the Aim").

We believe that the proposed reduction does not conflict with either the Reasons or the Aim of the Order. We object to the proposed reduction being classed as 'inappropriate pruning'. The purpose of the proposed reduction is to mitigate against the risk of damage being occasioned to the tree by high winds and to protect the public from potential danger.

Further, the proposed reduction is, as stated in the Report, a 'sensitive crown reduction'. We are only proposing a reduction of two metres of a tree that stands at least 25 metres high. We do not think that such a minimal reduction can reasonably be described as 'having a detrimental impact on the area'. In addition it would not materially interfere with the public's continued enjoyment of the visual amenity; rather it would help to protect the tree and the public from potential damage.

For these reasons we ask that authority be granted for the proposed reduction.

- T2: We object to the refusal of authority to reduce the crown of this tree by five metres. As with T1 the primary purpose of the proposed reduction is to reduce the effects of crown sail. However, a greater reduction is required on this tree due to the restricted root system.

Given the reasons stated in the Report justifying the proposed reduction we object to it being classified as 'inappropriate pruning'. Whilst the proposed reduction for this tree is greater than T1 we still believe that it would not materially interfere with the public's continued enjoyment of the visual amenity of the tree. The tree is set further back from Station Road than T1 and even after the proposed reduction would still be clearly visible to the public.

On that basis we do not think that the proposed reduction interferes with the Reasons for or the Aims of the Order. The proposed reduction will help to protect the tree and the local area and as such we ask that authority be granted.

- T3: We object to the refusal of authority to reduce the crown of this tree by two metres. As shown in the Report this tree has suffered storm damage. The Report recommends removing the deadwood and reducing the crown to mitigate against the potential of further damage being occasioned.

The fact that the tree has suffered previous storm damage is objective evidence that due to its size and location it is susceptible to suffering from such damage. On that basis we object to the classification of the proposed reduction as 'inappropriate pruning'; on the contrary, we believe the reduction is necessary to safeguard the health of the tree.

Further the proposed reduction does not materially interfere with the Aim of the Order. We are only proposing a reduction of two metres of a tree that stands at least 25 metres high. That reduction would not materially interfere with the public's continued enjoyment of the visual amenity but would help to protect the tree from further damage.

For these reasons we ask that authority for the proposed reduction to this tree be granted.

- T4: We object to the refusal of authority to remove this tree. The Report makes clear that this tree has a limited life expectancy (between 10-20 years) as a

result of being suppressed by the more dominant species of tree surrounding it. The Report classifies this tree's physiological condition as 'fair' and the structural condition as 'poor'; meaning that there are structural defects in the tree that cannot be alleviated by appropriate arboricultural management practices. In effect, the tree is in a terminal condition.

The Report suggests removing this tree to allow more growing space for the dominant trees surrounding it. Given the benefits to the surrounding dominant trees and the poor structural condition of the tree itself we do not believe that the proposed removal can properly be described as having a 'detrimental impact on the area'.

We appreciate that this tree's removal may have an impact on the visual amenity in the short term but given the tree's limited life expectancy and poor condition we believe the long term aim of allowing the surrounding trees to flourish outweighs the temporary loss of visual amenity. Accordingly we ask that authority for this tree's removal be granted.

- T5: We object to the refusal of authority to remove this tree. This tree is dangerous. As noted in the Report this tree has a 30% lean towards the house, clearly illustrated in photograph 7. The Report classifies this tree as having a high priority; a rating that was only shared by trees T10 and T11 for which authority for removal was granted.

Given the danger that this tree presents to both the structural integrity of the house and, more importantly, the safety of the occupants we believe it is exempt from a tree preservation order under s198(6)(a) of the Town and Country Planning Act 1990 ("the Act"). As such the Order cannot competently be granted for this tree.

Even if the tree was not exempt (which we believe it is) we do not believe the tree's removal would impact on the public's visual enjoyment given the position of the tree. As such the proposed removal does not adversely impact on the reasons for, or the aims of, the Order. Accordingly, we ask that authority for the proposed removal be granted.

- T7: We are seeking authority to reduce the crown of this tree by two metres. The Report recommends either the removal or treatment of this tree. We do not believe the tree presents a danger and as such are keen to treat and preserve it. However, to achieve this we believe the proposed reduction is necessary. As can be seen from photograph 14 the upper sections of the tree are not producing green leaves. The Report attributes this to previous damage and the early onset of disease.

Clearly, there is no visual amenity to the public in looking at discoloured leaves. Again, the approximate height of this tree is 25 metres and as such the proposed reduction is not of a material nature; the public will still be able to see and enjoy this tree.

We believe that the proposed reduction would remedy the problems presented by this tree, increase the public's visual enjoyment and would not be of detriment to the area. Accordingly, we ask that authority be granted for the proposed reduction.

T8: We are seeking authority to reduce the crown of this tree by two metres. The Report recommends either treatment or removal of this tree but, as with T7, we do not believe that removal is necessary. The Report notes that T8 exhibits similar conditions to T7 and rather than repeat the objection noted above we simply reiterate that the proposed reduction: is not of a material nature; would remedy the problems identified in the tree and would not be of detriment to the area. Accordingly, we ask that authority be granted for the proposed reduction.

We look forward to receiving your response to the above noted objections.

Yours sincerely



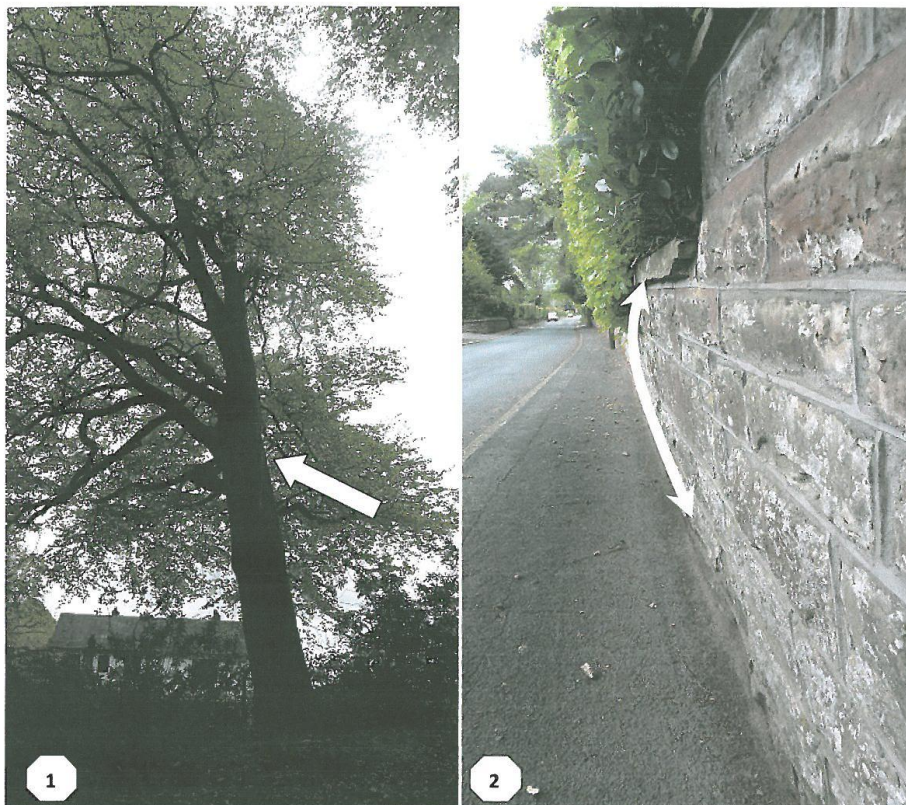
Richard Innes



Lynn Stevenson



## Findings & Recommendations

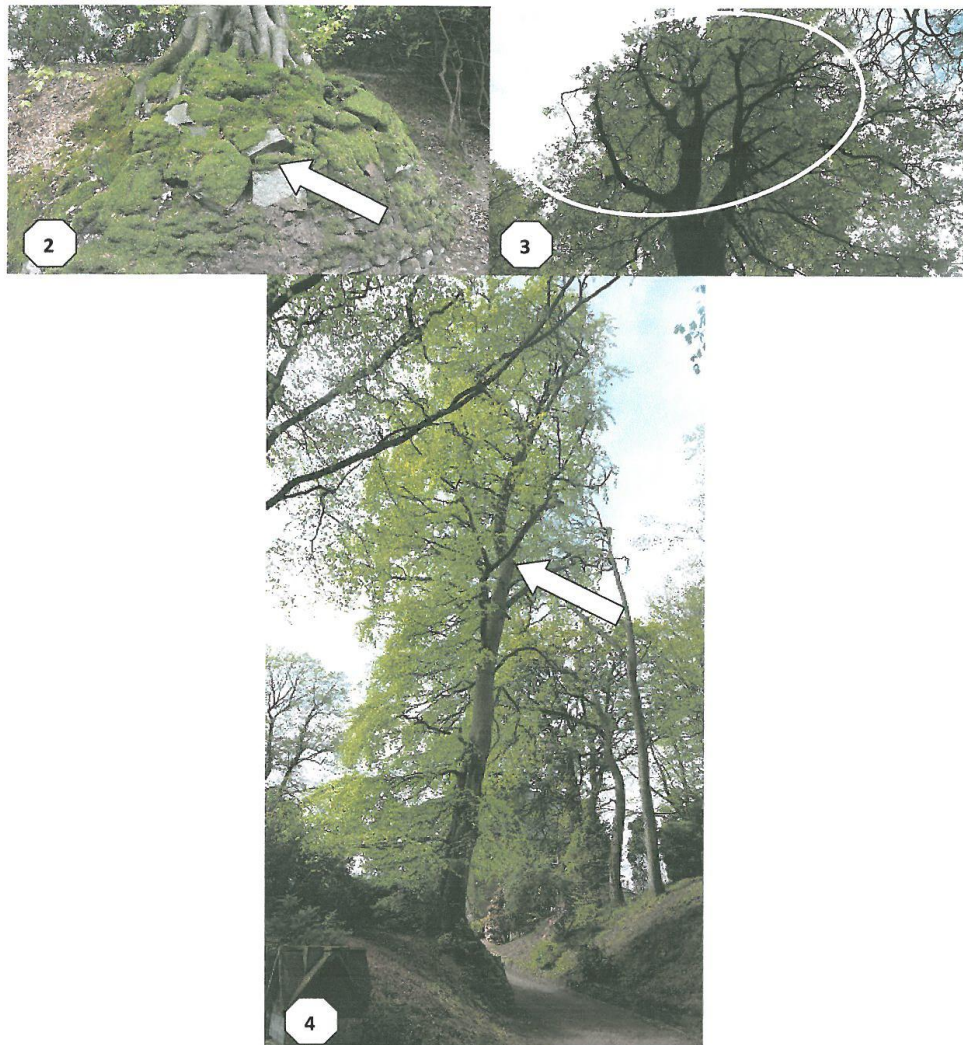


**T1:** *Fagus sylvatica* (Common Beech)

**Assessment:** This is a mature tree with an asymmetrical crown growing over the adjacent footpath & road (photo 1). The tree is growing in close proximity to the roadside boundary wall which is being pushed out due to the effect of incremental stem and root growth (photo 2).

**Action:** Undertake climbing inspection particularly for stress cracks on upper side of long lateral branches. Consider removing deadwood & undertaking a sensitive crown reduction (>2m) to reduce the drag of the 'crown sail' towards the road and therefore the biomechanically related branch basal bending moments which can lead to failure (cantilever effect of branches).

**Follow-up:** Monitor boundary wall movement & the root plate for signs of heave or cracks. Monitor the angle of stem inclination towards the roadside.



**T2:** *Fagus sylvatica* (Common Beech)

**Assessment:** Minor dieback is present within the crown. The crown is asymmetrical and the stem has a lean towards the driveway (photos 3 & 4). 50% of the root system or rhizosphere is limited due to the presence of the adjacent driveway. Some minor roots are exposed and the associated buttressing pattern exhibits a shallow rhizosphere and bulk soil environment (photo 2). In the photo the main stem makes an abrupt bend highlighted by the arrow which could be associated with previous storm damage.

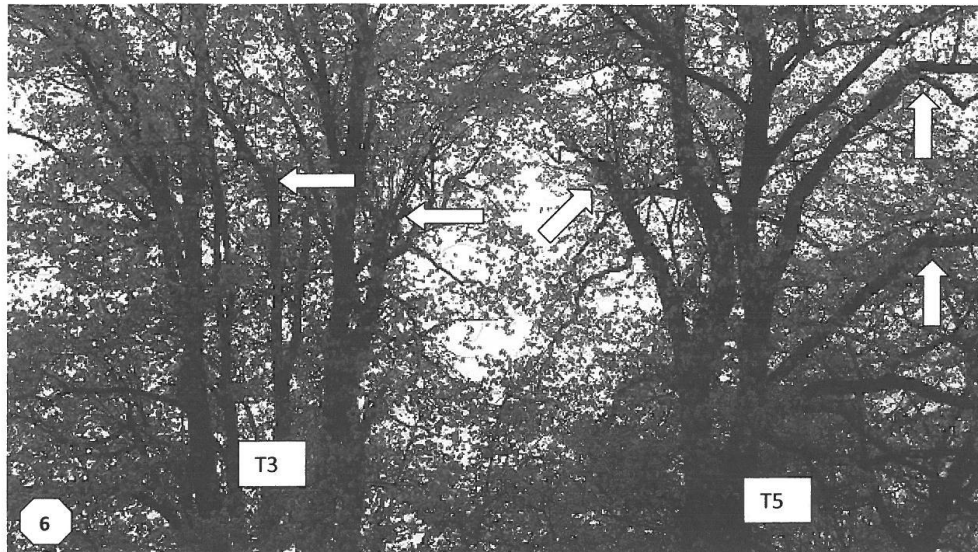
**Action:** Undertake climbing inspection particularly to examine for damage and the extent of decay within the main stem. Consider removing deadwood & undertaking a sensitive crown reduction and re-shaping (<5m) for the reasons outlined in T1 above and to reduce potential stress on the structural root system longer term.



**Follow-up:** Monitor the root plate for signs of heave or cracks. Monitor the angle of stem inclination towards the driveway

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**T3:** *Tilia x europaea* (Common Lime)

**Assessment:** Minor dieback is present within the crown. Previous failure points due to storm damage are indicated by the arrows. This tree appears to be of good form although some crown asymmetry is present due to the close proximity of its neighbour T5.

**Action:** Consider removing deadwood in the short-term & undertaking a phased crown reduction in the longer-term (sometimes referred to as retrenchment pruning). This would help to mitigate against potential future breakages resulting from storm damage.

**Follow-up:** Monitor condition on an annual basis.

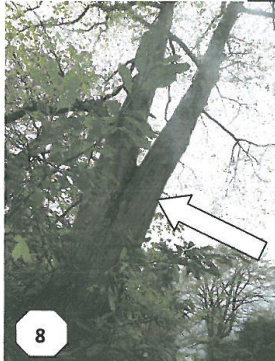
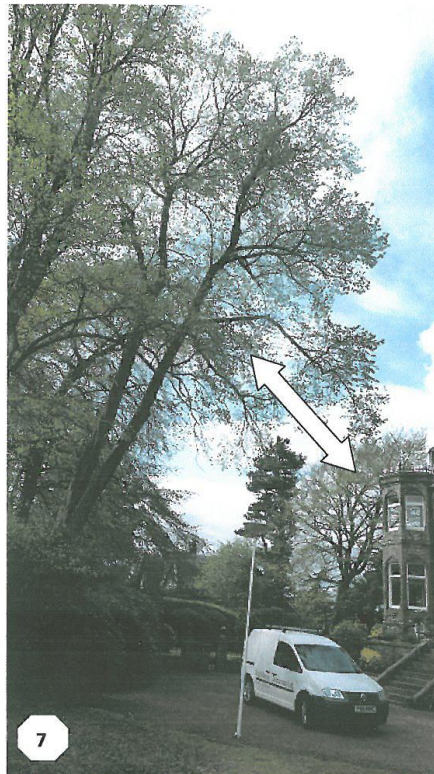
**T4:** *Betula pendula* (Silver Birch)

**Assessment:** Dieback is present within the crown of this tree which is in a senescent stage likely to have been accelerated due to suppression from the more dominant species around it. The useful life expectancy or SULE of this tree is unlikely to be greater than 10-20yrs remaining. It contains some minor deadwood and grows adjacent to the footpath.

**Action:** Consider removing deadwood in the short-term or removing this tree completely to provide more growing space for other trees.

**Follow-up:** Monitor condition on an annual basis if necessary.





**T5:** *Tilia x europea* (Common Lime)

**Assessment:** This tree has a large potentially structurally weak V-fork of the main stem which has a 25-30% lean towards the house (photo 8). The tree is partially suppressed, has poor form and in the event of failure at the fork it has the potential to strike the house (photo 7). On the stem base bark discolouration with necrotic regions on the path side is indicative of the early stages in either/or stem and root decay which requires a fuller investigation. Minor dieback is present within the crown and previous failure points due to storm damage are indicated by the arrows (photos 5 & 6). The abrupt angled branches seen in photo 6 are likely to be the result of historical pruning which longer-term are likely to be mechanically weak.

**Action:** Consider removing deadwood and undertaking a crown reduction and re-shaping (<6m) immediately or removing the tree. If the 1<sup>st</sup> option is undertaken a full tree inspection should also be carried out.

**Follow-up:** Monitor condition on an annual basis if necessary.

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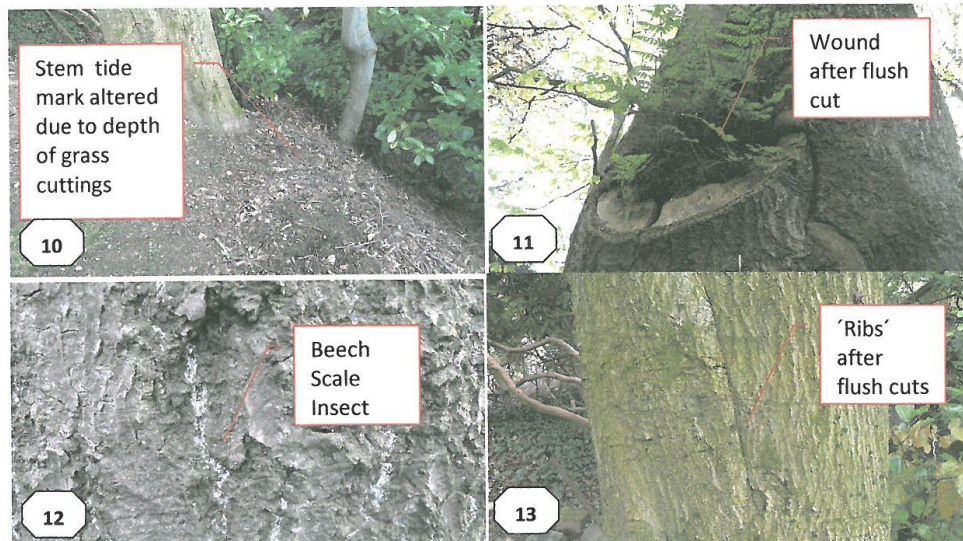
**T6:** *Pinus sylvestris* (Scots Pine)

**Assessment:** This tree appears to be in reasonable form and condition for this species but does contain some deadwood which overhangs the adjacent footpath and road.

**Action:** Remove deadwood.

**Follow-up:** Monitor condition on an annual basis with particular attention to the root plate for signs of heave or cracking.

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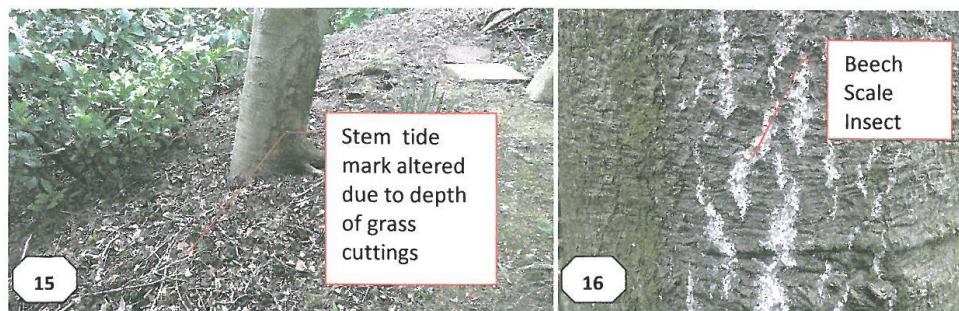


**T7:** *Fagus sylvatica purpurea* (Copper Beech)

**Assessment:** This tree is under stress due to multiple factors highlighted by photos 10-13. Several severe basal flush cuts with incomplete woundwood are present, roots buried with grass cuttings producing anoxic conditions and this is compounded by the early stages of Beech Bark Disease due to the presence of the beech scale insect feeding on the tree. Photo 14 helps to highlight the suppressed conditions the tree is growing in resulting in a subsequent low photosynthetic leaf area index.

**Action:** Consider undertaking a phased crown reduction in the longer-term or removing the tree. If the 1<sup>st</sup> option is undertaken a full tree inspection should also be carried out. A 3<sup>rd</sup> option is to brush the scale insect with detergent, remove the grass cuttings to the original tide-mark and monitor.

**Follow-up:** Monitor condition on an annual basis if necessary for a reddish brown bleeding (stage 2 *Nectria coccinea* infection).



**T8:** *Fagus sylvatica* (Common Beech)

**Assessment:** This tree seen in photos 15 & 16 exhibits similar conditions to T7 above. Several severe basal flush cuts with incomplete woundwood are present, roots buried with grass cuttings producing anoxic conditions and this is compounded by the early stages of Beech Bark Disease due to the presence of the beech scale insect feeding on the tree. It also presents a 25° lean over the garden summer house which needs to be monitored for any changes.

**Action:** Consider undertaking a phased crown reduction in the longer-term or removing the tree. If the 1<sup>st</sup> option is undertaken a full tree inspection should also be carried out. A 3<sup>rd</sup> option is to brush the scale insect with detergent, remove the grass cuttings to the original tide-mark and monitor.

**Follow-up:** Monitor condition on an annual basis if necessary for a reddish brown bleeding (stage 2 *Nectria coccinea* infection).

**T9:** *Fagus sylvatica* (Common Beech)

**Assessment:** Minor deadwood present otherwise of reasonable form.

**Action:** Remove deadwood.

**Follow-up:** Monitor condition on an annual basis.



## **Economic Development**

Director **J E Meek** BSc (Hons) Dip TP MRTPI

### **Planning Services**

**Civic Centre, Carlisle, CA3 8QG**

Phone (01228) 817000 • Fax Planning (01228) 817115 • Typetalk 18001 (01228) 817000

E-mail Development Control: [dc@carlisle.gov.uk](mailto:dc@carlisle.gov.uk) • Local Plans & Conservation: [lpc@carlisle.gov.uk](mailto:lpc@carlisle.gov.uk) • Building Control: [bc@carlisle.gov.uk](mailto:bc@carlisle.gov.uk)

Ms L Stevenson & Mr R Innes  
Westwood  
Station Road  
Brampton  
CA8 1EX

**Case Officer:**

**Direct Line:**

**E-mail:**

**Your Ref:**

**Our Ref:**

Charles Bennett

01228 817535

[CharlesB@carlisle.gov.uk](mailto:CharlesB@carlisle.gov.uk)

CB/TPO 260

11 September 2012

Dear Ms Stevenson & Mr Innes

### **OBJECTION TO TREE PRESERVATION ORDER 260**

**Location: Westwood, Station Road, Brampton, CA8 1EX**

I am writing in response to your objection to the making of Tree Preservation Order 260 dated 3 September 2012. I will respond to the issues relating to each of the seven trees as they appear in your letter. However, firstly I will address general issues relating to the process for making Tree Preservation Orders.

When a tree preservation order is made, it is temporarily valid for six months. The Council must confirm, that is make permanent, the Order within this six month period. If no objections are received to the making of the Order it can be confirmed under the Councils scheme of delegation. Where objections are made, which cannot be overcome, the decision on confirming the Order will be made by the Development Control Committee.

All those who made representations on the making of the Order have a right to speak at the Committee at which the Order is considered. I have enclosed a copy of the right to speak leaflet which sets out how you register your right to speak. If necessary it is my intention to bring the Order to the Development Control Committee on the 9 November 2012.

I have the following comments to make in response to your objections to the individual trees. It is accepted that there is no such thing as an entirely safe tree. However, the actual risks posed by the tree are considerably less than the perceived risks. Where there

is evidence of defects that would make the failure of the tree, or part thereof a foreseeable risk then action must be taken. However, it is not appropriate to fell or prune trees because they might, could, or have the potential to fail in high winds when there is no evidence of a significant defect that would make the failure foreseeable.

Trees are self optimising organisms. That is they will grow to add wood, and therefore strength, where there is a mechanical requirement, whether this be in the above or below ground parts of the tree.

The removal of dead wood from a tree is exempt. Therefore you do not need to apply to the Council for permission to remove it, and it can be removed at your convenience.

T1: A crown reduction of 2m will result in a crown that has an unnatural truncated form. Whilst the stress imposed on the branches by wind loading will be reduced, there is no evidence to suggest that the branches due to their length are likely to fail under normal conditions. Reducing branches can itself lead to structural weaknesses, as identified in the report in the case of T5. This can lead to a cycle of unnecessary pruning to manage a problem that did not previously exist. It may be more appropriate to reduce the sail area of the tree by crown thinning. This will reduce the wind loading on the branches without creating a tree with a truncated form.

T2: As mentioned above, trees are self optimizing organisms. If there is insufficient rooting area on the drive side of the tree, the tree will compensate elsewhere by increasing its growth to maintain a uniform level of stress distribution. As with T1, albeit to a greater degree, a 5m crown reduction will result in a tree with an unnatural truncated form, and the creation of defects. Again it might be more appropriate to crown thin the tree if it is considered necessary to reduce wind loading.

T3: As with the previous trees a crown reduction would produce an unnatural truncated form. Where defects are identified that could lead to the foreseeable failure of branches then action should be taken to address the problem. However, work need only be carried out to the branches that have defects, it is not necessary to prune the whole tree. Again crown thinning to reduce wind loaded stresses might be more appropriate if it is considered necessary to do something.

T4: Along Station Road there are numerous species of trees and shrubs in the front gardens which adds to the amenity of the area by providing texture, variations in colour and form. As an element within the overall treescape this tree contributes to the amenity of the area. Whilst the report classifies this tree in a poor structural condition, there are no defects identified to support the poor classification.

T5: The Planning Act 2008 s192 (2)(b) has the effect of omitting s198(6)(a) from The Town and Country Planning Act 1990. The exemptions previously found in s198(6)(a) of the 1990 Act are now to be found, albeit in a modified form, in the The Town and Country Planning (Tree Preservation)(England) Regulations 2012 Part 3, Regulation 14 (1)(c) which states “Nothing in regulation 13 shall prevent the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm, or to such other extent as agreed in writing by the authority prior to the works being undertaken” The report states that the physiological and structural condition are both “fair”. Therefore I do not consider the exemption applies to this tree. I would however, suggest that the recommendation in the report for a fuller inspection of the tree is undertaken, particularly in respect of determining the extent of any decay in the base or roots of the tree, and the stability of the tight fork. If the fork has a crack forming in it, or the decay in the roots is extensive, it might be appropriate to remove the tree and plant a replacement. A heavy reduction would result in a tree with a poor form, that is of little amenity, and requiring repeat pruning. Removal and replacement would provide a tree for the future that will, in due course, add to the amenity of the area

T7: As identified in the report the tree is under stress. A reduction of the tree will not only have the effect of creating a poor truncated form, but will result in a loss of leaf area. This reduction in leaf area is likely to add to the stress and result in a fairly rapid terminal decline. It is not unusual to see such symptoms as this tree is displaying when grass clippings and other garden rubbish is piled up against the tree. Removal of the grass cuttings from around the tree to restore the original ground level may result in an improvement in health. Decompaction, aeration, and mulching of the soil, and watering with a sugar solution may be of benefit to the tree.

T8: As for T7 I do not consider a reduction in leaf area will benefit the tree due to the increased stress. A similar rooting area management regime to that described for T7 may

also be beneficial for this tree.

I hope I have been able to address your objections to the Tree Preservation Order and you are able to withdraw them.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Charles Bennett', with a stylized, looped flourish at the end.

**Charles Bennett**  
**Landscape Architect/Tree Officer**