Report to Development Control Committee

Agenda Item: A.2

Meeting Date:	16th March 2018
Portfolio:	Economy, Enterprise and Housing
Key Decision:	Not Applicable:
Within Policy and Budget Framework	YES
Public / Private	Public

Title:	TREE PRESERVATION ORDER 292 LAND AT CALDEW ROAD, CUMMERSDALE, CA2 6BN
Report of:	Director of Economic Development
Report Number:	ED/12/18

Purpose / Summary:
This report considers the confirmation of Tree Preservation Order 292 at land at Caldew Road, Cummersdale, Carlisle in light of an objection to the making of the order.

Recommendations:

That Tree Preservation Order 292 is confirmed, subject to a modification to the tree type of T2, T3 and T4 from Oak to Sycamore.

Tracking

Executive:	**N/A**
Scrutiny:	**N/A**
Council:	**N/A**

1. BACKGROUND

1.1 A telephone call made by a resident raised concerns that the trees on the land at Caldew Road were under perceived threat of being cut down. No planning application related to the land, although it was being marketed, and a site visit was subsequently undertaken to investigate the works being undertaken.

1.2 It was apparent from the site visit that the trees in question were significant and therefore a Tree Evaluation Method for Preservation Orders (TEMPO) exercise was undertaken on each tree to assess their suitability to warrant a preservation order being made.

1.3 The TEMPO method is broken down into 4 sections, each of which is related to the suitability for a TPO, these being:

- Condition
- Retention span
- Relative public visibility
- Other factors (such as location, cohesion of a group, historical/commemorative importance and if a tree has good form, is rare or unusual)

1.4 All 4 trees scored appropriately to merit a TPO however officers were notified that works had commenced prior to the order being made and an immediate order was served on 2nd January 2018.

2. CONSULTATION

2.1 The Parish Council, owners of the field adjacent to Caldew Road (field no. 296), owners of affected properties, and all those known to have an interest in the land were consulted on the TPO in accordance with the requirements of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2.2 A site notice was placed at the entrance of the field advising of the making of the TPO, and how to object or make representations.

2.3 The ‘Statement of Reasons’ included in the order states that the 1no. oak tree and 3no. Sycamore trees protected by this order are large prominent trees that are clearly visible to the public along Caldew Road. They contribute to the pleasant rural character of the area enhancing the approach to Cummersdale. Due to their size, prominent location and public visibility, the trees make a substantial positive contribution to the visual amenity of the location.

2.4 Letters in support of the Order were received from 4 residents and are included in Appendix B. The representations raise the following points:

- The Caldew road widening issue has been contentious and has been around for at least 30 years plus. This issue was high on the agenda about 30 years ago and the Council took the final view that the lane should be retained.
- The lane at the front of Caldew Road houses is a source of relaxation, enjoyment and used by the villagers, cyclists, Cumbrian Way walkers, dog walkers and country lovers.
- The trees in Cummersdale Bank field provide habitat and food to local wildlife of all kinds
- The narrowness of the lane has kept the road safe from accidents and speeding motorists. [The residents] do not recollect any serious road accidents occurring on that site.
- The lane should be preserved for the good of the village
- The trees are of value to the community and contribute to the character and setting of the village
- The trees are an important part of the landscape
- The trees are identified as an important greenspace village amenity within the Local Plan
- Removal of these trees will permanently change the visual character of the village.

2.5 A letter of objection was received from the land owner and is included in Appendix C correspondence. The representation raises the following points:

- The trees are not historically or culturally valuable
- The trees are in a position that they do not interact with the wider village and its setting
- The position of the trees means that the road down to the Steads complex is very narrow.
- The removal of the trees would provide a safe route into the field for agricultural vehicles
- It would be in the interests of public safety to remove these trees
- The removal of the trees would enhance the field access
- The owner of the field is happy to plant new trees along the new line which provides a much better road width

2.6 A letter from Councillor Trevor Allison was also received and is included in Appendix D. Councillor Allison raised in his letter that a total of three sites in Cummersdale were submitted for housing development allocation during the Strategic Housing Land Availability Assessment (SHLAA) consultation in 2014. With the field in question (CUD03) being one of the two sites that were considered deliverable in SHLAA, Councillor Allison raised concerns that the making of the TPO will have an impact on the deliverability of the site at Caldew Bank field, should the allocated site (CUD01) be withdrawn or become undeliverable.

3. CONTEXT

3.1 During the site inspection in mid-December, all four trees in question were in good health and they showed no evidence of significant defects or reduced vigour. The trees are located at the boundary of the field adjoining Caldew Road and are clearly visible to the public. They contribute to the pleasant rural character of the area.

3.2 Whilst the Council has not received any formal applications regarding development of the field in question, several enquiries have previously received regarding changing to field from agricultural to domestic use. As these were general enquiries there was no clarity whether developers or future occupants of any dwellings would retain or seek to remove these trees.

3.3 On 2nd January 2018, a telephone enquiry was received by one of the residents suggesting that several branches of T2-T4 had been lopped off that morning. A formal notice was subsequently served the same day to the relevant parties (Please see Paragraph 2.1) to inform the making of the TPO.

3.4 Upon the serving of the formal notice, works had already been done to Trees T2-T4, concern was raised that the branches removed from Trees T2-T4 would result in the trees being unbalanced. In light of this, the Council commissioned Capita to provide a Tree Hazard Survey for the four trees using the Quantified Tree Risk Assessment (QTRA) methodology.

3.5 The report (included at Appendix E) concludes that 'the trees are structurally adapted to high loadings, particularly arising from high winds. The small amount of weight that has been removed due to the lopping has not resulted in the trees becoming physically unbalanced and likely to topple over.' The report also noted that three of the trees were sycamore and not oak and any confirmation of the Order should make that correction.

3.6 Whilst it is noted within the report that the loss of leaf area and the creation of wounds could lead to decay and the decline of the trees in years to come, the report also suggests that the remaining branches of Trees T2-T4 are currently sturdy and free of significant defects, and consequently, there is no significant increase in risk from branch failure due to increased wind exposure.

3.7 In addition, the report also suggests that phased pruning could be undertaken to improve the visual impact of the unbalanced trees. Thinning and reduction of epicormic shoots as they grow would also further reduce the risk of failure and recreate a good form for the trees.

3.8 The owner of the field mentioned within his objection letter that the removal of the trees would allow the road down to the riverside to be widened and subsequently enhance the field access and public safety. The owner of the field also stated that he is happy to plant replacement trees in the future.

3.9 Whilst it is incontrovertible that the road adjacent the aforementioned trees is narrow, the speed limit of that part of the road is 20mph and has sufficient visibility, it is unlikely that Caldew Road in its existing form would present a hazard to any vehicular users or pedestrians. Furthermore, there is an existing field access located on road down to Stead McAlpin, in which the widening of this access will have no impact to any of the aforementioned trees. The council has not previously received any enquiry in relation to the widening of Caldew Road in the interest of public safety. As such, it is not felt that the argument presented by the land owner of the field are sufficient enough to justify the removal of these four trees which currently make a positive contribution to the visual amenity of the area.

3.10 Should there be any future application in relation to the widening of Caldew Road which requires the removal of these trees, the Council will then assess the proposal and the status of those trees during that time. A decision will then be made as to whether the benefits provided by the proposal would outweigh the harm caused by the removal of these trees during that time.

3.11 As there are no tree health or management reasons for the trees to be excluded from the Order, their merit of inclusion as a group of 4 trees has to be considered.

3.12 On the basis that they scored individually sufficient under the TEMPO process for a TPO to be served and they combine to increase group value, it is considered that they should remain part of the TPO.

4. CONCLUSION AND REASONS FOR RECOMMENDATION

4.1 The Oak tree (T1) and the 3no. Sycamore trees (T2-T4) scored within points 12-16+ points within the TEMPO assessment, giving a decision guide of 'TPO defensible/definitely merits a TPO'. The condition of all the trees is described as 'good'.

4.2 All trees scored a good retention span of 20-100 years.

4.3 Given the foregoing, it is recommended that Tree Preservation Order 292 at land at Caldew Road, Cummersdale, should be confirmed with a modification to the tree type of T2, T3 and T4 from Oak to Sycamore, to ensure the safety of wildlife and provide continuing visual amenity of Caldew Road and the surrounding area.

5. OPTIONS TO MEMBERS

5.1 To confirm TPO 292 with modifications
5.2 To refuse the making of TPO 292

6. RECOMMENDATION

That Tree Preservation Order 292 is confirmed, subject to a modification to the tree type of T2, T3 and T4 from Oak to Sycamore.

Contact Officer: **Alanzon Chan** **Ext: 7260**

Appendices attached to report:

- **Appendix A – TPO 292**
- **Appendix B – Letters of support**
- **Appendix C – Letter of objection**
- **Appendix D – Letter from Councillor Trevor Allison**
- **Appendix E – Tree Survey Report**

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:

• Planning Practice Guidance Tree Preservation Orders and Trees in Conservation Areas

CORPORATE IMPLICATIONS/RISKS:

Community Services – N/A

Corporate Support and Resources – N/A

Economic Development – Contained within the report

Governance and Regulatory Services – The Corporate Director of Economic Development, the Development Manager and the Principal Planning Officer each have delegated authority to confirm Tree Preservation Orders in the absence of any objections. As an objection has been received in relation to this particular Order, it falls to the Development Control Committee to consider the objection before deciding whether or not to confirm the Order.

TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Town and Country Planning Act 1990

The City Council of Carlisle

Land at Caldew Road, Cummersdale, Carlisle CA2 6BN

Tree Preservation Order 2018 (No.292)

The City Council of Carlisle in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Land at Caldew Road, Cummersdale, Carlisle CA2 6BN – Tree Preservation Order 2018 (No292).

Interpretation

2.— (1) In this Order "the authority" means The City Council of Carlisle

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 2nd day of January 2018

The Common Seal of the City Council of Carlisle
was affixed to this Order in the presence of
~~Corporate Director of Governance and Regulatory Services/~~
Legal Services Manager

CONFIRMATION OF ORDER

This Order was confirmed by The City Council of Carlisle without modification on the day of

OR

This Order was confirmed by The City Council of Carlisle, subject to the modifications indicated by , on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by The City Council of Carlisle on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by The City Council of Carlisle on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by The City Council of Carlisle on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

Reference on map	*Description*	*Situation*
T1	Oak	OS Grid Ref. 339070 553114
T2	Oak	OS Grid Ref. 339079 553097
T3	Oak	OS Grid Ref: 339087 553082
T4	Oak	OS Grid Ref: 339097 553068

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	*Description*	*Situation*
	None	

Groups of trees

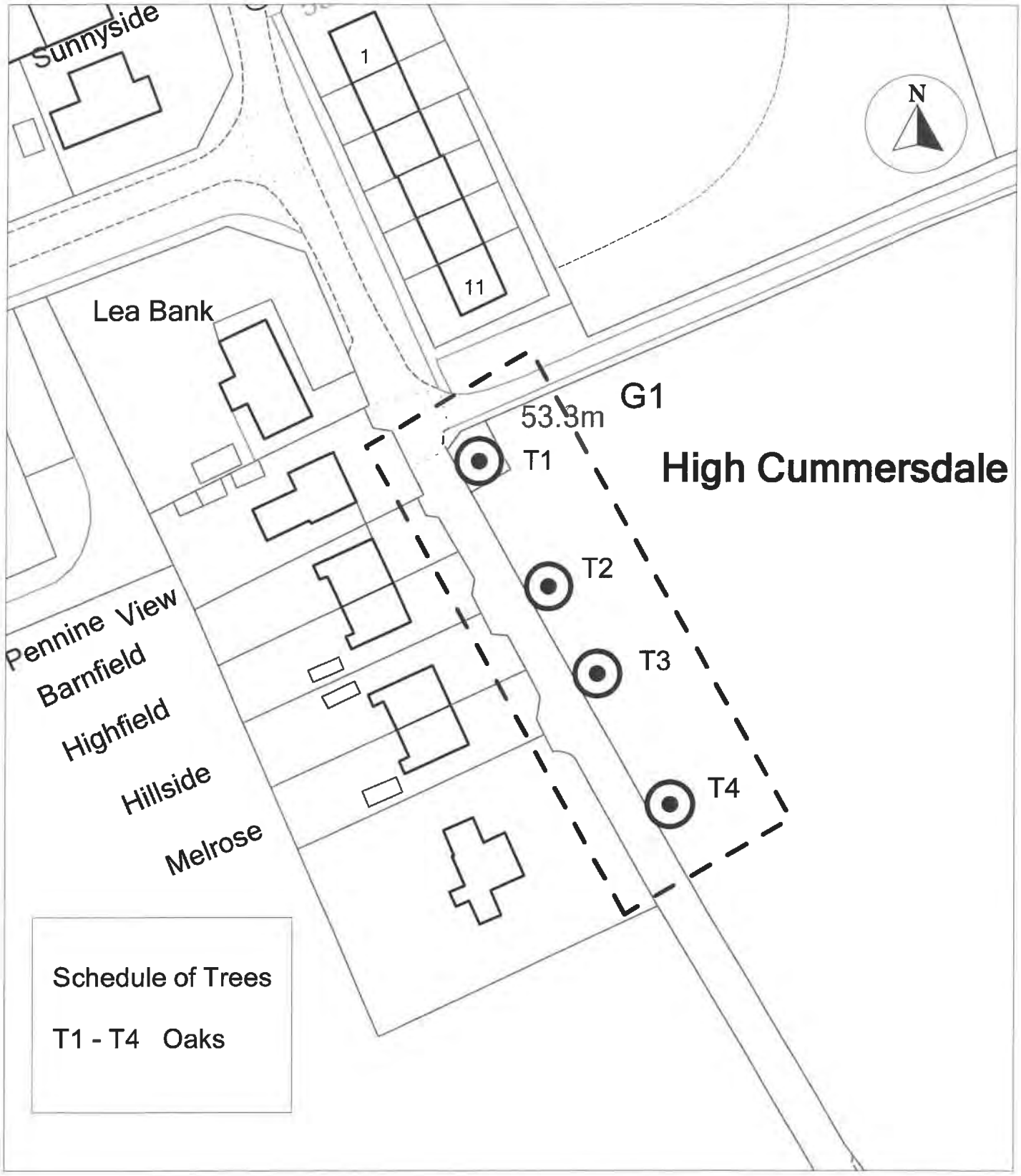
(within a broken black line on the map)

Reference on map	*Description (including number of trees of each species in the group)*	*Situation*
	None	

Woodlands

(within a continuous black line on the map)

Reference on map	*Description*	*Situation*
	None	



Act 1990 Section 198(1)

Tree Preservation Order Number 292
Land at Caldew Road, Cummersdale,
Carlisle, CA2 6BN

Scale: 1:750

Date: December 2017

CARLISLE CITY COUNCIL
www.carlisle.gov.uk

Economic Development, Civic Centre, Carlisle, CA3 8QG

STATEMENT OF REASONS

TREE PRESERVATION ORDER NO. 292

LAND AT CALDEW ROAD, CUMMERSDALE, CARLISLE, CA2 6BN

Section 197 of the Town and Country Planning Act 1990 places a duty on local planning authorities to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made for the preservation of trees. The local authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity.

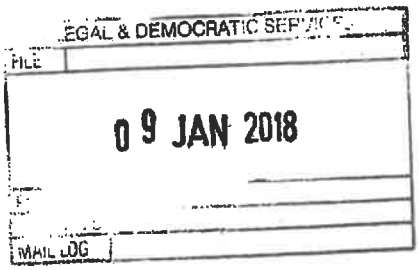
The four mature oak trees protected by this tree preservation order are large prominent trees clearly visible to the public along Caldew Road. They contribute to the pleasant rural character of the area enhancing the approach to Cummersdale.

Due to their size, prominent location and public visibility, the trees make a substantial positive contribution and visual amenity of the location.

It is considered that the most appropriate way to protect these trees for the future is by means of a tree preservation order.

Appendix B - Letters of Support

A J PRETSWELL
HIGHFIELD
CALDEW ROAD
CUMMERDALE
CARLISLE
CA2 6BN



M D LAMBERT
CORPORATE DIRECTOR OF GOVERNANCE
AND REGULATORY SERVICES
CARLISLE CITY COUNCIL
CIVIC CENTRE
CA3 8QG.

Friday 5th January 2018.

CUMMERSDALE BANK FIELD TREE PRESERVATION ORDER 2018 NO. 292.

WITHOUT PREJUDICE.

Dear Sir,

I take this opportunity to personally and on behalf of my wife and myself, to thank the Councils immediate action on the morning of Tuesday 2nd Jan. in stopping the wanton and deliberate destruction of 4, around 100 year old oak trees of historical imprint on higher Cummersdale village..... This episode in my view is simply untenable and for John Dalton Arter (his agents) to have surreptitiously desecrated the trees , pre-empting the above mentioned order to his own ends and presumably to rid the trees obstructing the Caldew road/ lane widening and his own housing development schedule intended for the field.....John Dalton Arter should be called to account and to apologise formally, in writing for the damage witnessed by me, on my own evidence. Likewise my immediate neighbours who also witnessed the incident.

The absolute truth is that nobody should have been high up in the trees on that morning because of the wind, rain and cold weather and this is another issue that should be taken into account, especially when using a chainsaw on slippery branches. The man whom I witnessed in the 4th tree was suspended by fastening ropes and properly equipped for that work in proper conditions!. But the weather situation caused the risk.

The three trees that have been desecrated, NO,s 4, 3, and 2 have had large branches measuring in some cases between 15 to 20 feet in length , simply left lying in the field , following the hasty withdrawal of the contractors. The damaged trees have been photographed and uploaded onto computer for future reference.

The Caldew road /lane widening issue has been contentious and has been around for at least 30 years plus, for those of us living alongside of the lane itself it still is!!!.The issue was high on the agenda about 30 years ago when Councillor Trevor Allison was M.D. at the lower Cummersdale "Steads" factory. He was all for it and we were all against it and the Carlisle City Council took the view that the lane should be retained. The issue caused some animosity and and the loss of trust, which in hindsight achieved nothing. |Trevor Allison has down the years always worked to help the village in any way possible and recently, acting in his capacity as Councillor, called at my home to discuss the , amongst other things, the situation re Cummersdale bank field. Also present was Linda Dixon from Pennine View, Terry Jackson from Hillside house and my wife and myself. He said that he would contact Mr Arter to try and establish what the situation was regarding developing the field for housing stock. Nothing came from this until now and the tree episode.

The lane at the front of the Caldew Road houses has to the best of my knowledge been in existence since the Stead Mcalpine factory commenced trading in the 1850,s. It is a source of relaxation,

enjoyment and use by the villagers, cyclists, Cumbrian way walkers (many more this summer due to the lack of adequate safe footpaths alongside of the Steads factory). Dog walkers, and Country lovers in general and the 22+ mature trees in Cummersdale Bank field add to this with Birdlife and wildlife of all kinds in existence. The narrowness of the lane has in itself kept the road safe from accidents and speeding motorists and in my 30+ years of living in the village, I can not recollect a serious road accident occurring. It is my sincerely held view that the lane should be preserved for the good of the village. \it is a peaceful, tranquil place without street lights, little vehicular traffic and crime free and should in my view be retained.

As I have said earlier, the Carlisle City council took the appropriate course of action and it will be for them to decide on the outcome of Cummersdale Bank field. The priority should be that all of the 22+ mature trees in the field be preserved for future generations to enjoy . I feel strongly that this field is not the place to build new houses in and I have never deviated from this view. No doubt this will be considered carefully for a balanced outcome.

Yours Faithfully.

P.S. THE MEETING WITH TREVOR ALLISON ON TUESDAY 14TH Nov 2017 WITH RESIDENTS WAS FOR REASONS THAT ON TWO OCCASIONS JUST PRIOR TO THIS, AGENTS/SURVEYORS FOR....? HAD BEEN WORKING IN THE FIELD - TOLD A NEIGHBOUR THAT THE FIELD DEVELOPMENT WAS A (FAIT-ACCOMPLI) - FOR ROAD WIDENING & THE BUILDING OF 5 x 5 BEDROOMED LUXURY HOUSES ON THE TOP LEFT SIDE OF THE FIELD - THAT PLANNING PERMISSION WAS A MERE FORMALITY. CAN YOU PLEASE CLARIFY THE SITUATION?

Pennine View

Caldew Road

Cummersdale

Carlisle

CA2 6BN

24th January 2018

LAND AT CALDEW ROAD, CUMMERSDALE, Carlisle CA2 6BN TREE PRESERVATION ORDER 2018 NO: 292

Dear Mr Lambert

I write in support on the tree preservation order listed above.

These established trees are of value to our community and contribute to the character and setting of our village. This end of the village has a pleasant rural aspect and views. Such aspects of village life are becoming increasingly rare due to extensive housing development in the Dalston Road area and to a lesser extent building within the village itself.

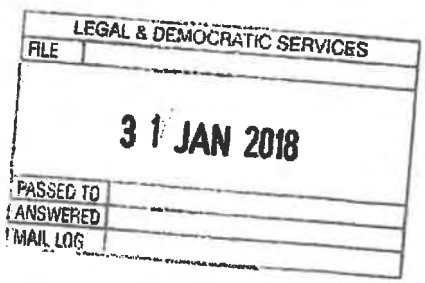
These trees are an important part of the landscape and have been for a very long time. Their amenity value is enjoyed by a wide variety of walkers and people living nearby. A lot of people from the village, Dalston Road area and Morton Park, walk in this area regularly, many on a daily basis. In the summer months I have come across people visiting our area on holiday walking on to Dalston or returning to town via the river.

From an environmental point of view these mature trees retain a lot of water which helps when we have a lot of rain. They supply habitat and food to local wildlife. Having a habitat that helps to sustain many species of birds, and wildlife including bats is also important to the character of the village.

With the upcoming consultations and plans for the new Southern By-Pass Road it is even more important that we preserve our existing mature trees and landscape in the immediate area. These trees will offer character to the village and be of value to the community for many years to come.

Yours sincerely

Linda Dixon



Lea Bank
Caldew Road
Cummersdale
CARLISLE
Cumbria
CA2 6BN

29 January 2018

M D Lambert
Corporate Director of Governance & Regulatory Services
Carlisle City Council
Civic Centre
CARLISLE
CA3 8QG

Dear Sir/Madam

Re: Tree Preservation Order 2018 (292)
Four Mature Oak Trees alongside Caldew Road, Cummersdale

I write to support the Tree Preservation Order 2018 (292) which was dated 2 January 2018.

The four mature oak trees in the hedgerow alongside Caldew Road, Cummersdale bring much community value to the people of Cummersdale and to those who choose to visit the village.

In the Cumbria District Local Plan 2015-2030, the hedgerow and trees in question were identified as an important greenspace village amenity. The space and hedgerow are perceived as the edge of the village at this side. The removal of these mature trees will affect the visual character of the village and this could not be easily rectified.

With so much building development taking place around Cummersdale, such as Cloverfields, Amberfields, Morton Master Plan, a development near the junction of Cummersdale Road and Dalston Road and a small development next to Cummersdale Church, it is important that as much as possible is done to preserve the original character and setting of our village. This aspect of the village is the only road of the village which leads directly down to the River Caldew and is a area which is enjoyed by many, as seen by the number of walkers who come here.

Yours faithfully

Dr E M Edgar

Pennine View

Caldew Road

Cummersdale

Carlisle

CA2 6BN

24th January 2018

LAND AT CALDEW ROAD, CUMMERSDALE, Carlisle CA2 6BN TREE PRESERVATION ORDER 2018 NO: 292

Dear Mr Lambert

I am writing to support the tree preservation order listed above

These established trees are of value to our community and contribute to the character and setting of our village. This end of the village has a pleasant rural aspect and views. Such aspects of village life are becoming increasingly rare due to extensive housing development in the Dalston Road area and to a lesser extent building within the village itself.

These trees are an important part of the landscape and have been for a very long time. Their amenity value is enjoyed by a wide variety of walkers and people living nearby. I walk my dogs every day and enjoy the pleasant environment. I meet a lot of people walking through the village, from Dalston Road area and Morton Park who walk in this area regularly.

From an environmental point of view these mature trees retain a lot of water which helps when we have a lot of rain. They supply habitat and food to local wildlife. Having a habitat that helps to sustain many species of birds, which include finches and owls and wildlife including bats is important and allows passers-by to enjoy seeing them.

With the upcoming consultations and plans for the new Southern By-Pass Road it is even more important that we preserve our existing mature trees and landscape in the immediate area. These trees will offer character to the village and be of value to the community for many years to come.

Yours sincerely

Robert Dixon

Appendix C - Letter of Objection

30th January 2018

M D Lambert

Corporate Director of Governance and Regulatory Services

Carlisle City Council

Civic Centre

Carlisle

CA3 8QG

Objection to tree preservation Order No. 2018 (No.292)

Land at Caldew Road, Cummersdale, Carlisle, CA2 6BN

Dear Sirs

With reference to the Tree Preservation Order that has been placed on my land at Cummersdale, please take this letter as response to the serving of such.

Within the Tree Preservation Order and its adjoining letter there appears to be some confusion with regard to the final date for objection, it mentions both the 30th January and the 2nd February. (We are conforming with the later date)

It also mentions that the trees are all Oak, there is actually only one Oak T1 the rest T2, T3, and T4 are Sycamore.

With regard to the Order I would like the Council to consider the following:

It is my opinion that Public visibility is not a sufficient ground to warrant an Order.

The trees are not historically or culturally valuable, they do not have a relationship to anything historic and they are in such a position that they do not interact with the wider village and its setting.

The position of the trees means that the road down to the Steads complex is very narrow at this point, in order to provide a safe route into the field for agricultural vehicles and also enhance the road, it was considered that it would be in the interests of public safety to remove the trees and enhance the field access.

I would be happy to be plant new trees along a new line which provides a much better road width and enhances public safety. This would provide a lot of benefit to the local community and allow better access to the wider Cummersdale to Dalston path.

I hope that the City Council will appreciate the above Objections and will revoke the Tree Preservation Order

Yours sincerely

D J Arter

Skiprigg, Raughtonhead, Carlisle.

Appendix D - Letter from Councillor Trevor Allison

17 Gilbert Road
Cummersdale
Carlisle
CA2 6BJ

Mr D Lambert
Corporate Director of Governance
Carlisle City Council
Rickergate
Carlisle

17/01/18

Dear Mr Lambert

Tree Preservation Order
2018 No. 292

I write in response to your letter dated 2nd January in respect of the above provisional preservation order (TPO) granted for 4 trees along Caldew Road at Cummersdale. I am a Dalston ward councillor, and a resident of Cummersdale. The views I express here do not necessarily reflect those of the Parish Council of which I am also a member. I assume that the Parish Council will also be consultees?

As their ward councillor, I was asked to meet with a number of the residents who live on Caldew Road. They were concerned to see activity at the top of the field along which the four trees stand. They assumed almost certainly correctly, it was being surveyed as a potential site for a housing development. My enquiries have confirmed that this is the case. The residents at present have an unfettered view across the Caldew valley to the Pennines. Indeed one of the houses is called Pennine View. The status of the trees and development of the site are inexorably linked since any such development would involve the widening of the road..

The enforcement officer has imposed a temporary TPO on the four trees. I am not an expert but I am told that they comprise one oak and three sycamores. Without disrespect to the officer, I suggest that the council seek expert independent opinion on the condition of the trees and whether they merit a TPO.

My understanding of this issue is as follows;

When the Strategic Housing Land Availability Assessment (SHLAA) public consultation was carried out for the Carlisle &District Local Plan (CDLP) 2015-2030, three sites were submitted for Cummersdale. .From the residents'responses to the consultation, the preferred option was the field of the LHS at the entry to the village and the second was Caldew Bank field in which the trees stand. The third location was on land behind The Common and The Oval. This was widely rejected. The concern was that it would set a precedent and ultimately extend Cummersdale to Dalston Road. This is already becoming an extension of urban Carlisle. There was a

strong feeling in the community that we should retain the separate identity of the village. This third option was rejected and was not adopted in the CDLP.

As it currently stands, Cummersdale has been allocated the first preferred site for housing development. I believe that there are site issues which may impact on its development but this is still the allocation in the CDLP. There is no provision for a second development of a similar size. My understanding is that only if the first site is withdrawn, then the housing allocation for Cummersdale village would go to the second preferred option and not to the rejected option behind The Common. The trees on Caldew Bank field would then become a more important consideration should a permanent TPO. be granted

Yours sincerely

CAPITA

Carlisle City Council

Trees at High Cummersdale, Carlisle. QTRA assessment and report.

CAPITA

Quality Management

Job Number	CS/9094736		
Project	Carlisle City Council QTRA assessment of trees at High Cummersdale, Carlisle.		
Location	High Cummersdale, Carlisle.		
Document Title	Trees at High Cummersdale, Carlisle. QTRA assessment and report.		
Document BIM Ref		**Revision / Status**	
File Reference	T:\Trees\Project Management\Live projects\CS094736 Carlisle City Cummersdale		
Version Date	15 January 2018		
Prepared By	Charles Bennett	**Signature**	
Checked By	Rob Sim	**Signature**	
Authorised By	Rob Sim	**Signature**	

Revision Status / History

Rev	Date	Status/ Purpose	Prepared	Checked	Authorised

CAPITA

Contents

1. Introduction

1.1. Brief

1.1.1. This report has been commissioned by Christopher Hardman, Development Manager, Carlisle City Council, by email on the 8 January 2018.

1.1.2. Capita have been instructed to provide a tree hazard survey for four trees, one oak and three sycamores, growing adjacent Caldew Road, High Cummersdale, Carlisle, using the Quantified Tree Risk Assessment (QTRA) methodology.

1.1.3. To provide a report on the trees giving an indication of the foreseeable risk of harm, and where the risk of harm is unacceptable, provide recommendations for the management of the trees to ensure the risk of harm is reduced to As Low As Reasonably Practical (ALARP).

1.2. Scope of the report

1.2.1. The report address's the following points of reference;

- **Target Appraisal** – assess the main target areas in relation to the trees being assessed.
- **QTRA Assessment** – Undertake a QTRA assessment of the trees using Visual Tree Assessment (VTA) methodology.
- **Record of trees assessed** – Records the tree assessed and gives the risk of harm to site users.

1.2.2. The trees have been protected by Tree Preservation Order 292 Land at Caldew Road, Cummersdale, Carlisle, CA2 6BN (the TPO). For ease of reference the tree numbers used in the TPO have been used in this report. The TPO plan is attached to this report at Appendix 1.

1.2.3. The trees on the site were surveyed from ground level using the Visual Tree Assessment methodology (Mattheck et al., 2003)

1.3. Limitations of the report

1.3.1. I have relied on the accuracy of the supplied plan for the locations of the trees.

1.3.2. No invasive decay testing equipment was used in this survey.

1.3.3. None of the trees were climbed as part of this survey.

1.3.4. Trees are living organisms and changes to the environment can have a significant impact on the structural and physiological conditions of the tree. Where changes to the environmental conditions have occurred, and after extreme weather events the safety of the tree should be reassessed.

1.3.5. This report is valid for a period of twelve months assuming that there are no changes to the trees environment, or extreme weather events which could affect the safety of the tree.

1.4. Qualifications

1.4.1. I have based this report on my site observations and the information provided and I have come to my conclusions in the light of my experience and qualifications. I am a Chartered Arboriculturist, and a professional member of the Arboricultural Association. My qualifications include the Level 6 Professional Diploma in Arboriculture, and I am a QTRA registered user. In addition, I have over 40 years' experience in the arboriculture industry and maintain an active continuing professional development programme. A detailed list of my qualifications has been included in section 5.

2. Data Collection

2.1. Site visit

2.1.1. I carried out a site visit on the 9 December 2018.

2.1.2. During the site visit the weather was dry, sunny, clear and calm. The trees are growing on private land adjacent Caldew Road. Access to the trees was limited to viewing them from Caldew Road. Due to the lack of access some measurements had to be estimated. However, this was restricted to measurement of the stem diameter. Where measurements have been estimated this is indicated by a # in the tabulated tree data schedule in section 8 of this report.

2.1.3. Carlisle City Council supplied the TPO plan. This plan was used to identify and number the trees and is attached at Appendix 1 of this report.

2.1.4. At the site visited I noted that T1 is an oak, and T2 – T4 are sycamores. The TPO plan identifies the trees as all being oaks. For the avoidance of doubt, I have specified T1 and an oak, and T2 – T4 as sycamores in the tabulated tree data schedule.

2.2. Site description

2.2.1. The site is an agricultural field east of Caldew Road opposite Highfield, Caldew Road, Cummersdale, Carlisle, which is currently rough grazing.

2.2.2. The trees are located in the north-west corner of the field within the hedgerow adjacent Caldew Road which marks the western boundary of the field. Tree 1 is the most northerly tree, and tree 4 the most southerly.

2.2.3. Trees T2 – T4 have recently had the branches from their eastern sides, over the field, lopped off, giving them a visually ‘unbalanced’ form.

2.2.4. Trees T2 – T4 have ivy growing over their stems and lower sections of the main branches which may hide defects.

2.2.5. Caldew Road is a narrow country road. However, due to it being the access to Stead McAlpin, and riverside walks, there is frequent vehicular and pedestrian access.

2.3. Data collection

2.3.1. I collected the data collected and recorded on paper sheets. The detailed results can be found in the tabulated survey schedule in Section 8. The recorded data categories have been summarised in the list below:

- Tree number. Individual trees are prefixed with the letter T.
- Species.
- Life stage.
- Height.
- Stem diameter
- Vitality.
- Risk assessment of…This is the part of the tree most likely to fail, and the target likely to be harmed.
- QTRA target range.
- QTRA size of part range.
- QTRA probability of failure range.
- Reduced mass
- QTRA risk of harm.
- Comments on notable conditions, problems, or peculiarities to do with the tree.

3. Arboricultural appraisal

3.1. Arboricultural appraisal

3.1.1. The four trees are approximately 18m tall with radial crown spreads of 8m, except to the east where the branches have been lopped off. At the time of the site visit all the trees appeared to have good vitality. Whilst some dead wood was present in the crowns of all the trees, this was no more than would be typically expected for trees of the age and species. There was no evidence of low vitality, decline, or fungal infection, albeit the trees could only be viewed from the roadside rather than in their entirety.

3.1.2. All the trees were assessed using the QTRA methodology. T1 was assessed in respect of whole tree failure, and loss of dead wood falling onto the road. T2 – T4 were assessed in respect of whole tree failure due to becoming physically unbalanced by the lopping, and branch loss due to increased exposure to winds onto the road. The road was considered the highest value 'target' due to its level of use.

3.1.3. T1 is an oak tree of typical form and of a moderate size. It has not been lopped as have T2 – T4 so retains a normal well-balanced crown. There is some dead wood within the crown which is typical for the age and species. The tree was given a probability of failure score of 7 as it is a typical tree of its age and species, shows no evidence of decline, and had no significant structural defects. Trees which score 7 always have a risk of failure of <1,000,000. The dead wood is small in size, and is decaying gradually reducing its mass, typically for oaks retained on the tree. Therefore, the degree of harm that would arise if it were to fail would be small.

3.1.4. Trees T2 – T4 have had their branches which overhang the field to the east lopped off. The extent of the branch removal is relatively small in terms of weight that has been removed. The forces imparted into the trees during storms and windy weather will be significantly greater than the forces imparted into the trees due to the weight of the branches alone. The trees will have grown to accommodate the high loadings which occur during stormy weather, and in my opinion, will not be structurally unbalanced by the small change in loading arising from the removal of the branches. Therefore, I do not consider the removal of the branches has structurally unbalanced the trees such that they are likely to topple over.

3.1.5. The remaining branches on trees T2 – T4 will be more exposed to winds from the east increasing their risk of failure from high winds from this direction. However, the branches are relatively compact, and the limbs quite small, and thick. Furthermore, the prevailing wind direction is south-westerly. The remaining branches are already adapted to winds from this direction, being on the western side of the trees and exposed to these winds. The removal of the eastern branches will not therefore increase the likelihood of the remaining branches failing due to the prevailing south-westerly winds. Whilst there is a small increased risk of failure due to increased exposure of the remaining branches to easterly winds I do not consider that the removal of the branches on the eastern side of the trees has significantly increased the overall risk of failure of the remaining branches.

3.1.6. The removal of the branches has created numerous wounds of various sizes on the trees. The loss of branches. These wounds are entry points for decay organisms. Over the coming years it is likely that the trees will start to decay from these areas, and could, in due course, result in significant defects arising which could lead to the failure of the trees.

3.1.7. The loss of branches will also result in a loss of leaf area. This will reduce the trees ability to provide sufficient carbohydrates to support its life process's. Excessive lopping such as this can lead to the decline and premature death of the tree particularly if the tree already has reduced vitality. However, as noted above the trees appeared to have good vitality. I would therefore expect them to survive the loss of branches, albeit the trees may decline giving rise to increased dead wood within the crowns which will itself become a hazard. The trees could respond to the lopping by growing numerous epicormic shoots to replace the lost leaf area. These shoots usually grow around the wounds created by the branch removal, and are weakly attached to the tree. As already mentioned the wood exposed by the wounds is likely to decay. As the weakly attached epicormic branches growing in the area of the decaying wood become heavier there becomes an increased likelihood that they will fail in years to come.

3.1.8. Images from Goole Street View show moderately large trees which have a visually well-balanced crown, and are prominent in the landscape. The lopping of the branches on T2 – T4 has resulted in trees with reduced visual amenity value. Some pruning might be considered worthwhile to try and redress the reduction in visual amenity. However, any pruning work should be phased to allow the trees to recover from the harm caused due to the lopping.

4. Conclusions

4.1. Conclusions

4.1.1. The risk of harm arising from the trees has been assessed to be less than 1/1,000,000 for all eventualities that were assessed. This level of risk of harm is considered to be broadly acceptable as it is already ALARP. No work needs to be undertaken to reduce the risk of harm.

4.1.2. The trees are structurally adapted to high loadings, particularly arising from high winds. The small amount of weight that has been removed due to the lopping has not resulted in the trees becoming physically unbalanced and likely to topple over.

4.1.3. The lopping has increased the exposure of the remaining branches to easterly winds. However, the prevailing winds are south westerly, and the branches are sturdy and free of significant defects. Consequently, there is no significant increase in risk from branch failure due to increased exposure.

4.1.4. The loss of leaf area, and the creation of large wounds could lead to decay and the decline of the trees in years to come.

4.1.5. The lopping has created visually unbalanced trees. Phased pruning could be undertaken to improve the form of the trees.

4.2. Management recommendations

4.2.1. A phased crown reduction of T2 – T4 to improve the visual amenity of the trees.

4.2.2. Thinning and reduction of epicormic shoots as they grow, to reduce the risk of failure, and to recreate a good form.

4.2.3. Re-inspect and assess the safety of the trees after changes to the trees environment, high winds, and at least once every two years.

5. Bibliography and experience

5.1. Bibliography

- *BS3998:2010 Recommendations for tree work*. London: BSI Publications.
- Mynors, C. (2002) *The Law of Trees, Forests and Hedgerows.* London. Sweet and Maxwell
- Mattheck, C., Breloer, H., Lonsdale, D. and Strouts, R. (2003). *The body language of trees*. London: The Stationery Office
- Lonsdale, D. (1999) *Principles of Tree Hazard Assessment and Management.* London: HMSO
- Ellison, M. (2012) Quantified *Tree Risk Assessment User Manual Version 5*

5.2. Qualifications and experience

I am a Chartered Arboriculturist having 40 years' experience working with trees as a contractor, local authority tree officer and a consultant. My qualifications include the Level 6 Professional Diploma in Arboriculture. I am a professional member of the Institute of Chartered Foresters (MICFor) and a professional member of the Arboricultural Association (M. Arbor. A) I have developed an in-depth knowledge of trees in planning and currently provide a wide range of consultancy advice to developers in supporting planning applications, and to local authorities in respect of their functions for trees, and hedges. I am a registered QTRA user and I maintain an active CPD programme and recent CPD includes:

QTRA Training – October 2017

North West Forest Forum – June 2017

Cumbria Woodlands. Bats and trees awareness – December 2016

Ancient Tree Forum Meeting at Lowther, Penrith – September 2016

Arboricultural Association Annual Amenity Conference – September 2016

Assessment of Tree Forks. Junctions in trees: Assessment of junctions for risk management – October 2016

Ancient Tree Forum Meeting at Geltsdale, Carlisle – June 2016

Arboricultural Association Annual Amenity Conference – September 2015

Woodland Countryside Stewardship, (Forestry Commission) – June 2015

Cumbria Planning Training Scheme Seminar. Vertical infrastructure and its impacts on landscape character – October 2014

Arboricultural Association Annual Amenity Conference – September 2014

6. Tree data schedule

6.1. Explanatory notes

6.1.1. Explanatory notes for tree data schedule

- Tree locations have been plotted manually using local landmarks to an accuracy of +/-5m.
- Tree species is given in the common name.
- Tree height is measured using a sunto clinometer to an accuracy of +/- 2m.
- Life stage is defined as follows;

  Y – Young. Newly planted and establishing trees. Usually fast growing in height, much less so in spread, and only having a limited impact upon the landscape.

  EM - Early Mature. Established young trees. Growing in height and the crown is starting to spread. The tree should be having some impact upon the landscape.

  M – Mature. Trees which have reached, or nearly reached, their maximum expected height and spread taking into account the species and local conditions.

  PM - Post Mature. Fully mature tree with declining vitality and likely to have some features that could be regarded as defects, such as large ponderous branches and old wounds. Likely also to have high visual and biodiversity value

  V – Veteran; A tree bearing the 'scars' of age, although not necessarily old, including habitat features such as wounds or decay acquired as a consequence of its life or environment. These trees can have high conservation and biodiversity value.
- Vitality: Is an assessment of the overall physiological and biomechanical processes of the tree defined as follows;

  Dead – dead

  Moribund – At the point of death; in terminal decline.

  Poor – low vitality, indicated by extensive dead twigs and branches within the outer crown, little twig extension growth, sparse and small foliage for a tree of the age and species.

  Reduced – Reduced for the species and age

  Normal – Within the normal range for the species and age.
- QTRA Target Range; based on either property value, vehicle movements, occupation of the site, or pedestrian use frequency.
- QTRA Size of Part Range; based on the size of the part of the tree most likely to fail.
- QTRA Probability of Failure Range; based on the probability of the part to fail within 12 months.
- QTRA Risk of Harm; a 'score' calculated from the Target Range, Size of part and Probability ranges to produce a risk of harm (e.g. 1/20,000).
- Comments; describes specific details and peculiarities with the tree.

- Reduced mass. This takes into account that the degradation of branches reduces their mass. Where appropriate the reduced mass is calculated into the risk assessment by multiplying the risk of harm by the reduced mass.
- Risk Assessment Of…; describes which part of the tree has been assessed as most likely to fail, and what the target is.

7. QUANTIFIED TREE RISK ASSESSMENT (QTRA)

The Quantified Tree Risk Assessment (QTRA) system applies established and accepted risk management principles to tree safety management. Firstly, the targets (people and property) upon which trees could fail are assessed and quantified, thus enabling tree managers to determine whether or not, and to what degree of rigour the tree survey or inspection, is required. Where necessary the tree, or branch, is then considered in terms of both impact potential (size) and probability of failure. Values derived from the assessment of these three components (target, impact potential and probability of failure) are combined to calculate the probability of significant harm occurring in a 12-month period.

The system moves the management of tree safety away from labelling trees as either *safe* or *unsafe*, thereby requiring definitive statements of tree safety from either tree surveyors or tree managers. Instead, QTRA quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with tree value and operate to a predetermined limit of reasonable or acceptable risk.

Example:

For a given tree: -

⇒ Target value = 3
⇒ Size of part = 3
⇒ Probability of failure = 2
⇒ Risk index = 50
⇒ Risk of significant harm = **1/50,000**

In the example above, the target value 3 is used, because the pedestrian frequency on the site is gauged between 2 and 7 per hour; whilst the size of part value 3 is used, because the part most likely to fail has a diameter between 100mm and 250mm. The probability of failure value 2 is used, because it is predicted that out of 100 trees in a similar condition, one tree is likely to suffer branch failure over the next 12 months.

The risk index is the calculated result, which is one thousandth of the risk of harm.

Example: risk index of 50 = 1/50,000 risk of harm.

QTRA is based on the premise that a risk of 1/10,000 for significant harm is a broadly acceptable or reasonable level of risk at which tree owners/managers may choose to manage their trees because of their value and many benefits (i.e. 'in the wider interest'). This level is based on work carried out by the British Medical Association, the Health and Safety Executive and others. The owner/manager may, of course, choose to operate at a lower or higher level of risk.

Table 1 below provides a matrix which sets out the actions to be taken at the relevant thresholds of risk.

Table 1. Matrix describing the actions to be taken at the relevant thresholds of risk.

Threshold	Description	Action
>1/1000	**UNACCEPTABLE** Risks will not ordinarily be tolerated	• Control the risk
1/1000 to 1/10 000	**UNACCEPTABLE** (where imposed upon others) Risks will not ordinarily be tolerated	• Control the risk • Review the risk
	TOLERABLE (by agreement) Risks may be tolerated if those exposed to the risk accept it, or the tree has exceptional value.	• Control the risk unless there is broad stakeholder agreement to tolerate it, or the tree has exceptional value • Review the risk
1/10 000 to 1/1 000 000	**TOLERABLE** (where imposed upon others) Risks are tolerable if ALARP	• Assess costs and benefits of risk control • Control the risk only where a significant benefit might be achieved at reasonable cost • Review the risk
<1/1 000 000	**BROADLY ACCEPTABLE** Risk is already ALARP	• No action currently required • Review the risk

Further details can be found at www.qtra.co.uk

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8. Tabulated tree data schedule

TREE/GROUP NO.	TREE SPECIES	LIFE STAGE	TREE HEIGHT (M)	VITALITY	STEM DIAMETER (MM)	QTRA TARGET	QTRA SIZE OF PART	QTRA PROBABILITY OF FAILURE	REDUCED MASS	RISK OF HARM	RISK ASSESSMENT OF THE FOLLOWING:	COMMENTS
T1	Oak	M	17	N	#600	3	4	3	0.5	<1/1,000,000	Dead wood onto the road	Dead wood typical of age and species. Maximum size 100mm dia. And 1.5m long.
						3	1	7		<1,000,000	Whole tree failure onto the road	
T2	Sycamore	M	17	N	#580	3	1	6		<1/1,000,000	Whole tree failure onto the road	Ivy obscuring trunk and lower parts of the main branches. Branches on the east side of the tree lopped off. Some increase in exposure to east winds. Some dead wood typical of age and species.
					#180	3	3	**5**		<1/1,000,000	Recently expose branch onto the road	
T3	Sycamore	M	16	N	#560	3	1	6		<1/1,000,000	Whole tree failure onto the road	Ivy obscuring trunk and lower parts of the main branches. Branches on the east side of the tree lopped off. Some increase in exposure to east winds. Some dead wood typical of age and species.
					#180	3	3	5		<1,1,000,000	Recently exposed branch onto the road	
T4	Sycamore	M	18	N	#590	3	1	6		<1/1,000,000	Whole tree failure onto the road	Ivy obscuring trunk and lower parts of the main branches. Branches on the east side of the tree lopped off. Some increase in exposure to east winds. Some dead wood typical of age and species.
					#220	3	3	4		<1/1,000,000	Recently exposed branch onto road	

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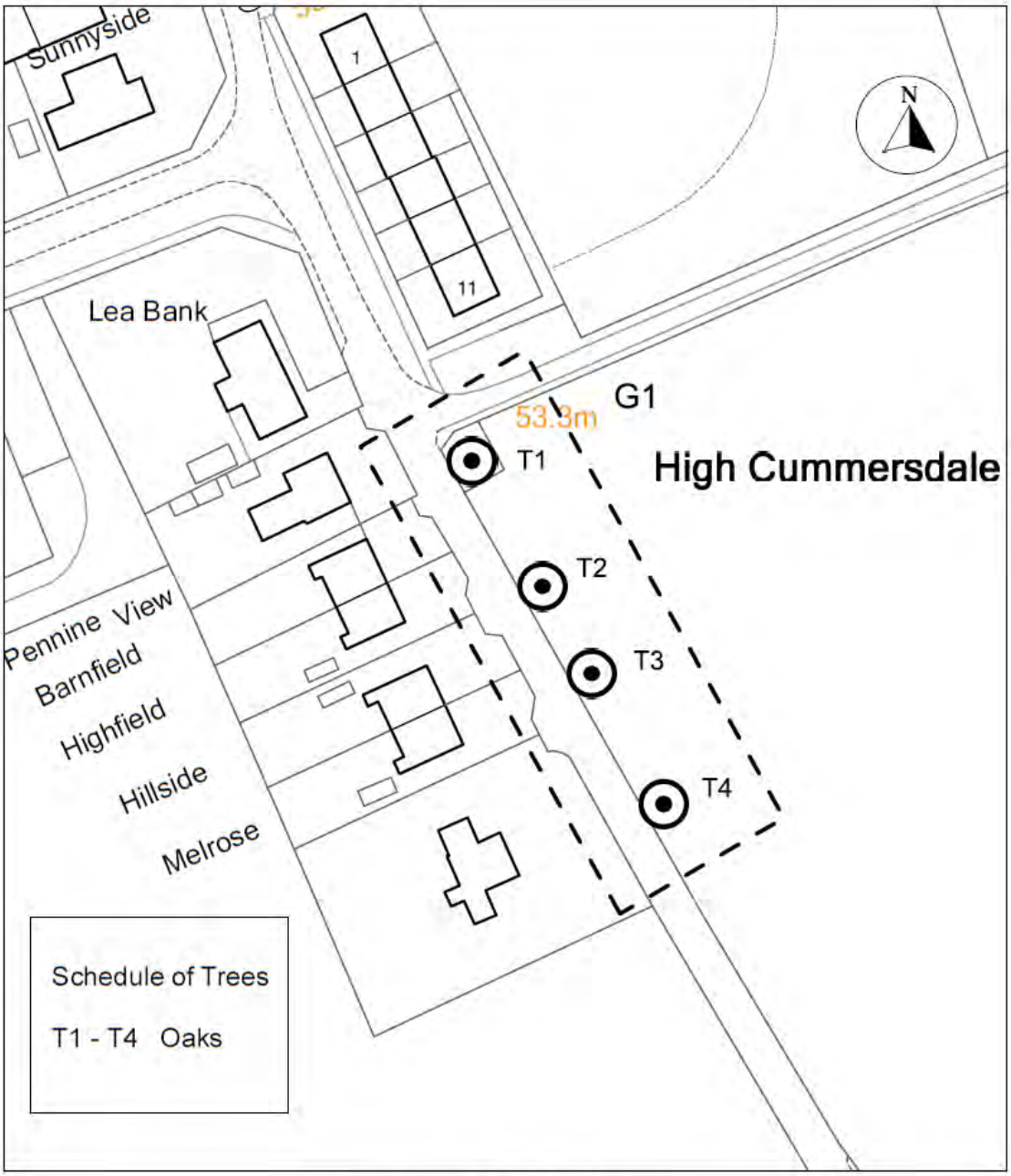
Appendix 1. Tree Preservation Order 292 Plan



Act 1990 Section 198(1)

Tree Preservation Order Number 292
Land at Caldew Road, Cummersdale,
Carlisle, CA2 6BN

Scale: 1:750

Date: December 2017

CARLISLE CITY COUNCIL
www.carlisle.gov.uk

Economic Development, Civic Centre, Carlisle, CA3 8QG

Appendix 2 Photographs

T1 Oak

T1 – T4 Looking south from T1 showing lopped crowns on east side of trees

T2 – T4 Showing lopped crowns

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Capita Real Estate and infrastructure
The Capita Building
Kingmoor Business Park
Carlisle
Cumbria CA6 4SJ