

# Report to Development Control Committee

Agenda  
Item:  
**A3**

Meeting Date: 10<sup>th</sup> January 2020  
Portfolio: Economy, Enterprise and Housing  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework  
Public / Private Public

Title: TPO 303 LAND AT HAYTON, BRAMPTON  
Report of: CORPORATE DIRECTOR OF ECONOMIC DEVELOPMENT  
Report Number: ED.02/20

## Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 303, land at Hayton, Brampton considering representations to the making of the order.

## Recommendations:

It is recommended that Members modify the Order to remove trees T1 and T5 and update the remaining grid references.

## Tracking

Executive:	
Scrutiny:	
Council:	

## **1. BACKGROUND**

- 1.1 In May 2019 a request was made by residents to protect certain trees within and around the village of Hayton. This request is attached at Appendix 1. The request was accompanied by a plan and a petition signed by 140 residents. This was in response to 3 mature sycamore trees being felled on land adjacent to Briar Lonning in December 2018. These were not protected trees and the land owner was able to execute this work without any permission required from the Local Authority.
- 1.2 An assessment of the trees was undertaken using the Forbes-Laird Tree Evaluation Method for Preservation Orders (TEMPO). Out of the 9 trees and 2 group of trees, 5 trees were worthy of protection and 1 group.
- 1.3 A copy of the plan relating to Tree Preservation Order 303 and the statement of reasons are attached hereto at Appendix 2.
- 1.4 Tree Preservation Orders are a planning tool to assist in the protection of trees where there may be a threat from development. They should be used as a last resort as good development will not require any damage or loss of trees however it can often be the case that proposed development will seek the removal of trees or impact on future residential amenity that continues to threaten a tree's survival.

## **2. CONSULTATION**

- 2.1 The Parish Council, owners of affected properties, and all those who were known to have an interest in the land were consulted on the proposed Tree Preservation Order, in accordance with the requirements of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2 2 letters of objection to the inclusion of T1 and T5 within the Order have been received. These are contained within the Appendix 3.
- 2.3 The objections are summarised below:
  - *Inclusion of T1 Walnut tree. Government guidance states that Local Planning Authorities can make an Order if it is 'expedient' to do so. In the case of T1, this tree is managed by the Parish Council to the 'highest standards'*

- *It is the Parish Council's policy to instruct an arboricultural consultant on a regular basis to inspect and report any change or work that is necessary to the tree.*
- *T1 is situated on land that will never be sold, therefore there is no risk to the tree.*
- *A TPO is an un-necessary bureaucratic and financial burden on both the owner and the Local Authority*
- *Inclusion of T5 which is a healthy tree of no special significance and not under threat.*
- *A TPO creates unnecessary paperwork for the Local Authority and Parish Council, when more important issues need attending to.*

### **3. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 3.1 Government guidance does state that although some trees and woodland may merit protection on amenity grounds, it may not be expedient to make them subject to an Order, if the trees are under good arboricultural or silvicultural management. However, if the authority believe that certain trees are at risk as a result of development pressures, an order may be expedient.
- 3.2 It is clear from the Parish Council's response that the trees referenced T1 and T5 are well managed by a public body. It is noted that where public bodies are responsible for tree management, they should do so in the wider public interest. The imposition of a TPO on those trees would therefore be a duplication of effort.
- 3.3 Whilst the objection to the draft Tree Preservation Order only refers to T1 and T5, it is relevant to note the situation of the remaining trees, T2, T3, T4 and group 1, which have no known development applications pending, are not on allocated development land and do not have any known perceived threats to their existence.
- 3.4 Should any land owner wish to remove any of these trees, they would be required to apply to the Forestry Commission for a 'Felling Licence', which is a 3-month application process and is necessary for the felling of over 5 cubic metres of timber.
- 3.5 Since the draft Order has been served minor revisions are required to the grid references to ensure there is no doubt which trees are protected. Should the order be confirmed in its entirety Members should modify the Order to allow for these minor changes.
- 3.6 In light of the above there are three options available to Members of the Committee.

- To confirm the Order with modifications regarding grid references
- To confirm the Order with modification to remove T1 and T5
- Not to confirm the Order.

#### **4. RECOMMENDATIONS**

It is recommended that Members modify the Order to remove trees T1 and T5 and update the remaining grid references.

**Contact Officer: Sue Stashkiw Ext: 7175**

**Appendices**  
**attached to report:** **Appendix 1 – Request for TPO 303**  
**Appendix 2 – Draft Order, Location Plan and Statement of reasons**  
**Appendix 3 – Third Party letters**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- **None**

#### **CORPORATE IMPLICATIONS:**

**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.

This tree preservation order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including residents, who have made representations, have the right to a fair hearing and to this end the Committee must consider 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.

**FINANCE – n/a**

**EQUALITY – n/a**

**INFORMATION GOVERNANCE – n/a**

## **REQUEST FOR TREE PRESERVATION ORDERS HAYTON VILLAGE, BRAMPTON, CUMBRIA**

This is a request on behalf of the residents of Hayton village for Tree Preservation Orders to be placed on a number of significant trees, single and group, within the village.

### **Vulnerability of Historic Landscape**

The catalyst for this request was the felling of three majestic sycamore trees in December 2018, which took less than 3 hours to execute. Villagers are now aware how easily our much-loved, historic landscape can irrevocably be changed in a very short time, leaving us feeling powerless to prevent it. The village has also recently lost an old yew tree which was in the garden of West Field, highlighting the need for action to protect the village trees. In recent times this village has also had a SSSI severely damaged in Hayton Townhead woods. All of this has made the village residents aware that they need to become the guardians of the historic landscape and nature. Experience has taught us that our trees are particularly vulnerable when property and land ownership changes take place, this being the time that trees are most under threat from felling prior to making changes, for example, a planning application. We are looking to Carlisle City Council and the Planning/Landscapes Compliance and Enforcement Officer to support and help us in this endeavour. Carlisle City Council will be aware of the revised National Planning Policy Framework (NPPF) (July 2018) placing protection of ancient woodland and ancient and veteran trees in England on a par with the best of our built heritage for the first time.

The majority of people that live in the village are behind this proposal, see below Resident Support, being concerned that the remaining trees within the village that are of significant maturity and visibility in our village landscape are protected and conserved into the future. They wish to preserve the character of the village.

The sycamore trees that were felled were possibly the remains of an old hedge as a boundary is marked at that location on a 1710 map of the village where there is no boundary today. Much of the historic land use of Hayton is visible from its landscape, the remains of old boundaries being marked by mature trees. There is still visible evidence of the strip system of land allocation in operation as shown on the Tithe map of 1841. The village sits among long, narrow fields separated by old hedges. In these hedges, which would have been laid every three or four years by hand, specimen trees have been left to grow

into majestic, old trees. Some of the mature tree specimens which we would like to preserve with TPOs fall into this category. We would like to afford them the opportunity to survive and become ancient specimens.

## **Nature Matters**

The benefits of living, or spending time, in a leafy environment are well documented and supported by science.

Trees provide food, shelter and habitat for many insects thus increasing biodiversity by providing food, shelter, nest and roost sites for birds and bats. Thirty different species of bird were recently observed in one village garden, including woodpecker. Owls and bats can also be seen in the vicinity. Even our dead trees and branches support insects, fungi and lichens. Our native Oak is the most important tree for biodiversity supporting generally around 2,200 species, [www.actionoak.org](http://www.actionoak.org). One ancient oak can support more biodiversity than a thousand 100 year old oaks ([www.nationaltrust.org.uk](http://www.nationaltrust.org.uk)). Our mature trees, if protected, will become the successors, the next generation of veteran and ancient trees, supporting all these species, many of which are in serious decline, in part due to loss of habitat.

With regard to the Ash trees we wish to protect, who knows, one of these trees could be the resistant specimen to the deadly ash die back disease that could be propagated and save the nation's ash trees. This happened in Essex with Dutch elm disease and from a few resistant English elm trees discovered, thousands of disease resistant trees have now been propagated!

Trees provide benefits for human health and well being too, both mental and physical, filtering air pollution and providing green space for relaxation and stress reduction. The importance of trees in future urban planning and development are now recognised. Within the past week the independent Committee on Climate Change has advised the Government that almost 3 billion trees must be planted by 2050 and 200,000 miles of hedgerows will need to be grown, stressing the importance of trees in reducing carbon emissions and the effects of climate change. The people of Hayton wish to preserve their trees for the biodiversity of our countryside and wildlife as well as our own well-being and that of our children, grandchildren and generations to come.

## Resident Support

The community of Hayton village has been fully involved in the work that has been undertaken so far with regard to this request. The matter of Tree Preservation Orders was discussed under public participation in January with the Hayton Parish Council. The Parish Council requested a list of trees. A list was drawn up of significant trees within the 30 mph zone of the village. All trees on the list are visible from public access areas such as roads, footpaths and the play area. All can easily be seen and enjoyed from a short stroll through the village.

All properties in the village were notified by flyer of the proposal and a list of trees included. Residents were asked for their observations and comments and as a result some trees were removed and some were added. In particular the views of villagers with significant trees in their gardens were sought. This request has involved the whole community and reflects the wishes of the majority of the village.

At the Parish Council Meeting, February 2019, the Clerk to the Parish Council informed the village and Councillors that for legal reasons the Parish Council could not take this matter forward and that the village residents would need to do this, the Parish Council being involved at a later stage when they would be asked for their observations as part of the planning process.

The majority of village residents are concerned about the future of our trees and wish to preserve them because they enjoy them, appreciate them, understand that they make Hayton a good place to live for humans and wildlife, are part of the history of the village and without them Hayton would lose an important part of its character; they wish to preserve these amenities for future generations.

Village residents were asked to 'sign up' if they supported the proposal to request Tree Preservation Orders on the trees.

There are 174 houses in Hayton and Hayton Townhead; 17 of these are still being built, are empty or are holiday lets. Of the 157 remaining, 139 households were visited. Of these 139 households, just less than 25% did not 'sign up', the majority of these declaring a 'neutral' stance.

However, a large majority of over 75% (105 households) did 'sign up' and do support this request for Tree Preservation Orders on the trees detailed below.



This document can be made available for inspection and demonstrates the 'public amenity value' residents place upon these trees.

### **Location of trees and individual reasons for request**

Each tree or group of trees has been given a number which corresponds with the location of the tree(s) on the enclosed map.

#### **1 The Hayton Walnut Tree**

- Ancient tree, girth 5.52m and height 17.43m
- One of the top ten of its species in the UK
- One of the top 50 trees in Cumbria, [www.cumbriastop50trees.org.uk](http://www.cumbriastop50trees.org.uk)
- Largest ever walnut tree recorded in Cumbria and this far north
- May date back to reign of Henry VIII (1491-1547)
- Gives its name to The Walnut Field, in the centre of the village on land given 'for the benefit of the village as an open space for all time'
- The Walnut Field has been the centre of village activities for many years, with carol singing, May Day celebrations, the Queen's Jubilee party and the annual Scarecrow Festival being held beneath the tree
- A community meeting point with definite amenity value.

The village wishes to give this deserving tree the added protection of a TPO.

#### **2 The Giant Redwood**

This *Wellingtonia Sequoiadendron Giganteum* is growing in the grounds of 1 Westgarth.

- Girth 10.5 metres, height 24.54 metres
- Researched by current owners and believed to be about 160 years old
- The tree in Westgarth garden on OS map of 1861 is possibly this tree
- The current owners have a photo of the tree taken in 1910, already towering above the house roof
- It is probably one of first of this species planted in Great Britain as this species was first discovered, named and introduced by William Lobb in 1853
- There are only 20 of this species recorded in Cumbria, the nearest being in Carlisle Cemetery and St Kentigern's church, Caldbeck (one of Cumbria's top 50 trees)

- The wildlife in the tree observed by the current owners includes owls, tree sparrows, coal tits, tree creepers, a nightjar, bats, red and grey squirrels and a weasel amongst the roots
- The current owners understood when they purchased this property that there was a TPO on this tree and are keen for it to have TPO protection
- It is the only remaining specimen in the village, the other being felled due to the effects of development
- This tree is believed to be on RAF maps as a reference point for pilot training.

The village and the current owners wish to protect this magnificent tree, clearly visible above the village roof tops. This tree is still in its youth and with protection could live to an age where it produced cones and seeds or become a tourist attraction as those trees in the Sequoia National Park in Sierra Nevada, where this tree originates.

### **3 The group of trees on Castle Hill (deciduous and conifer)**

- This wood creates a visual backdrop to the village, visible from the whole village, standing on a raised area, mote, Castle Hill
- The 13 trees on the ridge leading to Castle Hill already have TPO protection, as do some trees in the grounds of the residence called Castle Hill
- The OS map of 1863-4 shows trees as a feature on Castle Hill
- The wood on the mote, locally known as Crow Wood, has been a roost and nest site for the local rooks as long as living memory. (Hayton a Cumbrian village, 1999 Muriel Lefley)

### **4 Group of trees surrounding Old Vicarage**

- A beautiful grove of predominantly lofty beech trees
- There are a number of listed buildings in the area, including the Old Vicarage, in the historic heart of Hayton
- There are trees on this site on OS map 1863-4
- These trees are visible and appreciated from the Church trod across the fields from How Mill, the village playground, public buildings such as the village school and playing fields, St Mary Magdalene Church and cemetery
- The current owners of this property are of the view we are custodians of our environment for future generations and would welcome TPOs or conservation status being placed on their trees.

## **5 Large Copper beech, the Cedars**

- Girth 1 metre above ground is 3.7m
- Stands outside the churchyard and belongs to the house nearby, The Cedars
- This tree is a majestic, beautiful and elegant part of this important historic, public area
- It is greatly valued and appreciated by residents attending church for funerals and weddings, those visiting the cemetery, those attending events such as May Day on the school field, families using the playground and walkers on the footpath.

## **6 Ash tree, garden of Stonechats**

- Girth at 1 metre above ground 3.3 metres

## **7 Sycamore, entrance to the Goldings**

- Girth a 1 metre above ground 7.7 metres

## **8 Oak tree near the Goldings, belonging to The Milleon**

- Girth at 1 metre above ground 5.8 metres

These three mature trees are visible on the left hand side from the public highway on entry to Hayton village from the Lane End pub, A69.

- All these trees are loved by their respective owners who would like them to be protected by TPOs
- These trees are important to the village for the reasons given above in Vulnerability of the Historic Landscape and Nature Matters
- They mark historic boundaries and hedges
- These trees at this boundary are marked on OS map 1863-4
- These mature trees support biodiversity, which will increase as they age.
- If protected they could become the veteran and ancient trees of the future.

## **9 Oak tree in field beside the Reading Rooms, on the right hand side leaving the village towards Hayton Townhead**

- A striking sentinel when approaching or leaving the village, and next to the Reading Room, village hall
- This oak tree is also important for the reasons given under Nature Matters
- This tree is marked on OS map 1863-4
- If protected this tree could become a veteran or ancient tree supporting even more biodiversity.

## **10 & 11 Two mature trees in hedgerow, field off Brier Lonning**

### **10 Ash tree, grid reference NY 5069 5797**

- Girth at 1 metre above ground 4.3 metres
- This tree should be protected for the reasons given in Vulnerability of Historic Landscape, the tree indicates a historic hedgerow and boundary
- Trees are marked in the hedgerow of this field on OS map 1863-4
- This tree should be protected for the reasons given in Nature Matters, to support biodiversity and protect our ash trees.

### **11 Sycamore tree, grid reference NY5064 5797**

- Girth at 1 metre above ground 4.12 metres
- This tree should be protected for the reasons given in Vulnerability of Historic Landscape, the tree indicates a historic hedgerow and boundary
- Trees are marked in the hedgerow of this field on OS map 1863-4
- This tree should be protected for the reasons given in Nature Matters, to support biodiversity in our landscape.

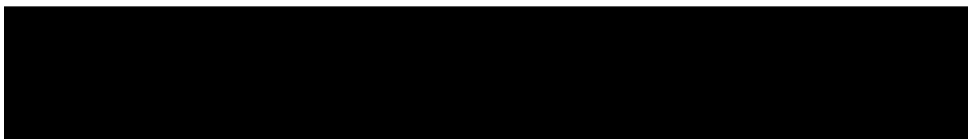
These two trees are visible on entry to the village from the public road but also to residents of Castle View who have requested that these magnificent trees be included as they form an important contribution to the enjoyment of their landscape.

## **Conclusion**

The majority of people living in Hayton, over 75% (105 households) want to protect the remaining trees in the village. TPOs would help us to achieve this aim.

On behalf of the residents of Hayton village

8 May 2019



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

### **Town and Country Planning Act 1990**

#### **The City Council of Carlisle**

#### **Land at Hayton Village, Carlisle– Tree Preservation Order 2019 (No.303)**

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 the Land at Hayton Village, Carlisle – Tree Preservation Order 2019 (No.303).

#### **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

78986



is affixed to this Order in the presence of

*Mark Hankel*

.....

OR

Signed on behalf of The City Council of Carlisle

\*\*\*\*\*

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

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

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

### **VARIATION OF ORDER**

This Order was varied by The City Council of Carlisle on the  
variation order under reference number

day of by a  
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)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Walnut	OS Grid Ref. 350776 557754 Land adjacent to Bunkers Hill, Hayton CA8 9HR
T2	Wellingtonia/Giant Redwood	OS Grid Ref. 350617 557751 1 Westgarth, Hayton CA8 9HL
T3	Copper Beech	OS grid Ref. 350787 557661 Land South of Church of St.Mary Magdelene, Hayton CA8 9HR
T4	Ash	OS Grid Ref. 351052 557752 Land adjacent to Reading Room, Hayton CA8 9HT
T5	Oak	OS Grid Ref: 350685 557841 Mote at Castle Hill, Hayton

#### Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[A1]	None	

#### Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
[G1]	None	

## Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Woodland	OS Grid Ref. 350685 557841 Mote at Castle Hill, Hayton

## STATEMENT OF REASONS

### TREE PRESERVATION ORDER NO. 303

#### HAYTON VILLAGE

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 5 trees and 1 woodland are protected by this tree preservation order are large prominent trees clearly visible to the public.

T1 is a Mature Walnut Tree situated on the village green, which is a focal point of the village. The age is unknown, but it may have been in situ for well over 300 years and is of veteran status.

T2 is a Mature Wellingtonia situated within the grounds of 1 West Garth. This tree may be in the region of 150-200 years old and is in good health.

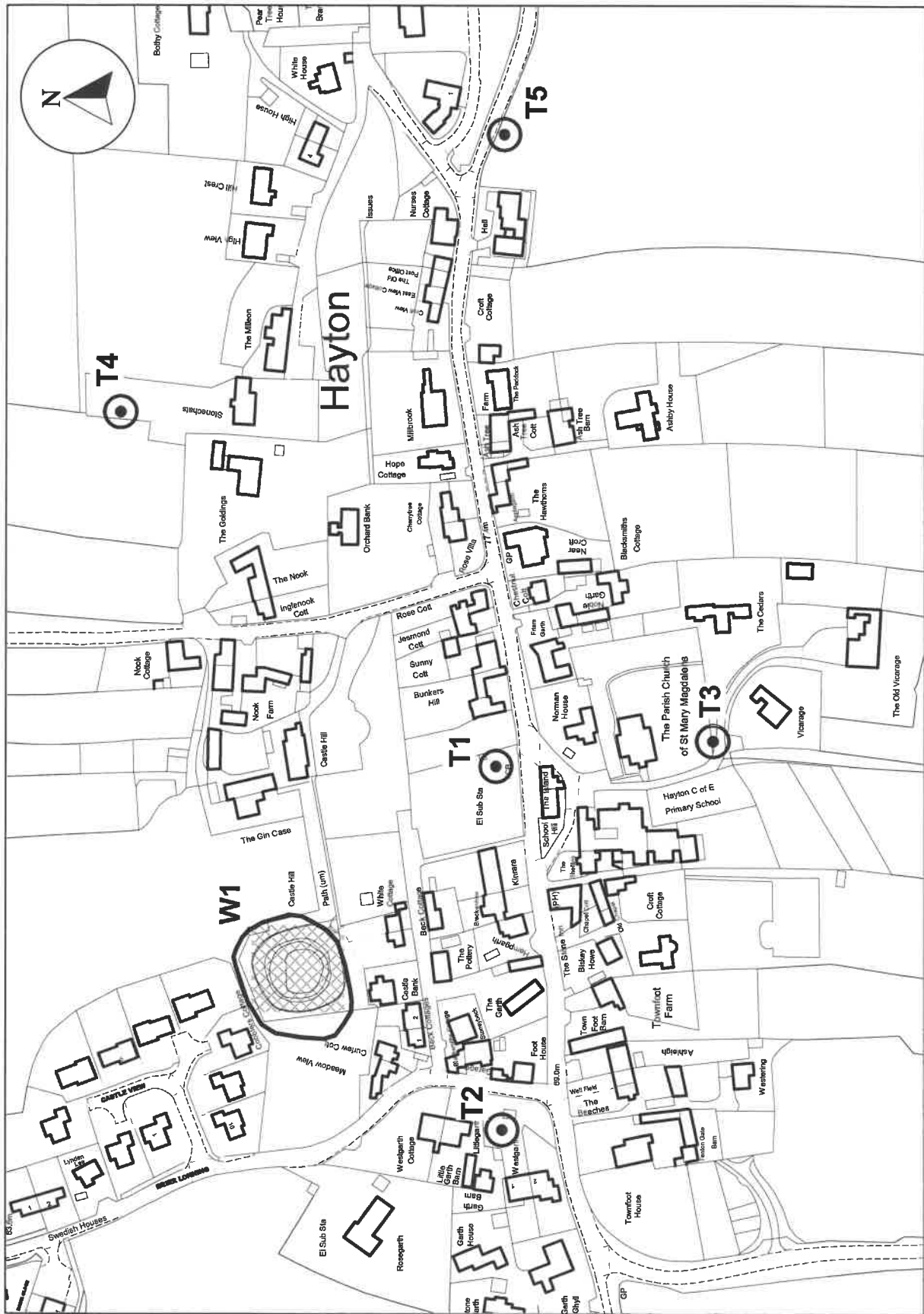
T3 is a Mature Copper Beech Tree situated outside The Vicarage in Hayton and is in good health. It positively contributes to the Hayton Parish Church yard and can be seen from the public realm.

T4 is a Mature Ash Tree situated south of Hayton Lane, visible on entry to the village from the public road (U1201)

T5 is a Medium Oak Tree positioned within the hedgerow East of the Village Reading Rooms heading towards Townhead (U1199) and shows good vitality.

W1 is a small woodland of deciduous trees of mixed variety sitting on a raised mote called 'Castle Hill. This group provide a visual backdrop to the village and gives high amenity value.

All trees make a substantial positive contribution and visual amenity of the village and it is considered that the most appropriate way to protect these trees for the future is by means of a tree preservation order.



Schedule of Trees	
T1	Walnut
T2	Wellingtonia / Giant Redwood
T3	Copper Beech
T4	Ash
T5	Oak
W1	Woodland
All trees of all species	

Date: July 2019

Scale: 1 : 2500

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Act 1990 Section 198(1)

# Tree Preservation Order Number 303

## Hayton Village

# Treescaping Consultancy Ltd.

Melbourne  
17 Millans Park  
Ambleside  
Cumbria  
LA22 9AG

21 November 2019

To: Mark Lambert  
Corporate Director of Governance and Regulatory Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

Dear Mr Lambert

## **CARLISLE CITY COUNCIL TREE PRESERVATION ORDER 303 – HAYTON VILLAGE**

I am writing on behalf of Hayton Parish Council. Hayton Parish Council object to the inclusion of the T1 in TPO 303. T1 is the walnut tree growing in Walnut Field, Hayton Village Green. The walnut is a very old and according to the Tree Register of the British Isles (TROBI) database it may be the seventh largest girthed walnut in the UK.

Relevant Government guidance is copied below.

*Local planning authorities can 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'.*

*Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified...*

*'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.*

*Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future...*

*Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.*

Hayton Walnut is growing on land managed by Hayton Parish Council, an elected body.

Hayton Parish Council first instructed me to inspect the tree in 2004 and I prepared a report dated 23 December 2004. Since then Hayton Parish Council have instructed me to inspect the tree on a number of occasions.

In 2004 Hayton Parish Council were prompted to acquire a report by a qualified arboriculturist because there were assertions that the tree was dangerous. At that time Hayton Parish Council considered that Hayton Walnut was a very special part of Hayton and they did not want to do any work to the tree that was not warranted. Moreover, they were aware that residents of the parish and further afield share their view that Hayton Walnut is a very special tree and they wanted to look after the tree to the highest standard on behalf of those people.

The Statement of Reasons states that: *'All the trees make a substantial positive contribution and visual amenity of the village and it is considered that the most appropriate way to protect these trees for the future is by means of a tree preservation order.'*

Hayton Parish Council agree that Hayton Walnut makes a significant visual contribution to the village and wider area. They consider that the walnut is one of the most special trees not only in Hayton but the whole of the UK.

Before work is carried out to Hayton Walnut it is the policy of Hayton Parish Council to first obtain advice from an arboricultural consultant who has experience of managing ancient trees. Once they receive written advice from such an arboriculturist it will be discussed at an open meeting of the parish council where members of the public can make comments. Decisions about the management of the tree have to be voted on and passed by a majority of parish councillors, all elected to serve. A decision about the management of the tree will never be made by an individual.

It is clear that Hayton Parish Council have been looking after the tree to the highest standard. For this reason, Hayton Parish Council consider that a Tree Preservation Order is not required to protect Hayton Walnut because it is not at risk. Moreover, Hayton Walnut is growing on land that will not be sold so there is no foreseeable future risk to the tree.

A Tree Preservation Order is a bureaucratic and financial burden on both the owner of a protected tree and the Local Planning Authority, in this case both publicly funded bodies. Is it appropriate to place this additional burden on these public bodies, especially as there is no risk to the tree? For this reason, Hayton Parish Council considers that Hayton Walnut should not be included in the Tree Preservation Order.

Please contact me if you would like to discuss this objection to the inclusion of Hayton Walnut in Carlisle City Council Tree Preservation Order 303, 2019.

Yours sincerely

Luke Steer  
Chartered Arboricultural Consultant  
Email: [luke.steer@treescapesc consultancy.co.uk](mailto:luke.steer@treescapesc consultancy.co.uk)



PLANNING & HOUSING SERVICES	
REF	
6 NOV 2019	
PROCESSED	
EXAMINED	
PASSED TO	
ACTION	

2 November 2019

MD Lambert  
Corporate Director of Governance and Regulatory Services  
Carlisle City Council  
Civic Centre  
CARLISLE  
CA3 8QG

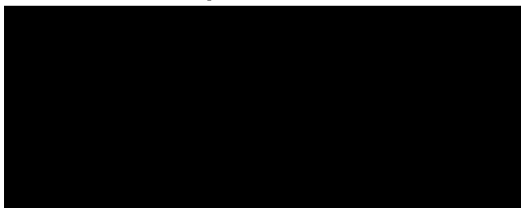
Dear Sir

Reference Tree Preservation Order 2019 Number 303

With regards to the above formal notice sent to me on 10 October 2019, I wish to object to the inclusion of T5 (which is on my land) on the schedule of trees. I cannot see any specific reason for including this tree as it is of no special significance compared to other trees in the parish. By including this tree, which is healthy and not under threat, you are creating unnecessary paperwork etc for yourselves and the Parish Council, both of which have more important issues to be attending to.



Yours faithfully



LEGAL & DEMOCRATIC SERVICES	
REF	
05 NOV 2019	
PASSED TO	