

Report of:	Meeting	Date	Item No.
Mark Billington Corporate Director Environment	Planning Committee	April 2021	

Wyre Council Tree Preservation Order No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA.

1. Purpose of report

- 1.1** To consider the objection to the making of Wyre Council Tree Preservation Order No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA.

2. Outcomes

- 2.1** To determine whether or not to confirm the Wyre Council Tree Preservation Order No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA.
- 2.2** An effective tree preservation order makes it an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. Recommendation

- 3.1** That the Wyre Council Tree Preservation Order No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA (“the TPO”) is confirmed without modifications for the reasons set out in this report.

4. Legislative background to the TPO

- 4.1** Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interest of amenity by making tree preservation orders. Following the introduction of **The Town and Country Planning (Tree Preservation) (England) Regulations 2012**, The Local Planning Authority is required to confirm a tree preservation order within six months of the

issue date if it is to continue to have effect after that period. When an objection is received, a decision on confirmation is usually referred to the Planning Committee.

- 4.2** Tree preservation orders are usually made because it is considered expedient in the interests of amenity to protect the trees from felling or pruning. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make an order as a precaution.
- 4.3** Amenity is not defined in law but the government's advice is that authorities need to exercise judgement 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 (GOV.UK, 2014).
- 4.4** Therefore the following criteria should be taken into account when assessing the amenity value of trees:
- **Visibility:** *the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.*
 - **Individual, collective and wider impact:** *public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to it of their characteristics including:*
 - *Size and form;*
 - *Future potential as amenity;*
 - *Rarity or historic value;*
 - *Contribution to, and relationship with, the landscape; and*
 - *Contribution to the character or appearance of a conservation area.*
 - **Other factors:** *where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change.*

(Source: **Tree Preservation Orders and trees in Conservation Areas/Planning Practice Guidance March 2014**).

- 4.4** The Regulation 5 notice, which is a legal notice that is served with the tree preservation order documents on the owner and occupier of the land affected by a tree preservation order and also the owner and occupier of the adjoining land, states the reason why the trees have been protected and invites objections or representations to be made to the Local Planning Authority within a 28-day period. The Regulation 5 Notice issued in respect of the land affected by the TPO gave the reason for making the TPO as *“it is expedient in the interest of amenity”*.
- 4.5** Once made, a tree preservation order takes effect provisionally for six months, but must be confirmed by the Local Planning Authority within that period to continue to be effective. If it is not confirmed the tree preservation order ceases to have effect and the trees are unprotected. When objections or representations are received the Council must consider those before any decision is made whether or not to confirm the order. In these cases, referral to Planning Committee is usually appropriate.

5. Background to making the TPO

- 5.1** On 20 November 2020 the tree officer visited land at Blackpool Road, Carleton, FY6 7QA and undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) which guided the subsequent decision to make the TPO. The TPO applies to twenty two trees located on a grassed verge alongside the highway.
- 5.2** The TPO has been created in separation from consideration of a planning Application relating to neighbouring land - Land South of Blackpool Road, Poulton-Le-Fylde (19/00615/OULMAJ) Outline application for the erection of up to 330 dwellings and associated infrastructure (all matters reserved) currently under consideration.
- 5.3** A copy of each of the completed 20 November 2020 TEMPO survey data sheets relating to the TPO along with associated public visibility images of the TPO are appended to this report at Appendix 1.
- 5.4** On 1 December 2020 Wyre Council made Tree Preservation Order No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA. A copy of the TPO plan is appended to this report at Appendix 2.
- 5.5** The Council served correspondence on the owners and occupiers of the land affected by the TPO and on those adjoining, notifying them of the making of the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 5.6** The period for any objections and representations to be made to the Council in respect of the TPO ended on 29 December 2020. On 16 December Wyre Council received a formal objection in regard to the TPO submitted by an Arboricultural Consultant on behalf of their client. A copy of objection letter is appended to this report at Appendix 3.

6. Summary of Objections

- The twenty two trees covered by the TPO are situated on adopted highway land, which is maintained by Lancashire County Council.
- In July 2019, a British Standard 5837(2012) tree survey and arboricultural impact assessment was carried out by this consultancy in respect of proposals to develop the adjacent land. All the trees subject to this TPO were included in the survey and the resulting Tree Report. Due to the relative proximity and lack of individual merit, all trees except for one (T1 on the tree report, T15 in the TPO), were included as groups.
- Within the Tree Report, the tree numbered T1 in the tree schedule (T15 of the TPO) was described as being prominent but with significant levels of deadwood and damaged branches requiring extensive pruning and was categorized as C1, the lowest category within the requirements of BS5837(2012).
- It is understood that this was also the view of the council's tree officer. Yet despite this, each of the trees were listed in the TPO as individuals, contrary to the requirements of the TPO Regulations.
- Within the TPO Regulations, Paragraph 026 states that “if trees merit protection in their own right, authorities should specify them as individual trees in the Order”. Paragraph 027 goes on to say that “the group category should be used where the individual category would not be appropriate and the group's overall impact and quality merits protection”.
- It is pertinent to note that in the Tree Report carried out by this consultancy, none of the trees or groups were considered to have individual merit.
- Despite the trees included in Category B being deemed to have moderate quality and value according to the BS5837 (2012) definition in Figure 1, their placement in Category B2 indicates that they are of mainly landscape value with visual amenity value as a group, not as individual trees. This conflicts with the individual listing of trees within the TPO.
- With regard to the council's reason for making the Order, in particular the use of the term “expedient”, Paragraph 010 of the Regulations states the following: “Although some trees and woodlands may merit protection on amenity grounds, it may not be expedient to make them 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”. Given that the trees are the responsibility of and are managed by Lancashire County Council, the expediency to make the Order in this respect is considered erroneous.

- Paragraph 010 goes on to say that “It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact upon the amenity of the area”. However, whilst it is assumed that the TPO was made to protect the trees from the adjacent development, with the exception of two proposed access points where it has been acknowledged that some semi-mature trees will be lost (but these will be replaced several fold elsewhere on the development site), all other trees will remain unaffected and will continue to be managed by Lancashire County Council. The premise that the trees are under threat is therefore also erroneous as far as any expedience to make the Order is concerned.
- With regard to the council’s other reason for making the Order, ‘Amenity’, this is defined in paragraph 007 of the TPO Regulations as follows: “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.”
- In that respect, Paragraph 008 states that “public visibility alone will not be sufficient to warrant an Order”.
- With regard to Size and Form, most of the trees are relatively small and are almost at full size since they are inherently small species such as whitebeam which will never attain great size. Other species such as poplar are tall species which will in time get considerably taller. However, this species is renowned for losing large branches or the top snapping off in high winds, each if which would be a serious hazard to users of the adjacent highway. The trees in question are therefore not ideal species in terms of size and form for their location and are not appropriate species to warrant protection given the level of work that will be required to maintain them in a safe condition.
- In terms of the trees’ relationship to the landscape, the same applies in respect of their longevity and relative size and form. Whilst the trees do contribute to the landscape to some extent, this is limited by the size of the majority of the trees in relation to the backdrop, and only then as a group or series of groups.

7.0 Response to Objections

- 7.1** The tree officer exercised judgement having regard to government guidance when deciding to make the TPO. An onsite Tree Evaluation Method for Tree Preservation Orders (TEMPO) was undertaken on 20 November 2020 in respect of the TPO. The TEMPO comprised an amenity assessment in relation to the condition and suitability of the trees along with consideration of tree species, size (in the case of the 22 trees covered by the TPO tree species included poplar (large sized), alder,

hornbeam, flowering cherry, whitebeam which can reach 15 metres height (respectively medium sized), life expectancy, public visibility, other factors and expediency. TEMPO does not make reference to BS5837: 2012 within the scorings of its three part assessment although it does provide the opportunity for the surveyor to score 0 for factors where it is considered that a tree is unsuitable. Nonetheless, it was decided that the TPO would be defensible and should be made because 'it is expedient in the interest of amenity'. The trees appraised may have a cumulative amenity impact as street trees when considered as a whole but the public visibility images in Appendix 1 clearly demonstrate the contribution of each of the TPO trees as individuals which merit protection in their own right. Each individual tree accrued a TEMPO total scoring equal to 12 (TPO defensible).

- 7.2** Lancashire County Council, the owner of the land on which the TPO trees are situated have not made objections or representations. All trees covered by the TPO are in fact under systematic tree management by Wyre Council. Good practice tree work requirements such as dead wood removal, crown cleaning, and crown raising, identified by the tree officer in relation to the trees covered by the TPO were undertaken by Wyre Council's appointed tree work contractor on 27 August 2020. Any signs of tree ill-health or structural defect are being appropriately acted upon as demonstrated by these recent associated tree works.
- 7.3** The tree officer provided a score of 2 in TEMPO Part 2: expediency assessment which equates to a perceived threat to trees. Lancashire County Council do not have a sustainable replacement programme of urban settlement highways trees. The tree officer has therefore come to understand that there is a threat to the trees standing on the verge as without the TPO there is no obligation to plant replacement trees. As a safeguard to prevent the loss of trees from the verge over time it is expedient to have a mechanism in place to ensure suitable replacement tree planting. This mechanism would be provided by the TPO as replacement of TPO trees removed would be controllable under the TPO legislation.
- 7.4** BS5837:2012 provides recommendations and direction relating to interplay of processes between trees, design, demolition and construction. It is not a means of evaluating tree/s suitability for TPO which is the purpose of TEMPO. There is a clear distinction between BS5837:2012 and TEMPO. The purpose of a BS5837 2012 Tree Survey is to provide information on the quality and value of existing trees and suitable protection measures in the context of proposals for development. Whilst it is accepted by the tree officer that the consultant determined appropriately to categorise trees within groups from a BS5837:2012 perspective, the categorisations are not specifications nor are they transferable to provide influence over the tree officer's informed choice to categorise each tree individually from the viewpoint of undertaking TEMPO. Moreover, the BS5837:2012 cascade chart of tree quality assessment steers clear of referring to visual amenity.

7.5

For completeness, the TEMPO in Appendix 1 undertaken in relation to the TPO shows the amenity and expediency assessments for those aspects of the TPO.

7.6

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the objector in reasonable advance of the meeting of Planning Committee on April 2021.

Concluding remarks

7.7

It is considered that the TPO has been properly made in the interests of securing the contribution and benefit of each tree- to which the TPO applies to the public amenity in the area. The TPO protects important elements of the local landscape and contributes to the local environment. Each tree presently protected by the TPO was assessed in a structured and consistent way using an approved method.

7.8

It is considered that the procedural requirements of the legislation have been followed in the creation of the TPO and determinations made using a widely accepted method which includes expediency assessments as has occurred in this case. Having regard to the legislation and the Government Guidance, it is considered that the TPO is fully justified in all respects and should be confirmed.

Financial and Legal Implications	
Finance	None.
Legal	Before confirming a Tree Preservation Order, the Local Planning Authority must consider any objections/representations made within the 28-day objection period. If, having considered any objections/representations received, the Local Planning Authority is satisfied that the tree merits a TPO; it may confirm the Order under the Town and Country Planning Act 1990 and supporting Regulations. The LPA may also confirm an Order in modified form, revoke it, or allow it to lapse. However it cannot add to the Schedule references to a tree to which the Order did not previously apply. There is no right of appeal to the Secretary of State, but a challenge may be made to the High Court on a point of law.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no

significant implications arising directly from this report, for those issues marked with an x.

implications	✓ / x
community safety	x
equality and diversity	x
sustainability	✓
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	✓
data protection	x

report author	telephone no.	email	date
Ryan Arrell BSc (Hons), HND, LANTRA qualified professional tree inspector.	01253 887614	Ryan.Arrell@wyre.gov.uk	25 February 2021

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 11 of 2020	01 December 2020	Room 134 or by email to Tree Officer.

List of Appendices

Appendices:

- 1 –Completed 20/11/20 TEMPO survey data sheets and also public visibility Images.
- 2 –TPO plan.
- 3 – Copy of letter of objection dated 16/12/20.

References List

Tree Preservation Orders and trees in Conservation Areas. GOV.UK, (2014) Accessed Via <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

(TEMPO) Tree Evaluation Method for Preservation Orders

<http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>

Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Appendix 1

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/11/20 Surveyor: E. Arnall

Tree details
 TPO Ref (if applicable):
 Dener (if known):
 Tree/Group No: 1 to 5 Species: poplar, whitebeam
 Location: Blackpool Rd, whitebeam, poplar, poplar
 Curlew, FY6 7QA

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5) Good	Highly suitable	Score & Notes 3, 3, 3, 3, 3
4) Fair	Suitable	
3) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Deduct to existing canopy and is intended to apply to severe tree-related defects only		

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable	Score & Notes 2, 2, 2, 2, 2
4) 40-100	Very suitable	
3) 20-40	Suitable	
1) 10-20	Fairly suitable	
0) <10*	Unsuitable	
* Includes trees which are an existing or near future nuisance, including those which are growing close to, or which are significantly impeding the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider whether potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes 4, 4, 4, 4, 4
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Fairly suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have scored 7 or more points (with no zero scored to qualify)

5) Principal components of arboreal/cultural features, or veteran trees	Score & Notes 1, 1, 1, 1, 1
4) Tree groups, or numbers of groups important for their cohesion	
3) Trees with identifiable historic, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional redeeming features (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees must have scored 5 or more points to qualify

5) Immediate threat to tree	Score & Notes 2, 2, 2, 2, 2
3) Foreseeable threat to tree	
2) Reversed threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Totals 12, 12, 12, 12, 12	Decision: Create TPO
1-4	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/10/20 Surveyor: E. Arnold

Tree details
 TPO Ref (if applicable): _____ Tree/Group No: 6 to 10 Species: cherry, white beech, maple, ash, poplar
 Owner (if known): _____ Location: Backyard Rd
Corleton FVG 70A

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5) Good	Highly suitable	Score & Notes <u>3, 3, 3, 3, 3</u>
4) Fair	Suitable	
3) Poor	Unlikely to be suitable	
2) Dead/dying/dangerous*	Unsuitable	
* Refer to existing context and is intended to apply to trees unsuitable for TPO		

b) Retention span (in years) & suitability for TPO

3) 100+	Highly suitable	Score & Notes <u>2, 2, 2, 2, 2</u>
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
* Excludes trees which are an existing or new fence or screen, including those <u>dead</u> , enclosing their context, or which are significantly reducing the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider surface potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes <u>4, 4, 4, 4, 4</u>
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Hardly suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have scored 7 or more points (with no zero scores) to qualify

5) Principal components of architectural features, or veteran trees	Score & Notes <u>1, 1, 1, 1, 1</u>
4) Tree groups, or members of groups important for their cohesion	
3) Trees with identifiable historic, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with some of the above additional redeeming features (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees must have scored 9 or more points to qualify

5) Immediate threat to tree	Score & Notes <u>2, 2, 2, 2, 2</u>
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Age 0	Do not apply TPO	Add Scores for Total: <u>12, 12, 12, 12, 12</u>	Decision: <u>Create TPO</u>
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/11/20 Surveyor: R. Ansell

Tree details
 TPO Ref (if applicable): Tree ID: 11-15 species: alder, cherry, poplar
 Owner (if known): Location: Blackwood Rd, Poplar, Poplar
 Corleton, F16 7AT

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5) Good	Highly suitable	Score & Notes 3, 3, 3, 3, 3
4) Fair	Suitable	
3) Poor	Unlikely to be suitable	
2) Dead/dying/dangerous*	Unsuitable	
* Exclude trees which are in contact with or intended to apply to severe irremediable defects only		

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable	Score & Notes 2, 2, 2, 2, 2
4) 40-100	Very suitable	
3) 20-40	Suitable	
2) 10-20	Just suitable	
1) <10*	Unsuitable	

* Exclude trees which are in contact with or near fence or structure, including those clearly overgrowing other canopy, or which are significantly impacting the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider relative potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes 4, 4, 4, 4, 4
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have scored 7 or more points (with no tree score re quality)

5) Principal components of arboricultural features, or veteran trees	Score & Notes 1, 1, 1, 1, 1
4) Tree groups, or members of groups important for their cohesion	
3) Trees with identifiable historic, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional referencing features (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees must have scored 7 or more points re quality

5) Immediate threat to tree	Score & Notes 2, 2, 2, 2, 2
4) Favourable threat to tree	
3) Perceived threat to tree	
1) Preliminary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: 12, 12, 12, 12, 12	Decision: Create TPO
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 2/11/20 Surveyor: R. Anzell

Tree details
 TPO Ref. of applicability: _____
 Owner (if known): _____
 Tree/Group No: 16-20 species: Hornbeam, white oak
 Location: Electrical Rd, Whiteoak, Apple, Cherry
Circle on map → RA.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

3) Good	Highly suitable	Score & Notes <u>3,3,3,3,3</u>
3) Fair	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is assumed to apply to severe irreparable defects only		

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable	Score & Notes <u>2, 2, 2, 2, 2</u>
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	

*Include trees which are an existing or new future nuisance, including those clearly encroaching their context, or which are significantly reducing the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider whether potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes <u>4,4,4,4,4</u>
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have accrued 2 or more points (with no zero scores) to qualify

3) Principal components of arboreal features, or veteran trees	Score & Notes <u>1,1,1,1,1</u>
4) Tree groups, or members of groups important for their cohesion	
3) Trees with identifiable features, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional reinforcing features (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees must have accrued 5 or more points to qualify

3) Immediate threat to tree	Score & Notes <u>2, 2, 2, 2, 2</u>
3) Unreasonable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: <u>12, 12, 12, 12, 12</u>	Decision: <u>Create TPO</u>
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/11/20 Surveyor: R. Howell

Tree details
 TPO Ref (if applicable): _____ Tree Group No: 21-22 Species: Hornbeam, Purple
 Owner (if known): _____ Location: Blackwood Rd
Crieff, Fy6 7QA

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5) Good	Highly suitable	Score & Notes <u>3,3,3,3,3</u>
3) Fair	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe trees/deciduous before only		

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable	Score & Notes <u>2,2,2,2,2</u>
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) < 10*	Unsuitable	

* Includes trees which are an existing or near future nuisance, including those which are overgrowing their context, or which are significantly requiring the presence of other trees of lower quality

c) Relative public visibility & suitability for TPO

Consider relative potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes <u>4,4,4,4,4</u>
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Rarely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have accrued 7 or more points (with no zero scores) to qualify

3) Principal components of arboreal features, or veteran trees	Score & Notes <u>1,1,1,1,1</u>
4) Tree groups, or numbers of groups important for their cohesion	
3) Trees with identifiable features, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional redeeming features (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

3) Immediate threat to tree	Score & Notes <u>2,2,2,2,2</u>
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: <u>12, 12, 12, 12, 12</u>	Decision: <u>Correct TPO</u>
1-6	TPO indefensible		
7-11	Does not meet TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		



Above image: View from Blackpool Rd looking southwest towards trees T1 to T5.



Above image: View from Blackpool Rd looking south towards trees T19 -T22.



Above image: View from Blackpool Rd looking north east towards tree T22.

Google Image capture April 2019 accessed 24/02/21 via <https://www.google.com/maps/@53.847344,-3.0148388,3a,75y,53.21h,101.05t/data=!3m6!1e1!3m4!1sO3aRgU-j1sq2Wnqa3KOa6g!2e0!7i13312!8i6656?hl=en>

Appendix 3

Objection to Tree Preservation Order No.12 of 2020 Land at Blackpool Road, Carleton
FY6 7QA 15th December 2020

1. The purpose of this note is to provide a formal objection to the Tree Preservation Order (TPO) cited above on behalf of my client, Blackpool Council. This will be subsequently referred to as the Order or the TPO.
2. The Order was made on the 1st December 2020 by Wyre Council under Regulation 5 in respect of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, to be subsequently referred to as the TPO Regulations. The Order was made by the council on the basis that it was considered “expedient in the interest of amenity”
3. There are twenty two (22) trees covered by the Order, all of which are situated on a grassed verge along the highway. All of the trees are situated on adopted highway land, which is maintained by Lancashire County Council.
4. In July 2019, a tree survey and arboricultural impact assessment was carried out by this consultancy in respect of proposals to develop the adjacent land. The tree survey was carried out in full compliance with British Standard 5837(2012). All the trees subject to this TPO were included in the survey and the subsequent report which shall be subsequently referred to as the Tree Report. Due to the relative proximity and lack of individual merit, all trees except for one (T1 on the tree report, T15 in the TPO), were included as groups (see the Appendix A to this note).
5. Within the Tree Report, the tree numbered T1 in the tree schedule (T15 of the TPO) was described as being prominent but with significant levels of deadwood and damaged branches requiring extensive pruning and was categorized as C1, the lowest category within the requirements of BS5837(2012).
6. With regard to the remainder of the trees included in the Tree Report, which includes all the trees listed in the TPO, these were treated as Groups (designated G1, G2, G3...etc.) as none were considered to have significant amenity value or arboricultural merit enough to qualify as individual trees. It is understood that this was also the view of the council’s tree officer. Yet despite this, each of the trees were listed in the TPO as individuals, contrary to both the opinion of the tree officer and the requirements of the TPO Regulations.
7. Within the TPO Regulations, Paragraph 026 states that “if trees merit protection in their own right, authorities should specify them as individual trees in the Order”. Paragraph 027 goes on to say that “the group category should be used where the individual category would not be appropriate and the group’s overall impact and quality merits protection”.
8. It is pertinent to note that in the Tree Report carried out by this consultancy, none of the trees or groups were considered to have individual merit, the only tree listed individually being a Category C tree, which was listed individually due to its relatively remoteness to any other adjacent trees. Furthermore, even as groups of trees rather than individuals, none of the groups listed were considered to have any arboricultural

merit greater than Category B2. The meanings of Categories B2 and C1 are provided in Figure 1 below.

9. Despite the trees included in Category B being deemed to have moderate quality and value according to the BS5837 (2012) definition in Figure 1, their placement in Category B2 indicates that they are of mainly landscape value with visual amenity value as a group, not as individual trees. This is conflicts with the individual listing of trees within the TPO.

10. With regard to the council’s reason for making the Order, in particular the use of the term “expedient”, Paragraph 010 of the Regulations states the following: “Although some trees and woodlands may merit protection on amenity grounds, it may not be expedient to make them 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 sylvicultural management”. Given that the trees are the responsibility of and are managed by Lancashire County Council, the expediency to make the Order in this respect is considered erroneous.

Figure 1 Tree Categories from BS5837(2012)

	1. Mainly arboricultural values	2. Mainly landscape values
'A' Those of high quality and value: in such a condition, as to be able to make a substantial contribution (a minimum of 40 years is suggested)	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (eg the dominant and/or principal trees within an avenue)	Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance (eg avenues or other arboricultural features assessed as groups)
'B' Those of moderate quality and value: in such a condition, as to make a significant contribution (a minimum of 20 years is suggested)	Trees that might be included in the high category, but are downgraded because of impaired condition (eg presence of remediable defects including unsympathetic past management and minor storm damage)	Trees present in numbers, usually as groups or woodlands, such that they form distinct landscape features, thereby attracting a higher collective rating than they might as individuals but which are not, individually, essential components of formal or semi-formal arboricultural features (eg trees of moderate quality within an avenue that includes better 'A' category specimens) or trees situated mainly internally to the site, therefore individually having little visual impact on the wider locality
'C' Those of low quality and value: currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested) or young trees with a stem diameter below 150 mm	Trees not qualifying in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value and/or trees offering low or only temporary screening benefit

11. Paragraph 010 goes on to say that “It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact upon the amenity of the area”. However, whilst it is assumed that the TPO was made to protect the trees from the adjacent development, with the exception of two proposed access points where it has been acknowledged that some semi-mature trees will be lost (but these will be replaced severalfold elsewhere on the development site), all other trees will remain unaffected and will continue to be managed by Lancashire County Council. The premise that the trees are under threat is therefore also erroneous as far as any expedience to make the Order is concerned.

12. The fact that the trees will remain unaffected by adjacent development proposals is shown graphically in the Arboricultural Impact Assessment of the Tree Report, prepared and submitted in support of the respective planning application, from which it is clear that the respective Root Protection Areas of the trees concerned are all outside the development footprint (see Appendix B below). Furthermore, all the trees subject to this TPO will be retained adjacent to areas proposed as public open space, not dwellings or roads etc, so no damage is reasonably likely, especially if the tree protection measures proposed in the Tree Report are implemented. The expediency to make the Order in this regard is therefore also considered erroneous.

13. With regard to the council's other reason for making the Order, 'Amenity', this is defined in paragraph 007 of the TPO Regulations as follows: "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."

14. In that respect, Paragraph 008 states that "public visibility alone will not be sufficient to warrant an Order". The paragraph then goes on to say that the following factors should be considered:

a. Size and form b. Future potential as an amenity c. Contribution to, and relationship with, the landscape, and d. Contribution to the character or appearance of a conservation area 15.

With regard to Size and Form, most of the trees are relatively small and are almost at full size since they are inherently small species such as whitebeam which will never attain great size. Other species such as poplar are tall species which will in time get considerably taller. However, this species is renowned for losing large branches or the top snapping off in high winds, each of which would be a serious hazard to users of the adjacent highway. The trees in question are therefore not ideal species in terms of size and form for their location and are not appropriate species to warrant protection given the level of work that will be required to maintain them in a safe condition.

16. With regard to their future potential as an amenity, as stated above, most of the trees will grow no taller or wider than their current size due to the characteristics of the tree species concerned. Furthermore, the trees listed in the TPO are mostly short-lived trees in relative terms so have no real potential for the future in terms of developing in size and form. The poplars on the other hand are likely to become more of a problem and a potential hazard to traffic as time goes by for the reasons outlined above.

17. In terms of the trees' relationship to the landscape, the same applies in respect of their longevity and relative size and form. Whilst the trees do contribute to the landscape to some extent, this is limited by the size of the majority of the trees in relation to the backdrop, and only then as a group or series of groups since there are none of individual merit. The final characteristic listed under paragraph 008 of the TPO Regulations, the contribution to the character or appearance of a conservation area, is of no relevance here since the trees in question are not located within a conservation area.

18. Taking into consideration what I have stated above, in particular the fact that there is no reasonable likelihood that the remaining trees will be damaged (see Appendix D), it is my considered opinion that the council have not been able to show that protection of the trees would bring a reasonable degree of public benefit at the present or in the future.

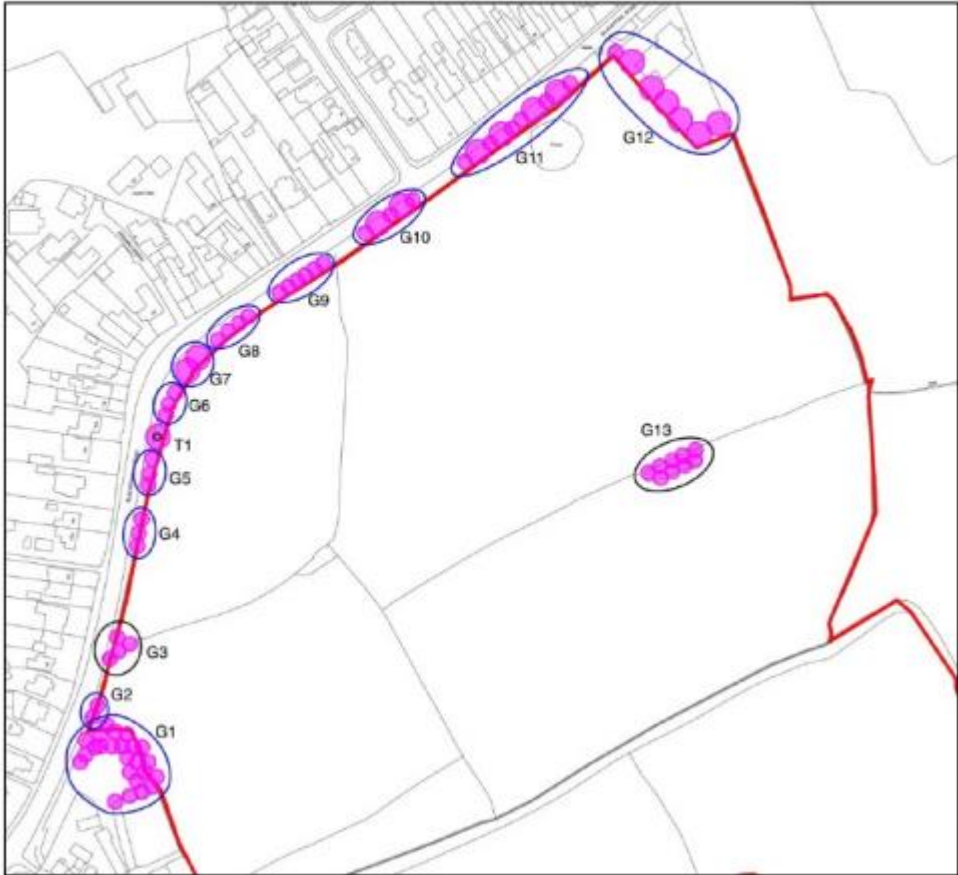
19. As detailed in the tree schedule to the Tree Report (see Appendix C), the trees in question are all of limited arboricultural value in their own right, many having significant levels of deadwood or damaged branches, many with cavities or damaged bark, most being relatively small and never being able to attain any great height as they are inherently small species, others such as the poplars being a potential liability as this

species in particular is prone to dropping large branches or losing its top without notice and a consequently not an ideal species to retain alongside a major highway.

20. It is reasonable to assume that the trees in question are not of sufficient merit to warrant protection by a TPO and there are no clear public benefits for the present or the future. For the reasons outlined above, I therefore submit that the TPO cited above has been inappropriately made and wish to tender this note as a formal objection on behalf of my client, Blackpool Council.

Appendix

A. An extract from the Tree Report showing the trees surveyed, their groupings and Root Protection Areas (shaded pink)



B. An extract from the Tree Report showing the trees surveyed, their groupings and Root Protection Areas (shaded pink) in relation to development proposals



C. Tree Schedule from the Tree Report submitted in support of the planning application in respect of adjacent land

Tree No.	Species	Height (m)	Trunk diameter (mm at 1.5m)	Multi-stem category	Crown spread (m)				Crown clearance (m)	Age Class	Physiological Condition	Structural Condition	Estimated Age Remaining	RPA - area (m ²)	RPA - radius (m)	Tree Quality Category	Notes & Recommendations
					N	S	E	W									
T1	Poplar	16	500	-	6	6	6	6	3	M	Fair	Poor	20-40	113	6	C1	Prominent tree situated in road verge but with significant levels of deadwood and damaged branches requiring extensive pruning
G1	Cherry, Elm, Ash	16	100-300	-	3	3	3	3	2	SM-EM	Fair	Fair	40+	41	3	B2	Group of relatively young trees situated in the hedgerow. Fair condition with some deadwood and damaged branches but no obvious major defects
G2	Sycamore, Poplar	8-18	150-250	-	3	3	3	3	2	SM-EM	Fair	Fair	40+	28	3	B2	Group of relatively young trees situated in the hedgerow. Fair condition with some deadwood and damaged branches but no obvious major defects
G3	Sycamore, Hawthorn	8	120-250	2-5	3	3	3	3	2	SM-EM	Fair	Fair	40+	28	3	C2	Small group of young trees including a multi-stemmed sycamore situated within the hedgerow. Fair condition but limited amenity value
G4	Whitebeam, Elm	6	100-250	-	3	3	3	3	2	SM-EM	Fair	Fair	40+	28	3	B2	Group of young trees situated on the road verge. Fair overall condition, some deadwood and damaged branches but no major defects
G5	Whitebeam, Hawthorn	6	250-300	-	4	4	3	3	2	SM	Fair	Fair	40+	41	4	B2	Group of young trees situated on the road verge. Fair overall condition, some deadwood and damaged branches but no major defects
G6	Apple, Whitebeam, Sycamore	6	200	-	2	2	2	2	2	SM	Fair	Fair (Poor)	40+	18	2	B2 (U)	Group of young trees situated on the road verge. Fair overall condition, some deadwood and damaged branches but no major defects, with the exception of the sycamore which is in poor condition and unworthy of retention
G7	Poplar	16	500	-	6	6	6	6	3	M	Fair	Fair	20-40	113	6	C2	Pair of relatively large, prominent trees in fair overall condition but with significant deadwood and damaged branches which will need removal
G8	Cherry, Alder	8	350-400	-	3	3	3	3	2	EM	Fair	Fair	40+	72	5	B2	Small linear group of trees situated on the verge, in fair overall condition but with deadwood and damaged branches that requires remedial pruning

Tree No.	Species	Height (m)	Trunk diameter (mm at 1.5m)	Multi-stem category	Crown spread (m)				Crown clearance (m)	Age Class	Physiological Condition	Structural Condition	Estimated Age Remaining	RPA - area (m ²)	RPA - radius (m)	Tree Quality Category	Notes & Recommendations
					N	S	E	W									
G9	Ash, Poplar	8	400	-	3	3	3	3	2	EM	Fair	Fair	40+	72	5	B2	Group of early mature trees situated on the highway verge in reasonable condition but requires remedial pruning to remove deadwood and damaged branches
G10	Cherry, Whitebeam, Poplar	6-16	200-500	-	4	4	4	4	2-3	SM-M	Fair	Fair	20-40+	113	6	B2	Mixed group of semi-mature to mature trees, situated within the highway verge. Prominent group but requires remedial pruning to remove deadwood and damaged branches
G11	Poplar, Whitebeam	7-16	200-500	-	4	4	4	4	2-3	SM-M	Fair	Fair	20-40+	113	6	B2	Extensive, mixed group of semi-mature to mature trees, situated within the highway verge. Prominent group but requires remedial pruning to remove deadwood and damaged branches
G12	Poplar, beech	8-16	150-500	-	5	5	5	5	3	EM-M	Fair	Fair	20-40+	113	6	B2	Group of mostly mature trees situated in an adjacent garden. Fair overall condition but with some deadwood and damaged branches that require removal
G13	Birch, Hawthorn	6	100-150	-	2	2	2	2	2	SM	Fair	Fair	40+	18	2	C3	Dense group of young trees surrounding a pond. Limited amenity value, more of a landscape or ecology feature

D. The Impact Assessment extracted from the Tree Report indicating which trees will be affected

Tree Schedule Number	Species	Age Class	Category	Nature of Impact
G6	Sycamore	EM	U	Tree in poor condition to be removed. Part of a group, all other trees to be retained
G11	Whitebeam, Poplar	EM-M	B2	Two to three trees within the group will require removal to accommodate the proposed access from Blackpool Road, but this will not have a major impact upon the amenity value of the group as a whole

