

Arboricultural Report

SITE: Squirrels Corner 91 Parkway BN20 9DZ		
	Ward: Ratton	Date: 12 th September 2014
Officer: Tim Whelan	Site visit dates: 2 nd , 3 rd and 26 th June 2014	
To Diane Fearn, Legal Services.		
Re TPO 170. Squirrels Corner 91 Parkway BN20 9DZ		

Planning Status:

The trees within the rear garden of the property are protected by a Provisional TPO 170 'Squirrels Corner 91 Parkway'. The trees to the West of the rear garden on an area of land known as 'the Plantation' are protected by TPO 1A Parkway, Melvill Lane, Marcia Dene, The Combe, Willington Road (Ratton Estate)

The points on which the objectors and the Council's Specialist Advisor differ include the following: 1) how scoring was applied using the TEMPO system. The objector considers that separate scoring was not used for each single tree and group while the Council states that although an initial assessment was based on the trees' group value, individual trees and two groups were scheduled in the Tree Preservation Order due to their value. 2) whether the visual amenity requirement is made out and 3) whether the impact of a restrictive covenant on the facts obviates the need for a Tree Preservation Order to be made.

Amenity

Section 3 of Tree Preservation Orders; a guide to the law and good practice (Department of Communities and Local Government) states;

LPAs may make a TPO if it appears to them to be:

'Expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect selected trees and

woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant a TPO. In the Secretary of State's view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

The trees scheduled within TPO are part of a group, which provides a significant contribution to the landscape, where the urban edge meets the woodland belt. The Woodland to the rear of the property is protected by a Tree Preservation Order from 1949.

The trees have grown in co-existence adjacent to a woodland, are visible from the public highway and a public footpath and contribute to the historic landscape. The trees scheduled for the Tree Preservation Order are also considered to have a significant life expectancy providing benefit for the future. When considering the retention or removal of trees that have grown in co-existence it is important to note that the removal of one of them exposes the others to new dynamic wind pressures, often leading to branch and stem failure.

TEMPO scoring system.

The scoring system is designed as a field guide to decision making and a record that a systematic assessment has been made.

The letter of objection from the landowner, states;

- *The most compelling argument is that the various single trees and groups of trees were assessed as to their suitability in a single TEMPO scoring sheet, when the advice provided by the Arboricultural Association is that a separate scoring tool should be used for each single tree and Group.*

The TEMPO Scoring Sheet does allow for a group assessment and notes the importance of groups of trees for their cohesion.

The Specialist advisor had an appointment 2nd June 2014 with the landowner to discuss tree management on site as part of the garden was believed to have a Restricted Covenant. During the visit the Specialist Advisor was concerned that there was no control preventing removal of all tree on site. While he was informed that a restrictive covenant existed, the Planning Authority did not hold details of it.

On the 3rd June 2014 The Specialist Advisor returned to site, with a colleague and undertook a TEMPO assessment based on the group value to ascertain whether the Tree Preservation Order process should be undertaken. The TEMPO Scoring sheet (appendix one) indicates that the score of the group was 21, which 'definitely merits A Tree Preservation Order'. The Specialist advisor did not make any notes on the TEMPO sheet, which is acceptable practice. He did take photographic evidence of the group, which was submitted through the Tree Preservation Order process (appendix 2).

At this visit, having accessed the land and examined the trees he scheduled two groups and seven individual trees, which is an acceptable practice.

Given the TEMPO score of the group, it would have been defensible to schedule all trees as a group on his second visit, which would have protected every tree in the garden. His decision to individual schedules gives the landowner more opportunity to manage the trees within their property.

The objection also contains individual scores for the individual trees, provided by an Arboricultural Consultant. The trees are assessed on four factors and if they accrue more than 9 points they are assessed in accordance with the criteria of expediency, with the factors being:

- Precautionary only (1 point)
- Perceived threat to tree (2 Points)
- Foreseeable threat (3 points)
- Immediate threat to tree (5 points)

The most important consideration with the scoring is that the Arboricultural Consultant cited by the objectors has scored all the trees as 9 and above, which means that their Amenity assessment, retention span and public visibility value makes them suitable for an expediency assessment. This is in agreement with the Specialist Advisor's original assessment.

At this point there is a difference of opinion. The objector's Arboricultural Consultant indicates the expediency score should be nil. and that there is no threat to any tree in the garden. Meanwhile the Specialist Advisor was

of the opinion that given the conversations which he had on site with the property owner, and in light of the local authority's limited powers to deal with the situation by recourse to a restrictive covenant, that there was an immediate threat to the trees.

If a scoring for immediate threat or foreseeable threat were to be added to the Amenity assessment provided by the objector's Consultant, the making of a TPO in relation to the individual trees would be defensible.

Once the Tree Preservation Order was scheduled, an application was immediately made to fell one Yew (App ID140820), which was refused. After advice given a subsequent application (App ID 14945) to manage a group of three Yews was approved.

Conclusion

The application of a Tree Preservation Order as scheduled was considered appropriate when an assessment was made using an approved scoring system (TEMPO).

The Tree Preservation Order on the site will not prevent management or redesign of the garden, but will preserve important trees adjacent to woodland protected by a historic Tree Preservation Order.

By way of context, there are on average over 250 site visits a year to assess trees. On average between 5 and 7 TPOS are scheduled which is indicative of a proportionate use of the authority's legislative powers.

If you require any further information, please let me know.

Tim Whelan
Neighbourhood First Team manager

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 3/26/14	Surveyor: LM
Tree details	91 Parkway
TPO Ref (if applicable):	Tree/Group No:
Owner (if known):	Location:
	Species:

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 5
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 irremediable defects only		

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

5) 100+	Highly suitable	Score & Notes 4
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 clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes 3
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 7 or more points (with no zero score) to qualify

5) Principal components of arboricultural features, or veteran trees	Score & Notes 4
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 redeeming features (inc. those of indifferent form)	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

5) Immediate threat to tree	Score & Notes 5
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: 21	Decision: TPO
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

Tree Evaluation Survey and Decision

Planning Making a TPO (W2 ref:909368)

APP reference: 046952
Site address: Squirrels Corner 91 Parkway Eastbourne East
Sussex BN20 9DZ
Officer: LEE MICHAEL
Date of site visit: 3 JUNE 2014
Tree / group no: T1, T2, T3, T4, T5, T6, T7, G1, G2.
Species: LIME, YEW, ASH, SYCAMORE

Part 1: Amenity assessment

a) Condition and suitability for TPO: 5

Notes:

b) Retention span (in years) and suitability for TPO: 4

Notes:

c) Relative public visibility and suitability for TPO: 3

Notes:

Accrued score of a, b and c: 12

d) Other factors: 4

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

Notes:

Part 2: Expediency assessment

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

Notes: 5

Part 3: Decision guide

Total accrued score: 21

Decision: TPO WARRANTED

Notes: **URGENT. OWNERS WISH TO FELL.**

Photographs

Drag and drop photographs (if any) below:

