

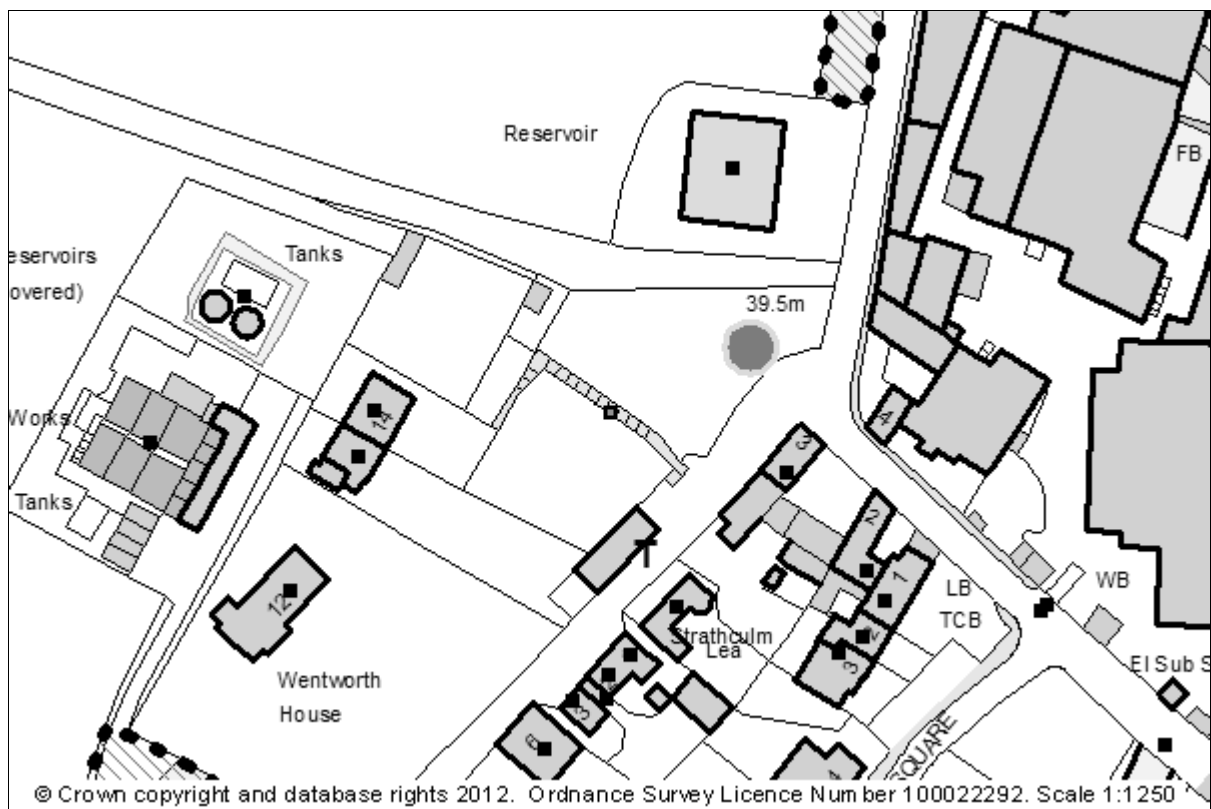
Tree Preservation Order: 23/00003/TPO

Grid Ref: 299283 : 102476

Location: Land at NGR 299306 102486
Strathculm Road
Hele
Devon

Proposal: Tree Preservation Order for 1 Copper Beech tree

Date Valid: 6th July 2023



TREE PRESERVATION ORDER: 23/00003/TPO

Site Visit: No

MEMBER CALL-IN:

Due to objection received from Mr Hall

RECOMMENDATION

That the Tree Preservation Order 23/00003/TPO is confirmed.

Consultation carried out with:

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

PROPOSAL:

Tree Preservation Order for 1 Copper Beech tree at Land at NGR 299306 102486
Strathculm Road, Hele

RELEVANT SITE HISTORY/DESCRIPTION:

OTHER HISTORY:

18/00569/PREAPP - CLO date DS,CLOSEDD.CNAPPLLOG,22;
PROTECT - Restoration of building for use as community/heritage centre

AMENITY EVALUATION:

The amenity evaluation has been reviewed 26/10/23 and adjusted accordingly.

Original score 22. Reviewed score **20**

1. Size	Score	Notes
1 Very small 2-5m ²	5	The tree is est. to be 10-12m in height with an est. crown spread of 8-10m. Tree is still growing and has the potential to become larger.
2 Small 5-10m ²		
3 Small 10-25 ²		
4 Medium 25-50m ²		
5 Medium 50-100m ²		
6 Large 100-200m ²		
7 Very large 200m ² +		

2. Life expectancy	Score	Notes
1 5-15 yrs	4	The tree is semi-mature (one-third life expectancy) estimated to be 30 years old. Typically beech can live for over 150 years.
2 15-40 yrs		
3 40-100yrs		
4 100yrs +		

3. Form	score	Notes
-1 Trees which are of poor form	1	No obvious visual defects observed. Tree viewed to be of typical form. Some included unions observed.
0 Trees of not very good form		
1 Trees of average form		
2 Trees of good form		
3 Trees of especially good Form		

4. Visibility	Score	Notes
0 Trees not visible to public	3	Trees is growing within a green space on the corner of Station road and Heal road and is very visible when approached from both direction
1 Trees only seen with difficulty or by a very small number of people		
2 Back garden trees, or trees slightly blocked by other features		
3 Prominent trees in well frequented places		
4 Principal features in a public area.		

5. Other trees in the area	Score	Notes
0.5 Wooded (70% = 100+ trees)	1	Area viewed as semi-rural. Many trees within the garden spaces, along field boundaries and surrounding green space.
1 Many (30% = 10+ trees)		
2 Some (10% = 4+trees)		
3 Few (<10% = 1+trees)		
4 None		

6. Suitability to area	Score	Notes
-1 Unsuitable	3	Tree suitable for area that is characterised by broadleaf trees. Many of which are native.
1 Just suitable		
2 Fairly suitable		
3 Particularly suitable		
4 Very suitable		

7. Future amenity value	Score	Notes
0 Potential already recognised	2	As the tree grows the visibility and prominence is likely to increase where it could become a standout feature in the local landscape providing further amenity value.
1 Some potential		
2 Medium potential		
3 High potential		

8. Tree influence On Structures	Score	Notes
-1 Significant	0	Tree branches will require pruning to elevate conflict with overhead telecom lines. Low branches will require crown lifting over the highway periodically.
0 Slight		
1 Insignificant		

9. Added factors	Score	Notes
1 Rare	1	Tree was planted with by Hele Conservation Society and previously had a brass plate noting it's planting in 1993.
1 Screening unpleasant view		
1 Relevant to the Local Plan		
1 Historical association		
1 Considerable wildlife value		
1 Veteran tree status		

If more than one factor relevant maximum score can still only be 2.

10. Notes and total score	Score	Notes
Not / Reasonable for inclusion within the TPO (>15 Merits consideration)	20	The tree provides a level of amenity value that merits a TPO. Tree is outside of a conservation area informing there are no constraints restricting tree removal currently. Land where tree is growing has recently been sold informing tree could be threaten if land is developed.

REPRESENTATIONS:

Mr Hall whom recently bought the plot of land where the tree is situated has objected to the TPO and have raised the following objection that has been bullet pointed and summarised in this report.

1. The land was recently sold to me free from any TPO's. The Hele conservation society had been using the land for many years before and had tried to acquire the land, this was not advertised to me when I bought the land. Possible the person raising the concern is nursing a grudge because they no longer have use of the land, especially given that they have approached me on more than one occasion, inviting me to open the land for public/society use.
2. As it stands, the tree is quite a pleasant specimen, but I would prefer to have the choice to maintain it, without the need to follow strict protocol for TPO's, especially given that the tree is near to power lines and I don't want to be constantly worried about the proximity to these lines and any costs if the tree, or any part of it, was to blow over in the winds and bring down the power lines.
3. The Copper Beech typically will grow to around 100 feet tall if not trimmed annually.
4. When you consider the size of the tree and the shallow root system, it becomes quite a hazard in windy conditions (most of the trees felled in storm

Ali, as recorded by the Scottish Wildlife Trust, were Beech trees). Therefore these trees seem best as maintained smaller trees/bushes/hedging in gardens, or left to stand free from encumbrance and away from potential hazards.

5. Having to take out regular inspections on a tree would become prohibitively expensive, especially if works were recommended and then there is the time of up to 8 weeks needed to wait for approval from the council for such works.
6. This type of tree needs regular watering, mulching and pruning, neither of which I am convinced has already taken place. I am therefore unsure of the health of the tree at present and very concerned about the financial impact that having a TPO would have, as well as the legal requirement to make sure it is well looked after.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

In response to Mr Halls comments and objection to the Tree Preservation Order. The reasons for the Hele conservation society approaching MDDC are not for the officer to determine. MDDC will undertake a review for Tree Preservation Order where one is requested and undertake suitable evaluation. When considering a Tree Preservation Order, the officer will consider firstly does the tree merit a Tree Preservation Order and secondly where a tree merits a Tree Preservation Order is it expedient to serve one. Due to change in land ownership it was viewed as expedient to serve a Tree Preservation Order where a tree would merit one.

It's important to recognise that a Tree Preservation Order should not be viewed as a tool to prevent tree works being carried out in a suitable timeframe. A Tree Preservation Order is there to ensure that proposed tree works are reasonable, suitable and adequately justified. The timeframe for a Tree Preservation Order application is 8 weeks. There is no cost for such an application. There are only rare occasions when 8 week application period is not suitable due to the threat posed by the tree. In which case a 5 day notice can be submitted. Similar, if immediate works are required a 5 day notice can be submitted as soon as practical after works are completed along with sufficient photo evidence. i.e. broken branch hung up over the highway. Deadwood can be removed from the tree without applying to the local planning authority under the TPO. Where branches conflict with overhead power lines or telecom line the Electricity Act 1989 or Telecommunications Act 1984 allow necessary works by carried out by the statutory undertaker to maintain the necessary clearance from branches without the need to seek permission from the authority too.

In consideration to Mr Halls concerns regarding beech trees shallow root system and potential increased hazard in windy conditions. It is worth noting all trees when subjected to strong, stormy winding conditions have the potential to fail. However, only a very limited number trees do fail informing the risk is extremely low. Particularly where there are no know defects currently present. It is also important to balance any risk potentially from a tree with the benefits provided.

With concerns raised regarding cost of having to undertake regular inspections and

associated recommended trees works. It's advised owners of trees, particularly large trees should have their tree inspected whether the tree is subject to a Tree Preservation Order or not. Undertaking such inspection should ensure only necessary works are carried out and the owner of the trees does not pay for needless tree works. Furthermore, removal of tree for these reason is not viewed as reasonable.

The tree is semi-mature and established. Only for the first 2-3 years after a young tree is planted will a tree require watering and mulching to reduce water loss through watering and reduce weed competition. Once a tree has established after 2-3 years it will not require further watering as the tree can exploit the surrounding soils for its water and nutrients. There is no legal requirement of a Tree Preservation Order to ensure that the tree is well looked after and maintained.

SUMMARY:

The tree provide good amenity value to the local landscape and are likely to continue contributing to the landscape in the long-term. The issue raised by Mr Hall who owns the tree who has objected to the Tree Preservation Order being confirmed have been reviewed. The points raised are not sufficient to outweigh the contribution from the tree. The issue highlighted can largely be resolved through appropriate pruning when required and routine maintenance. Pruning to maintain a suitable clearance from the overhead telecom lines does not require permission form the local authority also pruning of low branches interfering with the highway will not require permission too. It is recommended that the TPO be made.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.