

**REPORT FOR THE SOMERSET WEST AND TAUNTON PLANNING COMMITTEE,  
1<sup>st</sup> AUGUST 2019**

**Objection to Taunton Deane Borough Tree Preservation Order TD1143, (North Curry No.1) 2019.**

**The Tree Preservation Order protects one oak tree on the east side of the Stoneyhead mobile home park, A378, Wrantage.**

**RECOMMENDATION**

It is recommended that the Tree Preservation Order is confirmed, unmodified.

**Background**

The Tree Preservation Order (TPO) was served on 14<sup>th</sup> March 2019.

The grounds for serving the TPO were stated as follows:

*It has been brought to the council's attention that the tree is under threat of being felled. The tree appears to be healthy. It can be seen from properties, road and public footpath. It therefore has amenity value, and is likely to have a good life expectancy.*

**Procedure**

A Tree Preservation Order comes into force on the day that it is served for a period of 6 months. The TPO lapses after that date unless it has been confirmed by the Council. If there are no objections to the TPO, it can be confirmed. If any objections are received, the points raised must be considered and a decision made as to whether to confirm the TPO, either with or without modification. The decision whether to confirm a TPO that raises objections is taken by members of the Planning Committee.

When deciding whether to serve and confirm a TPO, the present or future public amenity value of the trees must be considered. Tree Preservation Orders are served to protect selected trees if their removal would have a significant impact on the local environment. TPO trees should therefore be visible from a public place, such as a road or footpath.

In assessing a tree's amenity value, consideration must be paid to its visual impact, its health and structural integrity, its life expectancy and its suitability to the location. The tree's potential impact on highways, services and structures should be considered.

## **Representations**

There were two requests for the TPO to be served, one from a resident of the park (and joint owner of the tree), and one from the local ward member.

One representation has been received (from a representative for a part-owner of the site) stating an objection to the TPO.

### **The reason given for the objection can be summarized as follows:**

a) The tree is not important enough to merit protection by TPO. The fact that it can be 'seen from properties, road and public footpath' is not enough to justify the TPO. Its amenity value, when considering its size, form, visibility, contribution to the landscape, future potential and cultural or historic value, is not significant enough to justify protection by TPO.

b) The justification that the tree can be seen 'from properties, roads and footpaths' would apply to the majority of mature trees in Somerset.

## **Determining Issues and Considerations**

The TPO protects one oak tree. The tree is an early-mature specimen, estimated to be 50-70 years old, once growing in a hedgerow that has now been removed. It is now growing in a grassed 'island' to the front of number 2 Bungalow, on the east side of the Stoneyhead Park site. It is about 14 metres away from the bungalow, and about 8.5 metres from the nearest other dwelling.

A public footpath, T17/67, runs past the tree from the A378 down to connect with two other footpaths on the southern boundary of the site. These paths are apparently well used.

The tree is about 45 metres from the A378, from which it can currently be seen when approaching from the east, and directly from the north now that some of the cypress hedgerow along the roadside boundary has been removed. It is understood that much of the remaining cypress hedge around the site is to be removed – this would further increase the visibility and importance of the oak tree.

In response to the points raised by the objector:

1) When considering a tree's 'amenity value', its current and future potential must be taken into consideration. The tree in question is a relatively young oak tree that has the potential to live for centuries, over which time its aesthetic, landscape and environmental value will continue to grow. The surrounding land-use may also change considerably over these years, increasing its visibility to the public.

2) The oak tree appears to be a healthy specimen with good life-expectancy. It has no obvious significant defects. It contributes positively to the environment of the park (for all the known reasons that trees are beneficial), and can be seen from the main road and by walkers on the public footpath. As a native oak tree it is known to be particularly beneficial to wildlife, and this will increase as it ages.

3) When using the Wessex Tree Officer scoring system for new TPOs, the oak tree scores sufficiently to merit protection by TPO. A copy of this score sheet is attached.

4) In response to objection point b), the majority of mature trees in Somerset are in the countryside, away from properties and roads. Many of these would merit protection, but Tree Preservation Orders are generally served when there is a known or perceived threat to the trees, as there seemed to be in this case. This was borne out by the fact that someone was apparently stopped by a resident from felling the tree after the TPO was served.

It is noted that there are overhead wires that run through the tree's canopy. Management works to give clearance between wires and branches can be agreed with the utility companies or their contractors, who have statutory powers to enable them to maintain safe minimum clearance, so long as the works are carried out in accordance with best arboricultural practice, British Standard BS3998 (2010).

It is therefore recommended that the Tree Preservation Order is confirmed, unmodified.

**Note:** Dead or imminently dangerous branches can be removed from the trees, subject to written notice to the council, giving the council up to 5 days to respond.

Applications can be made for the pruning of TPO trees if necessary, using the standard form on the Planning Portal, accessed via the Somerset West and Taunton website.



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Mr David Galley  
The Deane House  
Belvedere Road  
Taunton

Dear Mr Galley,

Taunton Deane Borough (North Curry No1) Tree Preservation Order  
2019.

I refer to the above and to your letter and enclosures dated 14<sup>th</sup>  
March 2019, sent to the owner/occupier of 2 Bungalow Stoneyhead.

I am writing on behalf of Mrs. Dawn Pickering who owns the bungalow  
and the tree in question.

I note that the grounds for making the Order is that the tree is  
under threat from being felled, it is healthy, can be seen from  
properties, road and public footpath and as such has amenity value  
and is likely to have a good life expectancy.

It is my understanding that 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'. The NPPG notes that when deciding  
whether an Order is appropriate, authorities are advised to take  
into consideration what 'amenity' means in practice and what to take  
into account when assessing amenity value. It goes on to state that  
'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.

The NPPG goes on to state that when considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

### **Visibility**

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the 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 its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

In the context of the above advice the first point to make is that the owner has no intention to fell. I have attached a photograph of the tree and you can see from this that electric wires pass through its branches. At the most, some work will when necessary, be carried out on any relevant branches to ensure the electricity wires are not compromised.

Secondly, I question whether the tree if felled would have a significant negative affect on amenity. I suggest that the test that



it can be seen from properties, the road and public footpath as quoted in your letter is not enough. In reality, this would apply to the majority of mature trees in Somerset. It needs to be explained why this tree is assessed as having particular importance by reference to its characteristics. This has not been done in the letter.

Based on the above, Mrs. Dawn Pickering, is a formally objecting to the Order,

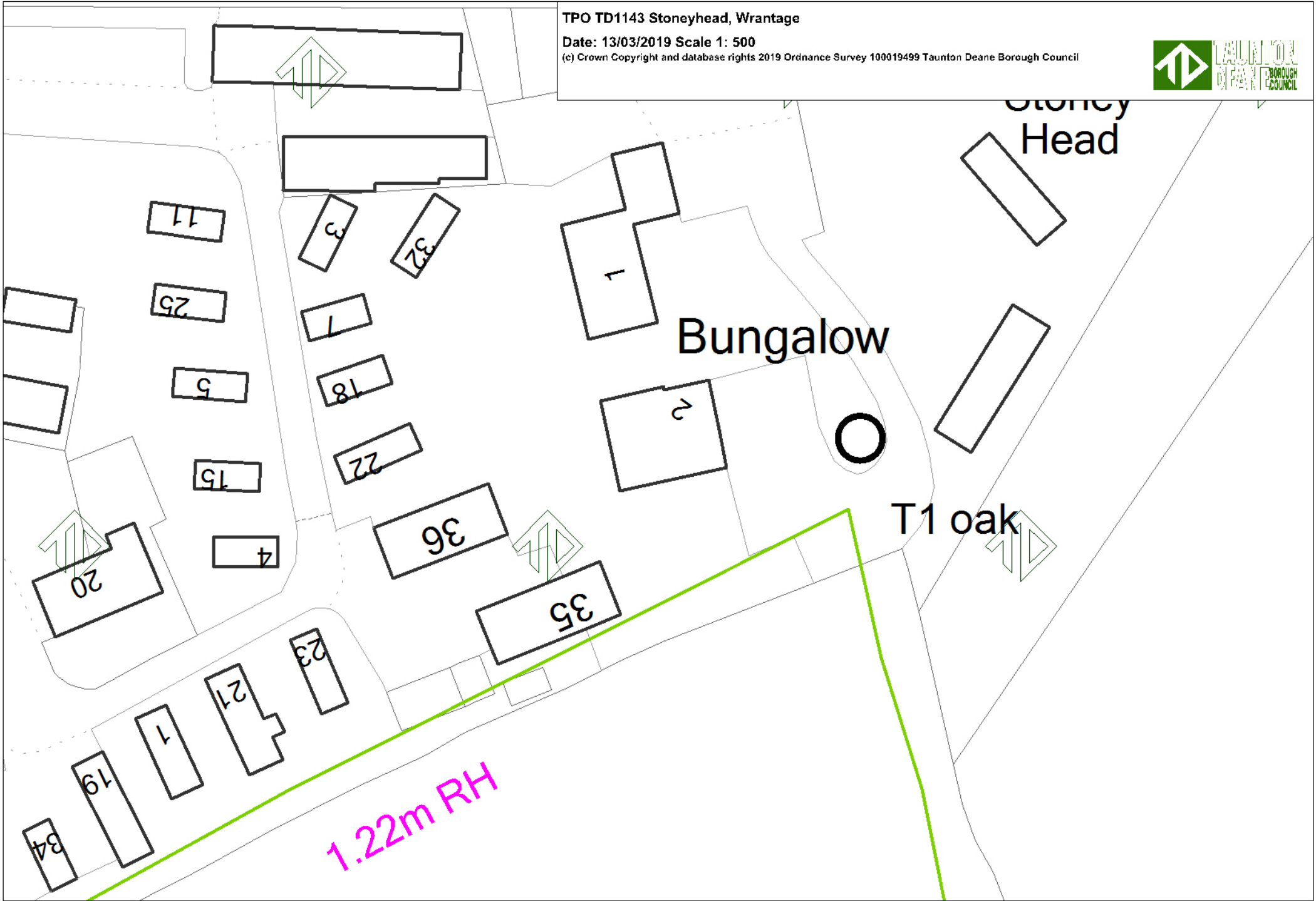
Yours Sincerely

David Davies  
Associate

TPO TD1143 Stoneyhead, Wrantage

Date: 13/03/2019 Scale 1: 500

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**TREE PRESERVATION ORDER ASSESSMENT FORM**

Taunton Deane Borough Council

Site address STONYHEAD PARK, WRANTAGE Date MARCH 2019

Location in property East side Inspected by David Galley  
(Tree Officer)

Tree species Oak Parish NORTH CURRY

The Tree/Group	3	2	1	Score	Notes/Total Score
Visual Amenity					
1.1 Seen by the general public	<u>Easily</u>	Sometimes	No	<u>3</u> 2 1	
1.2 Specific to the Local area seen	<u>Easily</u>	Sometimes	No	<u>3</u> 2 1	
1.3 From the urban distance seen.	Easily	Sometimes	<u>No</u>	3 2 <u>1</u>	
1.4 From the rural distance seen	Easily	<u>Sometimes</u>	No	<u>3</u> 2 1	
Visual impact as a group				Y/N	
2.1 Group quality close by	Good	Moderate	Poor	3 2 1	
2.2 Group quality at a distance	Good	Moderate	Low	3 2 1	
2.2 Group impact at a distance	High	Moderate	Low	3 2 1	
2.1 Group impact close by	Great	Moderate	Low	3 2 1	
Group quality/impact should take account of the health, vigour, character and interdependence of all the relevant trees Y /N					
Tree Health Considerations					
3.1 Visual health at a distance	<u>Good</u>	Moderate	Poor	<u>3</u> 2 1	
3.2 Visual health close too	<u>Good</u>	Moderate	Poor	<u>3</u> 2 1	
3.3 Main stem structure	<u>Good</u>	Moderate	Poor	<u>3</u> 2 1	
3.4 Cavities	<u>None</u>	Some	Extensive	<u>3</u> 2 1	
3.5 Forks	<u>Good</u>	Narrow / Average	Weak	<u>3</u> 2 1	
3.6 Main branch structure.	<u>Good</u>	Average	Poor	<u>3</u> 2 1	
3.7 Extension growth	<u>Good</u>	Average	Poor	<u>3</u> 2 1	
3.8 Foliage condition	<u>Good</u>	Average	Poor	<u>3</u> 2 1	
3.9 Fungi present	<u>None</u>	Minor	Extensive	<u>3</u> 2 1	
3.10 Tree species/size comparison	Large	<u>Average</u>	Small	<u>3</u> 2 1	
3.11 Maturity for site	<u>S.M./Mat</u>	F. Mature	0 Mature	<u>3</u> 2 1	

The Tree/Group	3	2	1	Score	Notes/Total Score
3.1 2 Past management	Appropriate	Average	Inappropriate	3 2 1	2
3.1 3 Life expectancy	more than 40 years	less than 40 years	less than 10 years	3 2 1	
3.14 Future maintenance	Low	Average	High	3 2 1	
3.15 Future Visual impact	High	Average	Low	3 2 1	
<b>Impact considerations</b>					
4.1 On the highway	Low more than 12m	Mod less than 1 2m	High less than 6m	3 2 1	
4.2 On the services	Low more than 12m	Mod less than 12m	High less than 5m	3 2 1	
4.3 On a wall	Low more than 1 2m	Mod less than 1 2m	High less than 5m	3 2 1	
4.4 On a building	Low more than 30m	Mod less than 30m	High less than 6m	3 2 1	
<b>Sub Total</b>					
<b>Special Interest Factors</b>					
5.1 Rarity of the species	Rare	Moderate	Common	3 2 1	
5.2 Species rarity for the local soil	Rare	Moderate	Common	3 2 1	
5.3 S.S.S.I.	more than One	One	None	3 2 1	
5.4 Historic interest	Great	Moderate	None	3 2 1	
5.5 Other factors	more than One	One	None	3 2 1	
<b>6 Total Score (58 or 63 required)</b>					
					65

## NOTES

In order to set a standard for the Tree Preservation order assessment, the trees importance/visibility must be judged, taking account of the factors which increase the trees desirability for inclusion and areas of potential conflict associated with the built environment.

Prior to assessing the tree(s) health it would be prudent to judge if the tree(s) should be assessed as a single specimen or group. To warrant group status a score of 9 is required in section 2. A score of 4 should be given in section 2 when assessing a single tree.

If the tree scores less than 8 in section 1. Question the reason for making the order.

It is suggested that a minimum score of 49 points is r.equired in sections 1, 3 and 4.

In item 3.10. The size of the tree should be judged according to species size and its maturity on the site.

If the tree scores less than 32 in section 3. Question the reason for making the order.

If the tree is marked as "No" in item 1.1. "Extensive" in item 3.4 or item 3.9, or "High" in item 4.4 the tree should not be scheduled for a T.P.O unless there are extenuating circumstances.

To be considered for a T.P.O the score should be at least 58 points. (The exception being a tree of historic interest or a tree recognised as a key feature in the area).

Trees being assessed for a group order {section 2 included} will require a minimum of 63 points.























