

Item No.	Reference No. and Parish	Statutory Target Date	Proposal, Location
(1)	TPO/201/21/1046 Stratfield Mortimer	TPO must be confirmed by 19/04/2022 or it lapses	Confirmation of Tree Preservation Order Land at Hasenbach, The Bevers, Mortimer Common, Reading, RG7 3SP

Recommendation Summary: Tree Preservation Order No 201/21/1046 should be confirmed without amendments.

Ward Member(s): Councillors Graham Bridgman, Geoff Mayes and Royce Longton

Reason for Committee Determination: Objections to TPO 201/21/1046 received. Therefore in accordance with the Constitution the decision to confirm must be taken by Planning Committee.

Committee Site Visit: 2nd March 2022

Contact Officer Details

Name: Jon Thomas
Job Title: Tree Officer
Tel No: 01635 519611
Email: jon.thomas@westberks.gov.uk

1. Introduction

- 1.1 The purpose of making this provisional Tree Preservation Order (TPO) No 201/21/1046, is to give objectors to an earlier TPO 201/21/0999 on the same tree, the opportunity to present their objections to the Planning Committee in line with the Council's TPO process. Where five or more objections are received to a TPO, the decision to confirm the Order must be made by the Committee. The Committee may decide to not confirm, confirm with amendment(s) or confirm without amendment(s) the TPO under consideration.
- 1.2 Under Regulation 4(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, the TPO must be confirmed by 19th April 2022 otherwise it lapses.

Site Background

- 1.3 The site is within the Parish of Stratfield Mortimer, centrally located within Mortimer village. In this part of the village, terraced and detached dwellings are arranged around estate roads and private accesses. There are a number of mature street trees in parts of the village, which soften the impact of the various stages of development that have taken place over time. Whilst these trees contribute to the green and treed character of the village, the comparative lack of large trees on The Bevers estate is notable. The Pine under this order is a significant tree when viewed from The Bevers and a skyline feature in views from other locations.
- 1.4 There are other Tree Preservation Orders in the village of all types (Woodland, Area, Group and Individual TPOs). Many common species* are protected, including Pines; and a large number of individual Oaks. For example, some individual trees (including three Pines) in nearby 24 King Street are the subject of TPO 568 following the subdivision of larger gardens to facilitate infill development. The Pine under this TPO 1046 is arguably more visible than those under 568.
- 1.5 *[In Mortimer, Individual trees under Protection Orders are Ash, Bay, Beech, Birch, Cedar, "conifers" (unspecified), Cypress, Fir, Hawthorn, Holly, Holm Oak, Lime, Maple, Oak, Pine, Plane, Poplar, Redwood, Sycamore, Wellingtonia & Western Red Cedar.]
- 1.6 The tree under this Order is one of the largest in the area. It breaks up the built form of the area and softens the various iterations of development. It is particularly notable when viewed from The Bevers, which is an area largely devoid of significant trees. The tree makes important contributions to local amenity, biodiversity, and landscape character as well as carbon sequestration.

2. Publicity

- 2.1 Copies of the Order were sent to all adjoining landowners, the Ward Members and the Parish Council in accordance with the TPO Regulations (Appendix 5). The Regulations also require that all Tree Preservation Orders are available for public inspection at the Council Offices and a register is kept of all applications for tree works.
- 2.2 Several objections were received against the Order. These may be found in the Appendices.
- 2.3 All letters are kept on public files in accordance with the Tree Preservation Order Regulations.

3. Consultations and Representations

Parish Council:	No response
Correspondence:	10

3.1 Ten objections were received to the Order. These were from the householders on whose land the pine tree is rooted, their neighbours and near neighbours. All of the objections raise the same or similar objections - these are:

- 1) The TPO tree has no amenity value and accordingly does not meet the criteria for making an order.
- 2) The tree is dangerous, causing objectors fear, stress and anxiety: So, in making the TPO the LPA is in contravention of the human rights of the objectors.

3.2 With regard to objections reason 1), specific factors cited are:

- a) the tree is not a landscape feature/ cannot be seen;
- b) it is tall/ [large] size;
- c) it is misshapen/ unbalanced/ lopsided/ ugly;
- d) is a common/ unremarkable species;
- e) the village is surrounded by pine trees/ woodland;
- f) it would score lowly on various assessment matrices.

3.3 With regard to objection reason 2) specific factors cited are:

- a) the tree is/ may cause damage to a gas main and drive;
- b) it is shallow rooted;
- c) it is susceptible to wind throw when older;
- d) the tree is dangerous and a threat to life;
- e) the tree detracts from peaceful enjoyment of property;
- f) the tree affects objectors right to life.

4. Appraisal

4.1 The Council 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... in their area". Guidance from the Secretary of State is that TPOs should be used to protect selected trees if their removal would have a significant impact on the local environment and its enjoyment by the public.

4.2 Amenity is not defined in law, however an assessment may include public visibility, individual impact of the tree, other factors (climate change, nature conservation) and expediency.

- 4.3 The tree is a skyline feature locally; it is a large tree showing typical form for the species; it is generally free of defects; it is capable of reaching a reasonable age. There is slight a crown bias to the south, but in accordance with Mattheck's Axiom of Uniform Stress, the tree is likely to have laid down reaction wood to accommodate any associated compressive stress. The tree is clearly visible to the public. It has habitat importance as one of a low number of mature trees in The Bevers. There is a foreseeable threat to the tree in that the owners wish to remove it and neighbours object to it. It therefore meets assessment criteria to warrant the confirmation of the Preservation Order.
- 4.4 TEMPO, Helliwell and CAVAT scoring matrices have been used to score the amenity and monetary value of the tree. Each matrix serves a slightly different purpose - TEMPO is designed to score the suitability (or otherwise) of a tree in relation to a Preservation Order (this is normally the only scoring system Officers would use for a TPO); Helliwell considers the "value" of a tree in the landscape in monetary terms; whilst CAVAT bases its "value" on current replacement costs given the size of the tree. The results are in the Appendices.
- 4.5 It is true that the Pine is a common species and the village has a number of other trees and wooded areas surrounding it. Nevertheless, as demonstrated by the common species within the list of tree species at paragraph 1.2, the prevalence of a species may not be a reason to dismiss preserving a particular tree. In terms of other trees and woods surrounding the village, it may be worth noting that many of the trees are forestry crops in blocks which will be harvested in due course.
- 4.6 The safety concerns raised by objectors seem mainly to relate to the risk of the tree falling and hitting a property. This is an understandable concern when living in proximity to a mature tree or trees. However, no professional evidence or opinion has been submitted by the objectors which would support these assertions. In addition, Officers have inspected the tree in the past and are not aware of disease or structural defect which would increase the risk associated with the tree.
- 4.7 Overall, the risk from trees in the UK is low. The probability of being killed by a falling tree (or part of one) is extremely low - at 1 in 10 million per annum. The Health and Safety Executive considers a risk of 1 in a million as broadly acceptable and "not requiring further action to reduce risks unless reasonably practicable measures are available". It says risks from 1:1M down to 1:10,000 are considered "tolerable", whilst those below 1:10,000 are unacceptable.
- 4.8 The number of admissions to A&E related to being struck by a tree is 55 per annum. This compares to 2.9M "leisure-related" admissions, including 260,000 related to footballs, 10,900 involving children's swings and 2,200 with wheelie bins (National Tree Safety Group).
- 4.9 Any risk is the combination of the impact and likelihood of being hit by the particular hazard (i.e. the tree or a branch), and should take account of the value and occupancy of the target. This tree does not show signs of an increased risk such as reduced vitality, decay, movement of the rootplate or a change in exposure. One or two branch unions are tighter than is optimal, however these are not immediate hazards and could be managed by careful reductions to subordinate those branches, over time. Overall the risk from the tree is low; nevertheless a recent Tree Works Application for a 2m crown reduction has been approved in December 2021.
- 4.10 Observational data from the Forestry Commission (Lonsdale) indicates that Pinus species have very low and low frequency of weak fork (union) failures reported and very low frequency of decay-related failure reported. General comments are that "most pines are reasonably wind-firm on a range of soil types".

- 4.11 With regard to the concern that the tree is causing/ may cause damage to gas main and drive, there has been no correspondence from the Utility Company to support this assertion. Utility works are an exception to 2012 TPO Regulations. The alleged damage to the drive has not been investigated, but generally hard surfaces can be repaired without the need to remove nearby trees and this is likely to be the case here.

Policy Considerations

- 4.12 Section 198 of the Town and Country Planning Act places a duty on Local Authorities to ensure where an LPA considers it expedient in the interests of amenity to make provision for the preservation of trees are able to serve an order as appropriate to protect the trees. Before an order is served an appropriately experienced person must assess the trees and the site.

Consideration of the Proposal

- 4.13 The underlying intention of the protection of trees by the use of TPOs is accepted as the preservation of amenity by identifying living organisms that provide pleasure, protection and shade. Trees are assessed in accordance with DTLR guidance and the Town and Country Planning (Trees) Regulations 2012. It is recommended by the DTLR that any LPA considers the advantages that trees provide when assessing a TPO and that the protected trees are not structurally weak or dangerous and that they assess amenity in a structured and consistent way. All trees provide a baseline of advantages that include aesthetic, screening, shelter, cultural and biodiversity values. They also contribute to carbon sequestration, pollution reduction and storm water run-off protection. Assessing trees utilising the above baseline criteria identifies a suitable structure for the assessment.
- 4.14 In this case, the tree scored well (**TEMPO score = 20 points**) in the amenity assessment criteria. The tree can be seen from local roads, forming a backdrop to houses and contributing to the character to the area.
- 4.15 The existence of an order does not preclude the felling or pruning of the trees. It does require the applicant to seek the consent of the Council prior to carrying out the works and an application for tree works is free of charge. If an applicant disagrees with any refusal they may appeal to The Planning Inspectorate, The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

5. Conclusion

- 5.1 The Council has a duty to protect trees and every Tree Preservation Order is assessed with regard to the benefits to the community. There are no other issues that would affect the sustainability of the tree in this situation.

6. Full Recommendation

- 6.1 It is recommended that Tree Preservation Order No 201/21/1046 should be confirmed without amendments.

7. Appendices

Appendix 1 Objection Letters

Appendix 2 Mrs Morris-Ashton Objection Letter to TPO 999

Appendix 3 Copy of the Provisional TPO

Appendix 4 TEMPO Assessment

Appendix 5 Helliwell Assessment

Appendix 6 CAVAT Assessment

Appendix 7 Policy CS18 Green Infrastructure Extracts

Appendix 8 WBC TPO Flow Chart

Appendix 9 Google StreetView Images of TPO 1046 Tree