

Appendix 1

Jon Thomas
Environment Services
Council Offices
Market Street
Newbury
RG14 5LD

Mr V Hayter

12th November 2021

Dear Mr Thomas
Tree Preservation Order 201/21/1046
Land at Hasenbach, The Bevers, Mortimer Common, Reading RG7 3SP

I have an interest in the TPO as I live at [REDACTED], which borders Hasenbach, and the tree towers above and overhangs our property.

I note that this time (the third application for the same tree), grounds for the application have been included in the notification. – *'The tree is a significant landscape feature with a corresponding high amenity value and the order is required to ensure its sustainable retention.'*

I object to the application.

The tree does not meet the required criteria according to the Town & Country Planning (Trees) Regulations 2012 quoted in your letter or on www.gov.uk/guidance/tree-preservation. I am unable to access the TEMPO matrix you appear to use locally, however I imagine it is similar to the Helliwell and CAVAT systems which I understand from my solicitor are commonly used in the legal profession to determine amenity value. This tree would score extremely low based on all matrices.

There are many similar trees, that are more remarkable, in and around Mortimer which is a small country village, not an urban area as was stated on the previous granted application. This is not therefore a significant tree. Public visibility alone is not sufficient to warrant an order and in any case the tree cannot be seen from neighbouring streets as other trees mask its view.

Although Amenity Value is hard to define, in legal or dictionary terms, the general accepted definition for both is that something with an amenity value should bring pleasure to people. This tree has no screening, rarity or cultural value. Nor is it a deciduous tree denoting the changing seasons.

This tree has a negative impact on the local environment due to its immense height, unbalanced development of heavy branches and its close proximity to properties.

Sustainable retention of properties and people is more desirable than retaining a tree that will cause severe damage.

We live constantly under the threat of this monster tree falling during the increasingly violent and numerous storms thus causing health problems through the stress and anxiety. I am aware that others living in close proximity to the tree are also nervous of the trees' structure and position. I have consulted a tree surgeon, Brian Nash, who submitted an application to reduce the crown to make the tree safer and this was turned down by West Berks.

I am sure you know that legally people have a right to enjoy their homes peacefully and that when a Public Authority is aware of a threat to someone's life they have an active obligation to protect and preserve life.

I therefore ask that on the basis of unsatisfactory criteria, and for the health and safety of people you will withdraw the application.

Yours sincerely

[REDACTED]
V Hayter

From: Ruth Clatworthy
Sent: 16 November 2021 19:26
To: Trees
Subject: Tree Preservation Order 201/21/1046
Attachments: TPO 2021J&R.docx; ATT00001.htm

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

FAO Mr J Thomas

Dear Sir,

Please find attached letter of objection to the above proposed TPO.

JAG & RT Clatworthy



Mr J Thomas
Environmental Services
West Berkshire Council Offices
Market Street
Newbury
RG14 5LD

16th November 2021

Dear Mr Thomas

Ref. OBJECTIONS to Proposed Tree Preservation Order 201/21/1046. Land at Hasenbach, The Bevers, Mortimer Common, Reading, RG7 3SP. (Map ref. 465253 – 164761)

We are writing to object to the above proposed TPO. While we do not live in immediate proximity to this tree we are regular visitors to the home of one of the objectors and agree with their concerns.

We challenge your view that this tree constitutes an amenity or is a significant landscape feature or is of any aesthetic value.

- It is difficult to understand the interest in this particular tree.
- The tree consists of a bald trunk of enormous height with only a small cluster of pine needles at the top not visible to anyone going about their normal business. It is entirely unsuited to its situation which is a small private garden in a densely populated area of a rural village.
- It has been allowed to grow uncontrolled to a height which now constitutes a danger to people and property in the event of high winds. We understand an application was made to carry out some remedial work to limit this danger but that permission for this was refused by yourselves.
- Our friend has carried out careful research into legalities and case law applying to TPOs and there clearly is no case for a TPO to be applied to this tree on the grounds you have cited.
- Mortimer village is surrounded by woodland which is easily accessed and where trees of considerable variety can be seen and their aesthetic value readily enjoyed. This variety of tree is in no way a rarity in the area and there are many more aesthetically pleasing examples of it to provide pleasure to residents of and visitors to the village.
- It is interesting to note that Environmental Services tree officers have shown no interest in protecting trees and hedgerows in Mortimer which are more readily recognisable as amenities or as significant landscape features of aesthetic value. A number of trees and hedgerows have been or will be cut down and/or mutilated as a result of planning permissions granted by WBC.

Yours sincerely,

JAG & RT Clatworthy

Jon Thomas
Environment Services
Council Offices
Market Street
Newbury
RG14 5LD

14th November 2021

Dear Mr Thomas

Tree Preservation Order 201/21/1046
Land at Hasenbach, The Bevers, Mortimer Common, Reading RG7 3SP

Please find enclosed ~~five~~^{six} individual letters of objection to the issuing of the above TPO. Please acknowledge receipt to the individual letter writers.

Also enclosed is a petition signed by additional people directly affected by this proposed TPO.

JOAN MORRIS-ASHTON MSc

Jon Thomas
Environmental Services
West Berkshire Council Offices
Market Street
Newbury
RG14 5LD

14th November 2021

Dear Mr Thomas

Ref. OBJECTIONS to Proposed Tree Preservation Order 201/21/1046. Land at Hasenbach, The Bevers, Mortimer Common, Reading, RG7 3SP. (Map ref. 465253 – 164761

I am the registered land owner of [REDACTED] and wish to strongly object to the proposed TPO. Please refer to my objection letter dated 23rd May 2020 which laid out objections to TPO order 201/21/0999 for the SAME tree. **Everything I wrote in that letter still stands.**

This is the third time an attempt has been made to confirm a TPO on this same tree. The first one was placed in 2015 and no reason was given and none of the neighbours were notified. Due to my challenge to Paul Hendry last year he agreed to seek to revoke the second order 201/21/0999 and replace it as procedures hadn't been followed and some of the reasons for placing it were tenuous AND to give objectors more time to prepare their case.

I again challenge your reasons for making the order on the grounds of the tree being an amenity and a significant landscape feature. I refer to the advice on www.gov.uk/guidance/tree-preservation, and the Town and Country Planning (Trees) Regulations. I have also looked at case law and researched The Helliwell and CAVAT systems which are widely used as matrixes in the legal profession when assessing the amenity value of trees. According to the flow chart, West Berks use TEMPO as a scoring matrix to determine amenity value but I can find no public reference to it.

Regarding the landscape feature argument – the law states that *'a single prominent tree in a city centre will rate highly an individual tree in a secluded residential area will not'* *'A large tree in a small space may appear overwhelming and inappropriate and will score lowly..'* This tree is in a residential garden in a small village and it is indeed overwhelming for those of us living in its path. Despite its height, it has low visibility from neighbouring streets as the view is masked by mature majestic oaks, sycamores, silver birches, beech and other pine trees. In addition the tree is bordered by a lane which has no public right of way. In any case the gov.uk guidance says *"...public visibility alone will not... warrant an order"*. The village contains a huge number and variety of trees and is surrounded by pine woods.

Where there is an abundance of trees, as in this case, case law states that the amenity value would be lowered. Other factors that determine amenity value are screening value. In this case there is no screening value as the tree has a very long thin trunk with all the foliage at the top – all it screens is the sky, so there would be no points given for this. Other factors considered to be an amenity are rarity, cultural and being in a conservation area. **None of these apply in this case and it would therefore score very low indeed on any matrix.**

The dictionary definition of amenity is something that gives pleasure and is of course subjective. A deciduous tree that reflects the changing seasons is considered an amenity however this tree is the same all around the year – a long thin trunk with a heavy lopsided crown of unremarkable pine needles. There is a consensus amongst many that this tree is not ascetically pleasing due to its shape and is also considered a **threat** or menace because of its size and situation. In this instance many feel they have experienced loss of amenity due to their quality of life being affected and feel their human rights have been breached.

I make reference to The Equality and Human Rights Commission and the Guide to Human Rights Act for Public Authorities.

I live constantly under **threat** from the tree falling during high winds and crashing through my roof. A large branch broke in high winds earlier this year and had to be removed. I feel this threat is seriously affecting my sense of wellbeing and my physical health has deteriorated. I fear for my property but more importantly my life. The Guide to Human Rights Act for Public Authorities Article 2 says “..everyone has a right to life and must be protected by law..... when a public authority is aware of a **threat** to someone’s life, they can create a more active obligation to protect life..” **We have done everything we can ourselves to try and get the crown reduced and the tree stabilised .**

We have consulted a tree surgeon, Brian Nash, who put in an application to West Berks back in January this year to reduce the crown in order to make the tree safe. Unfortunately the application got lost in the West Berks system. He put another one in and unfortunately West Berks did not agree with the measurements requested for reduction. This was in spite of an email from yourself Jon, dated 13th November 2020, suggesting that a 3 metre crown reduction could be considered. I understand that Mr Hayter, after speaking to yourself has submitted yet another application for crown and branch reduction and that in your email dated 9th November 2021 you intimate you must consult the Parish Council prior to making a decision. None of the Parish council live anywhere near us, are not tree experts and are not affected. You will see that people living in the Bevers and Heathfield, who are directly affected, have submitted objection letters and signed a petition against having a TPO put on this tree.

I have many varieties of mature trees with a high amenity value on my property and I would not normally object to a TPO being served. In fact several years ago, I tried to prevent a mature red horse chestnut and ancient yew trees on Heathfield from being felled by the council.

However in this case **I am objecting most strongly** as criteria to place a TPO have not been met and the Public Authorities own guidance has not been adhered to.

I would therefore ask you to reconsider your proposal.

Yours sincerely



Joan Morris-Ashton (Mrs)

For the attention of West Berkshire(East) Tree Officer

Tree Preservation Order 201/21/1046 (previously 201/21/0999)

Land at Hasenbach, The Bevers, Mortimer Common RG7 3SP

We, the undersigned, object to the issuing of this TPO on the grounds that the proposal does not meet any of the criteria required as stated in the Town and Country (Tree Preservation) (England) Regulations 2012.

Please read this petition in conjunction with the issues raised in letters sent, in June 2020, objecting to TPO 201/21/099 which are still valid and the objection letters sent in response to the latest proposed order.

Name

Address

Signature

Date

Z.M.G Plank
J. Rosenthal
P. Whelan.

J.S. Lewendon
L.J. LEWENDON

Madie Andrews

ROBERT ANDREWS

MIKE HARRIS
Jenny Collins

M. P. Gann

KATH Johnson

Debra Ward

Graham Ward
Rachel Ward
Rasa Pancerova

Mary Page

Sarah Whiting

7/11/21
7/11/21

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9/11/21

14.11.21

15.11.21

ROBERT BIRCH



Environment Service
Council Offices
Market Street
Newbury
RG14 5LD

15 November, 2021

Your ref.: 201/21/1046

For the attention of Jon Thomas

Dear Sir,

**Re. West Berkshire Council Tree Preservation Order [TPO] ref. 201/21/1046
Land at Hasenbach, The Bevers, Mortimer Common, Reading, RG7 3SP**

I object to the application for Tree Preservation Order ref. 201/21/1046.

I note that the grounds for the application are *'The tree is a significant landscape feature with a corresponding high amenity value and the order is required to ensure its sustainable retention.'*

I have looked at the quoted Town & Country Planning (Trees) Regulations 2012, and the advice given at www.gov.uk/guidance/tree-preservation, and do not believe the criteria are met in this application.

The tree is no more remarkable than similar trees in close proximity, but is significantly misshapen. It is very top heavy and leans precariously towards my next-door neighbour's house. It requires significant height reduction and removal of at least one side branch to make it stable. I understand that an application to do this has been submitted by a tree surgeon and refused. I am aware that there is general and genuine concern amongst neighbours about the tree falling in high winds. I also understand that this is the third application to place a TPO on this particular tree, but the first time I have been notified.

I am somewhat puzzled that in a village full of mature trees and surrounded by pine woods there is a need to place a TPO on this tree.

Amenity value is hard to define and probably subjective, and is not defined by law. One dictionary definition is that an amenity is something that gives pleasure. I cannot see how this tree can be classed as an amenity as this tree is not particularly aesthetically pleasing, cannot be seen from the surrounding roads and causes people stress.

Thank you for your attention.

Yours faithfully,



Robert Birch

Environment Services
West Berkshire Council Offices
Market Street
Newbury
RG14 5LD

Rosie Foster-Williams



5th November 2021

Dear Mr Thomas

Ref. West Berkshire Council Tree Preservation Order 201/21/1046. Hasenbach land map Ref. 465253 - 164761

We wish to object to the above TPO Order. We objected to the previous one (201/21/0999) on the same tree but did not receive an acknowledgement or a notification of the decision to place the order.

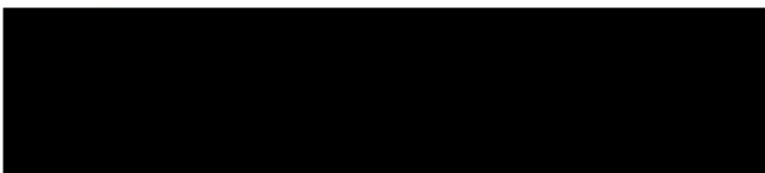
We object on the same grounds as last time - grounds of health and safety and the fact that **the criteria for placing a TPO have not been met,**

We live in constant fear of damage to life and property during high winds and this causes a lot of anxiety. I myself am disabled and have other medical conditions. The anxiety I suffer because of worrying about the tree falling is making my state of health worse. The tree is not safe to be in a residential area due to its height and heavy unbalanced top. The Equality and Human Rights Commission says everyone has a right to life and to enjoy their home in peace. We can't do this with all the worry about the tree falling on us. The tree is even taller now and even more unstable as the present owners have removed a large branch on their side that got broken during a storm. We understand that my immediate neighbours asked a tree surgeon to put in an application to have the height reduced and at least one of the large branches on our side removed in order to make the tree safer. This was applied for earlier this year but the council have not given yet permission for the work to be done. Another application has been resubmitted as a matter of urgency.

The tree does not meet the criteria for a TPO listed on www.gov.uk/guidance/tree-preservation. This tree is not an amenity. The dictionary definition of an amenity is something that gives pleasure, all it gives us is stress. It cannot be seen in neighbouring streets as other trees block the view. It has no rarity, cultural or historical value. Its natural habitat is in a wood not in a residential garden. It is not an endangered species, as the woods surrounding the village are full of tall pine trees. There are also similar trees of this type in close proximity which are more remarkable and have been better maintained.

We ask once again that you reconsider your intention to place this order.

Yours sincerely



Rosie Foster-Williams

A Williams

Environment Services
West Berkshire Council Offices
Market Street
Newbury
RG14 5LD

Joe Moore

7th November 2021

Dear Mr Thomas

Ref. West Berkshire Council Tree Preservation Order 201/21/1046. Hasenbach land map Ref. 465253 - 164761

I wish to object to the above TPO Order. I also objected to the previous one number 201/21/0999 which was put on last year but didn't get an acknowledgement. [REDACTED]
[REDACTED] Hasenbach where the tree in question is situated and we are directly affected.

I note that the grounds given to place the order are – *the tree is a significant landscape feature with a corresponding high amenity value ...*). I object as I do not believe the tree is a significant landscape feature. It cannot be seen from neighbouring streets in any case, as the view is obscured by large mature trees such as oaks and sycamores. The tree itself is misshapen and there are other trees of this type in close proximity that are far more remarkable and have been properly maintained.

The tree does not meet the criteria for a TPO listed on www.gov.uk/guidance/tree-preservation in terms of being an amenity. The tree has no rarity, cultural or historical value. It has no screening value as all the heavy greenery is at the top of a long thin bare trunk. Its natural habitat is in a wood not in a residential garden. It is not an endangered species, as the woods surrounding the village are full of tall mature pine trees. The tree does not enhance the landscape. There are many mature trees in the immediate area with far more aesthetic value and many that reflect the changing seasons which do give enjoyment to the residents.

The tree is not safe to be in a residential area due to its height and unstable shape. The **Equality and Human Rights Commission** says everyone has a right to life and to enjoy their home in peace and I am aware several neighbours fear for their lives every time there is a high wind.

I ask that you reconsider your intention to place this order.

Yours sincerely

[REDACTED]

6 / 11 / 2021

Joe Moore

Environment Services
West Berkshire Council Offices
Market Street
Newbury
RG14 5LD

Dawn Taylor and Jack Stacey



6th November 2021

Dear Mr Thomas

Ref. West Berkshire Council Tree Preservation Order 201/21/1046. Hasenbach land map Ref. 465253 - 164761

We wish to object to the above TPO. We objected to the TPO no. 201/21/0999 put on last year but got no acknowledgement. We would have objected to the TPO that was apparently put on the same tree in 2015 but no one knew anything about it. This is the third time a TPO has been placed on this same tree and we fail to see why.

We object on the basis that the grounds given this time to place this order "*the tree is a significant landscape feature with a corresponding high amenity value ...*" have not been met. We have looked again at Government and Local Authority guidance and everywhere indicates that landmarks alone cannot be used for placing a TPO. There are many taller trees in the vicinity such as Wellingtonias which are indeed landmarks and have rarity and historic value which this pine tree does not have. Ironically this pine tree although very tall, cannot be seen in neighbouring streets as the view is blocked by mature oaks and sycamores. In any case the driveway bordering Hasenbach has no public right of way.

The tree does not meet the amenity criteria on www.gov.uk/guidance/tree-preservation or in any Local Authority guidance. It has no rarity, cultural or historical value. It is not an endangered species, as the woods surrounding the village are full of tall mature pine trees. An amenity is defined as something desirable in a suitable location – this tree's natural habitat is in a wood not a residential garden. The tree is misshapen and there are far more aesthetically pleasing examples nearby which have been sympathetically maintained and are visible to the public.

The tree is very close to our property and we live in constant fear of damage to life and property during high winds. This constantly affects our sense of wellbeing. The tree is not safe to be in a residential area due to its height and unstable shape and urgently needs height reduction. The Equality and Human Rights Commission says everyone has a right to life and to enjoy their home in peace, this tree in its present form prevents this.

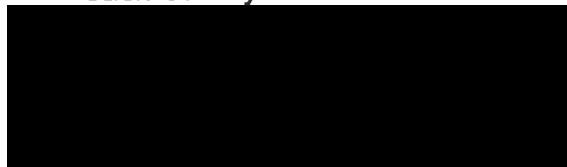
We ask that you reconsider your intention to place this order.

Yours sincerely

Dawn Taylor



Jack Stacey



Jon Thomas
Environment Services
Council Offices
Market Street
Newbury
RG14 5LD

Mrs. J.E.Cryer



8th November 2021

Dear Mr Thomas
Tree Preservation Order 201/21/1046
Land at Hasenbach, The Bevers, Mortimer Common, Reading RG7 3SP

I object to the application

I note that the grounds for the application are *'The tree is a significant landscape feature with a corresponding high amenity value and the order is required to ensure its sustainable retention.'*

I have looked at the quoted Town & Country Planning (Trees) Regulations 2012 and do not believe the criteria is met in this application.

The tree is only significant in that the height is excessively inappropriate for its residential situation, and is detrimental to the landscape with no redeeming features.

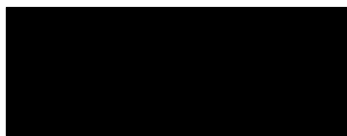
Furthermore, its unbalanced cultivation creates a more than probable risk of it falling during rough winds.

In a village surrounded by similar trees there is no benefit in retaining this ugly one.

With amenity value being hard to define the fact that this tree is visible does not constitute a reason for protecting it. It has no historical or rarity value so there is no good reason for this tree to be retained, when there are many similar trees in more suitable locations.

Therefore I ask please do not apply this order

Yours sincerely



J E Cryer

From: Matthew Morris-Ashton [REDACTED]
Sent: 18 November 2021 4:35 PM
To: Jon Thomas <Jon.Thomas@westberks.gov.uk>
Cc: Joan Morris-Ashton [REDACTED] >
Subject: Tree Preservation Order 201/21/1046

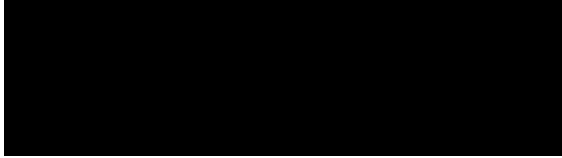
This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Mr Thomas,

Please find attached letter of objection in relation to the above.

Regards,

Matthew



Jon Thomas
Environmental Services
West Berkshire Council Offices
Market Street
Newbury
RG14 5LD

Dear Mr Thomas,

Tree Preservation Order 201/21/1046. Land at Hasenbach, The Bevers, Mortimer Common, Reading, RG7 3SP. (Map ref. 465253 – 164761

I am a “person interested” as defined in PART 1 Section 2 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 being a person with an equitable interest in the property known as [REDACTED] as shown at

ANNEXE 1.

Please treat this letter as my objection to Tree Preservation Order 201/21/1046 (The Order) and relating to the specific tree marked T1 on the plan annexed thereto.

My grounds for objection dealt with in turn below are as follows:

1. The tree provides little or no amenity value
2. The Order offends the Human Rights Act 1998 in that the decision to make The Order breaches articles 1,2 and 8 of the European Convention on Human Rights (ECHR)

The Order is otherwise than in accordance with Town and Country Planning Act 1990

The Town and Country Planning Act 1990 places a duty on the local planning authority that ‘if it appears 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.

The author of this objection has consulted the statutory guidance for local authorities “(the Blue Book) together with the systematised assessment tool for TPO suitability “Tree Evaluation Method for Preservation Orders” TEMPO employed by the you.

Working through the criteria in TEMPO in relation to this tree it is clear the tree carries little or no amenity value.

Amenity Value

Condition

Whilst the LPA may argue the tree is healthy and therefor not dangerous, a pine tree towering above residential property targets is in of itself objectively dangerous. This particular pine is very tall. It has concentrated its foliage on the top of the tree sticking up and out above residential properties with nothing slowing or reducing wind increasing the chance of the phenomenon known as “windthrow” which uproots a tree in high winds. This type of tree is also shallow rooted.

Retention span

Whilst this species of tree enjoys a degree on longevity, the older and taller this tree gets the more likely it will be uprooted in strong winds.

Relative public Visibility

The tree can only be seen from very limited areas of public land within the Beavers estate. Accordingly, the removal of this tree would have negligible impact on the public. In these circumstances The Blue Book provides that a TPO should only justified in exceptional circumstances. In this instance the Local Planning Authority has not given any exceptional circumstances warranting confirmation of the order.

Other Factors

- Principle components of arboricultural features, or veteran trees

This is not applicable. The former is designed to refer to trees within parklands, avenues, collections, and formal screens. And this does not meet the definition of Veteran Tree.

- members of groups of trees that are important for their

This is not applicable

- Trees with significant historical or commemorative importance

This is not applicable

- Trees of particularly good form, especially if rare or unusual

The tree is a common variety in a village that has an abundance of pine as well as rare and interesting species. The tree clearly does not meet this benchmark.

The Order offends the Human Rights Act 1998 in that the Decision to make The Order breaches articles 1,2 and 8 of the European Convention on Human Rights (ECHR)

S6 Human Rights Act 1998 (HRA) makes it unlawful for a public authority to act in a way that is incompatible with a person's rights under the ECHR.

It is submitted with potency that if West Berks District Council (The LA) confirm The Order there is a clear unlawful interference with my rights and the rights of other under articles 1,2 and 8 of the ECHR.

Article 1 right to peaceful enjoyment of possessions

As the Tree poses a danger to property in which I have an interest I cannot peacefully enjoy my possessions.

I concede my right to enjoyment of my possessions is not an absolute, and that the LA may seek to argue interference with my right is in accordance with the law and justified in the public interest to protect trees, which have an impact on the amenity of the area. However, as outlined above there is no weight to that argument. Accordingly, there is an unjustified and disproportionate interference with my right under Article 1

Article 2 right to life

The Tree poses a threat to the lives of members of my family. Our rights afforded to us under Article 2 are absolute, and the LA cannot seek to justify an interference of our right to life by claiming The Order is necessary to preserve the visual amenity of the area.

Article 8 - protection of the right to respect for one's private and family life, home and correspondence.

The fact The Tree is dangerous and needs to be managed before it falls on something or someone means that the imposition of The Order will be an interference with our Article 8 rights. For the reasons stated above any interference with this right is unlawful.

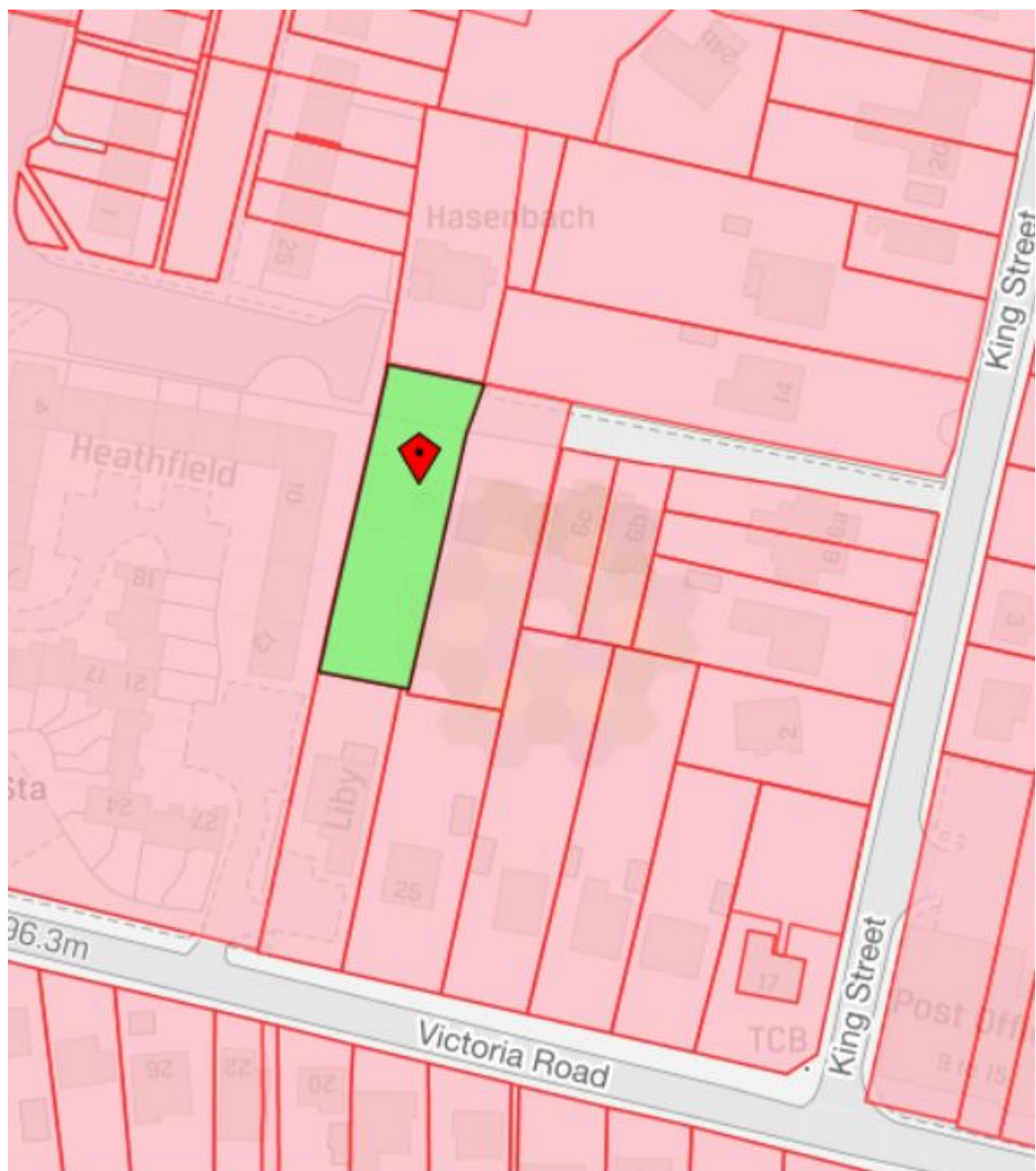
I strongly object to The Order and invite the LA to withdraw.

Yours sincerely,

A solid black rectangular box used to redact the signature of Matthew Morris-Ashton.

Matthew Morris-Ashton

ANNEXE 1



Environment Services
West Berkshire Council Offices
Market Street
Newbury
RG14 5LD



L & S Norcott



November 2021

Dear Mr Thomas

West Berkshire Council, Tree Preservation Order 201/21/1046, Land at Hasenbach

As owners of the property [REDACTED] we object, again, to the serving of a TPO on our tree.

The grounds given as a reason for the order – *the tree is a significant landscape feature with a corresponding high amenity value etc* are very arguable and subjective. In researching the Town & Country Planning (Trees) Regulations 2012 which you quote, it would appear the tree does not meet this criteria for a TPO and does not meet the criteria for being an amenity listed on www.gov.uk/guidance/tree-preservation.

The tree is too tall and inappropriate for a residential location as its sheer size and instability raises severe safety concerns for us and the neighbouring people/properties as we fear the tree falling on us or them in the increasingly violent winds. A large branch has already torn away during a storm. Despite the fact that it is tall, the tree cannot be seen from neighbouring streets as large oak trees mask the view – therefore it cannot be considered a land mark. The landscape is not improved by the tree, it is misshapen and there are other more remarkable trees of this species in neighbouring streets. In fact the whole village is surrounded by pine trees. This rural village also has a huge variety of mature trees that can be classed as amenities.

An 'amenity' by any definition is something which adds pleasure or a useful convenience to a community, but the tree induces fear, worry and mental health concerns to many of us in its vicinity. A lot of local authorities consider a tree to be an amenity if it reflects the changing seasons but in this case as it is an evergreen coniferous tree, it's appearance doesn't alter.

Public visibility in this case cannot be applied and there are many such trees in and around Mortimer, which is a country village, therefore there is no rarity or historical interest.

As the District Council has an obligation to ensure the safety of the public as well as trees please acknowledge this objection and for the sake of health and safety revoke the order.

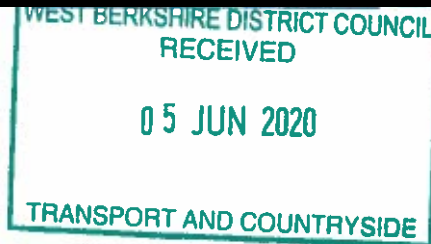
Yours sincerely



L & S Norcott

Appendix 2

Jon Thomas
Environmental Services
West Berkshire Council Offices
Market Street
Newbury
RG14 5LD



23rd May 2020

Dear Mr Thomas

Ref. OBJECTIONS to Proposed Tree Preservation Order 201/21/0999. Land at Hasenbach, The Bevers, Mortimer Common, Reading, RG7 3SP. (Map ref. 465253 – 164761

I am the registered land owner of [REDACTED] and wish to strongly object to the proposed TPO. I have attached a copy of your map, marking out the land that I own. You will see that the tree in question hangs over my land as I actually own the piece of private access driveway outside my house. As such, I am the neighbour most affected by this tree and was surprised you did not send me a notification to my correct address.

I have lived in this house for 35 years and have witnessed the proposed TPO tree grow taller (now about 80ft) and more and more unstable over time. The previous owner of Hasenbach did not manage or maintain the tree to make it safe and suitable for a residential garden despite me making representations. Over the years she had all the lower branches and any branches facing her property cut off. This has resulted in the tree being very top heavy, lopsided, unstable and leaning precariously towards my property.

I will raise my objections based on Health and Safety and refer to The Equality and Human Rights Commission and the Guide to Human Rights Act for Public Authorities. I will also challenge your reasons for making the order on the grounds of the tree being an amenity and a significant landscape feature. I will refer to the advice on www.gov.uk/guidance/tree-preservation

- 1) I live constantly under **threat** from the tree falling during high winds and crashing through my roof. This is seriously affecting my sense of wellbeing and consequently my physical health. I fear for my property but more importantly my life. My house has two very large steel beams in the roof supporting the dormers. The tree would dislodge these on contact with the house and any occupants killed.

The Equality and Human Rights Commission Article 2 of the first protocol concerning the **Right to Life**, states that the Government and Local Authorities **must** take into account the safeguarding of life when making decisions that "***might put you in danger or effect life expectancy***".

Article 8 clearly states I have a right to enjoy my home peacefully. I am unable to do this.

The Guide to Human Rights Act for Public Authorities Article 2 says "***..everyone has a right to life and must be protected by law..... when a public authority is aware of a threat to someone's life, they can create a more active obligation to protect life..***"

- 2) This particular tree is seen as a danger but not an endangered species – the village is surrounded by huge numbers of very tall pine and fir trees. This species of tree should be in a wood not a garden.
- 3) Your reason for proposing a TPO is that the tree is an amenity and a landmark. According to the government website www.gov.uk/guidance/tree-preservation amenity is not defined by law. Your letter does not define how this tree is of high amenity value. **The guidance mentions several points to consider when assessing amenity and this tree does not meet any of the criteria.** It is not in a conservation area. It has no rarity or cultural value. It certainly has no historic value. I know this as my family has lived in Mortimer for over 270 years. My grandfather was a forester and my father a local historian. The tree does not have any aesthetic value and actually detracts from the landscape. There are several other large trees in the immediate vicinity that are significantly more beautiful, broad leaved adding oxygen and value by softening the housing estate. The only thing the tree has is size and this of course is the thing I am objecting to on account of safety. The tree is in a private garden and overhangs a private driveway but it can be seen from the Bevers and Heathfields estates which do not have through traffic. However the website says **"public visibility alone will not be sufficient to warrant an order."**

I am aware that several people in the Bevers and Heathfield also have concerns about the safety of the tree, particularly those who live in the path of the tree and those whose land adjoins Hasenbach, however **according to the list of people informed I see that they have not been notified as well.** Given the Covid 19 situation it has not been possible to organise a community meeting to discuss the order. This has been poor timing for us. I am however aware that the new owners of Hasenbach will be objecting to this proposed order. They have inherited a problem making it impossible for them to ensure public safety if this order goes ahead.

- 4) Another aspect of concern is the fact that the tree roots growing under my driveway are cracking it and growing into a gas main – both are additional safety hazards.

I have many varieties of mature trees on my own property which is advantageous for the environment and I would not normally object to a TPO being served.

However in this case **I am objecting most strongly** on a Human Rights basis and the fact that criteria to place a TPO have not been met.

I would therefore ask you to please take the sanctity of human life into account and reconsider your proposal.

Yours sincerely



Joan Morris-Ashton (Mrs)

Land at Hasenbach, The Bevers, Mortimer Common, Reading RG7 3SP



 = my land

- X Tree not covered by TPO
(Tree positions approximate)
- T1 Individual Tree
- A1 Area of Trees
- G1 Group of Trees
- W1 Woodland

Authorised
Signature *J. Clark*

Tree Preservation Order No:
201/21/0999

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West Berkshire District Council 0100024151

4/15/2020

1:1250



**West
Berkshire**
COUNCIL

Appendix 3

Town and Country Planning Act 1990

West Berkshire District Council

(Land at Hasenbach, The Bevers, Mortimer Common, Reading RG7 3SP) Tree
Preservation Order 201/21/1046
2021

WEST BERKSHIRE DISTRICT COUNCIL, in exercise of the powers conferred on it by Section 198 of the Town and Country Planning Act 1990 hereby makes the following Order:-

1. Citation

This Order may be cited as **West Berkshire District Council (Land at Hasenbach, The Bevers, Mortimer Common, Reading RG7 3SP) Tree Preservation Order 201/21/1046 2021**

2. Interpretation

- (1) In this Order "the authority" means West Berkshire District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. Effect

- (1) This Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall--
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Dated this *19th* day of *October* 2021

**EXECUTED AS A DEED by affixing the Common
Seal of WEST BERKSHIRE DISTRICT COUNCIL**

and authenticated by:



Authorised by the Council to sign in that behalf



SCHEDULE

SPECIFICATION OF TREES

Article 3

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Pine	Land at Hasenbach, The Bevers, Mortimer Common, Reading RG7 3SP

Trees specified by reference to an area (within a dotted black line on the map)

Groups of trees (within a broken black line on the map)

Woodlands (within a continuous black line on the map)

Land at Hasenbach, The Bevers, Mortimer Common, Reading RG7 3SP



- X** Tree not covered by TPO
(Tree positions approximate)
- T1** Individual Tree
- A1** Area of Trees
- G1** Group of Trees
- W1** Woodland

Authorisation
Stamp

Authorised
Signature:

E. J. J. J.

Tree Preservation Order No:
201/21/1046

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West Berkshire District Council 0100024151

12/10/2021

1:1250



West
Berkshire
COUNCIL

Appendix 4

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:	Jon Thomas	
Tree details			
TPO Ref:	1046	Tree/Group No:	T1
Owner (if known):	Hasenbach	Species:	Black Pine
Location:	The Bevers, Mortimer		

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|-----------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Unsafe | Unsuitable |
| 0) Dead | Unsuitable |

Score & Notes
5 – good, generally free of defects

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10 | Unsuitable |

Score & Notes
4 – very suitable – 150-250 yr species, 60-70 yrs now

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- | | |
|--|-------------------------|
| 5) Very large trees, or large trees that are prominent landscape features | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or larger trees with limited view only | Just suitable |
| 2) Small trees, or larger trees visible only with difficulty | Unlikely to be suitable |
| 1) Young, v. small, or trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes
5 – Largest tree in The Bevers, visible elsewhere

d) Other factors

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

subtotal - 14

- | |
|--|
| 5) Principal components of arboricultural features, or veteran trees |
| 4) Members of groups of trees that are important for their cohesion |
| 3) Trees with significant historical or commemorative importance |
| 2) Trees of particularly good form, especially if rare or unusual |
| 1) Trees with none of the above additional redeeming features |

Score & Notes
1 – typical form

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

subtotal - 15

- | |
|--|
| 5) Known threat to tree |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree |
| 1) Precautionary only |
| 0) Tree known to be an actionable nuisance |

Score & Notes
5 – owners and neighbours want to remove tree

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-13 | Possibly merits TPO |
| 14+ | Definitely merits TPO |

Add Scores for Total:
20 – merits TPO

Decision:
TPO 1046

Appendix 5

Location: Hasenbach, The Bevers, Mortimer		Date: Feb 2022
Tree No: 1	Score	Notes
1) Size in Square metres		
< 2	0	
2-5	0.5	
5-10	1	
10-20	2	
20-30	3	
30-50	4	
50-100	5	Height of crown (less stem) 11m
100-150	6	Average crown radius 8m
150-200	7	Total = 88m ²
200 +	8	
2) Expected duration - yrs		
< 2	0	
2-5	1	
5-40	2	Black Pine life expectancy
40-100	3	150-250 yrs
100+	4	Less Dbh – 600-700mm (estimate) = (~60-70 years)
3) Position		
Individuals		
Remote part of large estate	0.25	
Garden- no importance	0.5	
Garden – prominent	0.75	
Main feature / focal point	1	
General populace		
Not visible from anywhere	0	
Seen with difficulty, or by a small number	0.5	
In amongst other trees	1	Significant tree in estate, skyline feature.
Busy road, park, grounds	2	Public views from estate and surrounding roads – some importance
Prominent in a busy area	3	
Crucial importance / principal feature	4	
4) Other trees		
Trees covering:-		
More than 70% of visual area (at least 100)	0.5	
More than 30% of visual area (at least 10)	1	
More than 10% of visual area (at least 4)	2	Some other, mostly small trees and crowns of larger trees.
Less than 10% of visual area	3	
No other trees in area	4	

5) Relation to Setting					
Totally unsuitable	0	Prominent tree in area. A definite asset to the landscape - fairly suitable.			
Moderately unsuitable	0.5				
Just suitable	1				
Fairly suitable	2				
Very suitable	3				
Particularly suitable	4				
6)Form					
Of poor form	0.5 – 0.9	Average form for species			
Average/ indifferent form	1				
Good form	1.1 - 2				
OVERALL SCORE 5x 4x 2x 2x 2x 1 =		160	x	Current value £41.00	= £6560

Appendix 6

CAVAT

SPREADSHEET TO CALCULATE VALUE OF INDIVIDUAL TREE STOCK (FULL METHOD)

© Christopher Neilan

Created by Alexandra Sleet and Phillip Handley

Only enter data in the pale-green boxes

CAVAT	Quantities you measure / look up	Calculated Values
<u>Step 1: Basic Value</u>		
Measured Trunk Diameter	60.00	
Unit Value Factor	16.26	
Basic Value		£45,974.07
<u>Step 2: CTI Value</u>		
Community Tree Index (CTI) Factor	100	
Community Tree Index (CTI) Value		£45,974.07
<u>Step 3: Location Value</u>		
Location Factor	75	
Location Value		£34,480.55
<u>Step 4: Functional Crown Value part 1</u>		
Structural Factor	80	
Structural Value		£27,584.44
<u>Step 5: Functional Crown Value part 2</u>		
Functional Crown Factor	100	
Functional Crown Value		£27,584.44
<u>Step 6: Amenity Value</u>		
Positive Attributes Factor	0	
Negative Attributes Factor	0	
Amenity Value	100	£27,584.44
<u>Step 7: Full Value</u>		
Life Expectancy Factor	>80	
FINAL VALUE		£27,584

Appendix 7

5 Core Policies

Green Infrastructure

Policy CS 18

Green Infrastructure

The District's green infrastructure will be protected and enhanced. The Council will work with partners, including Parish Councils and the community to address the District's green infrastructure needs and deficiencies as set out in the forthcoming Green Infrastructure SPD.

New developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network. Specific standards for provision within new developments will be identified in the Site Allocations and Delivery DPD and through the masterplanning for strategic sites.

Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.

5.123 Green infrastructure (GI) is the network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes, and is integral to the health and quality of life of sustainable communities. West Berkshire is generally well provided for in terms of green infrastructure, and it will be important to protect and increase this provision in the future, to meet the future needs associated with new development. The overall strategy for green infrastructure in the District is for:



- the protection and enhancement of existing green infrastructure; and
- the creation of new green infrastructure and links to better connect green infrastructure.

Further information about the delivery of green infrastructure is set out within the Infrastructure Delivery Plan⁽⁹²⁾.

5.124 For the purposes of this Core Strategy, green infrastructure is defined as:

- Parks and public gardens, including parks, country parks and formal gardens.
- Natural and semi-natural green spaces – including woodlands, urban forestry, scrub, common land, grasslands, wetlands, open and running water, wastelands and derelict open land and rock areas.
- Green corridors – including river and canal banks, cycleways and rights of way.
- Outdoor sports facilities (with natural or artificial surfaces, either publicly or privately owned) – including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas.

Core Policies 5

- Amenity green space (most commonly, but not exclusively, in built up areas) – including informal recreation spaces, public green spaces in and around housing and village greens.
- Provision for children and teenagers – including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (e.g. ‘hanging out’ areas, teenage shelters).
- Allotments, community gardens, urban farms, and land used for permaculture.
- Cemeteries and churchyards.
- Lakes and waterways.
- Green roofs and walls.
- Designated Local Green Space.

5.125 The multi-functional nature of GI in the District is important for many reasons. It contributes significantly to the quality of life for residents, workers and visitors, in terms of both visual amenity and for sport and recreation purposes. GI creates a sense of place allowing for greater appreciation of valuable landscapes and cultural heritage. It increases access to the countryside, and supports healthy living. In addition GI plays an important role in flood management and sustainable design, makes a positive impact to combating climate change, and provides opportunities for sustainable transport and the production of local food, for example within public allotments. It contributes significantly to the conservation and enhancement of biodiversity by creating an ecological network allowing for the movement of wildlife along corridors, and facilitating the colonisation of new areas.

5.126 Particular assets in terms of natural and semi-natural spaces include:

- the Thatcham Nature and Discovery Centre and Reedbeds;
- Greenham Common and Snelsmore Common near Newbury; and
- Wokefield Common near Burghfield Common.

5.127 Within the main urban areas, Northcroft Park in Newbury, and the Linear Park at Calcot have the Green Flag Award. Several other parks and smaller spaces can be just as valuable in both urban and rural communities; for example, the recreation ground at Burghfield, the Croft in Hungerford, and Newbury Lock are all examples of open spaces that are highly valued.

5.128 Waterways are an important part of the District's GI, with the Kennet and Avon Canal being a popular route for narrow boats, walking, cycling, and an important tourist attraction, as well as the Rivers Thames, Enborne, Lambourn, Pang and Kennet. There are 1178 kilometres of public rights of way, and two national trails pass through the District: the Ridgeway and the Thames Path. These are all important connecting corridors within the wider strategic network for both people and wildlife.



5.129 Sporting provision ranges from established sports clubs with good facilities such as Newbury Rugby Club, Newbury Town, Thatcham Town and Hungerford Town Football Clubs, and Falkland Cricket Club, to facilities for amateur sport like Henwick Playing Fields and Newbury Athletics Club. In addition there are boating and sailing facilities at Burghfield and Theale, canoeing on the Thames at Pangbourne, and a large number of golf courses throughout the District.

5.130 An assessment of open space and leisure need carried out in July 2005 suggested that the District is well catered for in terms of the quantity of open space. This perception is supported by open space assessments of two of the largest urban areas in the District: Newbury and the Eastern Area. These concluded that these areas have above average levels of sports facilities and open space, when compared to national standards. The studies found that there was room for improvement

5 Core Policies

in terms of quality, but that quality standards were also above national standards. A Green Infrastructure SPD will set out the Councils comprehensive approach to protecting and improving the network of GI in West Berkshire as well as a framework for the creation of new GI.

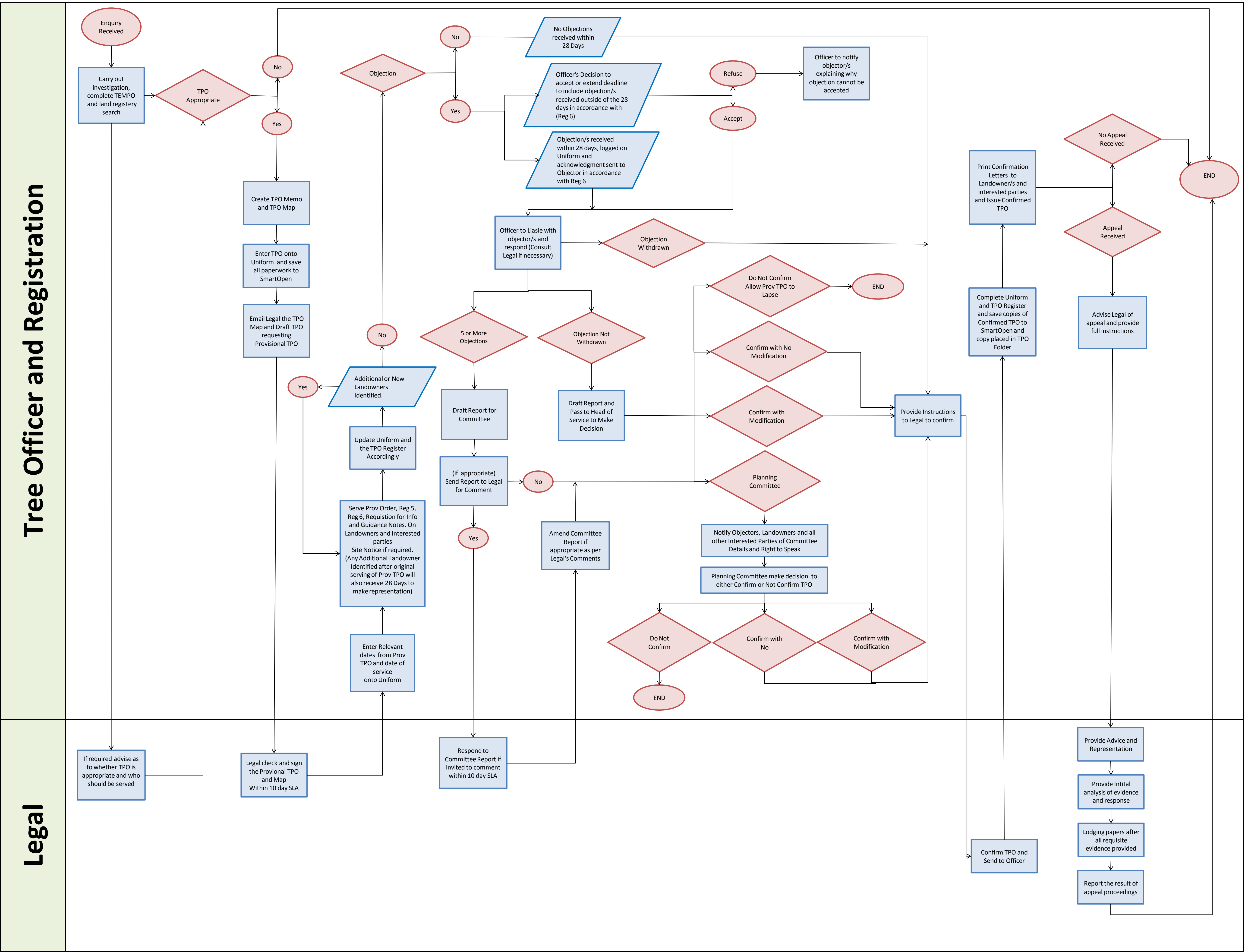
Delivery and Monitoring

This policy will be implemented through the Site Allocations and Delivery DPD, the forthcoming Green Infrastructure SPD, the Rights of Way Action Plan, the Biodiversity Action Plan, the determination and monitoring of planning applications and appeals, and the use of planning obligations in planning agreements or planning conditions.

Provision of open space and recreational facilities will be monitored in the AMR.

Appendix 8

Tree Preservation Order Process



Appendix 9

Appendix 9 – Google Streetview Images of Pine under TPO 1046

