



Sheffield City Council, Legal Services Department, Legal and Governance, Town Hall, Pinstone Street, Sheffield, S1 2HH.

Attention; Richard Cannon.

Dear Sirs,

November 16th 2018.

Objection to Tree Preservation Order (TPO).

Please accept this letter as an objection to TPO no 427 (2018) Land at Bridle Stile Close, Sheffield S20.

Your reference; LS/RC/85478.

My clients in this matter are	, who have received pre planning
advice	about this site. I have
seen e-mail corre	spondence in respect of the site, dated November 9 th .

Background.

I was asked to look at this site in March of this year to advise on how the trees might be considered in respect of a subsequent planning application. My report is appended. The site previously belonged to the Fire Service and advice was given in the sales particulars as to the quality of the trees within the site. The possibility of a TPO being served was implicit although there was no indication that any Council Arboriculturist had ever considered the trees.

The National Planning Policy Framework (neither the original or the recent revision) has very little to say on the subject of trees. For that we have to turn to the Government's TPO guidance which can be found on line: <u>https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas</u> The following comments will refer to this guidance, which has the same "weight" as the National Planning Policy Framework (NPPF).

Reasons for objection.

The Government guidance tells us that trees can be protected in the interests of amenity. It doesn't define "amenity" but it does fairly clearly state that visibility alone is not sufficient to warrant an order (at paragraph 8). I note that your correspondence in respect of this TPO consistently refers to "visual amenity," as does Sarah Hull's correspondence. I presume you and she are aware of the Government guidance?



VAT Reg No. 471150474 Company Reg No. 5872995 Registered in England and Wales In the same paragraph the guidance advises authorities to develop ways of assessing amenity value in a structured and consistent way. It therefore seems reasonable to ask if we can see this "amenity valuation."

It would also be an idea if the Council's system of amenity valuation could be published, which is also the advice of the NPPF.

At paragraph 7 the advice is that trees should only be protected if their removal would have a "significant negative impact on the local environment and its enjoyment by the public." As these trees are at the end of a cul-de-sac then realistically there can only be very few passers-by, so the public appreciation of these trees is likely to be low. Also I suspect the people who live nearest to the trees; T2, T3 & T4 at least, regard them with some wariness, so "enjoyment" is unlikely.

My report of earlier this year pointed out various faults with trees 3 & 4, (trees 1 & 2 in my report) and Sarah Hull's declaration that the Council's Arborist "found them in good condition" really requires some clarification. Trees 3 & 4 both have poor form brought about by their proximity to nearby trees. Either would have been better specimens if the other had been removed. That would have given them more space to develop better structure. I discussed this topic at some length in my report. Incidentally T2 is infested with Felted Beech Coccus, (a precursor to Beech Bark Disease) which hardly suggests a long future life and must reduce any amenity valuation. And that tree is also very close to a neighbouring house.

It has always been my understanding that TPOs should not be used as "a tool of development control." That is Councils are not supposed to serve TPOs and then use the TPO to impede a planning application. Use of TPOs in this manner is likely to be counter-productive as it might discourage people from growing in trees.

I realise that some Officers may be of the opinion that all trees require protection, but this is not the intention of the TPO system. Had it been TPOs would never have been necessary; a single Act protecting all trees, in the same manner as woodlands are protected by the Forestry Act, would have been all that was needed. It follows that most Councils would have needed to employ several teams of Tree Officers just to deal with applications for routine tree work.

Conclusions.

- 1. These trees do not generate sufficient amenity value to justify TPO protection. They are poor specimens with numerous structural faults, none of which are easily remedied.
- 2. The trees are not in a prominent position, certainly not sufficiently prominent to justify overlooking their poor quality.
- 3. This TPO appears to be an attempt to control a planning application, in other words a "tool of development control." This is not a proper use of the TPO system.
- 4. If the trees do have some hidden amenity value, some historic association for example, of which we are not aware, then this should be included in the amenity valuation, which ought to be placed in the public domain.

5. It occurs to me that no details of this TPO or any supporting or objecting comments, are published on the Town Hall's website. This appears contrary to current preoccupations with "openness."

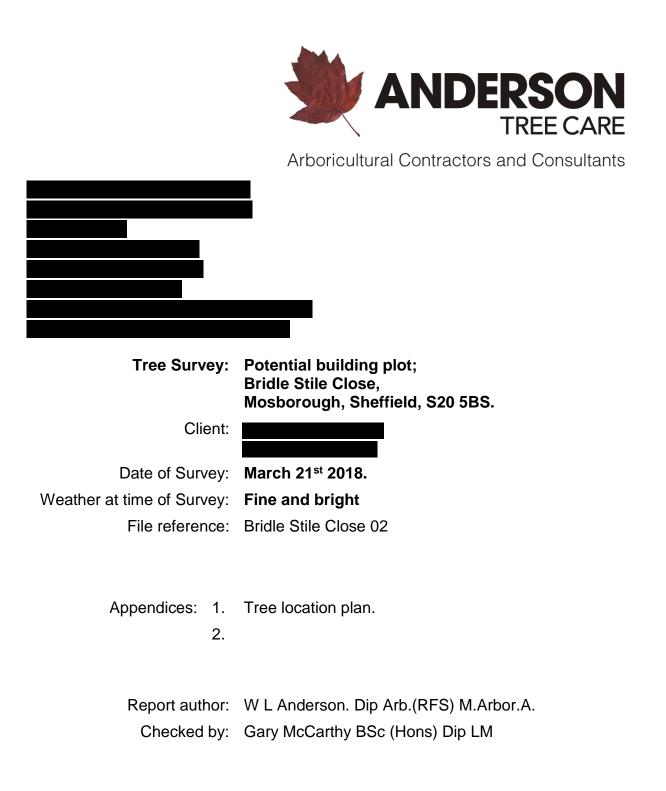
I trust you will find this acceptable and look forward to hearing from you. I would be grateful for an acknowledgement of this letter.

Yours faithfully,

W.L. In

W L Anderson. Dip.Arb(RFS). M Arbor A.

Enclosure; Tree survey of March 2018.



Introduction.

This site is a vacant plot, currently used as an informal car park. It is at the end of a cul-de-sac and largely free of trees. However, adjacent to the plot is an open space that contains some large trees, and more trees grow in adjacent properties.

Tree Preservation Orders.

I have not found any Tree Preservation Orders on Bridle Stile Close and it is not in a Conservation Area. I have seen part of a document that I presume was advice from the Council's Planning Department, given to accompany the sale of the plot. Trees are mentioned therein although the comments seem to be based on wishful thinking rather than any proper arboricultural appraisal.

British Standard 5837 2012 Trees in relation to design demolition and construction – Recommendations.

I have taken the above document as the basis for this report. The Standard was revised in 2012 and the 2005 version withdrawn. The Local Planning Authority should consider this Standard in its deliberations about this site. The Standard states its objectives of achieving "a harmonious and sustainable relationship between trees and structures."

The preoccupation of this standard is the categorisation method and the Root Protection Area (RPA). The logic for this is that resources should not be wasted attempting to retain trees that do not justify retention, nor should a project set out to retain a tree only to ensure its rapid demise by failing to take account of its growing conditions.

While the Standard covers much more than these matters, at this stage in this project these are the major concerns. This survey is intended to supply the information necessary to ascertain which trees are suitable for inclusion in the project and how their retention will affect the manner in which the site is developed. BS5837 anticipates that an Arboricultural Impact Assessment (AIA) will be undertaken once the layout is finalised and that the planning application will be accompanied by a Tree Protection Plan (TPP).

The TPP is a drawing that shows which trees are to be retained and where the protection measures are to be installed. This should be accompanied by a "Method Statement" detailing the measures to protect the trees and when they can be removed. The AIA will contain details of tree work to be undertaken to facilitate the development and a summary of any tree planting.

BS5837; Tree Categorisation Method.

The categorisation method is summarised in BS5837 at section 4.5 where it emphasises the need for it to be undertaken by an Arboriculturist. Elsewhere the Standard tells us that an Arboriculturist should be a "person who has, through relevant education, training and experience, gained expertise in the field of trees in relation to construction."

There are 4 retention categories; U, A, B & C. The criteria for inclusion in each category and subcategory are summarised in Table 1 "Cascade chart for tree quality assessment," an interpretation of which follows:

Category and definition									
Category U:Those in such a condition that hey cannot realistically be retained as living trees in the context of the current land use or longer than 10 years.Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees. Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality.NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.Trees to be considered for retention.									
Category and definition	Subcategories								
	1. Mainly arboricultural qualities	2. Mainly landscape qualities	3. Mainly cultural qualities						
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years.	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi- formal Arboricultural features (e.g. the dominant or principal trees within an avenue).	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture).						
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.	Trees with material conservation or other cultural value.						
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits.	Trees with no material conservation or other cultural value.						

NB. This is an interpretation of table 1, not a copy, although much of the text is verbatim.

BS5837 contains details about what colours should be used to indicate their categories on any drawings; these are U = dark red, A = light green, B = mid blue, and C = grey.

BS5837 goes into greater detail (at 4.5.10) about the appraisal of small trees; those of less than 150mm diameter, as these are easily replaced with similar sized new trees. It notes that they might even be transplanted.

It includes further detail (at 4.5.11) about the importance of veteran trees and the measures that are likely to be needed to avoid damaging them and to ensure they are not an imposition upon a development.

BS 5837; Root Protection Area.

The Root Protection Area (RPA) is defined as a circular area of radius 12 times the trunk (stem) diameter (TD). BS5837 contains details as to where and how it should be measured, and also as to how to treat trees with more than one stem; an equivalent diameter is calculated. I use a diameter tape to measure this and use common sense to adjust this measurement where Ivy or other factors affect the measurement. Despite the Standard's attempts to standardise the measurement conventions there will be times when there is little choice but to estimate the measurement.

While the RPA is defined as a circle the Standard accepts the impracticality of erecting circular fences and it implies that other shapes are acceptable as long as the impact of the alteration is properly appraised. As a general rule, the 12 times the TD sum can be interpreted as a "tree to building distance" that is easy to calculate. It would usually be acceptable to plot the RPA on any drawing as a square with sides of twice the tree to building distance, notwithstanding the fact that this would have a greater area than the circular area.

The two previous versions of BS 5837 have contained advice about offsetting the RPA. The 2012 version does not but allows (at 4.6.2) deviation based upon "a soundly based Arboricultural assessment of likely root distribution."

The 12 times the TD rule is often seen as a mathematical method of calculating where a tree might have grown roots, plainly it is not. It might be helpful to consider it as a system of calculating the size of pot that might be needed were it possible to transplant a mature tree into a pot. The calculation is actually for a volume of soil, although as the pot is predetermined to be 600mm deep (most tree root action is in the upper 600mm of a soil profile), it is only necessary to calculate an area.

Clearly if a tree has grown on very shallow soils it might be necessary to have a larger RPA. I anticipate that a tree grown in such conditions would be of relatively poor quality, although making firm predictions about such things should be avoided.

At Annex D, BS5837 contains a table of RPA areas for single stem diameters, and at Annex C the measuring conventions are illustrated. Annex D rounds the TD to multiples of 25mm and the RPA to the nearest whole square metre.

While damage to tree roots is paramount, other factors need to be taken into consideration; factors such as shade from nearby trees, future growth and even access for machinery in order to undertake future tree management. These factors may affect the categorisation.

The Survey Schedule.

While BS5837 suggests numerous factors that should be recorded on the schedule the information presented in this survey is as follows:

- 1. Tree no & species. I hope this is self-explanatory. I routinely use common names but will use scientific names to clarify the identification where necessary. Some trees are dealt with as groups. Hedges are dealt with similarly.
- 2. Height. (Ht) measured in metres. This is estimated from ground level. I use a clinometer and laser range finder to assist. While these are reasonably accurate, actually seeing the top of a tree from ground level can be difficult so the height should always be regarded as an estimate.
- **3. Trunk Diameter.** (TD) measured in millimetres using a tape. This is rounded up to the nearest 10, greater accuracy is unnecessary. Where I have been forced to estimate the measurement due to basal growths or some-such, the figure is appended with an "E."
- 4. Age class. BS 5837 uses the term "life stage." I consider this to mean the same as age class. The categories are Young (Y), Middle-aged (EM for early-mature), Mature (M), Over-mature (OM) and Veteran (V). BS5837 uses the class "semi-mature" but this appears too similar to early-mature for me to make a meaningful distinction. A veteran tree is one that has probably exceeded its 'normal' life span and has developed attributes such as wildlife habitat, biodiversity benefits, historic association or such-like. To quote from the Standard: It is a tree that *by recognised criteria, shows features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned.*
- 5. Category. The retention category as detailed above.
- 6. Comments. This column is simply to impart additional information and may cover reasons for the trees' categorisation or anything else that I feel is worthy of mention. Peculiar crown formation might be mentioned, or an unusual branch configuration. BS5837 recommends we measure the "radius of branch spread at the four cardinal points." This section will contain that information if I feel it necessary to measure unusual crown formation. Otherwise the presumption is that the trees are fairly typical for the species. The Standard also suggests that we record the height of crown-clearance; that is how far from the ground the branches grow. I shall not mention this unless it is unusual or particularly relevant. I shall broadly confine my assessment of the trees physiological condition to poor, fair, good, or dead and mention it here. All trees are assumed to be in good condition unless mentioned otherwise. The Standard asks us to include the "estimated remaining contribution in years." This is rather a "how long is a piece of string" guestion. I shall include a rough assessment of remaining life where I deem it necessary. By and large this will have been included as part of the 'category' assessment. If necessary I shall comment here.
- **7.** Root Protection Area. As detailed above. Taken from Annex D. (NB. The RPA is 'capped' at 707m², i.e. a circle with 15m radius or a square with 26m sides.)

BS5837 contains a suggestion of information that might be gathered for a tree survey. This includes information such as the height of a tree's first branch, and the

crown spread to the four cardinal points. I note that the Blue Book (that is "Tree Preservation Orders; a guide to the law and good practice" DETR 2000 (since 2014 replaced by internet guidance that says much the same thing)) contains the very useful advice that local planning authorities should not ask for any more information than is necessary to decide an application (to work on a protected tree). This is a sensible approach and one that I apply to all matters related to planning and trees. I note that the recent National Planning Policy Framework (NPPF) contains similar advice (at paragraph 193).

If something is particularly notable about a tree, say the crown spread is particularly broad or lop-sided, I shall mention it and expand upon the characteristic and its relevance in the discussion section of the report.

The previous version of BS5837 contained the instructions for preparing a "Tree Constraints Plan." While this was a sensible idea it was probably over complicated. It was intended to be a tool to inform the designer of a site layout more than an essential component of a planning application. It was meant to show the various retention categories of each tree or group, the tree positions and the heights and accurate spreads of each tree. It was also supposed to show the areas likely to be affected by shade. Shade would clearly differ from June to December and on slopes of different orientations, so this would be a complicated drawing. In fact I think it would be likely to be so convoluted as to be unusable.

Experienced designers are fully capable of working with different levels, neighbouring buildings, slopes of differing orientation, and interpreting where shade might be a problem, so the tree constraints plan could be seen as unnecessary. It is our intention that the tree schedule should provide sufficient information for a suitably experienced and skilled designer to prepare some sort of Tree Constraints Plan should he or she consider it necessary.

"An iterative process."

BS5837's Figure 1 is a flow chart illustrating the processes in developing a site. It emphasises that a development project should be an "iterative" process, meaning that advice from the Arboriculturist should be ongoing. This might mean that a sketch of a proposal should be discussed with the Arboriculturist, and the impact on trees appraised before preparing more detailed plans.

On large spacious sites it might be feasible to simply position structures and services outside of the RPAs, but on more typical sites it might be necessary to sacrifice a poor quality tree in order to give a better quality tree more space.

If these matters are addressed before a planning application is submitted it ought to speed up the decision-making process for the local planning authority. Figure 1 anticipates that the planning application will be accompanied by a Tree Protection Plan, which shows the positions of RPA protection fencing, and an Impact Assessment. This should be a summary of tree work that the project will require. This will include trees that are to be removed as well as those that might need pruning. It will also include an appraisal of the benefits of any tree planting and the likelihood of improved tree management upon the project's completion. By definition the impact assessment will take into account the surrounding area's tree population and the condition and management (or lack of) currently in operation.

The Trees.

A tree location plan is appended to the rear of this report.

Tree No.	Species.	Ht	TD	Age class	Cate- gory	Comments.	RPA
1.	Beech	16	680	М	C1	Poor form due to growing in competition with adjacent trees. Some poor branch unions.	222
2.	Beech	16	610	М	C1	Poor form due to competition; very one sided.	177
3.	Cherry	8	460	М	C1	Extremely one-sided crown due to suppression from trees 1 & 2. Massive surface roots with typical damage. Very poor specimen	102
4.	Hawthorn group	6	300E	М	C2	Possibly the remnants of a hedge, some Elderberry tangled with the Hawthorn.	41
5.	Cherry group	5	150E	М	C2	Only two stems, almost certainly suckers (see discussion) from tree 6. More stems off-site to the north, also suckers.	10
6.	Cherry	10	450E	М	C1	Off-site. One-sided crown due to poor pruning over the neighbouring property. Poor specimen.	92
7.	Beech	15	500E	Μ	C1	Off-site in neighbouring garden. Poor form and close to gable.	113
8.	Beech	15	500E	М	C1	As tree 7.	113

Discussion.

The reason this report has been commissioned is that the planning advice is "to ensure development doesn't impact on existing trees....." Elsewhere the advice refers to "numerous mature trees with high amenity value...." "Amenity value" is a term much-used in planning matters but it is not actually defined. When it comes to TPO legislation, Councils can only serve TPOs in the interests of amenity and the Government's guidance states that Councils should devise methods of appraising the amenity value of trees and woodlands in order to aid their decisions about serving TPOs. The TPO guidance acknowledges that "amenity" is not defined and proffers the advice that visibility alone is insufficient justification for TPO protection.

Below I shall discuss the trees and then their amenity value.



Photograph 1.

Photograph 1 is a view of the largest trees on this end of the cul-de-sac, which are the ones the Planning Officer (who wrote the planning advice) is mainly concerned about. (I think.) This photograph is an attempt to show the poor crown form of all the trees. Tree 1 is strangely upright (for a Beech) and tree 2 has hardly any branches at the right-hand-side. Tree 7, which is in front of tree 8, is rather tall and slender, which is not typical for mature Beech trees. I note at this point that trees 7 & 8 are extremely close to the neighbouring house, less than 4 metres from the gable.



Photograph 2 shows the crown of tree 3, which is entirely onesided. It has grown this way because of suppression from trees 1 & 2. This Cherry, probably the Japanese ornamental cultivar called Kanzan, (with lurid pink flowers) is renowned for growing with poor form, and this gets worse when the trees are suppressed.

Cherry trees are also renowned for their problem roots, which routinely push up pavements and disturb lawns.

Photograph 2.

Photograph 3 shows the base of tree 3 with roots that could reasonably be described as monstrous. Fortunately in this position they don't cause much inconvenience other than to people cutting the grass. It seems here that problem's been solved by spraying a herbicide instead of mowing.



Photograph 3.

Spraying herbicides around the bases of trees is commonplace. Although the herbicides are fairly benign, it's not doing the biodiversity associated with trees much good. That appraisal of course depends on precisely what the herbicides are killing. If it's invasive weeds that are being replaced with bare soil then it's possibly a good thing, but a herb-layer of some sort would be better than bare soil.



Photograph 4 shows trees 5 & 6. Tree 5 is barely discernible, partly because there are even more Cherry suckers in the vacant plot beyond.

Tree 6 is at the right and although it's somewhat onesided, this is due to the pruning of over the neighbouring drive.

Photograph 4.

Photograph 5 is a view of tree 4

which is actually at least two individual Hawthorns with some Elderberry growing through. This is more a big shrub than a tree but has lots of biodiversity benefit.

Suckers from Cherry roots are another common problem, or possibly not a problem. "Cherry Bank Road" or "Cherry Tree Road" is a fairly common street name and probably comes about as a result of woodlands being dominated by Cherry trees that arose from suckers. Although tree 6 is an ornamental cultivar it's probably grafted onto a (native) Wild Cherry rootstock. Hence the suckers are different to the parent tree. Grafting is probably the cause of the peculiar root growth.



Photograph 5.

It should be noted that the NPPF seems far more concerned with biodiversity than trees per se, and in fact barely mentions trees except in relation to biodiversity.



Photograph 6.

Photograph 6 shows the row of sapling trees on the western boundary between the site and the primary school. These are Pussy Willow, with some Holly beneath. The area is covered with Blackberry Bramble. The planning guidance seems to reason that it will be removed. It only refers to it and tree 4 as "vegetation." If any of these trees are to be retained, the site layout will need to ensure access for future tree management is maintained.



Photograph 7.

Photograph 7 is a view of the trunk of tree 1. Branch unions like this are known as "compression forks" and widely interpreted as a weakness. Basically the tight, close branch union leads to the tree being unable to form wood in the joint. Bark is included and it might even be that as the trunks above the joint grows, the two trunks are actually forming a crack and driving it apart. Although Beech are known for growing in this manner it gets worse when trees are grown in close proximity to one another.

At the moment I do not think there is much danger of this tree failing but the tree cannot be regarded as having a long future life.

Photograph 8 is an attempt to show the relatively confined space in which trees 1 to 3 grow. It would have been sensible to remove at least one of them well before now. In fact it would have been sensible for the management of these trees to have considered not only these trees but the trees in the neighbouring garden as well.



Photograph 8.

Tree management in urban areas frequently fails to focus on nurturing individual trees; in this case I think it is plain that this small area of grass is not large enough to allow several large trees to mature. In fact it is barely large enough to contain a single mature Beech tree, something should have been done a long time ago. Unfortunately the only option now would appear to be either remove all of them and start again or prune all the trees in an effort to make them smaller. Pruning would leave the trees with extremely poor form and it is debatable whether this could be achieved while following best practice. (*British Standard 3998 (2010) Tree Work - Recommendations.*) Best practice implies that trees should never be pruned by more than 15 to 20% of their height and spread, and in this case removing 20% of the height and spread of the Beech trees would make so little difference as to be not barely worth the effort.

The long and the short of all this is that I consider it disingenuous to regard these trees as having "high amenity value." I accept they are highly visible and lend much to the neighbourhood's landscape, but without some fairly serious (and expensive) pruning they will completely outgrow their positions and therefore have only a short future life. And as individual specimens they are all poor. Furthermore their value to biodiversity is low. The Hawthorn (4) is of much greater biodiversity value as it provides food for birds and excellent cover for their nesting and roosting. The Pussy Willows along the western boundary should also be regarded as having good biodiversity value.

It needs to be understood that trees are not fixtures; they are growing and dying all the time. the objective of managing any population of trees should be to ensure that there is a good age and species range to ensure they do not all mature at the same time, and that there is no monoculture. (Monocultures are a bad thing in tree populations as a single disease might denude the landscape as Dutch Elm Disease showed.)

I must also point out that trees 1 & 2 clearly have RPAs that extend well into the site, as does tree 7. Precisely how much sustenance the trees gather from beneath the

rubble surface of the car park is debatable but even if we disregard the RPA the shade cast by the trees is likely to be a significant constraint on the site.

I think that any development of the site would require some pruning works to the trees, and that this pruning would require repeating every 10 years or so. Considering the expense of such work it is worth contemplating whether a better outcome might not be achieved by removing the trees and planting new ones. New trees might be paid more attention and nurtured better than the existing trees. I accept that in the short term this might appear a little drastic, but in the medium-term the replacement of these trees is inevitable. A project of this type is a valuable opportunity to instigate proactive tree management.

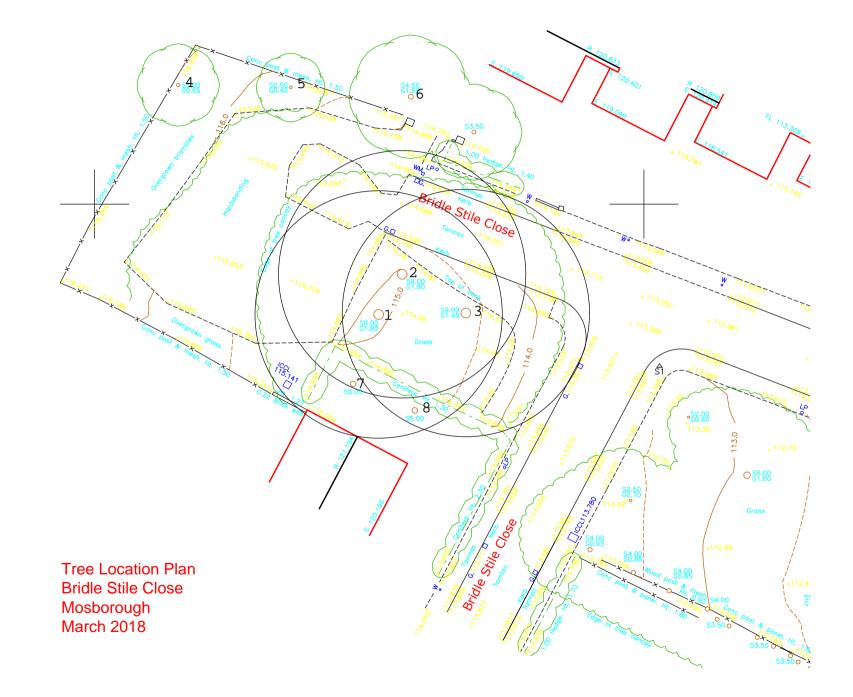
This concludes my appraisal of the trees around the site.

Conclusion.

- 1. The trees surrounding this site are generally poor specimens.
- 2. Trees 1 & 2, and 7 & 8 have, in my opinion outgrown their positions and are overdue for some sort of management work. Therefore their amenity value is low.
- 3. My preferred course of action for the site is to remove the trees and replant. An alternative approach might be to prune the trees while planting a couple of new ones, then removing the larger ones once the new trees are established.
- 4. Some negotiation with the owners of the neighbouring trees would be advisable before progressing any further with this project.

W. L. Anderson. Dip.Arb. (RFS) M.Arbor.A. ANDERSON TREE CARE LIMITED.

March 2018.



This page is intentionally left blank