

REPORT OF THE HEAD OF PLANNING AND REGENERATION

Provisional Tree Preservation Order - 103 Main Street Newtown Linford

1.0 Introduction

1.1 Background

In June 2017 the Council received a Section 211, a Conservation Area Notice [P/17/1118/2] to fell a tree to the rear of 103 Main Street, not subject to any form of protection at the time of the notice. The site was visited and photographs taken on 13 June 2017.

The sycamore – *Acer pseudoplatanus* -provides valuable amenity as part of a woodland group which forms the overall sylvan characteristic of the area. Its removal would erode the well wooded nature of the garden which is best described as a woodland or woodland edge garden.

To address concerns over light levels, the trees in the garden should only undergo crown thinning, removing 1-2 main stems boles, generalised crown thinning and crown lifting to remove branches subject to meeting with senior landscape officer on site and marked photographs indicating location for proposed cuts.

The tree is, in ecological terms is ‘woodland edge’, part of an important transition between woodland and non-wooded habitats. The character of the rear garden is therefore woodland clearing or woodland edge.

So, given the prominence of the woodland backdrop and the role of the tree as part fo the the woodland edge it was considered appropriate to create a provisional Tree Preservation Order (TPO) to secure its retention and prevent its removal on 30 June 2017.

A TPO was served on the 11 August 2017 to allow the immediate protection of the tree at the property. The owner raised an objection of the basis of a common structural flaw present in many trees.

A further objection was raised regarding the accuracy of the Tree Preservation Order map. However it should be borne in mind that the map is not required in the regulations to be precise on the exact location. The governments guidance states “*The legislation does not require authorities to describe the trees in the Order with full scientific names or plot them on the map with pinpoint accuracy. But authorities should bear in mind that successful prosecutions for contravening Orders will be difficult where Orders do not show clearly which trees are meant to be protected.*”

A further site visit was undertaken by the Senior Landscape Officer on the 21 November 2017 and the map amended.

1.2 The Site

The property lies to the north eastern side of the main street to the North of Newtown Linford a settlement which sites within the National Forest -Charnwood Forest area and is boundaed to the east by woodland. Its wooded characteristic is therefore of prime importance.



Summer 2017 – woodland backdrop to houses on Main Street. This illustrates the context of the tree.

1.3 Condition of the tree

The tree is a woodland edge tree and exhibits the form and characterisitc of a tree in this type of habitat. It has a number of flaws such as included bark at fork unions but these do not exclude its consideration for a TPO. It is a mature tree of middle age and has a reasonable form given its sheltered postion in relation to the rest of the woodland and the housing. While its physiological condition is not an exemplar it should be regarded as typical for its position.

2.0 The Objection to the Order

The objection referenced ‘included unions’ as a reason against the Order.



Summer 2017- blue arrow indicates the Provisional TPO tree while red arrow indicates another tree, an ash, subject of a subsequent S211 [P/17/1482/2] now removed



Winter 2017 – blue arrow indicates the Provisional TPO tree



Summer 2017- the tree is centred to the frame.



Summer 2017- close up of lower part of tree



Winter 2017- photograph showing co-dominant and branch distribution. As can be seen from the above photographs the tree is multstemmed with narrow and columnar form. It is not wide-spreading nor does it have a heavy branched crown.

No other representations have been made in relation to the Order.

3.0 Response to the Objection

Not all included unions are a cause for concern and indeed many trees including TPO trees will exhibit included unions. While they are weaker structures than unions which do not have bark inclusions, it does not follow that a tree with included unions must be removed as a default position. In 'Principles of Tree Hazard Assessment and Management' by David Lonsdale, DTLR Forestry Commission publication 1990 it states "*It must not be supposed that all unions with included bark are likely to fail as in many cases they are not subject to forces strong enough to tear them apart*". It further states that failure is less likely "*if the forks themselves are more or less upright and do not carry heavy spreading branches.*" Sheltered trees are less exposed to loading or bending stress from wind. By way of example it should be borne in mind that it is common for trees both unprotected and TPO tree even retained in highway situations to have included unions

The TPO was considered important to protect this transition tree because successive felling here could lead to erosion of this transition zone leading to an open characteristic for the garden and effectively push the edge habitat beyond the property boundary. It is important for its visual contribution to the character and appearance of the local area and its context within the National Forest as part of the periurban edge..

4.0 Conclusion

The reason put forward to fell this tree is not considered justified. The series of photographs illustrating the woodland to the rear of Main Street housing and the specific garden context illustrate the importance of this tree in its context. No evidence was submitted to support a claim that the tree was in a poor or dangerous condition or presents an unacceptable safety risk.

Permitting the felling would result in an undesirable precedent potentially rendering many other trees of this wood land edge liable to felling to the long term detriment of the landscape character of Newtown Linford and the Borough.

Therefore it is my opinion that this objection should be dismissed.

The committee is therefore recommended to confirm the Order with modified map

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