

PLANNING COMMITTEE

29 MAY 2014

TREE PRESERVATION ORDER – REF: 151/924/6 GROUNDS OF WALTHAM ON THE WOLDS CHURCH OF ENGLAND SCHOOL, MELTON ROAD, WALTHAM ON THE WOLDS, MELTON MOWBRAY

REPORT OF THE HEAD OF REGULATORY SERVICES

This report was presented to Planning Committee on 3 April 2014 when Members resolved to visit the site before determining whether or not to confirm the Provisional Tree Preservation Order.

1. PURPOSE

- 1.1 The purpose of this report is to inform the Committee of the objection received, on 17 February 2014, from Dr C and Mr R Snodin, the house owners of 24 Melton Road, Waltham on the Wolds, the neighbouring property to the school.

2. RECOMMENDATION

- 2.1 **That in the interests of good practice the Provisional Grounds of Waltham on the Wolds Church of England School, Tree Preservation Order 2014, should be confirmed with the number amended.**

3. BACKGROUND

- 3.1 A concerned member of the public contacted the Council believing an ash tree in the grounds of Waltham on the Wolds Primary School was under threat from felling. It became apparent that Western Power was intending to undertake some pruning works to the upper part of the tree as part of a line clearance programme. Subsequently an offer had been made by Western Power to remove the tree altogether.
- 3.2 Following a site visit it was considered that the ash tree was certainly important within the village scene, being visible from Melton Road. It also makes a significant contribution to the visual amenity of the area being relatively close to the grade II listed village school and just beyond the boundary of the Waltham on the Wolds conservation area. As a result advice was sought from the Council's Arboricultural advisor as to whether the tree in question merited protection through a Tree Preservation Order.
- 3.3 The advisor's tree evaluation was subsequently received on 31 January 2014. Subsequent discussions confirmed that the tree is approximately 120 years old, in fair health and is in a condition to be expected of an ash tree at this size and age. Previous surveys carried out in 2003 and 2009 had noted some rot in the base but this was not considered to be at the extent where removal of the tree would be required. When previous line clearance work was undertaken the tree was in good health.
- 3.4 In aesthetic terms the tree is visible from distance and is prominent within the school field when passing through the village.

- 3.5 The tree is rich in terms of biodiversity given that it is an over mature tree with a potential to reach veteran status. A veteran tree is highly valued and important being a niche habitat for many birds, bats, mammals, insects, lichens and fungi.
- 3.6 Using a recognised method of evaluation (TEMPO - Tree Evaluation Method for Preservation Orders) the tree was deemed to merit a Tree Preservation Order.
- 3.7 In the interests of expediency, The Grounds of Waltham on the Wolds Church of England Primary School, Melton Road, Waltham on the Wolds Tree Preservation Order 2014 (Ref: 151/924/6) was served on 10 February 2014
- 3.5 This Tree Preservation Order is currently a Provisional Order and this Council have a period of six months to confirm it unaltered, modify or revoke it. Therefore the Council has until 9 August 2014 to reach a decision.

4. OBJECTION TO ORDER

- 4.1 Dr C and Mr R Snodin ,the owners of No 24 Melton Road, Waltham on the Wolds, the neighbouring property, which shares a boundary with the school field, have objected to the Provisional Tree Preservation Order, in a letter received on 17 February 2014, on the following grounds:

Objection	Assessment of Head of Regulatory Services
<p>The tree has been in a parlous condition for several years and already a number of sizable branches have fallen;</p> <p>The condition of the tree has been flagged up with the school on several occasions but nothing has been done;</p> <p>The tree was recently surveyed by the LCC Tree Warden and the School Governor responsible for Health and Safety who report that <i>'the tree is in need of drastic reduction to prevent branches falling in the school and a neighbour's property. It may well be advisable to fell this tree as it is very near the site of the newly established timber trail'</i></p> <p>The timber trail is a new play and activity area for the schoolchildren in the shadow of the tree and is putting them at increased risk from it.</p> <p>Recently Western Power Distribution surveyed the tree and declared that the tree represented a risk to the adjacent power lines. Following discussions with interested parties it was considered the best option was to fell the tree;</p>	<p>In response to the concerns of Mr Snodin I would offer the following observations:</p> <p>The ash is a mature tree and shedding of branches is to be expected;</p> <p>When last surveyed as part of Leicestershire County Council's obligation in 2009 the tree was deemed to be safe. The authorisation to conduct tree surveys or appoint a specialist survey is now at the behest of the school.</p> <p>I am informed that LCC do not appoint Tree Wardens they are at the discretion of the Parish Council it is a voluntary post and no formal qualifications in arboriculture are required, however; LCC do offer training sessions for parish tree wardens.</p> <p>The tree was in situ before the timber trail was constructed beneath and adjacent to it</p> <p>It is my understanding that Western Power conducts a survey of power lines and the potential for interaction from adjacent trees. An assessment is then made as to the best way to avoid future outages. On more than one</p>

<p>Work was scheduled but halted by the imposition of the Tree Preservation Order;</p> <p>An ex School Governor has reported his concerns about the tree on several occasions whilst in office.</p> <p>Mr Snodin also considers that there are Health and Safety risks to himself and his wife, schoolchildren and the power lines, exacerbated by climate change factors such as high winds.</p> <p>Mr Snodin comments further on the lack of consultation with interested parties including himself, Western Power and the School.</p>	<p>occasion a branch has fallen from the tree onto the line causing an outage. Whilst remedial pruning mitigates against further incidents removal of the tree would limit any future interaction. There has been no suggestion that the tree would fall across the lines, merely the potential for limbs to fail and hit the lines;</p> <p>The work may still be undertaken as Statutory Undertakers such as Western Power have the rights to do so. It is my understanding that the necessary branch pruning has in fact now been completed by Western Power to their satisfaction</p> <p>This was an issue between the school authorities and the ex Governor and not a Council consideration</p> <p>Monitoring, evaluation and remedial pruning works can allow for the retention of a valuable, niche, habit (i.e. a mature tree) whilst limiting the risk posed by it. Whilst the cause and effect of climate change has not been fully resolved the role that trees play on the stabilising the wider environment, recycling water, nutrients and oxygen has been well documented;</p> <p>Tree Preservation Orders are placed on trees that are considered to be under threat of removal and worthy of such protection and as such are generally reactive measures. Neighbours and other interested parties are notified of the imposition of a TPO to enable comment. The fact that the Order is in provisional form when first imposed for a period of up to six months allows for objections etc. to be registered and considered prior to the Order being confirmed, revoked or otherwise. Clearly consultation prior to the TPO being placed would forewarn the owner which in turn would enable the tree to be removed.</p>
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5. ASSESSMENT

- 5.1 As the Tree Preservation Order is only provisional at this stage it has allowed the Local planning Authority to seek the verbal advice of their consulting arboriculturalist on the condition of the tree and the suitability of a Tree Preservation Order
- 5.2 Using data recorded at the time of the survey (conducted in 2009) the consulting arboriculturalist reports that apart from some basal decay, which was not extensive at the

time of the last survey, the tree appears to be in good health for a specimen approximately 120 years old. It has withstood three months of stormy weather and high winds. However, as an over mature tree it may require a certain amount of remedial tree surgery to be minimise any risk posed by it (e.g. removal of dead/dying branches). As the tree matures there may also be a requirement for a modest reduction in the size of the canopy in order minimise the stress across the tree and any areas of decay. It would be prudent to expect the requirements for works to be highlighted during cyclical condition surveys, which would be carried out by an arboriculture expert. Should the preservation order be confirmed then any works required could be assessed following a Tree Preservation Order application.

- 5.3 In terms of amenity value the Local Planning Authority is of the opinion that the tree is important to the village, its community and the schools pupils etc. Likewise it is important in biodiversity terms. Basically an asset to Waltham on the Wolds
- 5.4 Using the data available the officer concludes that the tree may fit the criteria for a Tree Preservation Order. Should the Local Planning Authority consider the tree to be worthy of said protection then the creation of a Tree Preservation Order may be justified.

6. CONCLUSION

- 6.1 A clerical error has resulted in the wrong number being attributed to the Tree Preservation Order which should read 151/924/7. The opportunity is hereby presented to amend that error
- 6.2 In view of the advice of the consulting arboriculturalist it would be prudent in this case to confirm the Provisional Tree Preservation Order with a modification to correct the erroneous number.

Contact Officer:	Richard Spooner
Date:	15 May 2014
Background	Waltham on the Wolds C of E Primary School, Melton Road, Waltham on the Wolds, TPO Letter of objection from Dr C and Mr R Snodin, received 17 February 2014