

**PROPOSED TREE PRESERVATION ORDER at Perth House, Ironstone  
Road, Cannock Wood, WS12 0QD.  
TPO NO. 2020/02**

**Purpose of Report**

- 1.1 To seek Members approval to confirm Tree Preservation Order No. 2020/02

**2. Background**

- 2.1 The tree officer was contacted by a concerned member of the public in relation to unauthorised building works and tree felling which was being carried out.
- 2.2 A site visit was carried out to assess the situation. The resident had removed several trees to install a widened driveway without planning consent. The spoil that had been removed had been dumped in areas of the woodland at a depth that will potentially lead to the decline of some trees within the woodland. Heavy machinery has also been driven within the woodland potentially causing further damage to the tree roots. Trees on the rear boundary had been pruned to an extremely poor standard for no apparent reason.
- 2.3 The TPO was produced to prevent further damaging tree works from being carried out. It should be noted that the site is within the Cannock Chase AONB. As such the destruction of trees and woodlands is highly inappropriate.
- 2.4 The production of the TPO does not prevent the development of the land or work on the trees but does ensure that they are considered as part of the planning process.

**3. Objection to TPO and Officer Response**

- 3.1 An objection was submitted by Mr Richard Billingsley of DJOGS who advertise themselves as being Landscape Architects and Ecologists. DJOGS are also involved in the subsequent planning application. Mr Billingsley is an Ecologist by profession. The objection is made on the following grounds:

3.2 Objection 1:

The resident is currently undertaking landscape restoration which has been subject to years of fly tipping.

Tree Officer Response:

There is no evidence of fly tipping on the site and even if there was this does not justify pruning trees to an extremely poor standard or

dumping tonnes of spoil into the mature woodland. Why do trees need to be felled or topped simply to remove fly tipping? The works carried out to date have been damaging to the woodland and can hardly be described as landscape restoration.

### 3.3 Objection 2:

T1 – T9 and the trees within the eastern edge of the woodland (W1) are in close proximity to overhead cables will require regular pollarding by western power to maintain clearance.

#### Tree Officer Response:

The trees along this boundary are relatively mature and the canopies are already up and over the powerlines so pollarding will never be required. See screen shot:



More likely crown lifting we be carried out to maintain clearance or maybe a light end weight reduction where required. Notwithstanding the fact that it is technically impossible to pollard a mature tree, pollarding (or more correctly topping) would actually bring the canopies back below the cables and create a new problem when they re-grow. The tree officer is in regular dialogue with Western Power regarding tree pruning and the idea that the power companies simply top trees without consulting the Council is incorrect. Even where works are considered to be exempt they do not proceed without the agreement of the Council Tree Officer.

### 3.4 Objection 3:

T2 was irrevocably damaged by building works and had to be removed as there was a risk it would fall into the road. As such the tree was not suitable for protection via a TPO.

Tree Officer Response:

No evidence has been supplied to show it was irrevocably damaged. Yes the tree had been damaged by building works carried out by the owner and this is why the TPO is justified. But, the information obtained from DJOGS was not conclusive. The tree officer requested an airspade report to assess root condition but when this was not forthcoming, felling was allowed as a precaution with a condition on replacement.

3.5 Objection 4:

T6 and T7 were unstable due to being unbalanced and building works so were dangerous and not suitable for a TPO.

Tree Officer Response:

T6 and T7 failed on Sunday the 9<sup>th</sup> of February entirely due to the fact that the builder had severed roots while installing the driveway. The trees are part of a group and so asymmetric canopies would be expected. It should be noted that the trees were fine and had weathered many storms prior to root severance so the link made here by the Ecologist is tenuous at best. It should also be pointed out that the objector (being an Ecologist) is likely not technically qualified to undertake tree condition assessments.

3.6 Objection 5:

T8 and T9 are Hybrid Poplars that are inherently short lived and so are only expected to live for another 10-20 years.

Tree Officer Response:

The retention span of these trees is underestimated in the Council tree officer's opinion. Yes, poplars are short lived but only in comparison to other trees which can live for hundreds or even thousands of years. Poplars can live for up to 70 years with these trees being around 35 years at most. TPOs are based on visual amenity and in particular what people view. 35 years viewing for a person is a significant amount of amenity and when the trees eventually die, the TPO will provide the Council with a mechanism to ensure replacement.

3.7 Objection 6:

T3 and most of the trees along the edge of the woodland are poor quality being non-native and multi-stemmed with poor form. As such

they are have low structural integrity and will need phased replacement.

Tree Officer Response:

As previously advised the objector is an Ecologist, not a tree expert and no evidence has been supplied to suggest that he is competent or qualified to assess tree condition. Yes many of the trees are non-native and some have issues that relate to condition and so phased replacement will be appropriate in places but the TPO will not prevent this going forward. The area is protected as a woodland and its improvement over time would not be resisted by the Council. It should be noted that the tree officer met with the site owner on the 29<sup>th</sup> April 2020. At the site meeting the owner admitted that he wanted to build within the woodland in the future. The woodland TPO will ensure that the trees are given due consideration and that trees are not simply felled indiscriminately as they have been to date.

3.8 Objection 7:

T4 and T5 are growing closely together meaning that they will need to be thinned to avoid unbalancing T5 toward the road.

Tree Officer Response:

This comment is simply wrong. There are millions of trees within the UK that grow in this way and form a common canopy. It would only likely become an issue if one was removed (as suggested by the ecologist as thinning) and the remaining one was left exposed. Trees are biomechanically self-optimising, this should prevent them becoming unbalanced to the point they are a danger but if they do there is an application process to follow.

3.9 Objection 8:

T10 and T11 are ornamental species of a young age with limited visibility from the street as they are blocked from view by the woodland and the building. As such their landscape value is limited.

Tree Officer Response:

The TPO survey was carried out from the street without entering the property, this is to ensure that trees are visible and therefore have visual amenity. Both trees are visible from the street. Furthermore, TPOs are based on visual amenity but this amenity does not have to be current. There is scope within the regulations to protect trees for the amenity they will provide in the future. The trees are a Pine and a Monkey Puzzle which can achieve heights of 20m+ and so calling them ornamental is misleading.

### 3.10 Objection 9:

The woodland is an oak/ birch type woodland which has been colonised by non-native sycamore and so has little value to biodiversity. The woodland also has poor vertical structure with no understorey.

#### Tree Officers Response:

Sycamore is naturalised and is not completely void of ecological value, for example – sycamore is good habitat for aphids which in turn are eaten by ladybirds and so on up the food chain. That said, if the owner wishes to gradually convert the woodland by phased replacement with native trees this would not be resisted. This would be best started by filling out some of the gaps that have been created by poor management. The TPO will not prevent the planting of an understorey. The woodland in its current state still has visual amenity. See below:



### 3.11 Objection 10:

There is an old building within the woodland that is unsafe, there is a lack of standing deadwood with suitable nesting holes, and much work is required to improve the woodland. The TPO therefore creates a level of bureaucracy which will result in unplanned reactive management rather than planned proactive management.

#### Tree Officers Response:

TPOs are a part of the planning system, to say that you cannot plan works with them is not correct. If a proactive woodland management

plan is produced for works over 20 years to benefit the woodland, this could be submitted as part of a TPO application with the associated consent valid for 20 years. This is proactive and would be encouraged. Reactive works will always form part of tree maintenance irrespective of TPOs. The tree officer has already met with the ecologist and advised him to submit an application to fell trees growing from the base of the building but no application has been received.

### 3.12 Objection 11:

The trees are of insufficient quality and should the TPO be upheld, this will lead to damage to the woodland, buildings, powerlines or life.

#### Tree Officer Response:

Clearly the trees are of sufficient quality as seen above. Woodlands are TPO'd for their collective quality, not for the quality of individual trees and improvement through phased replacement of lower quality trees would be encouraged but this is not what had been happening to date. To use the language of TPOs, many of the trees have been damaged or destroyed! The TPO cannot damage the woodland or create risk to people or property, only the inactions or inappropriate actions of the tree owner can do that. Reasonable and required works will be encouraged. For example – there is an oak at the south east corner of the woodland that requires a detailed inspection and possibly some pruning. Both the ecologist and the site owner have been advised that works to mitigate risk will be permitted subject to application but to date no application has been received.

## 4. Human Rights Implications

- 4.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to confirm the order is considered to be expedient in the interest of amenity as required by S198 of the Town and Country Act 1990. This potential interference with rights under Article 8 and 1 of the First Protocol have been considered in reaching this decision. The objector has a right to make an application to fell or do works to the tree which if refused can be appealed to the Secretary of State for Local Government, Transport and the Regions.

## 5. Recommendation

- 5.1 That TPO 2020-02 should be confirmed without modification.

**1.**

**Appendix A – TPO Plan**



TPO 2020/02  
Perth House, Ironside Road  
Cannock Wood, Cannock, WS12 0QD

