

## MISCELLANEOUS REPORT

Application 38/12/0265

Unauthorised works to 3 cherries included in Tree Preservation Order TD634, (Taunton No.4) 1995.

During the Planning Committee Meeting on 20<sup>th</sup> March 2013, Members deferred an item regarding the felling of a tree and works to two other trees that were subject to a Tree Preservation Order. Members requested that the case was investigated further before they were able to fully consider the matter.

As a result of the deferral, officers requested that the Landscape Support Officer inspected the work and his comments are below:

### Comments of the Landscape Support Officer

“One cherry has been felled. The other two have had branches removed.

The tree survey by JP Associates, dated November 2012, states that all three trees are in moribund condition and would be recorded as category U trees under the BS5837 criteria. These are trees that are ‘unsuitable for retention beyond the short term and should normally be removed as part of any development proposals’.

The tree that has been felled is T1 of the tree survey. The survey states that this tree is mostly dead, some of the main limbs having already collapsed. This accords with my own observations in February of 2012 when contacted by the neighbour at 21 Harp Chase (photo of the tree at this time, covered in ivy, attached). I have now viewed the stump and the remains of the tree. The attached photos clearly show areas of dead tissue (beneath the cambium) and darker decayed areas. Weeping of sap is also evident.

I have seen no evidence of the branches that have been pruned from trees T2 and T3. However, they are likely to have been dead or decayed, as the trees are generally in poor condition (‘moribund’) with evidence of basal decay and weeping (see photo attached).

Under the revised Tree Preservation Order legislation that came into force on 2 May 2012, it is now a requirement that five days notice is given to the planning authority before dead or dangerous trees or branches are removed, unless urgency dictates immediate action, in which case notice should be given as soon as practicable after the work becomes necessary. We did not receive this notice, and no other consent had yet been granted. In my opinion the trees were not in immediate danger of causing harm, and five days notice should have been given.”

### Officer Comments

Based on the comments above and the recent decision of the Planning Committee to grant permission for the removal of the trees, it is considered by officers that it is not expedient to take any further action. Replacement trees will be secured by the planning permission and therefore any prosecution action would not secure any further mitigation.

Prosecution action may result in a fine for not giving 5 days notice however in light of the above it is not considered expedient or in the public interest in this instance to take further action.

#### RECOMMENDATION

No further action be taken.