

Planning Committee – 23 May, 2007

Report of the Development Manager

Countryside Item

Objection to Taunton Deane Borough (Kingston St. Mary No.1) Tree Preservation Order 2007 - Roadside trees on the Tetton Estate west of Quantock Way, Kingston St. Mary (grid ref. 2140 2965), TD1024 (T1 oak, T2 ash, T3 oak, T4 oak T5 oak).

Objection to the above Tree Preservation Order has been received from Mr Peter Skinner, Manor Cottage Estate Office, Old Haldon Hill, Kennford, Exeter, EX6 7XU, manager of the Tetton Estate and one of the three Trustees of the estate.

The Tree Preservation Order was served in response to a proposal by Mr Skinner to fell several roadside trees after concerns were raised for their safety by Justin Pipe of Heritage Tree Surgeons. The main cause for concern was that the trees are growing on high banks that are prone to erosion, rendering the trees unstable.

The reasons for the objection are stated below:-

1. I am a qualified rural practice Chartered Surveyor and consider the trees known within the Order as T2 and T3 together with the nature of the banks upon which they are situated to be unsafe and representing a real and genuine hazard to the public.
2. I received a letter from Justin Pipe of Heritage Tree Surgeons dated 18 January, 2007 and a copy of this letter is attached. It is understood that Mr Pipe is a Level 2 qualified Arboriculturalist and he states that the trees should be dismantled or at least pollarded because they are on high banks above the road which are showing clear and obvious signs of erosion and hence the trees represent an imminent danger.
3. I wrote to various members of the community including the Parish Council advising them of the Trust's position on this matter and received a letter back from the local volunteer Tree Warden, Eric Lovell dated 22 January 2007 wherein he agrees with the proposed felling.
4. The Council via its Landscape Technician, David Galley, gave permission on 5 March 2007 to pollard the trees as detailed in the attached copy letter. Upon pollarding the trees it has been found that T3 has suffered from a fungal attack and the remaining trunk is now decaying and spongy. Similarly, T2 has been found to be hollow and I enclose photographs as evidence. These trees should therefore be felled properly as they can only deteriorate further and become evermore dangerous.

5. Taunton Deane Borough Council through its officer has placed a Tree Preservation Order on trees that have been deemed unsafe by no less than two professionals and by the local volunteer Tree Warden who has many years experience in such matters. It is understood that the Council's officer dealing with this matter does not have any specific arboricultural qualifications and it is regrettable that a public servant has ignored the unanimous advice of three experts in this matter.
6. The trees have no amenity value and indeed, now that they have been pollarded, look quite incongruous and are now an eyesore. As such there is no reason for them to be subject to a Tree Preservation Order. Indeed in the interests of visual amenity plus of course public safety, the Tree Preservation Order should be lifted and the trees felled.

Please note:- Tetton Estate spends a lot of money (without the benefit of grant aid) planting trees on an annual basis and managing woodland throughout the Estate. We have a track record of responsible and sensitive landscape management and feel badly let down by the actions of the Local Authority in this matter.

Officer's Comments

Mature roadside trees such as these are an important feature of the local landscape and have a high amenity value because of their high visibility to the public, their character and wildlife value. These trees have almost certainly been growing for over 100 years. T4 is older and should be classed as a veteran tree.

The trees, particularly T4, may provide habitat for species protected by law. Consideration must be given to the Wildlife and Countryside Act 1981 (as amended) and to the Conservation and Habitat Regulations 1994.

The trees were protected with the view that, rather than clear felling, it may be possible to carry out management work to them in order to make them safe, thereby retaining their amenity for the future (pollarding was suggested by Justin Pipe in his original letter to Peter Skinner). It is the nature of such trees that they often contain some deadwood in their crowns and may contain a certain amount of decay in their trunks. It is thought that the roots of the trees are making a significant contribution to the stability of the banks on which they are growing.

Subsequent to the Order being served, management work was agreed on site with Justin Pipe and the work carried out. This comprised the pollarding of all the trees except T1, which was crown reduced by approximately 25%. The works revealed that trees T2 and T3 have extensive internal decay.

An independent report by Level 3 qualified Arboriculturalist, David James, was commissioned by Taunton Deane. It concluded that, given the extent of decay and the nature of the bank on which they are growing, T2 and T3 should be felled. The report, however, also concluded that the crown

reduction of T1 and pollarding of T4 and T5 has greatly reduced the risk of these trees falling, and that these trees should be retained and managed.

T2, T3 and T4 are old (lapsed) pollards. Pollarding was a traditional management technique, and the visual character of the trees is a result of this pollarding. Trees T4 and T5, now re-pollarded, will look rather stark initially but in time will hopefully develop new crowns. Re-growth can already be seen. The re-introduction of light beneath the trees may also allow vegetation to establish on the banks to help stabilise them.

Whilst the Council's tree officers have a good level of tree knowledge gained from their degrees in Landscape Architecture and experience of working in the field, independent specialist advice and tree surveys are sometimes required in order for them to make their decision.

The threat to the trees was brought to the Council's attention by local residents, although it is understood that details of the proposals had been sent to the Council by Peter Skinner. The protection of the trees was supported in principal by David James, by the manager of the Quantock Hills AONB Chris Edwards and by the County Council's arboriculturalist Steve Scriven. Their comments are stated below:-

David James

"Further to our recent site visit dated 15 February, 2007 of road side trees at West Quantock Way I am writing to say that I am in support of your decision to protect the trees.

After giving due consideration to the concerns raised over safety in relation to the road I would suggest an alternative management plan to clear felling those trees. I would also like to point out the following considerations:-

Legislation - given the age of some of the trees, i.e. veteran status, consideration should be given to the Wildlife & Countryside Act 1981 Schedules 1 and 5, Habitat Reg's 1984 and Bats. Species of bats identified to be in the area (within 1 kilometre) are Long Eared Brown Bat, Whiskered Bat and Daubentons Bat (Somerset Environmental Record Centre).

T4 - Quercus robur - This tree in particular should be considered for Veteran Tree Status Registration subject to Somerset Environmental Record Centre acceptance.

In view of Health & Safety issues which land owners are faced with, rather than clear felling road side trees which can set a precedent between neighbouring land owners, a more sustainable and less disruptive management programme should be encouraged. Annual road side tree safety inspections, taking into consideration amenity and wildlife values, should be the preferred course of action.

T4 and T3 are lapsed pollards. T4 I feel qualifies for Veteran Registration. Consideration should be given to the re-introduction of this form of tree management.

T1, T2 and T5 - These trees would benefit from dead wooding and crown reduction work.

A Tree Condition Survey should be carried out to fully assess the condition of all of the trees prior to making any management recommendations also taking into account wildlife considerations.”

Chris Edwards – Quantock Hills AONB

“I agree entirely with your approach - the majority of people seeing the Quantock landscape in any detail are in their cars going along country lanes and in addition to longer views the three features which control the landscape quality of that experience are street furniture (hence our traditional road sign and village sign projects), hedges (we are very involved in stewardship provisions) and roadside trees.

I am really concerned that landowners (private and public) are advised to follow the most defensive approach to roadside trees to minimise liability. This has been happening for some time and can only be boosted by recent experiences with extreme weather. The robust use of TPOs provides the only real protection for these important features that I am aware of, however there is probably room for some awareness-raising and training on the good management of roadside trees.

Short answer to you original question, I fully support your current course of action.”

Steve Scriven

“I have now had the opportunity of looking at the Oaks at Kingston St Mary and my comments are as follows:-

- T1 A reasonably young tree set back a little from the top of the bank, the tree has recently been crown reduced and appears to be in a satisfactory condition.
- T2 This tree has been pollarded and it is evident that one of the scaffold stems is hollow. I was not able to ascertain if the trunk is hollow or to what extent but it would be reasonable to expect it to be so. The accepted safety factor for a hollow stem (Mattheck & Breloer) is that the thickness of the sound outer wall is at least 0.3 to 0.35 of the stem radius, this is for a tree with a full crown. As this tree has been pollarded both the weight and windage of the crown has been substantially reduced with a corresponding reduction in leverage.
- T3 A similar tree to T2 with a fungal bracket growing out of the trunk at

3m. Unfortunately I was unable to get close enough to positively identify it. The tree was inspected from the ground and I was not able to identify the 'spongy' area that is referred to in Mr Skinner's letter.

- T4 Large old pollard with a decayed centre and a live outer ring of cambium. This tree has lost a large proportion of roots on the south east side as part of improving the access to the field. The tree is showing regeneration from the small branches that have been left after pollarding.
- T5 Again this tree is similar to the others, this tree has lost some roots on the lane side as a result of flailing activities.

Overall

The soil in the area is a red sand which appears to be prone to erosion especially in periods of high rainfall. However, the trees have been growing on these banks with full crowns for a century or more. In my opinion the root matrixes of the trees are making a significant contribution to the stability of the bank and the pollarding will have greatly reduced the risk of the trees falling. Given the nature of the soil I would recommend that the banks and land above the trees are periodically inspected for signs of excessive erosion or badger activity.

The view that these trees have lost their amenity value as a result of pollarding is subjective, a lot will depend on how the trees regenerate.”

RECOMMENDATION

The Tree Preservation Order be modified to omit trees T2 (ash) and T3 (oak), and confirmed to include T1 (oak), T4 (oak) and T5 (oak). The Order should be reviewed in 12 months following assessment of the trees' response to pollarding and crown reduction work. Further inspection of T1 be carried out to accurately measure the extent of internal decay within the tree.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

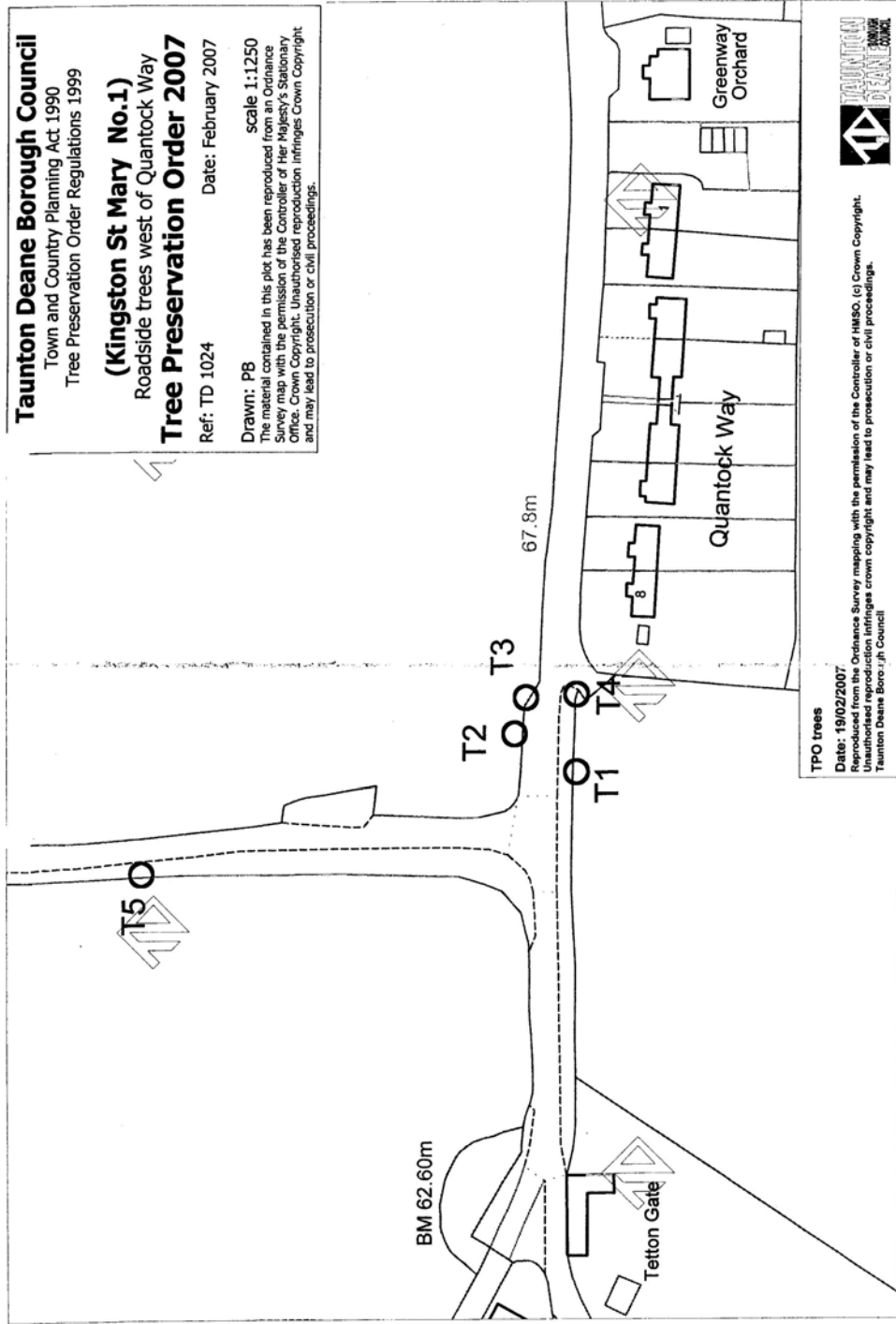
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Taunton Deane Borough Council
Town and Country Planning Act 1990
Tree Preservation Order Regulations 1999

(Kingston St Mary No.1)
Roadside trees west of Quantock Way
Tree Preservation Order 2007

Ref: TD 1024 Date: February 2007

Drawn: PB scale 1:1250
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TPO trees

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