Report Prepared by the Council’s Tree Officer

Background

The Council received a notification for works (Section 211 notice) under the Town and Country Planning Act 1990 from the Advanced Tree Services, notifying the Council of their intent to carry out works to a Lime tree in the grounds of St Peters Church. The notification of works is required because the church yard is included in the Hersham Village Conservation Area.

All works to any tree over a certain size (75mm stem diameter) in a conservation area must be notified to the Council. Under the legislation this provides the Council 6 weeks to determine whether the notified works would have a detrimental impact on the overall health and amenity of the tree, plus character of the area. If the works are deemed to be detrimental to the tree and character of the area, the Council has 6 weeks to make a Tree Preservation Order as the Council cannot refuse tree works notified under a section 211 notice.

The notification received by Advanced Tree Services was to heavily reduce the branches overhanging 14 Church Green by 3-4m and crown lift to 7m. No further clarification was provided for which specific branches were to be reduced and no reasons were provided for the works. Under a section 211 notice, reasons for wanting to carry out the works and accurate descriptions are not statutory, and are not necessary to make the notification valid, unlike a TPO application. However the Council does prefer these details to be included, to help with clarification in assessing the works notified.

In the professional opinion of the tree officer this degree of work would aesthetically unbalance the tree, leave large pruning wounds, and encourage dense/thick reactive re-growth which would require future regular pruning. This degree of work goes against arboricultural best practice and the recommendations set out in British Standard BS3998 2010 Tree Work – Recommendations. For these reasons and not being able to refuse the works the Council made a Tree Preservation Order to ensure the tree (under EBC management) was not managed in a manner detrimental to its health and long term amenity value.

Objection

Objection from Mr & Mrs Oxlade, owner of 14 Church Green, which neighbours the land on which the tree is located.

Mr & Mrs Oxlade’s objection letter of 28 August 2016 was received in the 28 day period provided for objecting to a TPO.

Mr & Mrs Oxlade’s email raised several areas of concern and objection I which have listed below along with my comments.

1. The tree now overhangs our garage roof almost totally and causes a great deal of stress to us in trying to keep the roof clear of the constant debris that falls from these trees e.g. seed pods, leaves, dust, etc. Many branches fall
during the year, not helped by the fact that numerous squirrels strip the bark and make them more unsafe.

Officers Comments
The tree does overhang the garden and garage of 14 Church Green, but seed pods, leaves and dust are seen as expected seasonal nuisance that is part of living in close proximity to trees. No evidence was presented of the fallen branches mentioned and the Council did carry out a formal inspection of the tree on 16th January 2016 and no health and relates works had been necessary to maintain the trees to an acceptable level of risk.

2. We feel very strongly that we are not only trying to control the growth of the tree, but it will, in effect, help maintain its shape and therefore be more aesthetically pleasing to the environment anyway. We have seen other Lime trees pruned to a much greater degree and it has, in fact, improved their shape considerably.

Officers Comments
Unless the structure of any tree has visible or highly predictable defects, most pruning work is detrimental to the trees health through removing energy producing photosynthetic leaf area, and causing energy to be expended in sealing over pruning wounds with reactive wood. The larger the wound, the longer it takes the tree to seal over it. Any exposed wounds are an entry point for detrimental pathogens that can infect the tree and cause unwanted decay and wood degradation. Heavily pruned trees referenced above require constant cyclical pruning at the expense of the owner, any regrowth from the pruning points forms a weaker attachment and is more likely to structurally fail. This type of practice is undesirable, outdated, and against most arboricultural good practice recommendations. Tree crown shape aesthetics is subjective and at the time of the site visit did not appear in my opinion unbalanced or in need of ‘improvement’.

3. We feel the placement of TPOs on these trees is, from our point of view, unnecessary as we have always been aware of the need to acquire permission before undertaking any work on the tree.

Officers Comments
Between November 2013 – March 2016 the Council had a dedicated tree risk officer that did liaise with the Mr & Mrs Oxlade in 2014, and some crown lifting works to the tree were organised and funded by the Council. In most instances Mr & Mrs Oxlade have been in contact and negotiation with EBC but since March 2016 there has been no officer carrying out this duty. Due to the lack of communication I assume from EBC Mr & Mrs Oxlade have employed the services of a tree surgeon (Advanced Tree Services) to advise and notify the Council of the works they wish to undertake. As mentioned in the background section of this report, once a tree work notification has been received the Council cannot refuse the work, and can only place a TPO on the tree to prevent undesirable/unsympathetic works from being undertaken.
Conclusion

Confirm Tree Preservation Order EL: 16/13 without modification.