

**CITY OF LEEDS TREE PRESERVATION ORDER (NO.30) 2023
TPO 2023 30 (RED KITE LEARNING TRUST CRAWSHAW ACADEMY ROBIN
LANE PUDSEY LS28 9HU)**

1. BACKGROUND

An application to remove trees protected by a tree preservation order (Ref: 23/04242/TR) was received by the Council. The notification was validated on 10 July 2023.

The application proposed to remove a number of trees at Crawshaw Academy, subject to a preservation order (Ref: TPO1953_001PUD). The application also highlighted that a number of trees that were not subject to the TPO would also be removed.

The justification for tree removal was that “There have been ongoing concerns from neighbours' about these trees and the measures put in place by the school have not satisfied the local residents”.

LCC Officer visited site 25 July 2023 and 22 August 2023, to assess the application. The Council did not agree to the removal of the majority of trees on site, due to the trees being prominent features with amenity value.

Six Lime trees were situated outside the footprint of the TPO. The application form highlighted that these would also be removed, as part of tree works. The trees were in good overall condition and provided amenity value.

In order to prevent removal of trees with amenity value, it was deemed expedient for the Council to serve a Tree Preservation Order ('TPO') on the site, which was made on 24 August 2023.

2. OBJECTION

On 18 September 2023, an objection to the Order, was subsequently received from Mr Simon Eastwood of 22 Sheridan Way, by way of an email with an attached letter. On 23 September 2023, a second objection to the Order was received from a Ms Helen Thomas of 23 Sheridan Way.

The objections detailed may be summarised as follows;

- The Order uses different identification for trees/tree groups, than the DMD Contracting report (1-2)
- There is no threat to trees (3)
- The trees are not an amenity (4-7)

- The trees are not managed, and require more significant remedial work, or will become a risk (8-11)
- The trees affect the neighbouring properties (12-16)
- Trees should be considered for protection on a case-by-case basis

3. COMMENTS OF THE TREE OFFICER IN RELATION TO THE OBJECTION

1. As this is a new Order, and there is only one group of Lime trees on the Order, it is logical to use the designation 'G1', as opposed to using the 'G8' and 'G9' designation used in plans provided by DMD Contracting.
2. The tree and group identification numbers used in plans provided by applicants/agents are not required to be consistent with the tree/group numbers used on existing or subsequent TPO plans.
3. In the DMD Contracting report referred to by the objector, it is stated at section 1.2 that the intention is to remove the Lime trees that are now included within TPO 30_2023. This amounts to a clear threat to the trees protected by the Order.
4. 'Amenity' is not defined in statute, so in accordance with the 6 March 2014 Tree Preservation Orders and trees in conservation areas guidance authorities need to exercise judgment when deciding whether it is within their powers to make an Order.
5. The Lime trees within G1 are visible from the highway at Sheridan Road, and from within the school grounds. Additionally, the trees are a continuation of a historic group of established trees, providing consistency along the boundary in addition to succession planting in the longer term for the established group.
6. When considering whether or not to serve a new Order, the Council considers TEMPO when assessing the suitability of trees for a new preservation order (Tree Evaluation Method for Preservation Orders, produced by Forbes-Laird Arboricultural Consultancy). TEMPO considers the condition, life expectancy, visibility, form and threat to trees and groups. G1 has a TEMPO score of 21 (5+4+3+4+5). Under TEMPO, a score of 12-15 is defensible and a score of 16+ definitely merits a new Order.
7. As such, G1 is considered to have sufficient amenity value that a TPO is warranted in the interest of amenity.
8. LCC Officer discussed tree management with employees at Crawshaw Academy during the initial site visit on 25 July 2023. The school currently has trees inspected twice a year by DMD Contracting, who provide management recommendations which are then implemented by the school, pending permission from the Council where this is required.

9. This is considered to be a robust approach to tree management by Crawshaw Academy, and will allow significant, actionable nuisance issues and risk associated with the trees to be identified within a short timeframe, allowing for management recommendations to be made accordingly. The frequency of inspection is arguably considered excessive, as inspection is typically undertaken on a 12-18 month cycle.
10. In the letter dated 18 September 2023, "topping" the trees is suggested. Topping is regarded as poor practice in arboriculture, being detrimental to the condition and amenity value of trees.
11. If the suggested topping was undertaken, there is potential to increase the nuisance issues and risk associated with trees adjacent to neighbouring properties and Crawshaw Academy, in addition to being highly detrimental to tree form and amenity value.
12. The objectors suggest that trees impact on neighbouring properties. The objection received 23 September 2023 highlights issues including shading, leaf litter and sap, and the impact of tree roots on the property.
13. The trees within TPO 30_2023 are situated to the north and east of properties at Sheridan Way. While trees will be blocking direct sunlight in the early morning, they will not be blocking significant direct sunlight from the early afternoon and through to the evening. Shading caused by G1 is not considered a significant negative impact on properties.
14. Seasonal nuisance such as seeds, sap, leaf litter and occasional dropping of minor twigs and branches should be expected and tolerated as part of living close to established trees, even when trees are routinely managed.
15. Nuisance issues such as those highlighted by the objector can potentially be partly alleviated through remedial work. For example, targeted lateral reduction can reduce direct overhang, and crown lifting can increase the height of the lower crown and reduce the impact of shading, particularly during autumn and winter when the sun is low. Applications for this type of work will continue to be considered by the Council.
16. The potential impact of tree roots on the property will depend on a number of factors including soil type, foundation type and depth, and the size and characteristics of the tree(s). If there is damage to the property and trees are suspected to be the cause (i.e. through subsidence), there are a number of factual investigations that can be undertaken to determine this. The Council would consider all this information as part of an application to remove the trees. However, the presence of roots is not a significant concern in itself.
17. In the letter dated 18 September 2023, it suggests that trees should be considered for protection on a case-by-case basis. This approach is already being undertaken by Council tree officers, as evidenced in their response to previous applications.

18. In response to 23/00032/TR, the Council approved the removal of one tree due to the condition of the tree. In response to 23/04242/TR, the Council approved the removal of two trees, in part due to their limited individual amenity value. In the case of 23/04242/TR, the Officer recommended that replacement trees “should be set back approximately 4m from the fence to avoid future nuisance issues and pressure to prune or fell”.

4. CONCLUSION

The Order is warranted on the grounds of amenity and expediency and therefore, the imposition of the Order is appropriate.

The Council will consider future tree works applications. Permission is not required for the removal of dead wood.

5. RECOMMENDATION

That the Order be confirmed as originally as served.