

**CITY OF LEEDS TREE PRESERVATION ORDER (No.15) 2019,
(4/6, HOLLYSHAW TERRACE, WHITKIRK, LS15 7BG)**

1. BACKGROUND

Concerns were raised by a local resident in spring 2019 that a mature Beech was intended to be felled and a request was received for a Preservation Order to be placed on the tree to protect it

A site visit was undertaken by the Tree Officer, who considered that the tree was an attractive, prominent, apparently healthy specimen; possessing sufficient amenity value, to justify protection. It was, therefore, considered appropriate to make a tree preservation order, which was made and served on 28 May 2019 (TPO No.4 2019).

Submission in support were received from residents of 6 Hollyshaw Terrace and 46 Knightsway.

Objections to that Order were also received from residents of 4 Hollyshaw Terrace, 44 Knightsway and 42 Knightsway.

It did not prove possible to fully consider these objections and other correspondence received with normal timescales, to enable a determination to be made as to whether or not TPO No.4 2019 should be confirmed, prior to its statutory expiry.

Consequently, a further provisional order, (reference TPO 15 2019) was made and served on 27 November 2019 tree preservation ('The Order'). The objectors were informed that their objections to the previous order would be carried forward for consideration under the new Order.

2. OBJECTIONS TO THE ORDER

Objections to the Order were received from residents at 4 Hollyshaw Terrace, 44 Knightsway and 42 Knightsway. The Owners of 42 & 44 Knightsway jointly submitted further comments on 28 April 2020.

Taken as a whole the main points of objections may be summarised as follows:

1. The tree is so large that it is no longer in keeping with its surroundings. It has grown so large over time, a canopy covering in excess of 200 sq. metres (2000 sq. ft.), that it is now out of all proportion and context to its suburban back garden setting and is more suited to farms or parkland. The Tree has not reached full maturity and may keep growing healthily up to 2 feet per year.
2. It is overwhelming and is lop side and not a good specimen or a particularly

“good example” of its kind.

3. The tree is not rare, it is not in a conservation area, and whilst it is old it has no historical value.
4. The Tree leans about 10 degrees from the vertical towards Hollyshaw Terrace and branches are unevenly distributed on that side.
5. The tree is coming to the end of its life span and the surrounding gardens hold several mature trees.
6. Visual amenity and position. The tree is situate in a back garden and cannot be seen by the wider public. It is situated in a suburban back garden, it is not visible from the road and can only be seen from the rear gardens of a few neighbouring houses. .
7. Beeches have a propensity to shed lower limbs in summer, when they become brittle through lack of water and sunlight (Summer Branch Drop). This has occurred twice in recent years with large bows falling into gardens, causing danger to persons. There is a large scar and hole in the tree which may be allowing water into the trunk, causing it to rot.
8. The roosting birds within the tree and their droppings constitute a health hazard and loss of garden amenity. The droppings cover a large area of gardens and patios.
9. A paved area at 42 Knightsway, re-laid 2 years ago, is starting to move due to the roots of the tree
10. A representative of the council could visit the site to see problems first hand and to listen to the concern of residents. No such visit has taken place

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

1. The Beech has thrived throughout the changes in its surroundings over time and will have been established and maturing at the time that residents, moved in to their respective properties. It is a significant tree in the area that is it is suitably situated, provided it is able to grow healthily.

In terms of natural growth, the Beech has been crown lifted substantially. This is understandable in the interests of enabling residents to make use of their gardens. Other than this, the tree does not appear to have been subject to other significant maintenance works.

Beech trees do not react well to heavy reduction and will die back from the point of pruning. A severe reduction can ultimately kill a Beech tree and should it manage to survive, it would respond by throwing out vigorous regrowth; ultimately making the crown much thicker.

With regard to the suggestion that the Beech tree would be more suited to parkland or a farm, it is agreed that these trees look beautiful and impressive in an open grown situation. Ultimately, however, this particular tree has adjusted well to its surroundings and is growing well. As previously mentioned, it will have been present and mature when residents purchased their properties.

2. Any suggestion that the tree is unattractive when viewed from some angles, is likely to be due past inappropriate pruning. As it is a deciduous tree, it has the ability to recover and reshape to a more natural form if allowed. In some instances sympathetic pruning / shaping can help to achieve better aesthetics in a shorter time scale. Pruning could be carried out in other forms to improve light penetration and allow air flow through the crown, such as a 20% crown thin, and sensible applications for permission to undertake such work would be welcomed.
3. A tree does not have to be located within a conservation area to warrant preserving. 'A Conservation Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Provided that a tree has significant amenity value it is eligible for protection, irrespective of its location in this regard.
4. With reference to the observations that the tree leans towards Hollyshaw Terrace and has developed a heavier crown on that side, this merely indicates that the tree has better access to light on that side. It does not mean that the tree is unstable. As long a tree is a healthy specimen it is classed as an optimising organism, meaning that it will find the easiest route to grow most efficiently; adjusting and compensating growth as necessary.

This is known as the 'axiom of uniform stress', based on the theory that trees carry out their secondary growth in such a way that bending stresses over the outer surfaces of the tree, avoiding stress concentrations/ points of weakness.

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5. It is suggested is not necessary to retain the Beech as there are other trees in the area; Pine, Poplar, Holly, Sycamore and Silver Birch. When considering the preservation of trees, it is not an 'either /or' situation, in that the presence of other viable trees in the area does not mean that a particular tree possessing amenity value in its own right should not be valued and protected.

Beech trees that can have a life span of 150-300 years. In view of this potential longevity, they should be cared for and managed responsibly to encourage health and sustainability. By contrast Silver Birch, have an arboriculturally short

life span 40-80 years in domestic situations, whilst Poplars may become potentially structurally unreliable, generally having a safe useful life expectancy of 50-70 years.

In the light of the Climate Change Emergency recently declared by the Council, it is important to recognise the value of existing trees, in terms of carbon storage and their year on year carbon sequestration (in addition to public amenity and bio-diversity value). The retention of existing trees wherever possible, is a positive factor in combatting climate change (as well as contributing to the improvement of Biodiversity in Leeds). By way of comparison, it will take at least 30 years for newly planted trees planting to make a similar contribution.

6. It is stated in legislation guidance that to merit protection 'The trees, or at least part of them, should normally be visible from a public place, such as road or footpath'. As demonstrated by the following photographs, the Beech can be viewed on the public highway from Hollyshaw Grove, Hollyshaw Terrace and Knightsway, and therefore satisfies this criteria.



HOLLYSHAW GROVE



HOLLYSHAW TERRACE



KNIGHTSWAY

7. With regard to the potential of 'Summer Branch Drop', Beech trees are recorded as susceptible species, as with many species that have long life spans. This particular Beech appears to be coping well in situ, showing no obvious signs of retrenchment/ dieback in the crown, which would be an indication of over maturity or stress.

The damage recorded where branches have previously broken off, is more likely to have been caused by a failed at the union of the branch than caused by the phenomenon of Branch Drop. In the former case, the branch usually fails at a point of flex along the affected limb. It is possible that there may have been an existing weakness caused by previous storm damage, such as a longitudinal crack on the upper side of the union, unseen from ground level. A dry period followed by a sudden down pour may well have compounded an already existing defect.

As mentioned previously the Beech appears to be in good health and sympathetic pruning could take place to open up the crown and allow air flow. If the tree is correctly thinned through to the branch tips, selectively reducing any bolting growth back in to the main canopy; this should reduce stresses at the union point, thus helping to reduce the chance of future branch failure. Again, sensible applications for permission to undertake such work would be welcomed.

It remains the responsibility of the owner of a tree to monitor its health and maintain it to a safe standard, irrespective of whether a tree is subject to a preservation order.

With respect to the concern that the remaining wound from the branch failure is holding water, which could encourage rot, industry research has shown that when a cavity retains water it creates anaerobic conditions unsuitable for fungal decay bodies to establish and thrive. The historic view that cavities should be drilled to allow water to drain has been proven to be completely incorrect and actually provides the perfect conditions for fungal infection to develop.

8. Issues of hygiene due to bird droppings can be addressed with regular cleaning. Birds were likely to have been roosting and nesting with in the crown of the Beech prior to domestic alterations beneath its canopy. This is a natural occurrence. Reference to the 'Tree Guidelines for the Management of Leeds Council Trees'

Naturally occurring tree issues that may be perceived to be a 'nuisance' . Natural		fruit.	Council owned tree that bears poisonous fruit, appropriate action may be considered.
	Tree pollen	We will not prune or fell a Council owned tree to remove or reduce pollen.	The influence of tree pollen on hay fever is outweighed by the positive benefits that trees provide in alleviating serious respiratory problems caused by poor air quality.
	Trees and personal medical complaints	We will not normally prune or fell a Council owned tree where a request has been made to do so because of a personal medical complaint.	The Council has no legal responsibility to remove a tree under such circumstances.
	Bird droppings	We will not prune or fell a Council owned tree in order to remove or reduce bird droppings. Nor will we remove bird droppings from private land.	Birds naturally roost in trees. Whilst their droppings may be perceived to be a nuisance, this is not considered to be sufficient reason to prune or remove a tree. Warm, soapy water will usually be sufficient to remove bird droppings.
	Sap falling on surfaces	We will not prune or fell a Council owned tree in order to alleviate 'honeydew' or other sticky residue falling from trees.	'Honeydew' occurs when aphids feed on leaves and excrete a sugary sap and this is a natural, seasonal event. If honeydew is colonised by moulds, it becomes duller and may turn black. Some trees, such as limes or sycamore, are more prone to aphid infestation than others. Where new trees are to be planted, species choice will be carefully considered to try and reduce this problem in the future.
Fallen fruit	We will not normally prune or fell a Council owned tree to prevent fruit falling on to surfaces.	The production of fruit, berries, nuts and other tree seed is a natural event, typically occurring in late summer and autumn.	

9. Where paving is showing signs of movement within two years of being laid this would indicate that it hasn't been laid in a way that considers the tree root system beneath and / or that the sand beneath the paving slabs is not adequate enough allow for expansion.

10. The site was visited twice before the original Preservation Order was served, thereby satisfying statutory requirements.

4. CONCLUSION

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

The Council would consider any sensible tree works application on its merits.

5. RECOMMENDATION

That the Order be confirmed as originally as served.