

**CITY OF LEEDS TREE PRESERVATION ORDER (No.9) 2020,
(GREY GABLES, OLD PARK ROAD, GLEDHOW, LS8 1JX)**

1. BACKGROUND

A Conservation Area notice was submitted to the Council to undertake tree works and fell four trees at the above property, by an adjoining owner, reference number 20/04733/TR. The notification was submitted by an adjoining owner on the basis that they overhung her land and were dangerous.

A site visit was undertaken by the Tree Officer, who concluded that the trees were in good health and made a significant contribution to the area. It was, therefore, considered appropriate to make a Tree Preservation Order ('TPO'), which was made and served 8 October 2020.

2. OBJECTION

An objection to the TPO dated 13 October 2020 was received from the same adjoining landowner.

The principle points raised in the objection may be summarised as follows:

1. The Objector did not receive the 'pack' stated in the conservation notice decision letter.
2. The trees are dangerous due to the presence of dead wood with in their crowns therefore should be felled
3. The tree officer did not enter the garden of 6 Park Wood Gardens to view the trees.
4. The tree owner has applied and has been able to carry out numerous works with in his property. (it was also mentioned that is the owner is related to a former member of the LCC Forestry Team
5. The Objector objected to the conservation notification officer report where it was stated that 'no expert advice appears to have been sort by the Applicant and the view that the trees are dangerous appear to be based on the Applicants own perception'. The objector states that said she sought advice from two tree contractors who agreed that the trees were dangerous, but again the concern was dead wood with in the crowns of the trees and close proximity to her property and light.
6. The Objector commented on other works with in a wooded belt, where a number of trees have been severely reduced and has asked for justification as to why this has been permitted, when her tree works notification was not supported.

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

1. The Decision Letter is an auto-generated document, sent out as soon as the decision has been uploaded onto the system. The Tree Officer has no involvement in the specific wording of that letter. Having looked more closely at the letter, it is agreed that the choice of the word 'pack' is misleading. The wording was intended to confirm that a copy of the TPO with accompanying statutory Notice would be provided, which was indeed the case once the Order had been made. The wording of the standard decision letter will be reviewed for future use.
2. Healthy trees should not be removed because there is deadwood present; if this were the case then, arguably, removal of most trees could be justified. Dead wood is a natural product of all trees, even healthy specimens. It is part of the natural yearly cycle of a tree to abscise less productive branches that have been damaged or shaded out by other growth and is no longer maximising photosynthesis. The tree will kill off that branch and put energy in to growing new foliage in an area with optimum photosynthesis potential.

If the tree is good health, the presence of dead wood does not make the whole tree dangerous, it indicates that the tree is in need of some routine maintenance to remove the dead wood. BS3998: Treework actually advocates the retention of dead wood where possible due to the importance in habitat, however, its removal is supported if justified by the location. It is a matter for the Objector to monitor the condition of overhanging branches in this regard. Conservation Area notifications for the removal of dead wood or potentially dangerous branches, backed by expert evidence will be properly considered.

3. The Objector was unhappy that the Tree Officer did not directly visit her property to view the trees from her rear garden. However, it was deemed unnecessary to enter the garden, as the trees were viewed down the boundary line from the driveway.

Given that the justification for their proposed removal was the dangerous nature of the complete trees, they needed to be assessed from a purely arboricultural view. The crowns were viewed from a distance to identify any large scale upper crown die back, a sign of stressed, declining trees. There was no evidence of this type of retrenchment.

In addition, it was necessary to view the buttresses and stems, to look for signs of fungal infection, cavity formation, fire damage or any other indication that the structural integrity of the trees had been compromised. This could only be done by examining the trees on the land they are situated upon, and not from the Objector's property

The vigour of all four trees proposed for removal in the Conservation Area notification 20/04773/TR, were classed as normal for specimens of this size and species. Normal annual extension was recorded on branch tips and foliage was good size and colour. No evidence that the trees were dangerous was recorded on site.

4. The Objector commented on past applications submitted by the tree owner's agent had been approved. Each Conservation Area notification is considered individually on its own merits. In each case, the relevant tree officer will have

reviewed the proposed works in conjunction with the impact on the individual trees and the wider amenity and character of the local area.

Tree officer responses are limited when processing notifications. The officer can either respond to the notification with a 'No Objection' allowing the work to go ahead or place a TPO on the trees to block the notification. If the officer has not responded within 6 weeks of the validation date, permission is automatically given by default. LCC officers cannot add conditions including replacement planting. Therefore, sometimes an officer has no option, but to have no objection to proposed works that are not ideal, but are not at a level where the effects will be hugely detrimental to the tree or locale, and consequently does not warrant the expense of serving a Preservation Order.

The Objector also commented that the tree owner is related to a former member of the LCC Forestry team. This was appropriately declared on the tree works notification forms, being the correct action to take and in line with the LCC Transparency policy. However, this would not affect the process of consideration by the Tree Officer. As stated previously, each notification is considered on its own merit, regardless of the applicant or agent's connections to LCC.

5. The Objector has stated that she sought advice from two contractors, who agreed that the trees were dangerous and should be removed. Whilst it would be understandable if comments have been made referring to the improvement of safety by removing deadwood, any advice given for the approval of healthy trees as opposed to a more limited and appropriate proposal, is of concern to the Tree Officer.
6. The heavy reduction of Beech trees within the wooded belt situated within the same Conservation Area does not appear to have been authorised by the Council according to available records. Investigations will take place to verify if unauthorised works have in fact been undertaken. The type of reduction that has taken place would not be approved in relation to healthy Beech trees.

4. CONCLUSION

The Order is warranted on the grounds of amenity value of the trees and expediency. Therefore the imposition of the Order is appropriate.

The Council would consider any sensible tree works application on its merits, and the Objector is entitled to submit a further Conservation Area notification in respect of the alternative works referred to in her objection, backed by supporting expert evidence.

5. RECOMMENDATION

That the Order be confirmed as originally served.