

# **CITY OF LEEDS TREE PRESERVATION ORDER (NO.06) 2024 TPO 2024 06 (465 OTLEY ROAD ADEL LEEDS LS16 6AJ)**

## **1. BACKGROUND**

On 12 January 2024, the Council received an enquiry regarding the protected status of trees at 465 Otley Road LS16 6AJ, ahead of potential tree works. The specification for tree work was not provided. At time of enquiry, none of the trees at or adjacent to 465 Otley Road were protected.

A Leeds City Council (LCC) Officer visited site 15 January 2024. Four trees at or adjacent to the property (T1, T2 and T3 on the public highway, and T4 at the property) were considered to be in good condition, with amenity value.

The Tree Preservation Orders and trees in conservation areas Guidance provides guidance on the definition of amenity:

“What does ‘amenity’ mean in practice?

‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

Paragraph: 007 Reference ID: 36-007-20140306

In order to prevent potentially unsuitable work to prominent 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 16 January 2024.

## **2. OBJECTION**

An objection to the TPO was received from the property owner on 21 January 2024.

The objection may be summarised as follows;

- The objector is surprised by the sudden decision taken by the Council (1-2)
- T1 to T3 are situated on Council land (3-6)
- The tree has become “older and frailer” and overhangs a busy footpath and highway, including traffic lights (7-10)
- Tree works are a proactive course of action (11-13)

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

1. The Council received an enquiry regarding the protected status of the trees, ahead of potential tree works. As per government guidance :

“It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees.”

Paragraph: 010 Reference ID: 36-010-20140306

2. As such, the Council considers that the Order has been served in a manner that is consistent with government guidance.
3. It has been highlighted that T1 to T3 are situated on Council land.
4. While this was not immediately clear at time of site visit, due to the trees being located in a boundary hedge and verge, following discussions with colleagues in Highways Assets, LCC Officer agrees that the trees are situated on Council land.
5. However, the trees are situated on the boundary and overhang the objectors property. Under Common Law, there would be scope for the objector to prune all overhanging branches to the boundary of the property. This would be detrimental to tree condition and amenity value. As such, LCC Officer considers that a TPO on T1 to T3 is suitable, even in light of the trees being on Council land.
6. The Council will support tree work applications to prune the trees, in order to maintain suitable clearance from the property.
7. The Oak tree (T4) at 465 Otley Road is described as becoming “older and frailer”, and the objector is concerned about full or partial tree failure, due to its location.
8. T4 was inspected visually by a LCC tree officer on 15 January 2024. The tree was visually inspected again on 28 February 2024, after the objection had been received.
9. T4 was found to be in good overall condition. As the trees appeared to be in good overall condition, it is likely that the trees are self-optimizing. As per BS3998: “Trees are dynamic, continually self-optimizing organisms” that are “highly efficient in intercepting, using and storing solar energy, while also bearing its own weight and dissipating the potentially damaging forces of the wind.” The concerns raised by the objector regarding the size of T4, and its proximity to the highway, are not supported by BS3998:2010 or more modern approaches to tree management.
10. LCC Officer did note some minor deadwood in the crown of T4. This is typical of mature trees, particularly where they have been infrequently managed as

appears to be the case with T4. Applications are not required to remove deadwood in trees with a TPO.

11. There is a common misconception that responsible management of trees must result in remedial work. However, this is often not the case.
12. An arboricultural survey to assess the condition of the trees and recommend suitable works, consistent with good arboricultural practice, would appear a reasonable approach to tree management at this stage.
13. Should evidence come to light that suggests trees represent an unacceptable level of risk, and works suggested to mitigate this are proportionate to the risk associated with the trees, the Council will consider this as part of a future planning application.

#### **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**

TPO 06\_2024 should be confirmed as originally served.