



Telford & Wrekin  
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

**PLANNING COMMITTEE**

Date **Wednesday, 25 August 2021** Time **6.00 pm**  
Venue **Lillywhites Suite, AFC Telford United, New Bucks Stadium, Watling Street, Wellington, Telford, TF1 2TU**

**Enquiries Regarding this Agenda**

Democratic Services	Jayne Clarke	01952 383205
Media Enquiries	Corporate Communications	01952 382406
Lead Officer	Valerie Hulme – Development Management Service Delivery Manager	01952 384130

**Committee Membership:** Councillors G H Cook, N A Dugmore, I T W Fletcher, J Jones, J Loveridge (Vice-Chair), R Mehta, K Middleton, P J Scott and C F Smith (Chair)

**Substitutes:** Councillors V A Fletcher, E J Greenaway, J E Lavery, G L Offland, S J Reynolds, G C W Reynolds, K S Sahota, W L Tomlinson and D R W White

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**AGENDA**

6. **Tree Preservation Order**  
Borough of Telford & Wrekin (Trees on land to the North of Haygate Road, Wellington, Telford TF1 2FP) Tree Preservation Order 2021.

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## TELFORD & WREKIN COUNCIL

PLANNING COMMITTEE – 25 August 2021

TREE PRESERVATION ORDER 2021

REPORT OF THE ASSOCIATE DIRECTOR: POLICY & GOVERNANCE

### 1.0 PURPOSE

- 1.1 To inform Members of the making of a provisional Tree Preservation Order (TPO) and to seek its confirmation.

### 2.0 RECOMMENDATIONS

It is recommended that Members resolve to confirm the following Order without modification:-

**Borough of Telford & Wrekin (Trees on land to the North of Haygate Road, Wellington, Shropshire TF1 2FP) Tree Preservation Order 2021**

### 3.0 SUMMARY

- 3.1 On 6 April 2021 a provisional Tree Preservation Order was made in respect of a group of trees (identified as **T1-T15** on the appended map – **Appendix 1**)
- 3.2 On 14 May 2021 an objection to the TPO was received from the owner of the property in respect of the group of trees (**T1-T15**).

### 4.0 PREVIOUS MINUTES

- 4.1 None.

### 5.0 INFORMATION

- 5.1 Details of Objection

A copy of the letter of objection is attached to this report as **Appendix 2**

- 5.2 Response of Arboricultural Officer

The response of the Arboricultural officer is attached as **Appendix 3**

### 6.0 EQUALITY & DIVERSITY

- 6.1 Not applicable.

### 7.0 ENVIRONMENTAL IMPACT

7.1 The amenity value of the trees outweighs any reasons given for their removal.

## **8.0 LEGAL COMMENT**

8.1 A Tree Preservation Order is made under the powers conferred on the Borough of Telford & Wrekin by Sections 198, 201 and 203 of the Town and Country Planning Act 1990. A Local Planning Authority may preserve trees or woodlands if it thinks it is expedient in the interests of amenity to do so.

8.2 The Tree Preservation Order does not preclude necessary lopping or pruning. However, it would be necessary for the Council to consent before any such work was undertaken.

8.3 Should an application be received for consent to fell any protected tree(s), conditions could be imposed to secure the replanting of suitable replacement trees.

8.4 Before confirming an Order the Council must first consider any objections which have not been withdrawn.

## **9.0 LINKS WITH CORPORATE PRIORITIES**

9.1 The making of Tree Preservation Orders is an important element in the Council's priority of ensuring a sustainable environment.

## **10.0 FINANCIAL IMPLICATIONS**

10.1 There are no financial implications for the Council.

10.2 The owners of the land have responsibility and associated costs of maintaining the trees, therefore no cost to Telford & Wrekin Council.  
(AEM 17/08/2021).

## **11.0 WARD IMPLICATIONS**

Insert ward

## **12.0 BACKGROUND PAPERS**

12.1 Borough of Telford & Wrekin (Trees on Land to the North of Haygate Road, Wellington, Telford, Shropshire TF1 2FP) Tree Preservation Order 2021

**For further information, please contact Ian Ross – (Team Leader Places) 01952 383255.  
[ian.ross@telford.gov.uk](mailto:ian.ross@telford.gov.uk)**

**Town and Country Planning Act 1990**  
**Borough of Telford & Wrekin**  
**Trees on Land to the North of Haygate Road, Wellington, Shropshire,**  
**TF1 2FP**

Borough of Telford & Wrekin, in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order:-

**Citation**

1. This Order may be cited as the Borough of Telford & Wrekin (Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP) Tree Preservation Order 2021

**Interpretation**

2. In this Order "the authority" means the Borough of Telford & Wrekin and unless context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

**Application of section 201**

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on:

**Prohibited acts in relation to trees**

4. Without prejudice to subsection (6) and (7) of section 198 (power to make tree preservation orders) and subject to article 5, no person shall:
  - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

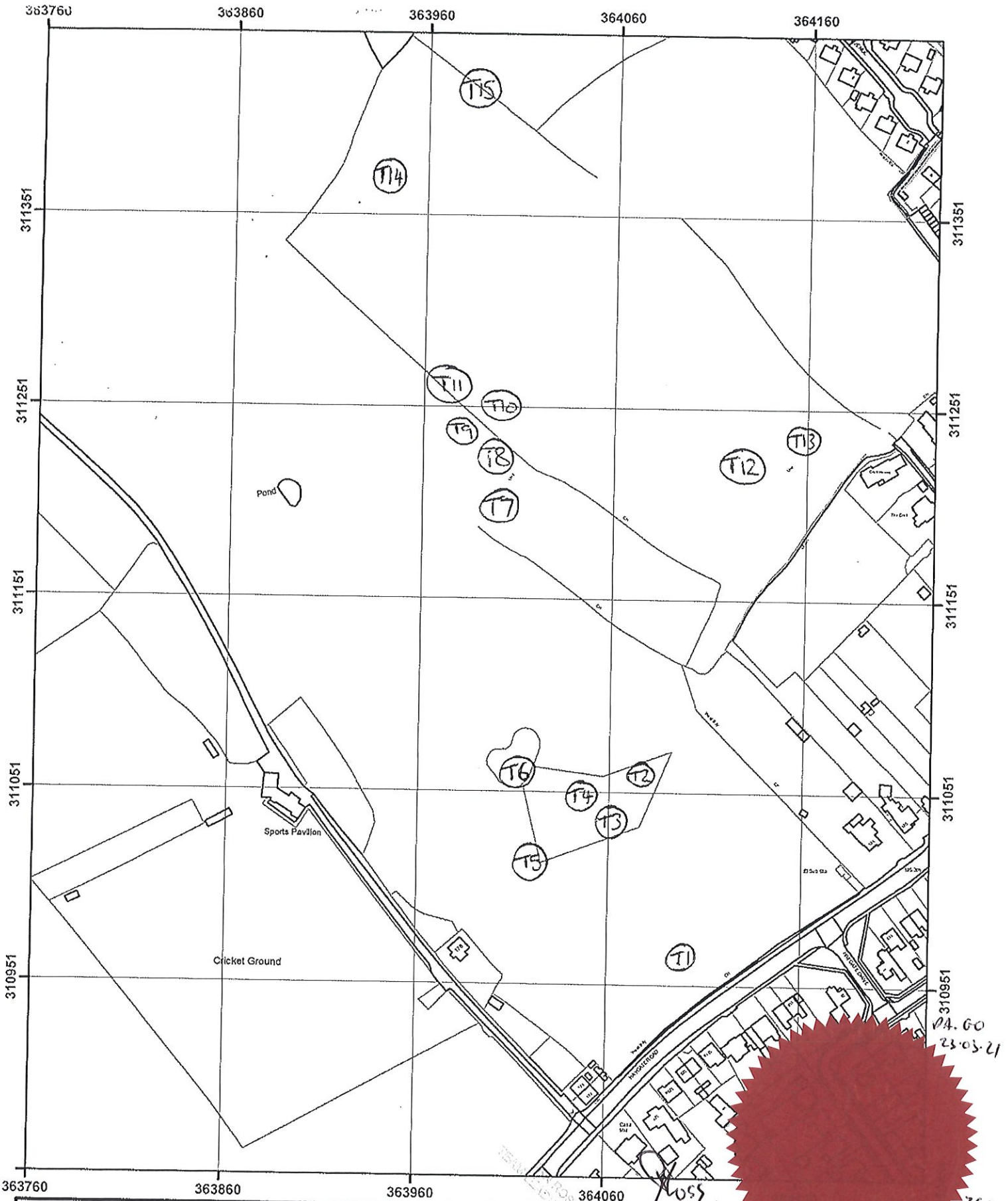
any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

**Exemptions**

5. (1) Nothing in article 4 shall prevent:-
  - (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated in operation land of the statutory undertaker and the work is necessary:-


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- (i) in the interests of the safe operation of the undertaking;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes cables or other apparatus of the statutory undertaker; or
  - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
  - (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
  - (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
  - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
  - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
  - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
  - (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as the Land Drainage Act 1991; or
  - (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in



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 **Telford & Wrekin**  
COUNCIL  
Neighbourhoods &  
Environment  
Addenbrooke House  
Ironmaster Way  
Telford  
TF3 4NT

Title: Land to the north of;  
Haygate Road  
Wellington  
Telford  
TF1 2DA

Scale: <b>1:2,500</b>	Date: 23/03/2021
Drawn By: G. Onions	

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accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1), "statutory undertaker" means any of the following:-

a person authorised by an enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

a relevant airport operator (within the meaning of Part V of the Airports Act 1986.

the holder of a licence under section 6 of the Electricity Act 1989,

a public gas transporter.

the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act is applied,

a water or sewerage undertaker,

the Civil Aviation authority or a body acting on behalf of that Authority,

the Post Office.

### **Application of provisions of the Town and Country Planning Act 1990**

6. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

### **Directions as to replanting**

7. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to:

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting, and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

### **Compensation**

8. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:-
- (a) the refusal of any consent required under this Order; or
  - (b) the grant of any such consent subject to conditions,
- he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article:-
- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
  - (b) if the amount in respect of which the claim would otherwise have been made is less than £500
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal
- (4) In any other case, no compensation shall be payable to a person:-
- (a) for loss of development value or other diminution in the value of the land;
  - (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
  - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) and (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.
- (6) In this article:-

“development value” means an increase in value attributable to the prospect of development; and in relation to any land, the development of it shall include the clearing of it; and

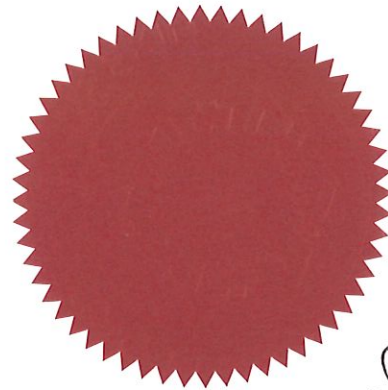
“owner” has the meaning given to it by section 34 of the Forestry Act 1967

**Dated this 6 day of April 2021**

**THE COMMON SEAL OF BOROUGH )  
OF TELFORD & WREKIN was )  
hereunto affixed in the presence of:- )**

IAN ROSS  
TEAM LEADER PLACES

387/21



DA. EES.  
G.O. 23.03.21

*J. Ross*

IAN ROSS  
TEAM LEADER PLACES



## SCHEDULE 1

### SPECIFICATION OF TREES

**Trees specified individually**  
(encircled in black on the map)

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
T1	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T2	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T3	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T4	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T5	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T6	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T7	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T8	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T9	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T10	English Oak	Trees on Land to the

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		North of Haygate Road, Wellington, Shropshire, TF1 2FP
T11	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T12	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T13	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1 2FP
T14	English Oak	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1
T15	Sycamore	Trees on Land to the North of Haygate Road, Wellington, Shropshire, TF1

**TREES SPECIFIED BY REFERENCE TO AN AREA**  
(within a dotted black line on the map)

Reference on map	Description	Situation

PART I

Provisions of the Town and Country Planning Act 1990 applied with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1) -</p> <p>(i) omit                      ", in such manner as may be prescribed by a development order,"                      "such" in the second place where it appears,                      and                      "as may be so prescribed"; and</p> <p>(ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission".</p> <p>(b) In subsection (2)</p> <p>(i) after "contain" insert ", as regards each such order"; and</p> <p>(ii) for paragraphs (a) and (b) substitute                      "(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and                      (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it."</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 70 (determination of applications general considerations):	<p>In subsection (1)</p> <p>(i) substitute</p> <p>"Subject to subsections (I A) and (I B), where" for "Where";</p> <p>"the authority" for "a local planning authority";</p> <p>"consent under a tree preservation order" for "planning permission" where those words first appear; and</p> <p>"consent under the order" for "planning permission" in both of the other places where those words appear;</p> <p>(ii) after "think fit", insert</p> <p>"(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and</p> <p>(iii) omit "subject to sections 91 and 92,".</p> <p>(b) After subsection (1) insert -</p> <p>"(IA) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(IB) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)."</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute-</p> <p>(i) "Any" for the words from "Without" to "any;</p> <p>(ii) "consent under a tree preservation order" for "planning permission to develop land";</p> <p>(iii) "the consent" for "the permission"; and</p> <p>(iv) "the land to which the order relates" for "the land".</p> <p>(b) Omit subsections (2) and (3).</p>



Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 78 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) In subsection (1) substitute-</p> <ul style="list-style-type: none"> <li>(i) "the authority" for "a local planning authority";</li> <li>(ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;</li> <li>(iii) "consent under such an order" for "planning permission" in the second place where those words appear;</li> <li>(iv) for paragraph (c) substitute –</li> </ul> <p style="padding-left: 40px;">"(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p style="padding-left: 40px;">(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,"</p> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute "in writing addressed to the Secretary of State' specifying the grounds on which the appeal is made; and such notice shall be served</p> <ul style="list-style-type: none"> <li>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow.</li> <li>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant."</li> </ul> <p>(d) For subsection (4), substitute "(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."</p> <p>(e) For subsection (5), substitute "(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question."</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 79 (determination of appeals)(a)	<p>(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute            (i) "section 70(1), (I A) and (I B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5",            (ii) "consent under a tree preservation order" for "planning permission"; and            (iii) "the authority." for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71."</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after "section 78".</p>

**PART II**

**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS ADAPTED AND MODIFIED BY PART I**

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.
- (2) The register shall contain, as regards each such order
  - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
  - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....
- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

- (1) Subject to subsections (IA) and (I B), where an application is made to the authority for consent under a tree preservation order

(a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(IA) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(IB) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

#### Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

.....

#### Section 78

(1) Where the authority

(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;

(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an

appeal has been made, an appeal may only be made against that refusal or grant.

- (4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).
- (5) For the purposes of the application of section 79(I), in relation to an appeal made under subsection (I)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

(1) On an appeal under section 78 the Secretary of State may

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(I), (I A) and (1 B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.

**Town and Country Planning (Tree Preservation)(England) Regulations 2012**

**Regulation 6**

**Objections and representations**

6.--(1) Subject to paragraph (2), objections and representations-

(a) shall be made in writing and

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c). or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

## Town and Country Planning (Trees) Regulations 1999 (as amended)

### "PART 4 APPEALS

#### Application of Part 4 and interpretation

11.—(1) This Part applies in relation to every appeal—

- (a) under section 78 as applied to applications under orders ("a tree preservation order appeal"); or
- (b) against a notice served under section 207(1) ("a tree replacement notice appeal"),

which is to be disposed of without a hearing or inquiry to which rules under section 9 (procedure in connection with statutory inquiries) of the Tribunals and Inquiries Act 1992(3) apply, where that appeal is made on or after the date on which these Regulations come into force.

(2) In this Part—

"appointed person" means a person appointed by the Secretary of State under Schedule 6 to the Town and Country Planning Act 1990 to determine an appeal;

"parties" in relation to an appeal, means the appellant and the relevant authority;

"preliminary information" means the documents supplied by the relevant authority in accordance with regulation 13;

"questionnaire" means a document in the form supplied by the Secretary of State for the purposes of this Part;

"relevant authority" in relation to an appeal, means the local planning authority that made the decision (including any failure to determine the application) or served the notice which is the subject of the appeal.

#### Notice of appeal

12. The appellant shall, at the same time as he gives written notice to the Secretary of State of a tree preservation order appeal or a tree replacement notice appeal, send to the relevant authority a copy of the notice of appeal.

#### Preliminary information

13. The relevant authority shall, as soon as practicable after receiving notification of an appeal, send copies of the following to the Secretary of State—

(a) in the case of a tree preservation order appeal—

- (i) the application for consent, where relevant;
- (ii) the decision of the relevant authority, if any, including any condition, certificate or direction made by the authority in relation to the decision.

(b) in the case of a tree replacement notice appeal—

- (i) the notice issued under section 207(1);
- (ii) where the notice has been issued following a failure to plant replacement trees under a condition of consent, the original application and consent;
- (iii) where the notice has been issued as a result of the breach of an order under section 206(1)(a) (removal, uprooting or destruction of tree in contravention of tree preservation order), the date of that breach, if not included in the notice;
- (iv) where the notice has been issued as a result of a failure to replace a protected tree removed under the exemption in section 206(1)(b) (dying, dead or dangerous trees), the date of the alleged failure, if not included in the notice.

### **Questionnaire**

**14.—**(1) The Secretary of State shall, as soon as practicable after receipt of the preliminary information, supply a questionnaire to the relevant authority.

(2) The relevant authority shall, within such period as the Secretary of State may specify in writing, being not less than 21 days from the date on which the questionnaire was supplied, submit to her and copy to the appellant a completed questionnaire.

(3) The questionnaire shall state the date on which it is submitted to the Secretary of State.

### **Further information**

**15.—**(1) The Secretary of State or the appointed person (as the case may be) may in writing require the parties to provide such further information, including any representations, relevant to the appeal as she may specify.

(2) Such information must be provided in writing within such period as the Secretary of State or the appointed person may specify.

### **Decision**

**16.** Where under regulation 15 information is required to be provided within a specified period, the Secretary of State or the appointed person (as the case may be) may proceed to a decision on an appeal taking into account only such information as has been submitted within the specified period.

### **Electronic communications**

**17.** Where an appeal is made using electronic communications, the appellant shall be taken to have agreed—

(a) to the use of such communications by the Secretary of State for the purposes of his appeal;

(b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his appeal; and

(c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—

(i) withdrawing any address notified to the Secretary of State for that purpose; or


(ii) revoking that deemed agreement,

and such withdrawal or revocation shall be final and shall take effect on the date specified by the person in the notice being not less than seven days after the date on which the notice is given."







Telford & Wrekin Council, Democratic Services  
Governance & Legal Services  
Addenbrooke House  
Ironmasters Way  
Telford  
TN3 4NT  
By email: 

Friday, 14 May 2021

Dear Sir/Madam,

**Town and Country Planning Act 1990**  
**Town and Country (Tree Preservation) (England) Regulations 2012**  
**Borough of Telford & Wrekin (Trees on land to the north of Haygate Road, Wellington, Shropshire, TF1 2FP) Tree Preservation Order 2021**

### **OBJECTION/REPRESENTATION**

I am instructed to write on behalf of my clients, Vistry Homes Mercia Region and Anwyl Construction Company Ltd., to formally object to the above Tree Preservation Order ('the TPO'). My clients are jointly and severally "*persons interested*" in the affected land, as defined in Regulation 2 of the above Regulations.

I am familiar with the site, having visited it and inspected the trees on Friday the 23<sup>rd</sup> April 2021, and the representations made below are based on my observations and findings from that visit.

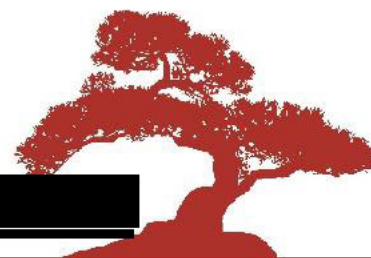
Our objection to the TPO is both general and specific. The general objection relates to all the individual trees included within the Order, namely T1 to T15; and the specific objection relates to the inclusion of trees T1, T4, T7, T8 and T15 within the TPO, on the grounds of their very poor condition. The inclusion of T5, T10, T11 and T14 is also questionable, as in our view these do not fully satisfy well-established criteria for inclusion within a TPO.

Our general ground of objection is as follows:

#### **1. Non-expediency of the TPO**

The land to the north of Haygate Road, where the trees are located, is the site of a development of 289 new dwelling houses by my clients, pursuant to outline planning permission TWC/2013/1003 and subsequent reserved matters application TWC/2017/0643 and other associated applications. A considerable proportion of the development is now completed and occupied. The trees which are subject of the recent TPO have been successfully retained within the context of the new development, in most cases within the generous areas of amenity open space within the scheme which have been designed and planned to include them, precisely for their contribution to the landscape and amenity of the development overall.





With the exception of only three trees (T5, T14 and T15), the areas within which the trees stand have been successfully completed and landscaped, and are now no longer potentially subject to encroachment or possible damage as a result of construction operations or activity, since the relevant spaces are now available and accessible to new residents and/or their guests, visitors, or the wider public, for the informal recreational and amenity purposes for which they are intended.

The three trees which are still within, or which adjoin, parts of the site which remain in active construction are, as I saw on site, satisfactorily protected by robust enclosures of temporary protective fencing encompassing their root protection areas ('RPAs'), the fencing being constructed as specified in Section 6.2 of British Standard BS 5837: 2012, *Trees in relation to design, demolition and construction – Recommendations*. Examination of Google Earth images through time indicates that these protective measures, (and equivalent provisions to protect those trees and landscaped areas which are now completed), have been maintained throughout the course of the construction period since its commencement in 2017-18.

This all being so, it is hard to understand why the Local Planning Authority has only now considered it necessary to impose statutory protection on these trees by means of a TPO, when their retention, and future continuing landscape contribution, have already been secured and assured both through the planning of the development, and adherence to appropriate protective measures during construction. Whilst it might have been considered reasonable to seek to ensure the trees' protection as a precautionary measure at the outset of the planning process, and before commencement of any construction operations on site, it is difficult to identify what degree of public benefit is likely to be achieved by doing so now, so close to the completion of the development.

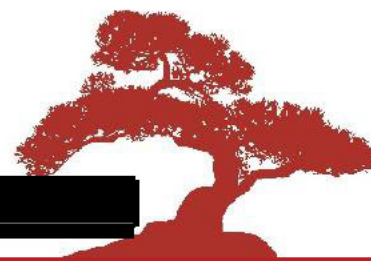
Government guidance<sup>1</sup> advises that *"Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future."* However, it then goes on to advise that *"Although some trees or woodlands may merit protection on amenity grounds, it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management."*

As noted above, the trees subject of the TPO are within areas of planned open space within the development, which will be subject to future maintenance and management by an appropriate responsible management company. They will therefore not be within the ownership or control of individual owner/occupiers within the development. Given that they (with the specific exceptions detailed below) make a generally positive contribution to the setting and appearance of the development and are likely to be valued by residents for that reason, there are no grounds for believing that those entrusted with their future management will not undertake this responsibly, with due regard to good arboricultural advice and practice. This consideration further diminishes any claimed basis on the Local Planning Authority's part of 'expediency' for the making of the TPO at this juncture.

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<sup>1</sup> <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>





The Council's stated reason for the making of the TPO is weakly expressed, stating merely that *"The Council has made the Order on the grounds that the trees are worth preserving [for] their current or potential visual amenity and historic significance."* It does not identify, or allude to, any perceived change in circumstances or increased evidence of any threat to the trees' well-being, which might provide a justification for the Order's making at this stage in the process of the surrounding development of the site, which is well advanced and largely completed, with the trees satisfactorily retained and protected. In the absence of any such additional justification, the imposition of the TPO appears to a large extent superfluous, conferring no significant level of additional public benefit.

I am aware that the Council has recently contended, in its third reason for refusal of TWC/2021/0110 for the retention of landscaped mounding in the south-western section of the site, that pooling of surface water run-off from the mounding around the bases of trees T1 and T5 will cause them harm, and it is possible that this concern may, at least in part, underlie the making of the TPO. However, examination of the site and relative levels of the mounding and the trees' locations makes it clear that this concern is ill-founded, as is argued in more detail in my clients' appeal against that refusal; and even if there were good grounds for supposing that the mounding might result in injurious effects on these particular two trees, this would not constitute a valid basis for making a TPO on all the others.

For these reasons, we consider the making of this TPO is not justified, when considered in the light of relevant Government guidance, as no clear basis of expediency underpins or supports its imposition.

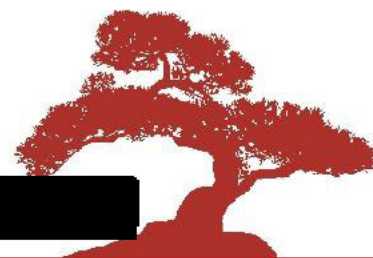
## 2. Specific objections

Government guidance states that Local Planning Authorities are advised to undertake assessments of trees in a structured and consistent way, taking into account the key criteria of their visibility by the public, and their individual, collective and wider impact. The guidance also makes it clear that the public visibility is not, of itself, sufficient to warrant a TPO; the authority should assess a tree's particular importance by reference to its size and form, and future potential as an amenity, taking into account special factors such as rarity, cultural or historic value, contribution to and relationship with the landscape, and contribution to the character or appearance of a Conservation Area. The significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.

There is no evidence that in selecting the trees for inclusion within the TPO, the Council has undertaken such an assessment of the trees in this case, or that it has recently inspected them. Instead, it appears to have relied purely upon the trees' retention categories as assigned in an earlier pre-development tree survey undertaken by FPCR Environment & Design Ltd. in June 2013, seven years ago, without regard to any changes in their condition which may have occurred since.

On the basis of my recent inspection, I consider the following five trees to be wholly unsuitable for inclusion within the TPO, for the reasons stated in each case. Further details of the inspection findings are set out in the schedule which is attached at **Appendix 1** to this letter.





**T1 English Oak:** In hazardous condition, due to extensive main trunk tear-out wounding and decay, and advanced decay and hollowing of main upper stem; extensive branch and wound decay cavities, and large diameter dead branches. Liable to major collapse or failure within near future; not capable of safe retention.

**T4 English Oak:** Structurally very poor, due to major tear-out wound down main trunk with extensive internal heartwood decay, dead upper stem and split and broken branches. Structurally compromised and not capable of safe retention in the long term.

**T7 English Oak.** Extensive storm damage and major branch losses and breakages, creating large gaps in crown and significantly impaired appearance; sparse crown with foliage confined to distal branch ends only. Impaired by past damage and of reduced future potential.

**T8 English Oak.** Extensive crown dieback, with 90% of crown dead and live foliage only on small branch and trunk epicormics. Established infection of *Ganoderma resinaceum*. Tree moribund.

**T15 Sycamore.** Main ascending stem split to over half its diameter at 9m, liable to breakage or collapse; extensive dieback of upper crown, with bark loss over many stems and branches, and little evidence of live growth at date of inspection. Structurally compromised and not capable of safe retention in the long term.

In addition to the above five trees whose defects in our view render them unsuitable for TPO protection, I consider that the following four trees to varying degrees exhibit deficiencies of structure, physiological health or form, such that they fall short of clearly satisfying the relevant criteria set out in Government guidance for inclusion. These are summarised below, as follows:

**T5 English Oak:** Exhibits general and long-established crown retrenchment, with extensive deadwood of up to 150mm diameter; of impaired visual appearance and merit.

**T10 English Oak:** Two extensive areas of former fire damage between buttresses at base, with exposed heartwood, limited occlusion and incipient decay; of reduced future potential.

**T11 English Oak:** Previous main stem failure at main trunk fork, leaving large tear-out wound and lop-sided and unbalanced form; more recent large branch failure at 5m, leaving long tear-out wound; sparser than average foliar growth; of reduced visual merit and potential.

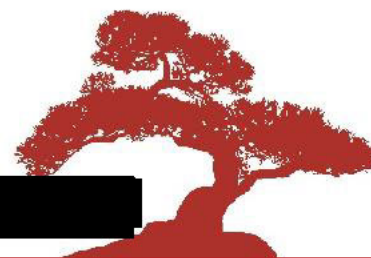
**T14 English Oak:** Large area of bark loss from former fire damage or lightning strike, with exposed heartwood and associated fungal infection. Large long broken and lopped branch stubs, deadwood and sparse branch ends; of doubtful potential due to effects of past damage.

Of the fifteen trees included within the TPO as made, therefore, in my view five are demonstrably unsuitable for inclusion, and a further four are dubious or questionable, in the light of their observed deficiencies.

### 3. Appropriate survey/re-inspection

Without prejudice to our objection in principle to the TPO as set out under (1) above, in a spirit of co-operation and in an effort to achieve consensus with the Council on the matter, my clients have authorised



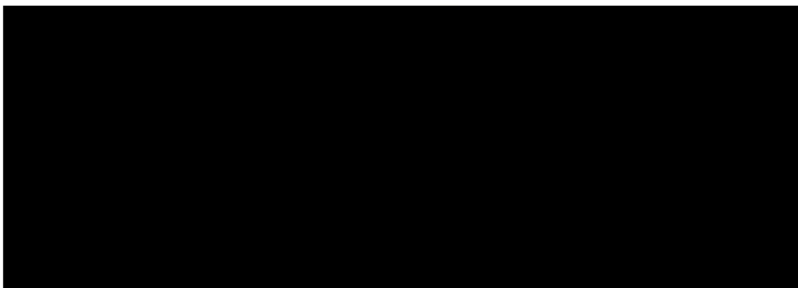


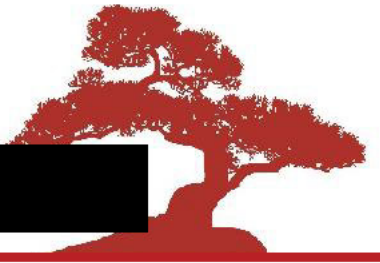
me to engage in a dialogue and/or a site meeting with your Tree Officer, if agreeable, in order to review each of the trees in detail on site. This would be with a view to reaching agreement between us as to their suitability or unsuitability for inclusion in an Order, should the Council decide that the imposition and/or confirmation of the TPO is warranted, notwithstanding the view we have argued above as to the lack of any need for one in the specific circumstances of this case.

For the reasons set out above, therefore, I submit that the Council should not confirm this TPO, in the absence of any need for it to ensure the long-term protection of the subject trees; or, alternatively, that it should not confirm it in respect of the specific trees which are identified as exhibiting defects of structure or health to an extent which renders them unsuitable or unsafe for long-term retention and protection. On behalf of my clients, I therefore formally request that it does not do so.

I trust this letter sets out our position clearly, but please do not hesitate to contact me if there are any further details or information you require which may be of further assistance.

Yours faithfully





## APPENDIX – Tree Schedule

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## Explanatory Notes for the Tree Schedule

**Site:- Haygate Fields, Land north of Haygate Road, Telford TF1 2DA**

This schedule is based on an inspection carried out by Mark Mackworth-Praed on Friday the 23<sup>rd</sup> April 2021. Weather conditions at the time were fine and dry. Deciduous trees were in partial leaf.

The information contained in this schedule reflects the condition of the trees as inspected on the date stated, comparing this with a survey undertaken by FPCR Environment & Design in June 2013. They were inspected from the ground only; they were not climbed and no internal investigations were undertaken. Photographs were taken of all the trees, with general views and detailed views of particular features or defects. Estimated dimensions are marked 'est.'

**1. TPO no.:** - The tree's number as designated in Tree Preservation Order 191 made by Telford and Wrekin Council.

**2. FPCR Dec 2013 survey no.:** - The tree's equivalent number as given in the 2013 FPCR survey.

**3. Species:** - Common names are used.

**4. Height:** - An approximate measure with the aid of a 'Disto' laser range finder, given in metres.

**5. Trunk diameter:** - Measured at 1.5m above ground level and expressed in millimetres.

**6. Average Radial Crown Spread:** - Average distance from the centre of the trunk to edge of canopy; taken as an average of measurements or estimates in four cardinal directions.

**7. Life Stage:** - Young; Semi-mature; Mature; Veteran.

**8. Physiology:** - Health and function of the tree in comparison to a normal specimen of its species and age: Average, Below average, Poor, Dead.

**9. Structure:** - The tree's structural condition based on assessment of visible roots, trunk and crown, noting the presence of any defects or decay: Good, Moderate, Poor, Hazardous.

**10. Landscape Value:** - Reflecting the tree's visibility and importance in the local landscape: High, Some, Low, None.

**11. Est Years:** - An estimate of the tree's likely remaining contribution in years: < 10, 10-20, 20-40, 40+.

**12. Comments:** - Notes relating to health and condition, structure and form, estimated life expectancy and importance.

**13. Category:** - A rating given to individual trees based on Table 1 in the British Standard, BS 5837 (2012) "*Trees in relation to design, demolition and construction - Recommendations*":

Category 'U' - Trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboriculture management.

Category 'A' - Trees of high quality and value; in such a condition as to be able to make a substantial contribution (Normally a minimum of 40 years).

Category 'B' - Trees of moderate quality and value; those in such a condition as to make a significant contribution (Normally a minimum of 20 years).

Category 'C' - Trees of low quality and value; currently in adequate condition to remain until new planting could be established (Normally a minimum of 10 years), or young trees with a stem diameter below 150mm.

Site: Land north of Haygate Road, Telford

Date of inspection: Friday 23<sup>rd</sup> April 2021  
 Weather conditions: Fine and dry

Surveyed by: Mark Mackworth-Praed

TPO No.	FPCR Dec 2013 survey no.	Species	Height	Trunk Diameter @ 1.5m	Average Radial Crown Spread	Life Stage	Physiology	Structure	Landscape Value	Est Years	Comments	Category
T1	3	English Oak	15m	1565mm	6m	Veteran	Average	Hazardous	High	< 10	Single trunked specimen, exhibiting major structural defects, with significant progressive decay within main trunk due to tear-out wound at crown break on N side, down to 1.5m above ground level; visibly hollow main stem and lateral large stub above crown break; extensive branch and wound cavities, and cavities at branch ends at former lopping points; large dead branches and major and minor dead wood throughout crown. Flushing out over 95% of remaining live canopy at date of inspection, no evidence of recent further physiological decline. Structurally hazardous and liable to major collapse or failure.	U
T2	6	English Oak	19m	1365mm	9.5m	Mature	Average	Good	High	40+	Single trunk, with swollen burls and dense lower epicormic growth. Moderate storm damage including large broken branches 7m NW side and 8m NE side; cavity 1m above main fork on NW side; branch cavities at former pruning wounds, minor to moderate dead wood and branch stubs. Only just starting to flush at date of inspection, but no obvious evidence of decline or dieback.	A
T3	7	English Oak	17.5 m	1325mm	10m	Mature	Average	Moderate	High	40+	Single trunk, with large occluded and non-occluded pruning wounds below crown break on W side; lower branches lopped on S and E sides. Dead wood in mid-crown, 2 dead branches to 120mm diameter at 8m. <i>Ganoderma</i> fungal brackets on E side of base at 300mm above ground, up to c.200mm across, but no external signs of significant decay at present. Crown almost fully flushed at date of inspection, no obvious dieback or decline.	B



TPO No.	FPCR Dec 2013 survey no.	Species	Height	Trunk Diameter @ 1.5m	Average Radial Crown Spread	Life Stage	Physiology	Structure	Landscape Value	Est Years	Comments	Category
T4	6	English Oak	11.5 m	960mm	7m	Mature	Average	Poor	Some	10-20	Single trunk, with major wound damage on E side from crown break down to 3m from former tear-out, and visible extensive heartwood decay within. Dead upper stem at 10m; split and broken branches, cavities in lopped branch ends on W side. Flushing to branch tips over 90% of crown at date of inspection; slight indications of dieback. Structurally compromised and not of long-term potential.	C
T5	9	English Oak	14m	1115mm	8.25m	Mature	Below average	Moderate	High	20-40	Single trunk, with dense and long-established lower trunk epicormic growth. General crown retrenchment, with major and minor deadwood to c.150mm diameter, but not all recent; some signs of more recent decline on branch tips mainly on W side. Pruning wounds and areas of torn bark. Flushing over c.80% of crown at date of inspection, but somewhat sparse foliar canopy overall.	B
T6	10	English Oak	21m	1265mm	11m	Mature	Average	Good	High	40+	Single trunk, dividing at 5m to two main ascending stems. Clusters of established root suckers partially encircling base; deep trunk cleft on SW side but sound. Flushing to branch tips over c.95% of crown at date of inspection; minor deadwood in inner crown to c.100mm diameter, but no obvious signs of decline or dieback.	A
T7	15	English Oak	22m	1390mm	10m	Mature	Below average	Impaired	High	10-20	Single trunk, with very pronounced basal flare and deep clefts indicative of reaction to infection by <i>Pseudoinonotus dryadeus</i> , but no brackets present at date of inspection. Extensive storm damage and branch losses/breakages, especially in mid-crown on S and W sides, creating significant gaps in canopy. Sparser than average foliar canopy, with foliar flushing noticeably confined to distal branch ends only. Significantly impaired appearance by past damage, and of reduced potential.	C
T8	17	English Oak	14m	880mm	8m	Mature	Low	Poor	Some	< 10	Single trunk, with three outcrops of <i>Ganoderma resinaceum</i> fruiting bodies on S side of base in trunk cleft, 200-300mm in width. Massive crown dieback, with 90% of crown dead and live foliage on only small branch epicormic growth and trunk epicormics. Of little potential.	U

TPO No.	FPCR Dec 2013 survey no.	Species	Height	Trunk Diameter @ 1.5m	Average Radial Crown Spread	Life Stage	Physiology	Structure	Landscape Value	Est Years	Comments	Category
T9	18	English Oak	9.5m	345mm	4m	Semi-mature	Average	Moderate	Low	40+	Younger tree, main single trunk with subsidiary stems from ground level on NW and NE sides, mutually competing with main canopy. No obvious defects noted; of some potential, but currently not of great value due to small size.	C
T10	19	English Oak	15m	1130mm	6.5m	Mature	Average	Good	High	20-40	Single trunk, with two extensive areas of former fire damage between buttresses on S and W sides to c.600mm from ground level, with exposed heartwood, limited occlusion and incipient decay. Dead stem in upper crown, but otherwise fully flushing over canopy at date of inspection. Impaired by past damage and hence of reduced potential.	B
T11	20	English Oak	13m	1000mm	6m	Mature	Below average	Impaired	Some	20-40	Single trunk, forked at 2m but stem to NE has previously failed leaving torn stub and large exposed wound. Large branch failure on S side at 5m leaving long tear-out wound and fallen branch resting on ground. Dense lower trunk epicormic growth. Sparser than average foliar flushing at date of inspection, c.75-80% of crown only. Of unbalanced and lop-sided appearance due to past failures, and not of great merit.	C
T12	27	English Oak	17m	950mm est.	7.5m	Mature	Average	Moderate	High	40+	Single kinked trunk, dividing at 5m, with dense epicormic growth. Large tear-out wound at 6-7m N side, some deadwood and one broken hung-up branch. Previously lopped/high pollarded at c.12m with established and profuse regrown branches from former lopping points. Of moderate quality.	B
T13	26	English Oak	14.5 m	675mm	7m	Semi-mature	Average	Good	Some	20-40	Single trunk, growing close to new side garden boundary fence, crown overhanging adjacent garden. Some slightly sparse branch tips, some deadwood and branch loss wounds. Noticeably sparser on W side of crown, but no major defects observed.	B

TPO No.	FPCR Dec 2013 survey no.	Species	Height	Trunk Diameter @ 1.5m	Average Radial Crown Spread	Life Stage	Physiology	Structure	Landscape Value	Est Years	Comments	Category
T14	23	English Oak	22m	1800mm est.	10m est.	Veteran	Below average	Impaired	Some	10-20	Single trunk, large area of bark loss from ground level to 2m from former fire damage or possible lightning strike NE side, with exposed heartwood and growth of <i>Ganoderma</i> brackets above, also noted on W side in 2013 survey. Large long broken and lopped branch stubs in lower and mid-crown, deadwood and sparse branch ends, especially on SE side. Of doubtful potential due to past damage and evidence of subsequent fungal infection.	C
T15	24	Sycamore	16m	1030 est.	8m est.	Mature	Low	Poor	Some	< 10	Single trunk, dividing to ascending stems from 3m. One main ascending stem shows major split through to over half its diameter at c.9m, liable to breakage or failure. Extensive dieback in upper crown, with bark loss from many stems and upper branches and little evidence of live growth at date of inspection. In poor condition, and of limited or little potential.	U

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14<sup>th</sup> of May 2018.

Image shows construction activity within the rpa of T1. Please note, no fencing on the northern side of the tree. Resulting in the car park being constructed within the trees root protection area.



**October 2018.**  
**Image shows T1, with sales centre and car park.**



**10<sup>th</sup> of June 2021**

**T15 Sycamore. According to the tree protection plan. The fencing should have been set out at 12.2 metres from the trunk.**



**10<sup>th</sup> of June 2021**

**T14 English Oak. Image shows encroachment into the rpa of the tree, a raise in soil levels & building materials stored within the rpa.**

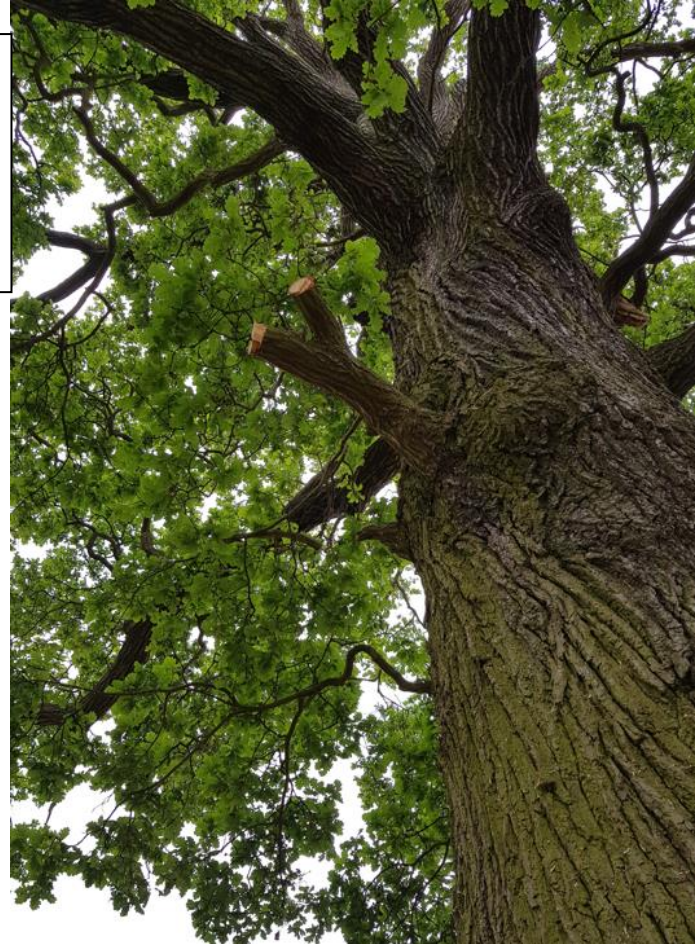




10<sup>th</sup> of June 2021

T7 English Oak.

Image showing the pruning which has been undertaken.



10<sup>th</sup> of June 2021

Images show pruning undertaken on T8, T10 & T11





**11<sup>th</sup> of August 2021**  
**Image on the left showing T7 and construction activity within the rpa.**  
**Image on the right showing T11 and construction activity within the rpa.**



11<sup>th</sup> of August 2021, T8



11<sup>th</sup> of August 2021, T11



11<sup>th</sup> of August 2021, Images showing construction vehicles within the designated rpa.



11<sup>th</sup> of August 2021

Image showing T7, with excavator underneath the canopy.





[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

envmaintcs@telford.gov.uk

/TelfordWrekin

/TelfordWrekin

01952 384384

Date: 11/08/2021

Our Ref:TPO191.

Your Ref: TPO191

Dear [REDACTED],

Thank you for your letter of objection dated the 14<sup>h</sup> of May 2021, on behalf of your clients, [REDACTED].

**1. Non-expediency of the TPO**

Having been involved with the application since 2013. I am sorry to disagree, but the tree related conditions on the application have been continually breached over the course of the development. I do not agree that the trees are no longer potentially subject to any encroachment or possible damage as a result of construction operations or activity.

The appended photographs were taken today the 11<sup>th</sup> of August 2021. They show an excavator, a dumper truck and roller have continually tracked across the root protection areas of T7, 8, 9 &10. This is a breach of Condition 3 which was imposed upon TWC/2017/0643.

**3. Prior to the commencement of any works within the RPA of a retained tree or hedgerow, an Arboricultural Method Statement covering all affected trees and hedgerows shall have been submitted to and agreed in writing by the local planning authority. The statement shall include details of any tree works required, tree protection measures, construction activities to be carried out within the root protection areas and soil remedial measures should they be required. The development shall be carried out in accordance with the approved statement and its implementation shall be overseen by an Arboricultural Clerk of Works who will supervise the development.**

**Reason: To ensure the protection and retention of mature trees on site in the interests of visual amenity**

I also do not agree that the trees under good arboricultural or silvicultural management, with the unauthorised work that has been undertaken on T7, 8, 9 &10, which can be seen in the appended photographs.

## 2. Specific Objections

With exception of T15. All of the trees that are subject to the order appear on the 1882 Historic Map of the Wellington area.

FPCR undertook a further Arboricultural Assessment in July 2017. Multiple site visits have been made over the course of the development.

### **T1 English Oak.**

Unfortunately, this tree has suffered over the past few years. The main access into the site was positioned on its north eastern boundary, close to its 'capped root protection area'. This caused the soil levels to rise within its root protection by around two and half metres. The rise in levels starts at approximately 6 metres from the trunk of the tree. A photograph of this can be seen in the appended images.

Further to this, the site Sales Office and car park were located to the north west of the tree at the time this was constructed, there was no tree protection fencing in place. The car park encroached by around two and half metres in to its defined root protection area of 15metres. The tarmac surface of which still resides beneath the earth mound.

The tree displays a number of characteristics to be defined as a veteran and I see no reason why it could not be retained within the landscape following remedial tree surgery or being incorporated into a Veteran tree management plan.

### **T4 English Oak.**

The tree is host to a number of identifying features of a Veteran tree. It would also benefit from proactive maintenance which we would encourage. To reduce its canopy and the longer lever arch branches to the south and north, in an aid to retain it in the landscape and lessen the chance of branch failure.

### **T7 English Oak.**

The branches which you refer to within the canopy of the tree were removed without authorisation or prior notification to the Local Authority. They were removed between your site visit on the 23<sup>rd</sup> of April and a subsequent site visit by myself and a Planning Enforcement colleague on the 10<sup>th</sup> of June.

The tree has also been subjected to recent encroachment and possible damage from the construction activities within its root protection area. Photographs of which can be seen as the appended images.

I believe the tree would benefit from an all over crown reduction by a competent tree surgeon, as well as air spading to aerate and remedy any compaction caused by the repeated tracking over its rooting environment.

### **T8 English Oak.**

This tree was obviously late to floush as it has come into full leaf since the time of your site visit.

This tree was also part of the recent pruning operations by the grounds contractor, who undertook a complete crown reduction & removed the lower branches. They also removed the *Ganoderma resinaceum* bracket and left it at the base of the trunk.

This tree was also part of the group in which the recent construction activity has taken place. Photographs of which can be seen as the appended images.



**T15 Sycamore.**

This tree has since been removed.

**T5 English Oak.**

The tree is exhibiting features which I consider to be normal for the species and a tree of its size and age. The road and the encircling of its root protection area by the soil bund are not going to have helped as this has resulted in water pooling within its root protection at the base of the mound.

I also hope that the secondary canopy that it has formed, along with retrenchment pruning will see it as an asset of the landscape and street scene for many years to come.

**T10 English Oak.**

The fire damage at the base of the tree is occluding and over time will fully heal. Although the recent crown lifting that it has undergone may not have helped, as well as the construction activity within its rooting environment. Photographs of which can be seen as the appended images

**T11 English Oak.**

Again, I believe your site visit may have come too early of this tree. It has since come into full leaf.

It was also subjected to the recent tree surgery and construction activity. Photographs of which can be seen as the appended images

**3. Appropriate survey/ re-inspection.**

Given the actions and events that have taken place over the course of the past couple of months. I would say that it is wholly appropriate that all of the trees, with the exception of T15, are protected by virtue of a Tree Preservation Order.

It is clear from the pruning operation that was undertaken between the months of April and June, following the provisional TPO being made. That these trees are not under good arboricultural management.

Furthermore, today's events have proved, that even though development may have finished in certain areas of the site, these trees are still open to damage and construction activity by the contractors, who do not have the conditioned Tree Protection Plan within the site office and are not adhering to the relevant planning conditions.

I would be more than happy to meet with yourself on site to discuss a future works program and possibly a Veteran Tree Management Plan to ensure that the trees continue to bring amenity to the landscape and the people of Wellington.

Yours sincerely,

  
Tree & Woodland Officer

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