



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
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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.

Appendix B 3 - 4



Jayne Clarke
Senior Democracy Officer (Democracy)
Telford & Wrekin Council
By email: jayne.clarke@telford.gov.uk

Tuesday 24th August 2021

Dear Ms Clarke

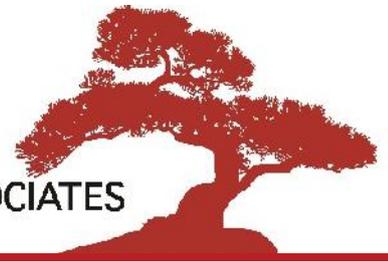
Town & Country Planning Act 1990
Town & Country Planning (Tree Preservation) (England) Regulations 2012
Borough of Telford & Wrekin (Trees on land north of Haygate Road, Wellington, Telford) Tree
Preservation Order 2021

Thank you for your letter of the 19th August 2021, informing us that the above Tree Preservation Order is to be reported to the Council's Planning Committee on Wednesday 25th August. Thank you also for kindly agreeing an extension of time to permit this additional representation on this matter, owing to my only having received your letter on return from annual leave.

On my clients' behalf, I believe that the following brief comments on the contents of the Arboricultural Officer's response to our objection to the TPO may be of assistance to Members, and, I hope, may perhaps correct any wrong impressions as to my clients' actions with regard to the trees affected by the TPO, which might unfortunately be inferred from some specific comments within that response.

I note that the recommendation before Members is to confirm the TPO without modification. However, as is noted in the Arboricultural Officer's response, tree T15 within the TPO, a Sycamore, has been removed since the making of the provisional Order. It is not suggested by the Arboricultural Officer that the tree's removal was in any way unauthorized, and it is thus reasonable to suppose that its removal was permitted on the basis of its poor condition. It would clearly be inappropriate to confirm a TPO in respect of a tree which no longer exists, so if Members are indeed minded to confirm the TPO, this should be with the modification that T15 be deleted from the Order.

The Arboricultural Officer refers to "unauthorized works" having been undertaken to trees within the TPO, specifically trees T7, T8, T9 and T10, and illustrates these with some of the photographs within his photographic appendix. Comparing these with photographs taken during my site inspection in April, it seems clear that the works undertaken mainly comprised only the removal of dead branches, dead branch ends, and broken or fallen branches, works which do not require the Council's prior consent, nor indeed any prior notification to the Council, as set out in Regulation 14(b) of the 2012 TPO Regulations.



The only works additional to this which appear to have been carried out comprise the removal of epicormic growth (sometimes called sucker growth) from the lower trunks of the trees concerned, an operation which is routinely undertaken on many trees as part of their normal arboricultural maintenance, and which is neither physiologically nor aesthetically damaging.

Whilst in a strict technical sense requiring prior consent, in my experience the removal of epicormic growth from trees' lower trunks is regarded by many Councils as so trivial and routine an operation as either not to warrant it, or to be made the subject of an ongoing consent, allowing the operation to be repeated at regular intervals indefinitely.

I note that the Arboricultural Officer does not purport to claim that the works undertaken have materially damaged or impaired the trees concerned, but it is unfortunate that his comments create the impression of deliberate wrongdoing or unacceptable works on my clients' part, when in reality neither have occurred.

From the Arboricultural Officer's response and photographs, I have to accept that the construction of a pathway and other landscaping works within the vicinity of these trees were not undertaken in full compliance with relevant conditions on my clients' planning permission, and this is of course to be regretted. However, as the Arboricultural Officer acknowledges, any potentially injurious soil compaction which may have resulted from the passage of construction plant or machinery within the trees' root protection areas (RPAs) can be addressed by a programme of soil aeration, and thereby remediated or very substantially mitigated. My clients are both willing and fully prepared to undertake this, according to a programme to be agreed with the Arboricultural Officer and to his satisfaction, in order to address these concerns.

Finally, the Arboricultural Officer comments that trees T1 and T5 have been affected, historically, by intrusion or build-up of soil within their RPAs. However, to the extent that it may have occurred, this appears to be a consequence of the juxtaposition or proximity of the approved main site access roadway to these trees, which could readily have been anticipated during consideration of my clients' original planning application, and addressed at that point if it had been considered appropriate to do so.

In summary, for the reasons given in our original objection and in this letter, Members are respectfully requested either not to confirm this TPO, or to only confirm it in respect of those trees considered as fully satisfying the criteria for long-term protection, which are set out in the relevant central government guidance.

Yours sincerely

Mark Mackworth-Praed | Senior Arboricultural Consultant
BA (Cantab), MSc, MEWI, MICFor, FArborA, RCArborA