

Memorandum



To: Andy Wigley
Copy to:
From: Dougald Purce
Date: 6th April 2022
Subject: Tree Preservation Order

My ref: SC/00478/21
Your ref:

Tree Preservation Order for which one representation has been received. Proposed for confirmation without modification.

Shropshire Council (Land at Sandfield, Radbrook Road, Shrewsbury) Tree Preservation Order 2021

- 1.1 This Tree Preservation Order (TPO) was created on 22nd October 2021. The reason for making the TPO was to preserve the visual amenity and character of the area by protecting these trees that make a significant contribution to these attributes.
- 1.2 One representation has been received during the consultation period one from the plot owner objecting to the Tree Preservation Order.
 - 1.2.1 **Summary of the objection**

The owners of the site Mrs G. and Mrs C. Membury have commissioned an agent Mr Krassowski of Walsingham Planning to make representation in relation to the TPO. This takes the form of an objection based on the planning agent's interpretation of a tree report (The report) submitted in a separate planning application for the site (Ref. 22/00631/FUL). The objection did not include a copy of the report and did not indicate where a copy might be found, it was only because the Tree Team had been consulted on application 22/00631/FUL that they were able to access a copy of the report.
 - 1.2.2 The objection focused on a number of wounds on the tree that result from damage caused primarily by horses gnawing at the tree's bark. The planning agent's interpretation of the report concludes that: *"The disease and decay to the tree is likely to affect its life expectancy, and it is considered that there is a potential for the tree to fall in high winds. As a consequence, it maybe that the tree needs to be felled for safety reasons in the short -medium term to minimize the risk to human life"*.

1.2.3 **SC response**

A tree report was drafted by Sylvan Resources Ltd (dated 17/11/2021) on behalf of Mr S. Bourne of the Muller Property Group in support of planning application 22/00631/FUL, this report appears to be the report referred to by Mr Krassowski in the objection. It is noted that The Muller Property Group are also using Walsingham Planning as their agents at this site. In the light of the connection between the owners and the agents for the planning application it is difficult for the Council's Tree Team to separate this objection from the objector's interest in planning application 22/00631/FUL.

- 1.2.4 The objection is founded on an interpretation of the findings of the report and for the following reasons the Council does not find the planning agents interpretation of the report to be accurate because their reasons put forward in the objection are not substantiated by the detail of the report:
- 1.2.5 The damage on the tree although visually dramatic has not been reported upon in any significant detail. In fact, the report recommends that further assessment might be helpful, leaving the observation in the report far from conclusive in respect to condemning the tree.
- 1.2.6 The nature and properties of oak trees are such that they have great potential to survive and compensate for quite drastic wounding which is why they are capable of achieving great age and ancient status, the significance of the wounds on this tree should be considered in the light of this.
- 1.2.7 It is within the power of the owners' / applicants to manage the site so that further horse damage or development stress does not affect or compromise this tree. In the light of the current planning application 22/00631/FUL it seems likely that the current damage vector (horses) will be removed negating the likelihood of repeated wounding. This coupled with the trees healthy crown function and potentially its inclusion in a sustainable development with appropriate ground amelioration mean that a well-designed development at this site could positively improve the trees situation aiding in its recovery. Such an occurrence would be entirely in keeping with local and national planning aspirations for develop that through good design seek to deliver sustainable development and biodiversity net gain.
- 1.2.8 It is not clear that the author of the Tree Report has arrived at their tree quality categorisation of 'C' systematically. BS5837:2012 follows a cascade approach to the assessment of quality. If the tree is not a category 'U' then the premiss is that it is a Category 'A' unless factors dictate that it is a category 'B' and so on. In this case the report clearly identifies the tree as having a life expectancy of 20+ years which along with the absence of any other evidence to the contrary clearly places this tree in category 'B', which is the conclusion that the Council Tree Officer reached on their site visit.
- 1.2.9 The plans for application 22/00631/FUL clearly identify the oak tree (Tree 59) for retention in the proposed development. In fact, rather than identifying the tree for removal in table 1, section 10.4 of the report discusses ways of working around the tree in order to retain it and reduce the impacts of development. From this the Tree Team consider that The Muller Group who commissioned the tree report did not consider the trees condition to be an issue and that its retention was desirable. In which case the use of a TPO to underpin the trees sustainable retention should not be a significant issue.

1.2.10 In the light of the above considerations there is clearly a case for the retention of this Tree and therefore for the TPO. But due to damage previously inflicted upon the tree it is undergoing a period of compensatory growth where it would be contrary to the interests of good tree management or sustainable development to encourage or perpetuate impacts that might exacerbate unfavourable conditions for the trees ongoing good condition. The Council considers that the use of a TPO to encourage good management and sustainable design is in the interests of perpetuating the contribution that this tree makes to the character and amenity of local the area.

2 **It is recommended** that *Shropshire Council (Land at Sandfield, Radbrook Road, Shrewsbury) Tree Preservation Order 2021* be confirmed without modification:

Dougald Purce

Tree and Woodland Amenity Protection Officer