

MINUTES

TREE PRESERVATION ORDER APPEALS PANEL

23 JANUARY 2020

Present:

Councillors: Mrs Bassadone (Chair)
R Sutton
C Wyatt-Lowe
Uttley

Officers: Philip Stanley Team Leader – Specialist Services (Planning)
Darren Hemmings Tree Officer
Anthea Powell Legal Officer

Charlie Webber Corporate & Democratic Support Officer
(Minutes)

Also present: Councillor Douris – Ashridge Ward
Mr and Mrs Buchanan-Barrow

The meeting was preceded by a site visit.

The meeting began at 10.45 am

1 MINUTES

There were no minutes from the previous meeting.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hearn.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

**4 TREE PRESERVATION ORDER 575 AT LAND OPP. LAUREL BANK,
NETTLEDEN ROAD, LITTLE GADDESSEN**

The Chair, Councillor Bassadone, introduced herself and the other Members of the Committee and the officers.

Councillor Bassadone invited Mr Buchanan-Barrow to speak.

Mr Buchanan-Barrow asked if anyone in the room was a Chartered Arboriculturalist.

It was confirmed that no-one in the room was a Chartered Arboriculturalist.

Tree Officer, Darren Hemmings, noted that he was not a Chartered Arboriculturalist but that he had a professional Arboriculture qualification and that he had over 10 years' experience.

Mr Buchanan-Barrow stated that to date there had been 2 planning applications and that pruning had been completed on T1 and T2 but not to T3. He said that he had not requested for T3 to be felled but wanted a "significant reduction", ideally by carrying out a coronet cut.

Darren Hemmings said that the application for T3 was for a heavy reduction by pollarding. He said that coronet cuts were usually used in the veteranisation of trees where it was cut with edges for wildlife to inhabit. He said that pollarding usually referred to the extent of reduction and that a coronet cut was generally more natural.

Mr Buchanan-Barrow stated that the tree leaning because of search for light was not correct. He said that the tree grows out of a steep bank and later becomes vertical. He said that inspections had been carried out above ground but that he had no information about whether the tree was healthy below ground. He said that there was a big tree in the area which had broken a bough which had fallen and broken a metal fence. He said that this would have killed someone. He said that this tree had been cut and now had buds. He raised root asphyxiation where too much water stops air getting to the roots of a tree. He said that from his research this can happen suddenly and that the tree can fail instantly. He said that the ground was hollow and saturated and that there was a gully that collects more water. He said that any leaning tree should be felled and gave the example of a tree at the end of Hudnall Lane where negotiations had taken place for it to be felled. He said that the area where T3 was is designated as a High Risk Zone 1 and that this refers to the position of a tree and the risk if it falls. He said that the tree is tagged so that the National Trust can keep an eye on it. He said that a neighbour and a tree surgeon had accepted the risk and were concerned. He said that the proposals of the National Trust were in agreement. He said that he had not seen a technical report or a risk assessment. He said that DBC used the term 'amenity value adding to their high visibility and stature' to describe the trees. He said that it had been agreed for 3 oak trees to be felled in Berkhamsted and that this was considered appropriate action in order to make space for a temporary car park. He said that his colleague Dan Graham had suggested taking T3 out and planting 3 trees on the opposite side. Mr Buchanan-Barrow said that oak trees' roots grow 18-inches into the ground.

Councillor Bassadone invited Darren Hemmings to ask any questions of the objector.

Darren Hemmings said that he had no questions to ask.

Councillor Bassadone invited the other Members of the Committee to ask any questions to the objector.

Members of the Committee confirmed that they had no questions to ask.

Councillor Bassadone invited Darren Hemmings to speak.

Darren Hemmings said that DBC had received 2 applications for 2 reductions to T1 and T2 and that works to T3 had been postponed. He said that the original application was for a 10% reduction but that no evidence had been submitted that the tree was a threat. He said that he had spoken to the National Trust about the inspection regime and that T3 had been inspected since 2007 and that inspections were currently on an annual basis. He added that inspections were completed based on the road and property rather than the condition of the tree itself. He said that there had been minimal deadwood in the crown and that this was usual for a tree of this type. He said that he had inspected the tree himself and found nothing which indicated it as a hazard. He added that if the area was waterlogged you would be able to see the effects of this in the canopy of the tree. He said that there had been nothing from his or the National Trust's inspections and that the works specified were more to do with correspondence with residents rather than the condition of the tree. He said that DBC did not have any concerns about the road or property. He said that the National Trust had also confirmed this and would continue to follow their annual inspection regime. He added that the National Trust had said that the road was being downgraded in status which would change the inspection regime to a 2-year cycle but that they were happy to continue the annual inspection. He said that the trees were within the Little Gaddesden Conservation Area and the Chilterns AONB and noted amenity value and public perception. He said that all 3 trees had a presence on the roadside. He said that there were no underlying reasons for a hazard and that this was why the TPO had been served. He said that this included a visual tree assessment, looking at any above-ground issues and looking for anything that could compromise the structural integrity of the tree. He said that he did look at the ground for cracks and found no evidence of structural issues.

Mr Buchanan-Barrow asked if a professional risk assessment had been completed. He said that if an inspection was only carried out once a year then for the other 364 days of the year the tree was a risk.

Darren Hemmings said that the schedule for inspecting trees on Highways was every 5 years and that the tree being inspected annually was far above these requirements and that this was the National Trust's policy.

Mr Buchanan-Barrow said that completing a risk assessment was a desk-top exercise and that one had not been done.

Darren Hemmings said that regarding risk assessments, in his opinion, there were 2 different aspects, the target and the condition of the tree. He said that, for example, the target could be a road or property. He said that the National Trust's inspection regime was based on risk and that it reflected the target and therefore as such they were doing their own desk-top survey. He added that the National Trust were looking to downgrade their inspection regime of T3 to every 2 years.

Mr Buchanan-Barrow asked what level of risk was being put against insurers.

Darren Hemmings said that this was down to the National Trust as they owned the land.

Mr Buchanan-Barrow referred to correspondence from Dan Graham and said that if DBC restricted the National Trust then liability was with DBC.

Darren Hemmings said that the National Trust agreed that there was no risk.

Mr Buchanan-Barrow said that the National Trust wanted a heavy reduction to T3.

Darren Hemmings said that the National Trust were happy with the condition of T3 and had no concerns. He stated that DBC would not take action when the National Trust had no concerns.

Philip Stanley referred to page 15 of the Agenda relating to comments from the landowner: The National Trust. He added that confirming the Tree Preservation Order (TPO) did not say that no work could ever be done to the tree but that an application had to be made for works to be carried out.

Mrs Buchanan-Barrow stated that it was hard to assess the tree due to the laurel growing around the base of it.

Mr Buchanan-Barrow added that there were also nettles as well.

Darren Hemmings agreed that this could make assessment difficult but that a strimming regime could be completed to help aid assessment.

Mrs Buchanan-Barrow asked whether the roots of laurel would affect the roots of an oak tree.

Darren Hemmings said that he believed the roots of laurel would serve to further stabilise the bank. He said that that an oak tree's root system was extensive and that laurel would not be able to damage the oak system.

Councillor Bassadone invited the other Members of the Committee to ask any questions to the officer.

Councillor Wyatt-Lowe asked whether the officer believed that leaning trees should be felled.

Darren Hemmings said no, he did not necessarily believe that leaning trees should be felled. He said that the National Trust did remove trees which were a concern but that these particular trees were not of concern.

Councillor Wyatt-Lowe asked why work to T3 was postponed.

Darren Hemmings said that this was to do with pollarding and the cost to complete a job twice.

Councillor Wyatt-Lowe asked whether the objection to the TPO was concerning all 3 trees.

Darren Hemmings confirmed that it was just T3. He said that the original application was deemed for T1, T2 and T3.

Councillor Wyatt-Lowe asked for clarification. She said that if work were needed then an application had to be made. She said that even if there was a TPO then an application for works could be submitted.

Philip Stanley confirmed that this was correct.

Councillor Uttley asked what 'veteranising' trees meant.

Darren Hemmings said that when a tree was coming to the end of its life, veteranising it was reducing it using coronet cuts so that wildlife could still inhabit it.

Councillor Uttley said that if a tree was under a TPO and works were necessary how long this process would take.

Darren Hemmings said that works could take place immediately if necessary and then a retrospective application could be provided. He said the process could take 5 days, although this was not often, but it could take up to 6 weeks.

Philip Stanley added that dead and dangerous trees were immediate concerns. He said that most works were dealt with by TPO applications and clarified that the process could take up to 8 weeks for a decision to be made.

Councillor Uttley asked about root asphyxiation and whether you could tell this was happening by looking at the canopy even in winter.

Darren Hemmings said that you could still tell in winter from dead branches and no budding. He added that root asphyxiation was a long process.

Philip Stanley asked whether there was any evidence of root asphyxiation of T3 at present.

Darren Hemmings said that there was not.

Councillor Uttley asked about stags-heading.

Darren Hemmings said that this was when the full crown of an oak tree died back. He said that the main structural appearance of this was like a stag's horns.

Councillor R Sutton referred to the annual National Trust inspection of the tree and asked whether DBC also carried out inspections of this tree.

Darren Hemmings said that DBC did not inspect this tree as it was on National Trust land and they inspected it. He said that if the National Trust found a hazard then they would have to apply to carry out works. He said that the only way to protect the tree was with a TPO.

Councillor R Sutton asked about how common coronet cutting was.

Darren Hemmings said that natural target pruning was the most common. He said that coronet cutting was only used in veteranising trees at the end of their life.

Councillor Bassadone asked if there was a particular time of year for inspections to be carried out.

Darren Hemmings said that there was not but that it depended on what the inspector was looking for, for example, parasites or vitality. He said that the National Trust would base their inspections on this.

Councillor Bassadone said that the National Trust would come back with an application if further works needed to be done but asked whether they had permission for the 10% reduction.

Philip Stanley said that a condition of this permission for 10% reduction was that it had to be done within 2 years.

Darren Hemmings confirmed that it was still within the 2 years.

Councillor Bassadone asked when work had been completed to T1 and T2.

Darren Hemmings said that the application had been in January 2019 so he assumed that work had been completed between then and June 2019.

Councillor Bassadone invited the officer to sum up his case.

Darren Hemmings said that the application on T3 was a drastic reduction and from the evidence it was unwarranted. He said that there was no sound evidence on a tree that was clearly visible in a conservation area.

Councillor Bassadone invited the objectors to sum up their case.

Mr Buchanan-Barrow said that the National Trust was fully in agreement that the tree was at risk. He said that the tree was growing out of a bank. He said that trees normally lean higher up and not so low down as this tree was. He said that according to 3 Chartered Arboriculturalist websites trees failing could be sudden. He added that the ground would become destabilised when flooded. He also referred to his colleagues comments. He concluded that he was seeking a compromise position between the 10% allowed by the TCA and the significant reductions that were turned down by the Council through the serving of this TPO.

Resolved:

Confirmation of Tree Preservation Order 2019 (TPO 575)

This Order was confirmed by Dacorum Borough Council without modification on 23rd January 2020.

The Meeting ended at 11.46 am