

CAMplan

Emailed To: Mark Strawbridge:
Nigel Webb:

Your Ref: 081trees/08/2021
Our Reference: HPBC TPO 300/Objections

17/8/2021

HIGH PEAK BOROUGH COUNCIL Tree Preservation (Bowden Hall, Bowden Lane, Chapel en le Frith) Order 2021 No 300

Dear Mr Strawbridge

Thank you for your letter dated 3/8/2021 stating your grounds of objection to the proposed HPBC TPO No 300 and the suggested modifications to the Area Order.

1. Grounds of objection

1.1 The Beech tree (T4)

1.1.1 It is a poor specimen inspection suggests that the southern half of the tree should be removed. There is concern that removal of the tree would unbalance the structure of it and undermine its stability, increasing the risk of the tree falling on the listed building or onto the Public Right of Way (PROW). The retention of this tree in the TPO is objected to on the grounds of safety and that of its condition

1.1.2 It is in close proximity to the Coach House and roots have damaged the listed stone wall.

1.1.3 Structural Safety Assessment by Sine Aequalis report concludes that the tree poses a 'significant risk'

1.2 The Sycamore trees (T5, 6 and 7)

1.2.1 Structural Safety Assessment by Sine Aequalis report concludes '*There is significant risk to both listed fabric and human life should the original hall building be occupied during a significant storm event.*'

1.2.2 The trees are already causing damage to the listed building by virtue of clogging up the rainwater goods with leaf fall and corrosive excretions from insects etc. specific to sycamore trees.

1.2.3 Branch of (T5) overhanging the roof of the Coach House poses a risk of damage should it fail.

1.2.4 Risk of branches failing which overhang the Public Right of ways and Bowden Cottage land

- 1.2.5 The structural stability of the unretained bank may have been destabilised by the removal of the other 3 No. trees.
- 1.2.6 The trees are self-set Sycamores of negligible amenity value and there is not any public benefit from the trees' retention.

1.3 Risk to a listed building

- 1.3.1 The trees are potentially a risk to the building and the TPO and their retention is contrary to the LPAs duty to ensure that development does no harm to listed buildings

2. Response to objections

2.1 Beech T4

- 2.1.1 The tree has been some issues which have been identified assessed by Land Arb Solutions in May 2020 they recommend further investigations and suggest a pruning regime to limit the risk. I consider that this is a reasonable approach and I have indicated that these works could be dealt with by application. Given that the owner of the tree has been aware of this issue for 18 months and as far as I have been made aware no further investigations of the condition of the tree have been undertaken.
- 2.1.2 Damage to wall if the tree is contributory factor it quite possible that the wall this is reparable without the need to remove the tree.
- 2.1.3 An assessment of the conclusions of the Structural Safety Assessment by Sine Aequalis report is discussed below at section 2.2.1

2.2 The Sycamore trees (T5, 6 and 7)

Trees T6 and T7 are within the curtilage of Bowden Cottage and not within the you client's ownership, therefore works to these trees would require consent from the owner of the trees as well as the council should the TPO be confirmed.

- 2.2.1 The Structural Safety Assessment by Sine Aequalis submitted. This report reports to be a calculation-based risk study. I note the following
 - a. It was not undertaken by / or in consultation with a suitably qualified arboriculturist and it does not reference to the arboricultural survey undertaken on the site.
 - b. The report includes consideration of trees which it is not the intention to include in the modified TPO.
 - c. The source of the figures on which the 'calculation' are based are not referenced and appear to be very broad assumptions.

- d. It is not clear how these relate to the calculation of risk
- e. The term 'significant risk' is not defined and there is no reference to any of the risk assessment systems typically used in relation to trees
- f. Various terms are used which also are not referenced such as soil structural root zone (SRZ) and would normally be based on a calculation including the dimensions of the tree. None of these figures were presented.

The risks associated with trees are generally low (HSE)^{1 2} It is not possible to eliminate all risk in relation to the potential for trees to fail, but an assessment of the trees in this case based on the principles set out in the council's Tree Risk Management Good Practice Guide³ which is based upon Health & Safety Executive's Tolerability of Risk Framework and the principals of Quantified Tree Risk Assessment (QTRA) indicate that the risk is within a tolerable range with a probability of significant harm between 1/10,000 and 1/1,000,000. Within this range consideration should be given to managing them 'as low as reasonably practicable' (ALARP). The assessment of the trees in proximity to the Coach House T5 and T4 the beech discussed above suggest, subject to an aerial inspection for the beech tree, that the risk could be reduced with judicious and professional pruning.

- 2.2.2 The minor nuisances caused by the debris from the trees 'clogging up the rainwater goods' will have been reduced to some extent by the trees already removed. Also two further trees are to be excluded from the TPO and as such could also be removed. Also the single remaining sycamore could be pruned (in accordance with BS3998:2010) to rebalance the crown and reduce the overhang all this this will significantly reduce the foliage in the vicinity of the stable block.
- 2.2.3 As discussed above some rebalancing of the crown in accordance with BS3998:2010 to reduce the risk associated with the sycamore T5 would be acceptable subject to an application.
- 2.2.4 The trees with the most risk to Bowden Cottage are within the ownership of that property and as with trees discussed above any risk could be reduced to tolerable levels by judicious pruning. The same goes for any potential impact on the users of the PROW
- 2.2.5 There is a suggestion that the structural stability of the unretained bank may have been impacted on by the removal of trees which occurred before the TPO was made. The roots of vegetation can help to hold together soil,

¹ Management of the risk from falling trees or branches SIM 01/2007/05
https://www.hse.gov.uk/foi/internalops/sims/ag_food/010705.htm

² Nation Tree safety Group – Common sense risk management of trees
<https://www.forestresearch.gov.uk/documents/7075/FCMS024.pdf>

³ https://www.highpeak.gov.uk/media/118/Good-practice-guide-4---tree-risk-management/pdf/Tree_Strategy_-_Good_Practice_Guide_4_-_Risk_management_strategy_reviewed_2016.pdf?m=1481032357180

however it does not automatically follow that the removal of vegetation is destabilising. Any assessment would depend on a number of factors including the type of vegetation removed and /or retained. Whether the roots were left intact, the angle of the slope of the ground, the prevailing weather and the soil type.

- 2.2.6 I disagree that the trees are of negligible amenity. The amenity of the trees was assessed prior to making the TPO.

The trees are clearly a substantial part of the setting of this cluster of listed buildings and contribute towards their setting. Sycamore was typically planted in this area and in these locations and whilst some of the trees may have not been intentionally planted this does not necessarily detract from their amenity.

The hall is within the settled valley pastures landscape type as defined by the Landscape character assessment for Derbyshire and key characteristics include

*'groups of amenity trees are also found associated with settlement and particularly with dispersed farmsteads. Small remnants of ancient woodland persist and these contribute further to the wooded character.'*⁴

2.3 Risk to listed building

- 2.3.1 As set out in 2.2.1 above I do not consider that the risk associated with these trees has been correctly represented and that the risk can be managed with acceptable levels

2.4 New Planting

- 2.4.1 I note that there is an offer to plant 12 replacement trees at agreed locations as compensation for the removal of the trees from the TPO. The intention to plant replacement trees is welcomed but this should be formalised as part of the landscaping scheme required to discharge of condition 8 HPK/2007/0221 & 220. In the event that any trees covered by the Tree Preservation Order are granted consent to be removed the council can apply a condition that they are replaced.

3. Proposed way forward

- 3.1 If after considering my comments above you can decide to withdraw your objections and the TPO will be confirmed as per the suggested modification (as appended).

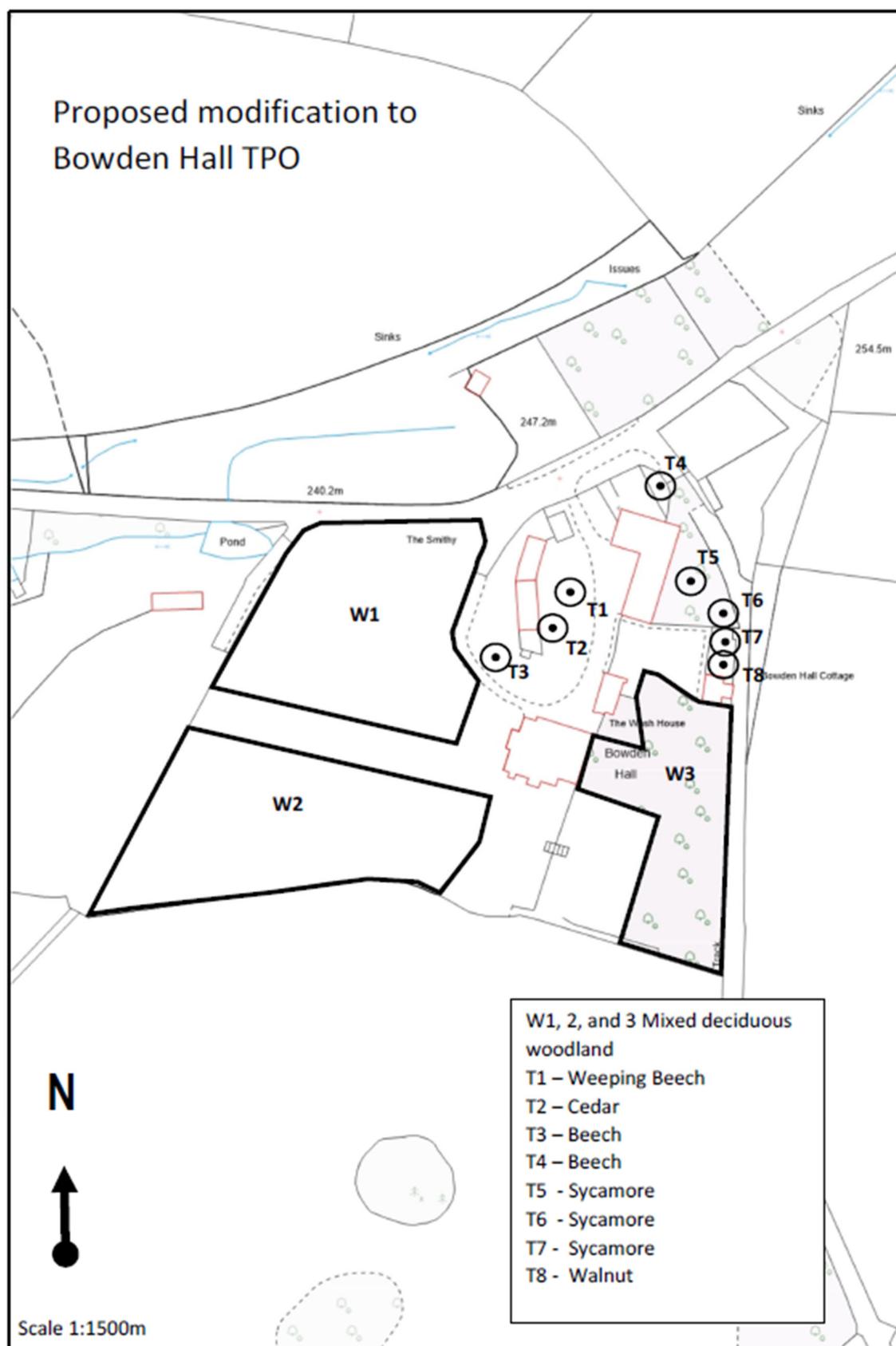
⁴ <https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/conservation/landscapecharacter/part-1.1-dark-peak.pdf>

- 3.2 If you decide you wish your objections remain the TPO will go to next suitable Planning Committee before 31/12/2021. As it stands my recommendation to planning committee would be that the TPO is confirmed as per the proposed modification. The committee can decide to agree to the recommendation but they may also decide to alter the modification to include additional trees or excluded trees.
- 3.3 In the meantime I recommend that you get an aerial inspection of the Beech (T5) undertaken to assess the condition of the branch identified in the Land Arb tree survey. The person undertaking the inspection should be competent arboriculturist qualified with at least a suitable QCF level 4 qualification such as an AA Technicians Certificate in Arboriculture or higher and ideally have undertaken the Lantra professional tree inspectors course. For use with a TPO application any report should be accompanied by photographs to illustrate the findings of the inspection. Any recommendations given as the result of this inspection would then need to be applied for via the application process.
- 3.4 You also have the option to make an application to prune / remove trees covered by the current order. Whilst it is unlikely that an application to fell or inappropriately prune any tree which is shown to be retained on the modified plan you would have the option if an application was refused to submit an appeal the Planning inspectorate.

Please contact me if you require any further clarification and to confirm your intentions with regards to the objections to the order and

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