



My Ref: **TPO HPBC305**

Carol-Anne Baker
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Emailed to: info@bridgelawsolicitors.co.uk

15th March 2023

Dear Carol-Anne Baker

Objection to High Peak Tree Preservation (2 Blenheim Close, Hadfield) Order No HPBC 305

Thank you for your letter dated 12th December 2022 objecting to the making of the above Tree Preservation Order (TPO)

I note that you have made several grounds for objection to the making of this TPO. I have given these due consideration and addressed each of these in turn below:

1. Was the TPO Correctly Served?

The TPO legislation requires the following:

“How does the local planning authority inform people that a Tree Preservation Order has been made?

The local authority must, as soon as practicable after making an Order and before it is confirmed, serve ‘persons interested in the land affected by the Order’ -

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#informing-people-that-a-tree-preservation-order-has-been-made>

The TPO was then served on 2 and 4 Blenheim Close as they are the only properties that would be affected the Order. 2 as the owner of the trees and 4 as the only likely neighbouring property that would have the right to prune overhanging branches.

A probate search was also carried out to find a suitable location to forward the TPO onto but no results were found.

The TPO was then hand delivered by Arboricultural Officer, Craig McCrindle on 14th November 2022 to 2 and 4 Blenheim Close, Hadfield and a further copy of the TPO notice attached to the lamppost immediately outside 2 Blenheim Close – see attached photos at Appendix 1.

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2. Do the Trees Meet Suitable Amenity Levels?

The council uses a scoring system based on the widely used TEMPO system of assessing trees for inclusion in a TPO. The scoring system gives points according to the trees' Visual Amenity, Suitability to Location, Condition, Remaining Longevity and a final section covering more cultural aspects (historical associations, conservation area, deliberate composition, botanical interest, etc).

The scoring for the two trees went as follows:

- Visual Amenity

Both trees scored 7 out of 10 in this section, fitting into the category description: "Relatively high visual amenity - Large trees, or medium trees clearly visible to the public". This is an accurate description of the trees and their appearance to the general public.

- Suitability to Location

The Cedar scored 8 out of 10 as it was deemed "Suitable", whilst the Birch scored 10 out of 10 as it was deemed "Very suitable and in context"

Both trees form part of the original planting scheme for the estate, with many other birch and large conifer species located throughout the estate – see attached photographs at Appendix 2 for reference, which also shows evidence of tree removals.

Given that the estate was designed to have these trees planted and grown in location they are therefore suitable to the appearance and setting of the estate.

- Condition

Both trees then scored 5 out of 5 for their condition. Neither tree is displaying poor structures or signs of poor health.

- Remaining Longevity

Both trees scored 3 out of 5 being judged as capable of being suitable for the location for the next 20-40 years. Both are likely to be capable of living beyond 40 years but the score has been restricted to this level as it is foreseeable that one or both the trees could outgrow their location in 20-40 years.

- Other/Exceptional Circumstances

Both trees scored an additional 2 points due to their being part of a deliberate composition.

The scoring system then provides the following decision matrix:

<20 – Not suitable for TPO
20-25 – Consider making an order
25+ – Apply TPO

The Cedar scored 25, whilst the Birch scored 27. Both trees have clearly demonstrated an excellent level of amenity and are therefore pass the amenity test making them worthy of protection with a TPO.

3. What is the Public Benefit of the Trees?

The public benefit of protecting the trees from removal comes from the benefits the trees provide to the area, the people who interact with them as well as the environment. Just some of the benefits of trees are summarised below:

The presence of trees and greenspace on people can:

- Increase attention, memory^{35 36}, reflection³⁷ and focus³⁸
- Reduce stress³⁹ or increased ability to recover from stress⁴⁰
- Increase life satisfaction⁴¹ and positive thoughts or emotions⁴²⁻⁴⁴
- Lower mortality rates from non-accidental deaths⁴⁵⁻⁴⁷
- Shorten recovery times in the hospital⁴⁸ and increased perception of health⁴⁹
- Increase physical activity⁵⁰
- Reduce diastolic blood pressure⁵¹

Children and students benefit from the presence of trees, which can:

- Reduce symptoms of attention deficit disorders^{52 53} and increase attention^{54 55}
- Increase in classroom engagement⁵⁶
- Improve test scores in reading and mathematics⁵⁷
- Improve the mood of teenagers and lower their emotions of depression, anger, and fatigue⁵⁸
- Increase self-discipline, impulse inhibition, and concentration in young girls⁵⁴
- Improve physical health⁵⁹

This phenomenon of trees reducing crime rate has been observed in numerous studies:

- Well-maintained trees are related to lower crime rates⁶⁴⁻⁶⁶
- A green view from a home can lower aggression and violence in that home⁶⁷
- Well-maintained trees are related to reduced property crimes and violent crimes⁶⁸

Trees encourage people to gather in common outdoor space, causing:

- Increased social capital^{69 70} and ultimately increased supervision of children⁷¹
- Increased sense of community and safety^{69 72 73}

Economic benefits of trees are also:

- Reducing stormwater runoff¹⁰⁻¹²
- Reducing air and water pollution¹³⁻¹⁷
- Reducing energy costs and use associated with heating and cooling¹³⁻¹⁷
- Reducing the urban heat island²²
- Reducing noise pollution²⁴
- Providing valuable carbon storage and sequestration^{25 26}
- Increase the sale price of a home³¹⁻³⁴
- Decrease the time a house is on the market³⁴

The reference numbers refer to the academic studies listed here:

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<https://chicagorti.org/tree-benefits/#references>

The UK government is also targeting the increase in tree cover at both urban and rural levels as part of its fight against the climate and biodiversity crises. As part of the aim of increasing tree cover the retention of suitable healthy trees plays an important role in the process. Further information can be found in the government's document England Trees Action Plan:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987432/england-trees-action-plan.pdf

4. Danger to property

The potential for a tree to cause a future nuisance is not a reason for the removal a tree, as it may never cause the anticipated nuisance. However if evidence is provided that the tree or trees are the cause of damage then the tree(s) removal will be considered as part of any future tree works application, as detailed in the tree works application process.

As already detailed the trees are currently in good health and structure (which has not been disputed in this objection), so their risk levels are currently at a low level. The TPO legislation does not expect people to live with dangerous trees and if evidence can be provided to show they are dangerous then they will be permitted to be removed.

5. TPOs impact on the house being sold

There is no reason why a TPO cannot be placed on a house undergoing a change of ownership, or that a potential future sale could be used to negate a TPO. The vast majority of TPOs are placed on trees located on private land, which will at some point or another undergo some form of change of ownership. Thousands of houses are sold each year with protected trees present on their property, with the protected trees not hindering the sale. Indeed studies show that the presence of trees can increase house prices and the speed of a sale.

6. Trees creating a screen across the house.

The vast majority of the screening of the house is actually caused by the other smaller trees and shrubs in the front garden (see attached photograph at Appendix 3), which are not protected by the TPO and could be removed as and when the house owner wished. Their removal would greatly open up views of the house. Additionally if a tree works application as made to remove the lower branches of the Cedar to allow further views of the house, it is likely that it would be given consent.

7. Branches overhanging Pavement.

Carrying out tree surgery to branches hindering the use of the pavement would be consider normal maintenance, not requiring the removal of the whole tree and would be given consent following a tree works application.

8. Affecting light to neighbouring properties

As no specific address has been named we can only assume this relates to number 4 Blenheim Close, which may receive some shade from the trees between approximately 10am to noon. This is not a significant deprivation of sunlight and it is

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not something that a tree owner has to manage their trees for. Similar levels of impact may be expected to the properties on the opposite side of the street.

Conclusions

Given the above considerations I will be recommending that the Tree Preservation Order is confirmed and made permanent.

What you can do now

You can withdraw your objection to the TPO and it will be confirmed or if the objection is not withdrawn the TPO will go to Development Control Committee to be decided.

If agree to you withdraw your objections by the **30th March 2023**, the TPO will be confirmed as its stands.

If the TPO goes before the committee they will be advised of the background to the making of the order, your objections and my reasons why I consider that, despite the objections, the TPO should be confirmed and made permanent. They can decide to either follow my recommendations or decide that the order should not be made permanent and allowed to lapse.

Yours sincerely

Craig McCrindle
Arboricultural Officer
Development Services

Email: Trees@highpeak.gov.uk

Photographs

Appendix 1 - Served TPO



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Appendix 2 – Similar trees in Estate





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Appendix 3 - Screening of House



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