



My Ref: **HPBCTPO305**

Owner/Occupier
4 Blenheim Close
Hadfield
Glossop
Derbyshire
SK13 1QY

Emailed to:

15th March 2023

Dear Owner/Occupier

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

Thank you for your letter dated 7th December 2022 objecting to the making of the above Tree Preservation Order (TPO) and I apologise that I have not been able to address this by name to you, but your name wasn't included on the letter that I received.

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. Lack of Expediency

The expediency for the TPO came about from concerns that quotes were being obtained for the trees' removal to facilitate any future sale of the property. This was confirmed by yourself in your conversation with Arboriculture Officer, Craig McCrindle.

Whilst you confirm that this is no longer something you are pursuing, the solicitor who is handling the sale of the house is now using rhetoric in their objection to the TPO that suggests they would ideally like to remove the trees to aid the sale of the house.

The expediency was there at the time of the TPO creation, it was confirmed after the TPO was made and it has been further confirmed by the legal entity in control of the property.

2. The trees cause a lack of uniformity with the rest of the estate.

This section of your objection claims that the lease agreement of the properties on the street requires its gardens to be maintained in a uniform way. The below is the extract from the lease that you have provided and none of it describes such a need:

Lease agreement Point 15.

To bring the garden forming part of the said plot under cultivation within six months from the date hereof and therefore to keep the same in a tidy condition and weed free AND (without prejudice to the generality of the foregoing and in accordance with the principles of good landscape gardening and arboriculture) to prune, tend and replace any trees or shrub planted on the property by the lessor and maintain any landscaping works in accordance with any tree planting, landscaping or similar agreed between the lessor and the local planning authority.

The trees were planted as part of a cohesive landscaping plan when the estate came into existence. There are many other examples of mature birch and coniferous trees throughout the estate along with other trees clearly planted at the same time as part of the intended landscaping plan for the estate. These trees form part of that cohesive plan.

3. Removing the ability to manage the trees is unfair.

The presence of a TPO does not stop the trees from being managed. A TPO will however ensure that poor works that would cause harm to the trees, harm the amenity that they provide and harm the trees' current good structure will not be granted consent.

Suitable works that ensure the trees continued good health and structure, which will also include allowing works that maintain them clear of roads, footpaths and structures, will be granted consent.

4. The Cedar tree could outgrow its location.

If the Cedar tree outgrows its location then an application to remove the tree can be submitted and High Peak Borough Council will reassess the tree in light of the application and any evidence presented as part of such an application.

Trees subject to TPOs are routinely re-assessed each tree works application to ensure that the tree remains suitable for its location and protection under the TPO.

In addition to this, should High Peak Borough Council refuse an application to fell the tree for any reason, there is the option to appeal to the Planning Inspectorate for free, who will provide an independent assessment of the application.

5. Danger from overhanging branches

When the TPO was served the trees were in good health with no significant visible structural issues. If dangers are posed by dangerous branches then they can be managed by the tree owner by applying to carry out maintenance to the trees.

6. Cedar blocks full use of the driveway.

If an application was made to crown lift (remove the lower branches) the tree to provide clearance of the driveway, this would very likely be given consent. Given the tree's height a crown lift to provide 3 metres clearance above ground level would be suitable management of this tree.

7. Trees potentially cause safety issues due to screening.

Your concern, was:

- The police indicated that the size of the trees increased the risk of burglary to any owner of the property as the sightlines to the road from the front door are totally obscured.

The vast majority of the screening of the house is actually caused by smaller trees and shrubs in the front garden (see below photograph), which are not protected by the TPO and could be removed as and when the home owner wished.

Their removal would greatly open up views of the house.

Additionally if a tree works application was made to remove the lower branches of the Cedar to allow further views of the house (along with clearance of the driveway), it is likely that it would be given consent.



Many studies have also shown a positive relationship with trees, greenery and good landscaping in lower incidents of crime in residential districts.

8. Potential damage to drains

The vast majority of alleged tree root damage to pipes and drains, is normally as a result of already damaged drains with the tree's roots taking advantage of existing cracks and proliferating inside of the pipe. This occurs when condensation gathers along the outside of pipes due to the temperature difference of the pipes to the adjacent soil. Tree roots are attracted to the condensation as a water source and grow along the outside of the pipes. They are then ideally placed to take advantage of existing cracks and defects. Tree roots however do not have the power to break into pipes.

The court ruling Kennedy v Bournemouth Borough Council has confirmed that the owner of a property is primarily responsible for the closing of gaps in their drains and that this would be the most effective way to solve the problem. Additionally the ruling stated that the removal of the implicated tree(s) was seen as a disproportionate response to the problem.

9. What is the public benefit for retaining 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:

<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:

Buxton Town Hall, Market Place, Buxton, SK17 6EL

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

10. The tree could damage 4 Blenheim Close if it were to fall over.

As confirmed above the trees at the time of the serving of the TPO were in visibly good health and structure. As healthy trees rarely fall over the danger you describe carries a very small risk. However all trees carry with them a level of risk and the only way to remove all risk from trees is to fell them, but such an approach would be disproportionate to the risk levels and ultimately leave our towns and cities denuded of greenery.

High Peak Borough Council uses the risk assessment system QTRA (Quantified Tree Risk Assessment), which is the industry's leading tree risk assessment method, to assess the dangers posed by trees in our borough. Using this we calculate the current risk of the Birch causing damage to 4 Blenheim Close at 1 in 4 billion, whilst the Cedar is calculated at 1 in 400 million. The Health and Safety Executive sees a risk of lower than 1 in a million as broadly acceptable not requiring action to be taken.

To put this into context the average risk of death from road accidents is 1 in 16800 and the risk from being hit by lightning is 1 in 18 million. This is not to say that these risks levels will remain at these levels, as trees are living organisms that can decline in health, but the management of declining health in trees protected by a TPO is no different to those not protected by a TPO. The management of the trees will remain the liability of the home owner who should take reasonable action to ensure they do not pose an unreasonable risk to people and property and as confirmed above the TPO legislation does not stop a tree owner from carrying out works to ensure the trees are maintained in a safe condition.

11. The Cedar's shadow is cast on 4 Blenheim Close.

There is no right to light in relation to individually growing trees and it is not something that a tree owner is required to manage their trees for. The shade cast on will be from between approximately 10am to noon. This is not a significant deprivation of sunlight

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

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

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