

Parish: Snape with Thorp

Ward: Tanfield

13

16/00870/TPO

Committee Date: 15 September 2016

Officer dealing: Mrs H M Laws

Target Date: 25 May 2016

Date of extension of time (if agreed): 26 August 2016

**Works to trees subject to Tree Preservation Orders 1996/14 & 1997/02
at The Avenue, Snape
for Snape with Thorp Parish Council**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to the avenue of mature lime trees on the western approach into the village of Snape. The Avenue is an exceptionally attractive and historic feature which was originally planted in the eighteenth century and comprised 35 limes on each side of the road. A 'reserve' avenue, approximately 8m outside the main lines, was planted by the Parish Council 25-30 years ago. A formal Tree Preservation Order was confirmed on the original trees in 1997, this Order does not currently extend to the two outer lines of trees.
- 1.2 A tree survey undertaken by A Whitehead Associates Ltd has been submitted with the application in support of proposed works to the trees. The survey refers to a total of 113 trees, which are within both the mature and the younger avenues.
- 1.3 The conclusion of the survey is that the mature avenue is dying back and is also suppressing the young avenue, particularly on the northern side because it is effectively shaded by three rows of trees. It is proposed to undertake works to 55 of the trees, mostly within the mature avenue. The proposed work includes the removal of 1 large leafed lime and 5 common lime trees and reducing the height of 30 trees by between 2m and 7m. Some of the work includes crown cleaning and deadwooding. All of this work relates to trees within the mature avenue.
- 1.4 The Parish Council has submitted the proposed scheme of works following a community consultation exercise asking residents which of three options they preferred. The options were as follows:
1. Do nothing except the minimum tree surgery required;
 2. Removal of a number of trees with replanting between; and
 3. Removal of the whole of the old avenue pursuant to allowing the development of the younger (replacement) avenue.

Approximately 40% of households replied (153 responses), with 46% voting for option 2; 39% voting for option 1 and 13% for option 3.

- 1.5 The report submitted by Mr Whitehead states that, as far as he is aware, the mature avenue has only been pruned twice, the last time being more than 10 years ago when he understands, that even then there was chronic dieback in the mature avenue and identifiable suppression of the young avenue. The trees have been dead-wooded at twelve yearly intervals but there is currently a large amount of dead wood in the trees within the mature avenue. Pruning of some of the mature crowns is recommended where the crowns are meeting the crowns of the young trees.
- 1.6 Mr Whitehead considers that if there is no intention to retain and protect the young avenue there would be no need to reduce the mature crowns to prevent suppression, however the proposed work is based on the assumption that the young avenue will be retained.

- 1.7 Mr Whitehead recommends that if approval is granted it should be subject to a condition requiring the six felled trees to be replaced with large leafed limes of 10-12cm girth, planted in the gaps.
- 1.8 A second tree survey has been commissioned by and undertaken on behalf of several local residents who object to the application proposal. This report has been undertaken by Barnes and Associates and details are included within Section 4.0 below.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 The Parish Council has had regular permissions to carry out maintenance works to the trees since the formal Order was confirmed in 1996 and updated in 1997 (TPO 1996/14 and TPO 1997/02).
- 2.2 04/02142/TPO - Application for consent to carry out works to tree subject to Tree Preservation Order No. 1997/2 (deadwooding, crown lifting one tree, removal of one limb). Permission granted 21/12/2004.
- 2.3 07/03161/TPO - Application to carry out works to 10 trees the subject of TPO 1997/2 (pruning of lower branches). Permission granted 27/11/2007.
- 2.4 08/03880/TPO - Application to carry out works to 7 trees the subject of TPO 1997/2 (deadwooding). Permission granted 6/11/2008.
- 2.5 12/01389/TPO - Proposed works to trees subject to Tree Preservation Order No 1997/02 (removal of one tree, pruning and deadwooding of 19 trees). Permission granted 6/8/2012. No requirement for replanting.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – (is the applicant).
- 4.2 The Ramblers - No objection.
- 4.3 NYCC Tree Officer - It is recommended the application is refused. Many of the individual tree work recommendations are deemed unnecessary, inappropriate and severe with inadequate work specifications to assist in determination, which will have a negative impact on the health of the subject trees. A full copy of the comments is appended to this report.
- 4.4 HDC Conservation Officer - In medieval times, Snape had a deer park to its south west. The deer park is historically significant in the setting of the village and its relationship to Snape Castle. The deer park is shown on the 1720 Warburton map and many of the property names and coverts in this area reflect that use, such as Springs House, Snape Lawns and Warrener's Bottom. The avenue of trees links the former deer park and Snape Castle, framing the view on approach to the castle.

Today we cannot see the castle from this viewpoint but it is likely to have been visible prior to the current screening behind the wall seen on site today. Regardless of whether we can see the castle or not, this is a significant approach towards the castle and represents an original link between it and the former deer park. The trees are of significant age and are valuable in the landscape setting of the wider context of Thorpe Perrow Arboretum which is a designated park and garden lying immediately to the north. The management of this avenue should take a landscape preservation perspective and only carry out the minimum works necessary in order to retain the historic trees and the enclosure which the avenue brings. Two reports have been undertaken; the first proposes extensive works including the felling of several trees. The second is a much reduced scheme which aims to preserve the historic avenue carrying out necessary and minimal works. The Council has sought independent advice (from NYCC) which should in my view be followed.

4.5 Public comment - Nine letters of objection have been received from local residents, some of whom have commissioned their own tree report, which has been submitted. The comments of the residents are summarised as follows:

- The maintenance schedule is too severe;
- The avenue is very special and can never be replaced by the 'new' avenue, which is too wide;
- The proposed work will devastate the old trees;
- There is no recognition by the Parish Council of how the old and new avenues complement each other;
- Some residents believe the young avenue will eventually replace the old avenue but others consider they were planted too far back from the road;
- The young trees could form part of a triple avenue;
- It is understood that the Parish Council feel they must take positive action to ensure insurance cover;
- There must be a less draconian option that would suffice given that Mr Whitehead's report only shows one tree in imminent danger of collapse;
- If the two surveys come to markedly different conclusions then a third survey may be necessary;
- The habitat afforded by the trees to wildlife should be taken into account;
- The visitors to the avenue, such as walkers and cyclists, contribute to the village economy;
- The cost of implementing the Barnes report is likely to be considerably less than the cost of felling up to 50 trees;
- The trees could help to inhibit flooding of the avenue in the event of increased rainfall in future years; and
- In the interests of conservation of the environment, as well in the interests of economy and audit, the District Council, acting as a responsible Planning Authority, ought to accept the findings of the Barnes Report, continue the protection of the trees involved, and refuse this application.

4.6 The alternative tree report has been undertaken by Barnes & Associates. The findings and alternative recommendations are as follows:

- The trees are in good condition and appear to have good vitality;
- Increased frequency of assessment and level of management (including preparation of a management plan) required;
- Opportunities to provide additional trees;
- Remedial work is required in respect of 28 trees, which includes crown lifting to 5.2m (to allow vehicle access) and canopy remodelling;
- Urgent additional assessment is required in respect of 2 of the trees (2 common limes not proposed in the application to be felled); and

- It is recommended that access to the site is restricted when the wind speeds approach 'near gale' or 'moderate gale' (30mph) although appreciates that improved management is a more realistic alternative.

5.0 OBSERVATIONS

- 5.1 The issues to be considered relate to the impact of the proposed works on the Avenue and the consequent appearance and character of the approach into the village.
- 5.2 It has been noted above that the Avenue is an exceptional feature and makes a significant contribution to the character and appearance of the surrounding landscape and the approach into the village. The Avenue is of historic and aesthetic merit and is therefore a feature of acknowledged importance. The NPPF in paragraph 109 requires the planning system to protect valued landscapes. In view of the importance of the avenue it is considered therefore that any works should not be greater than required in order to protect the trees and their environmental value.
- 5.3 It is appreciated that the trees require regular management and maintenance and there are no objections in principle to maintenance works being undertaken. These can include removal of deadwood and any works that are necessary as a result of a tree becoming dangerous without the need to obtain the Council's approval. However, there is concern that the works proposed within the application are too severe and would result in harm to the character and appearance, and therefore the importance, of the Avenue.
- 5.4 According to Mr Whitehead's report, the reason for much of the proposed work is due to the suppression of the young avenue caused by the mature avenue. The independent report undertaken on behalf of the District Council by NYCC does not consider this to be adequately proven and is not in any event an overriding reason to carry out otherwise unnecessary works on the mature avenue. Natural decline of the mature avenue will in time, it is suggested, allow more light through to the younger trees.
- 5.5 When the young avenue was planted in approximately 1990 it was with the intention that it would become a replacement feature in anticipation of the eventual demise of the mature avenue. The young avenue is not currently the subject of a Tree Preservation Order, although it would be prudent to impose one in the near future in order to safeguard the eventual realisation of this strategy.
- 5.6 It is also concluded by NYCC that the results of much of the proposed works cannot be anticipated; if a greater degree of work is undertaken than required it could lead to further complications in the future. The removal of trees should not be taken lightly for health and safety reasons as the creation of a gap could have an adverse impact on the remaining trees due to wind dynamics. The NYCC advice is that the recommendation that a tree is not worth retaining due to its proposed reduction is not a sound reason for removal. Trees are not only important to the safety of the group but also provide an important habitat.
- 5.7 Much of the work includes proposals that are not considered to be required, for example, cutting into live wood. It is agreed by NYCC that the removal of deadwood is required, and this can be done without the need for approval if the deadwood poses a danger. However, NYCC advises that the more significant proposal to remove the top 2m of tree and to lower the trunk further until 50% of sound wood is found on the day of the surgery is an unacceptable specification that deviates from the British Standard, with unknown outcomes.

- 5.8 There are also examples where insufficient information has been provided such as specifications for crown reduction works. This is not stated in terms of the intended height and spread of the tree. Where full canopy remodelling is required annotated photographs would be helpful to illustrate proposals.
- 5.9 The two alternative reports provided by NYCC and Mr Barnes agree that some work to the avenue is required (NYCC suggests that some of this should be undertaken in the next 2-3 months) but that there is insufficient evidence to demonstrate that the works proposed as a whole are essential.
- 5.10 Taking account of NYCC's review of the two arboricultural reports and its expert advice, it is considered that the proposed scale of works would cause unacceptable harm to the trees and would therefore be contrary to LDF Policy CP16.
- 5.11 The community consultation exercise is welcomed and although the majority of the residents voted for the scheme as now proposed, that was on the basis of Mr Whitehead's report alone. It cannot be assumed that the same support would have been given if local people had been able to see the subsequent reports by NYCC and Mr Barnes.
- 5.12 It is understood that the Parish Council has to balance the need for the protection of the Avenue with the cost of the work but that is not a material consideration for the District Council when determining this application.
- 5.13 The extent of the proposed works has not been demonstrated to be necessary at present and without further evidence to justify the proposal, due to the significant impact it would have on the character and appearance of the avenue, it is contrary to LDF policy CP16 and refusal of the application is recommended.
- 5.14 In making this recommendation it is accepted that all of the proposed works will become necessary in time, but that the scale of change they will bring about should not occur any sooner than is necessary.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. There is insufficient evidence to justify the extent of the proposed works to the trees, which are of high landscape and amenity value and contribute positively and significantly to the character and appearance of the surrounding landscape. The proposal is therefore contrary to Policy CP16 of the Hambleton Local Development Framework which seeks to preserve and enhance the District's natural assets.

TPO application - determination advice provided by Helen Arnold – Arboricultural Officer on behalf of North Yorkshire County Council to Hambleton District Council

Snape Lime Avenue – TPO - The Avenue, Snape 1997/02

Recommendations for TPO decision on behalf of Hambleton DC.
It is recommended the application is refused.

The comments & recommendations are based on working practices and approach documents used by the Arboricultural Services department at North Yorkshire County Council over the last 13 years.

I and another NYCC Arboricultural Officer inspected the trees over 3 days, 13th, 20th & 26th of July 2016 the weather on those days were sunny, bright and clear. The canopies of all the trees were in full leaf.

General comments

The individual trees are an important component of the local landscape, the TPO protects 49 trees as individuals, together these protected trees provide a formal tree lined avenue on both sides of the approach road into Snape, with an outer line of younger lime trees providing a secondary avenue.

These trees make a significant contribution to the character and amenity of the local landscape and can be seen from several roads and footpaths and from the village of Snape.

The Arboricultural report carried out by A. Whitehead and Associates was submitted by Snape Parish Council as part of the TPO application – supporting documents. The report highlighted one over-riding concern which has formed the basis of the tree work application, along with the identification for necessary general tree maintenance surgery.

It stated that the outer younger Lime Avenue was moderately to highly suppressed; this has not been sufficiently proven. While I appreciate a degree of suppression exists with reference to the overall size of the trees being smaller than expected given the estimated planting date, this doesn't suggest a remedy of unnecessary tree surgery on the old inner protected Lime tree avenue.

The natural decline of the inner avenue (i.e. height reduction through natural and managed retrenchment) will, in time, allow for more light penetration leading to an increased growth rate.

The report highlights the clients concerns with regards to the financial burden tree management places on the Parish Council. While I appreciate the need to consider financial planning when recommending works to trees it is not however a consideration required by the LPA when determining TPO applications.

Retrenchment of the majority of the inner avenue trees is happening naturally; however the effects of this process do require management i.e. regular inspection, deadwood removal, appropriate canopy re-modelling etc. This process does not stop once tree surgery has been completed, indeed if overzealous unnecessary pruning is carried out the implications to the health and safety of these trees is further threatened as explained later on, with a

linked increase in the cost of management due to the need of further tree surgery.

With reference to comments made above regarding the suggested younger tree suppression and the desire to reduce tree maintenance costs, the application is for tree surgery works to the majority of the trees and 6 tree removals.

Many of the individual tree work recommendations are deemed unnecessary, inappropriate and severe with inadequate work specifications to assist in determination, which will have a negative impact on the health of the subject trees.

I offer the following as a guide for the Parish Council:

An estimate for the tree works – assuming that all the recommendations were carried out, based on NYCC's framework contractor schedule of rates the time estimate would be approximately 27 & 1/2 days using a 3 person team with all equipment (excluding traffic management and MEWP hire which would be required on some days at extra cost) would come to £17,500 plus VAT. This is a very rough estimate but useful when looking at financial planning and the desire to prioritise duty of care requirements, of which many of the works fall outside this and would cost the Parish Council unnecessarily.

Holistic tree management plans are useful in such large groups recommending tree work requirements that can be prioritised and scheduled as appropriate over a period of months and years. This approach would be more cost effective over the short & long term.

A general long term objective for these trees would be to allow the natural retrenchment process to occur while managing the associated risks; less pruning more regularly, spaced over time, which in turn will expose the younger outer avenue of trees light that will facilitate growth.

The tree works have been recommended and specified in the A. Whitehead & Associates Ltd Maintenance Schedule document with further information gained from the Arboricultural report

During the site visits we reviewed individual recommendations on a tree by tree basis and have commented upon the most commonly occurring ones below. The British Standard 3998:2010 – Tree Work – Recommendations and notes from publicly available Planning Practice Guidance documents have been used to highlight the reason for the applications refusal.

Report recommendation: In general dead wood removal is required, however where this has been identified, a commonly used recommendation in the report is to remove the top 2m, and that the trunk should be lowered further until 50% of sound wood is found by the contractor on the day of surgery – this is an unacceptable specification which deviates from the British standard, with unknown outcomes.

The removal of large diameter deadwood without cutting into live wood as a specification would suffice in most of these cases.

Report recommendation: Recommendations for canopy removal / major canopy reductions

When specifying crown reduction works the amount of any reduction proposed should be stated in terms of the intended height and spread of the tree / branches after pruning rather than a general total length in metres of the overall crown to be removed. The specification has to be quantified so as to determine whether or not the works are acceptable.

The report recommendations do not do this and therefore is deemed an unacceptable specification which deviates from the British standard, with unknown outcomes.

In some cases a full canopy re-modelling is required due to presence and severity of cavities; where this is the case annotated photographs are useful where there could be doubt as to the final outcome.

General points

* Excessive or unnecessary removal of live supportive growth on mature / over mature trees with structural defects showing good vitality is counterproductive. The tree needs as much supportive material (energy) to support its mass.

* If it is appropriate to cut any dead branches this should be done so as to avoid injury to living bark or sapwood which could lead to the development of further dysfunction and colonisation by decay fungi or pathogens.

* Cutting into live wood is detrimental to trees that may have undergone compartmentalisation especially on old trees that are less tolerant of the adverse effects of wounding

Report recommendation: The 6 trees recommended to be removed can be retained with varying degrees of canopy re-modelling and reduction with future management of the re-growth or in some cases retention as an eco-pole with valuable habitat potential, along with the important addition of retaining the current wind dynamics of the group.

In some of the recommendations for removal there was either no justification or that the tree once reduced due to structural defects wasn't worth retaining – this is not a sound reason for removal of a protected tree with a high value in group cohesion and habitat.

General points

* When recommending the entire removal of a tree within a well-established group or line of trees the potential impact of exposing retained trees needs to be considered and the reason for removal arboriculturally justified. Group decline as opposed to independent removals from a group can be appropriate to prevent change in wind dynamics which could increase chances of either branch loss or whole tree failure of the remaining trees.

GENERAL RECOMMENDATIONS

Crown lift trees over the road to provide statutory clearance of 5.2m
Some minor crown lifts (halo pruning) of the older Lime tree canopies above the outer younger trees is recommended within the next 2-3 years

Minor formative pruning of the inner younger avenue of trees could be beneficial to reduce the need for major tree surgery in the future.

The mature avenue may have protected species of flora & fauna using the tree lined avenue feature, while this matter isn't a priority consideration when making a TPO, consideration should be made when granting permissions under TPO legislation on a mature to over mature group of trees with features such as cavities and deadwood, as the subject trees have, these features offer potential to provide valuable habitat and where possible could be retained in line with current legislation.