



Chairman's comments

Dear Members

February sees the A.G.M. approaching and to bring in more of our lovely members to the meeting we have invited Robin Mager of Shropshire Wildlife Trust to give us a short 15-20 minute talk on the environmental effect of the Shrewsbury North West Bypass. Robin will start his talk at 7.30pm to be followed by the A.G.M. at about 8 p.m. The Wildlife Trust is of course against the road and in the interests of balance it will be important for S.T.T. to consider the benefits of the so-called relief road before deciding whether or not to add our name to the Better Shrewsbury Transport BeST action group. Our member's views are important to us so do let us know your ideas please.

Two members of the Committee are very keen to stand down from their roles in S.T.T. so we are looking for replacements for them. Hilary Boardman has been Membership Secretary since S.T.T. was founded and John Tuer has been Tree Planting Officer for 17 years starting when we were still in our previous incarnation. We now have over 100 members and we feel that there must be two members who would be prepared to take on these roles. John Tuer is also our Treasurer and if re-elected is happy to continue in that role. If you know **anyone** who might wish to be on the committee bring them along; age and experience not necessary! Regards, David

Also please see the previous newsletter for details of paying your subscription if necessary. It is important to follow our instructions on that one.

Newsletters are available online at our website SevernTreeTrust.com

[Talk 14th January: Dougald Purce on "TPOs and Trees in Conservation Areas"](#)

In the tree strategy of Newcastle-on-Tyne City Council, the reader will see that it states the following: No tree will be removed unless there is a very real reason for taking it down. The direct opposite, of course, is often true: A tree may be taken down unless there is a very real reason for keeping it. Please note the difference.

Well, I know which version I prefer and I'm sure most of my fellow members of the Severn Tree Trust would agree with me. And I have to say, this was the impression that Dougald gave me of his views in his talk in January. He stated the law regarding T.P.O.'d trees and

trees in Conservation Areas but it did not let it restrict him if it allowed any flexibility over a particular tree. This seemed to me to be eminently sensible.

Dougald took us through the law relating to trees; the current law dating back to the Town and Countryside Planning Act of 1990 and the revisions relating to Tree Preservation Orders in the 2012 Regulations. He also mentioned the Anti-Social Behaviour Act of 2003 and how it related to high hedges, and Tree Felling Licences covered by the Forestry Act of 1967 although the latter are not in the gift of a local authority. These are provided by the Forestry Commission.

So Shropshire Council handles planning applications for building development and the trees on these sites. It handles T.P.O.s and, what are called Section 211 notices which concern the requests by the public to work on their own trees in Conservation Areas. It handles high hedge complaints and is willing to consult on felling licences even through it, itself, doesn't issue them. Dougald's work involves advising the planning authority on tree applications, dealing with hedgerows, giving advice to parish councils, being a member of the reinforcement team and, what he called the 'catch-all'; handling any other services as required.

He looked at T.P.O.s and C.A. trees in more detail. He told us that a Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits any cutting down of the tree, any topping, lopping, uprooting, wilful damage or wilful destruction.

The Section 211 Notice is where the applicant serves notice to the L.A. that he/she wishes to work on one of their trees in the Conservation Area in which the tree is located. The Notice gives the L.A. six weeks to respond. During that time, if the L.A. wishes to refuse permission, it must place a T.P.O. on the tree. If permission is granted, the L.A. cannot impose conditions. No application form is required for this notice although a specific planning application form must be completed for a T.P.O. request. The further interesting legal fact that Dougald mentioned was that, in the first instance of placing a T.P.O., the T.P.O. is only placed temporarily for a given period. If it is to be continued for the life of the tree, it will be confirmed a few months later. This enables the L.A. to place a T.P.O. on a tree quickly where a tree is in immediate danger.

So much for the Law. So what makes a tree worthy of protection. Dougald mentioned the well-used word 'amenity', a word, he told us, that is not defined in law so that tree officers must make decisions themselves when considering if 'there is a defensible case that the tree provides or contributes to amenity'. So, too, must they make their own judgements when considering a good reason for placing a T.P.O. although a number of guidelines are given. Protection needs to bring a reasonable degree of public benefit for the present and the future. Thus it would be difficult to agree to long term protection for a dying tree however old and massive the tree might be. Although, sometimes T.P.O.s are placed on the stumps of dead trees because they mark a significant event or are of such a great age that they are worth preserving for their relic status alone. Other considerations may be 'would the loss of a woodland have a significant impact on the local environment and its enjoyment by the public?'

The key factors in placing a T.P.O. are the tree's visibility and the importance of its characteristics, for example: its size, form, future potential as an amenity, its rarity, cultural or historic value and its contribution to and relationship with the landscape. In the case of a Section 211 request, consideration must be given to the character and appearance it gives

to the Conservation Area. Factors such as contribution to nature or climate change may be considered but are insufficient in themselves.

Coming back to 'visibility', Dougald referred to a tree's position in public view, its visibility from a public place such as a road, a footpath or, simply, accessibility by the public as all being necessary criteria for T.P.O. placement. Although he did show us a wonderful photograph of a very old Mulberry in a rear garden in Ludlow which could only be seen by immediate neighbours. The fact that a T.P.O. had been placed on this shows the degree of subjectivity of the tree officer making the decision.

Some trees may merit protection but it may not be worthwhile for the L.A.'s consideration of T.P.O. status if these are already under some degree of arboricultural or silvicultural management. Some trees might merit protection but be exposed to risk or damage in some way. Dougald showed us many photographs of trees in this position where proximity to damage was predictable. Some trees might be candidates for T.P.O. status but sometimes it is questionable whether this might create more harm than good.

It became very clear that there is a lot of subjectivity in T.P.O. placement once the fundamentals are adhered to. Dougald's audience seemed to be very much in agreement with him in the way he explained how he, himself, goes about judging whether a T.P.O. should be placed on a tree. There was a little concern, however, when he told us that this LA has never yet taken anyone to court for infringement of these tree laws.

This was a fascinating, valuable and useful talk delivered with many appropriate photographs and was enjoyed by an excellent attendance of almost fifty members and friends. Dougald tried to make his talk useful to us so that if anyone owns a tree subject to either of the above status, or wishes to use the law in these respects, they have the answers to help. By *John Tuer*

P.S. Since his talk, Dougald has sent me a website for N.H.S. forests in which is related the story of how much tree planting is being undertaken for the N.H.S. by the Centre for Sustainable Health Care. <https://www.google.com/search?client=firefox-b-d&q=nhs+forest>

Next meeting: Lecture by Robin Mager on the Shrewsbury North West Bypass followed by Annual General Meeting with free tea, coffee and biscuits afterwards at St Peter's Church Hall, Monkmoor, Tuesday 12th February @ 7.30 p.m.

See you there!