
TPO NO.	37/2010
SERVED	02 December 2010
PARISH	Didcot
WARD MEMBER(S)	John Flood and Colin Daukes
SITE	Didcot Girls School, Manor Crescent, Didcot, OX11 7AT
GRID REF	SP 5152 9008
OBJECTIONS RECEIVED FROM:	Head Teacher Didcot Girls School Mr T P Joslin Mrs McLaughlin Mrs R Shaw Mrs J S Storey Mrs Nixon
CASE OFFICER	Martin Gammie

1.0 INTRODUCTION

- 1.1 The purpose of this report is to enable the Committee to consider the expedience of confirming TPO 37/2010 subject to proposed modification, whilst taking account of the objections that have been made to the serving of the order. The TPO seeks to protect the treescape of the Didcot Girls School site. See appendix A
- 1.2 The order was served as an 'area' category TPO which provides a blanket cover for all trees on the site. However, this is a provisional measure, normally used where the order has to be served as a matter of urgency and/or where detailed survey data is not available. It is recommended that this categorisation be modified to 'individual tree' and 'group' categories prior to confirmation so as accord with best practice guidance. The details of the proposed modification are included in appendix A and show the extent of trees that will be protected should the TPO be confirmed.
- 1.3 The treescape of this site is located predominantly around its boundaries. Where these boundaries adjoin the curtilage of domestic dwellings there has been a need to address safety and compatibility issues over the years. The site is owned by the county council (OCC) and their officers have been responsible for monitoring the trees condition and prescribing appropriate management over recent years.

2.0 BACKGROUND

- 2.1 Historically OCC has worked in partnership with the school and the district council (SODC) to agree a management programme that seeks to address the concerns raised by local residents and the needs of the school whilst maintaining the aesthetic merits of this significant treescape and ensuring its health and longevity. As such, this council's forestry team has been consulted on tree work proposals at the site over recent years and has been involved with some of the tree monitoring and management issues associated with the general management activities on the site. This arrangement has been in place for some 15 - 20 years and has been used to address the management requirements as and when they have arisen.
- 2.2 It is understood that OCC have recently amended their tenancy arrangements on their school sites and that these amendments include making the schools directly responsible for the cost of tree works. OCC have however continued to provide a monitoring and advisory service and had, following a recent meeting on site, provided Didcot Girls School with a prescription of works for the line of birch trees located on the

northern boundary of the site.

- 2.3 This particular line of trees has been the subject of considerable debate over the years due to the close proximity of the trees to the adjacent dwellings. The site meeting referred to above took place on 9 July 2010 with representatives of all interested parties present. This included representatives of the school, local residents, OCC and SODC officers, local members and the local MP. It was agreed that OCC arboricultural officers would implement another inspection to update the management proposals and ensure the prescribed works were appropriate to address the concerns that had been raised.
- 2.4 The OCC arboricultural officers provided the school with a management programme which included the felling of 14 trees and the pruning of 14 others. This document was copied to SODC to ensure their agreement to the proposals. Although the number of trees specified for removal was greater than had been suggested on site, SODC raised no objection to this specification.
See appendix B
- 2.5 The School wrote to residents advising of their intention to implement the agreed tree works. However, on 30 November 2010 and prior to implementation, a second letter was sent to residents advising that the school now intended to fell all the trees along the northern boundary with Churchill Road. SODC were not included in this correspondence and therefore had assumed that the previously agreed specification was to be pursued.
- 2.6 The council received notice of the revised proposals on 1 December 2010 and were advised that some tree works were already underway. Following discussions with the school and the tree contractors, the council tree officer visited the site on 2 December 2010 and observed that a line of 16 trees had been felled and was advised that further tree removal was proposed. The council therefore served the tree preservation order on 2 December 2010 to prevent any further unnecessary tree removal.
- 3.0 **REASONS FOR OBJECTION**
- 3.1 The council have received six letters of objection to the serving of the order and two letters of support. Two of the objections are from representatives of the school and the other four are from residents of Churchill Road. The letters of support are both from residents of Oxford Crescent. It should also be noted that the county council, as owners of the land, have not objected to the order. Their arboricultural manager has raised concerns regarding the school's decision to disregard the professional advice they had been given and has advised that OCC would wish to see trees of amenity value protected where they may be threatened.

Copies of the objection letters are attached at appendix C and the main issues are summarised below:

- that the trees adjacent to the gardens of Churchill Road have given rise to concerns over many years in relation to risk, nuisance and blight
- that the trees are coming to the end of their natural 60 year lifespan and should be subject to a proper survey prior to inclusion in the order
- the trees are unsafe and pose a risk to residents
- the trees cannot be viewed as a community visual amenity
- the large size of the trees in relation to their location
- encroachment of roots and overhanging canopies into adjacent gardens and the associated problems such as the detritus they produce
- stress and anxiety caused to residents

Note: The objection from Cllr T P Joslin, School Governor, includes extensive background documents comprising some 76 pages which are available on the website or on request but have not been appended to the hard copies of this report.

4.0 **APPRAISAL**

4.1 When giving consideration to the confirmation of this order, councillors are advised to take account of the following points which seek to address the concerns raised in the objections and explain the actions taken by the council.

- 4.2
- ***that the trees adjacent to the gardens of Churchill Road have given rise to concerns over many years in relation to risk, nuisance and blight***

Records show that this council has for many years, endeavoured to mediate between the interested parties in an attempt to secure appropriate management that addresses these concerns, whilst maintaining the significant amenity feature created by the treescape on this site. Recent events suggest that these informal arrangements can no longer be relied upon and that the TPO is the most effective way to ensure appropriate management in the future. However, the council is keen to ensure that the administrative procedures are managed as effectively as possible, minimising any 'burden' for all parties concerned.

The TPO status of the trees will not impede sound arboricultural management that seeks to manage risk and improve compatibility. The OCC management proposals were seen to be appropriate by those present at the site meeting in July 2010 and any future proposals can be considered as part of a tree works application under the TPO

- 4.3
- ***the trees are coming to the end of their natural 60 year lifespan and should be subject to a proper survey prior to inclusion in the order***

It is accepted that in tree terms, birch trees are relatively a short lived species. However, life expectancy will vary considerably depending on the tree's growing conditions and the management it may be subject to over the years. As such, the lifespan of a birch may vary from 50 to 150 years. The school have advised that these trees were planted some 45 years ago. It is therefore important that each tree is assessed on its individual merits and condition and that a phased removal and replacement programme will help to ensure a sustainable treescape for the site.

Where the risk cannot be managed by pruning, the council will not resist tree removal, as has been demonstrated by the agreement to the recent maintenance programme proposed by OCC. See appendix B. The TPO can also help to ensure appropriate replacement planting where trees have to be removed.

- 4.4
- ***the trees are unsafe and pose a risk to residents***

It is accepted that trees in an urban setting require maintenance and can pose a risk to residents and property if not properly managed. The school is in the fortunate position of having access to the expert advice of the county arboricultural team. Such advice will be the subject of additional cost for the majority of tree owners. The TPO provides further assurance through the tree work application process, that prescribed works are appropriate to ensure the tree owners are addressing their responsibilities and liabilities.

4.5 • ***the trees cannot be viewed as a community visual amenity***

The tree officer has assessed the trees in terms of public amenity and is satisfied that they are of sufficient amenity value to warrant the TPO. The amenity assessment records for the trees located on the northern boundary i.e. Group 2, 4 and 5 of the modified order, are attached at appendix D. The amenity significance of these trees will be demonstrated with photographic evidence at the committee meeting.

The large majority of the trees on this site are clearly visible from public viewpoints outside of the site. It is also suggested the everyday activities, including public events such as weekend use of sports pitches, mean that the amenity significance of these trees extends beyond visibility from public viewpoints. The trees improve the environment for the pupils of the school and screen and soften the somewhat austere built form of the school buildings for visitors and local residents.

4.6 • ***the large size of the trees in relation to their location***

Trees are our largest living organisms, they have evolved over time as dynamic structures that can live for hundreds of years and attain heights in excess of 100 m. As such, large trees are not automatically dangerous on account of their size. However, if we are to have the benefits that trees provide within our urban environment they must be regularly inspected and appropriately managed to mitigate risk and maintain compatibility. The management specification prescribed by OCC sought to achieve this balanced approach at Didcot Girls School. It must also be accepted that a tree's safe useful life may be reduced by the surroundings in which it exists. A gradual phased maintenance, removal and replacement programme will sustain a healthy and compatible treescape in our built environment.

4.7 • ***encroachment of roots and overhanging canopies into adjacent gardens and the associated problems such as the detritus they produce***

The principles outlined in para 4.6 above can go some way to mitigate these issues. However, it is also accepted that those living in close proximity to trees are likely to experience some of these maintenance issues as well as the benefits that the trees can provide.

4.8 • ***stress and anxiety caused to residents***

Again, appropriate management and a full explanation of what action will be taken and why, can help to reassure residents and is likely to reduce the anxiety that may have developed due to poor communication, insufficient or inappropriate management and even misconception of the perceived risk.

5.0 **POLICY & GUIDANCE**

5.1 The South Oxfordshire Local Plan adopted 2006 recognises the contribution that trees make to the appearance and character of towns and villages within the district and commits the council to preserving and retaining existing trees. These aims are embodied in policies C1, C6, C9, CON7 and A1 which seek to underpin the statutory duty of the council to protect trees of amenity value.

5.2 In order to ensure consistent interpretation of the TPO legislation, guidance has been sought from the DETR publication "Tree Preservation Orders. A Guide to the Law and Good Practice".

6.0 CONCLUSIONS

- 6.1
- the recent action taken by the school has resulted in the loss of important amenity trees and their proposals for further action were seen to threaten others. As such this council has a duty to consider the expedience of protecting the remaining trees with a tree preservation order.
 - the trees that are included in the order are significant in terms of their amenity value and as important landscape features of the site and surrounding area
 - the TPO does not prevent appropriate maintenance, particularly where there is a need to address safety
 - it is accepted that some of the trees will have to be removed as they reach the end of their safe useful life. However, this should be in a phased, controlled manner at an appropriate time relative to the trees condition and only where alternative management is unable to address the risk and/or cannot be justified
 - the preservation order will allow the trees to be managed following best arboricultural practice, thereby addressing any future compatibility issues and the school's liabilities in terms of health and safety whilst maintaining the trees in good health for future generations.

7.0 RECOMMENDATION

- 7.1 **That tree preservation order no. 37/2010 be confirmed subject to the proposed modifications.**

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- APPENDIX A: Tree preservation order and proposed modifications**
- APPENDIX B: County Council's proposed tree maintenance schedule**
- APPENDIX C Letters of objection**
- APPENDIX D Sample amenity assessments**

Appendix A

Tree preservation order and proposed modifications

Appendix B

County Council's proposed tree maintenance schedule

Appendix C

Letters of objection

Appendix D

Sample amenity assessments and guidance notes