

**RE: URGENT: Trees under threat on Trinity Green off Cambridge Drive Kesgrave**

Wed 07/02/2024 12:42

Dear Lead Petitioner,

I have assessed the trees subject to your enquiry for a new TPO and have discussed my findings with relevant colleagues. It was decided that a new TPO would be issued but that the coniferous species would not be included. It is therefore the case that their management is a private matter and our role, as the local planning authority, has no remit for intervening or mediating. I have included a copy of the new TPO and Notice for your information. I have also set out the process and decision making rationale below. Please do not hesitate to contact me if you have any outstanding questions.

The powers to make new a Tree Preservation Order (TPO) are set out in *The Town and Country Planning (Tree Preservation)(England) Regulations 2012*. The following webpage gives guidance on the interpretation of the regulations and I have briefly summarised relevant parts for context on our decision - [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas)

East Suffolk Council, as the local planning authority, can make a Tree Preservation Order if it appears to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. 'Amenity' is not defined in law, so authorities are required to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

**Key considerations in assessment:**

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

**Other factors**

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

East Suffolk Council's method of judging new TPO requests uses the TEMPO system (Tree Evaluation Method for Preservation Orders). This system scores trees by their condition, retention span, relative public visibility, 'other factors', and expediency (level of threat).

I visited the site on January 30<sup>th</sup> and undertook a TEMPO assessment. The collection of trees are formed of 1 x Silver birch, 2 x Pear trees, and a line of coniferous species consisting of Lawsons cypress and 1 x Monterey Cypress.

### **Conifers**

The Cypress are visually prominent and have attractive crowns but are in poor structural condition. They have been historically topped at approximately 4 metres above ground, and their crowns are predominantly comprised of regrowth following the topping. Such regrowth is at an elevated risk of failure based on the time elapsed since pruning in conjunction with poor attachment to its parent stem, which is further exacerbated by several acute included branch unions. This risk is evidenced by tears on main stems as well as fallen branches on the ground beneath the trees. The scale of pruning necessary to remediate the current level of risk would leave little live growth on the trees and they are unlikely to be able to tolerate and respond to this. The Cypress scored below 6 on the TEMPO assessment = 'TPO indefensible'.

### **Pear trees**

Both Pears are medium sized semi-mature specimens. They have well balanced crowns and appear to be in good health. One of the Pears is in good structural condition with only some minor strimmer damage being noted at the base of the tree. The second Pear contains an acute branch union on its main stem which is likely to limit its remaining lifespan, although the associated level of risk could be readily managed via pruning. The first Pear scored 16 on a TEMPO = 'definitely merits TPO', and the second Pear scored 12 = 'TPO defensible'.

### **Silver birch**

Again, the Silver birch is a medium sized semi-mature specimen appearing to be in good health. Several instances of mechanical damage were noted on its main stem. This is likely to limit its remaining longevity but the tree is at an age where adapting to these structural defects is a possibility. The Birch scored 12 = 'TPO defensible'.

To conclude, the two Pear trees and Silver birch meet the minimum criteria necessary to have TPOs placed on them and a new TPO has been served. The wildlife and climate concerns in relation to the Conifers were duly considered, however, their condition and estimated remaining lifespan are such that they cannot be included in the new TPO.

Kind regards,

**Arboricultural Officer**

East Suffolk Council

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