

OBJECTION TO LAND REAR OF 20 GUNTHORPE ROAD, PETERBOROUGH – PETERBOROUGH CITY COUNCIL TREE PRESERVATION ORDER 24/00002/TPO

Clients: Craig Sayers, Mark Sayers & Carl Sayers
Date of report: 9th May 2024



A M Belson
RCArborA, DipArb RFS, Tech Cert (ArborA)



The Tree House, Unit 1A First End,
Station Road, Uppingham,
Rutland LE15 9TX
T: 01572 823637
E: info@belsontreesurvey.co.uk
W: belsontreesurvey.co.uk

This report is the property of Andrew Belson Arboricultural Consultant, it is not to be reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the written consent of Andrew Belson Arboricultural Consultant

1 Introduction

- 1.1 I am a Registered Consultant of the Arbicultural Association. (RC Licence No: RC202) and have worked as a consultant for over 20 years. I hold the Arbicultural Association's Technician's Certificate and the Royal Forestry Society's Professional Diploma, which is a level 6 qualification equivalent to an Honours degree.
- 1.2 I have been instructed on behalf of the clients to make a formal Objection to the Tree Preservation Order Made 17th April 2024 in respect of an Area of trees on land to the rear of 20 Gunthorpe Road, Peterborough (the 'Area').
- 1.3 Whilst there is an Objection in principle to the making of the TPO, my clients concede that there may be a case for including some individual trees, where their retention would be in the public interest.

2 TPO justification

- 2.1 Government advice relating to Tree Preservation Orders states:

Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified.

Source: Paragraph: 005 Reference ID: 36-005-20140306. Revision date: 06 03 2014 [available from: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>] [Accessed 9th May 2024].

- 2.2 Regarding amenity, the guidance states:

- 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. (Paragraph 007)
- The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. (Paragraph 008)
- Public visibility alone will not be sufficient to warrant an Order. There also needs to be an assessment of the importance of the tree or trees by reference to their 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. (Paragraph 008)

2.3 In addition, the guidance states:

- It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. (Paragraph 010)
- However, it also says that “it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.” (Paragraph 010)

3 *Elements of the Objection*

- 3.1 I have been provided with a copy of the TPO Ref. 24/00002 and the Regulation 5 Notice.
- 3.2 The TPO contains one ‘Area’ described as ‘All trees of whatever species’.
- 3.3 Subject to article 4, this Order will remain in force for six months, at which time the local authority will decide whether it will be given permanent status.
- 3.4 **The Regulation 5 Notice states that TPO Ref: 24/00002 was made: *‘to ensure the continued presence of the tree/trees on this site in the interests of visual amenity’***
- 3.5 I have visited the Area to assess the public visual amenity of the trees and to assess their condition. The findings are represented here as appropriate to the Objection.
- 3.6 I also reviewed current and historical images from Google Earth and Google Streetview (© 2024 Google).
- 3.7 To assess the impact of the trees on the visual amenity of the location, I viewed the site from public places (mainly, the footpath on John Clare Recreation Ground). Views from Fulbridge Road and Gunthorpe Road are at best, glimpsed.

4 Visual Context

4.1 The site is at the edge of a well-managed area of public recreational land characterised by individual trees and open pathways and offering substantial and important visual amenity.

4.2 The image below (Fig. 1) comprises a screenshot from Peterborough City Council website (interactive map). It shows the TPO area circled in red to the rear of the gardens of houses on Fulbridge and Gunthorpe Road.

4.3 It is adjacent to an area which has been identified as Informal Parkland and Amenity Open Space (in blue). This large area of recreational public open space has established footpaths running through it and continues to a play area off Hallfields Lane to the south.

4.4 Alongside this space, there is an area of land accessible at two locations from Fulbridge Road, which has been designated as a Neighbourhood Park (dark-Green).

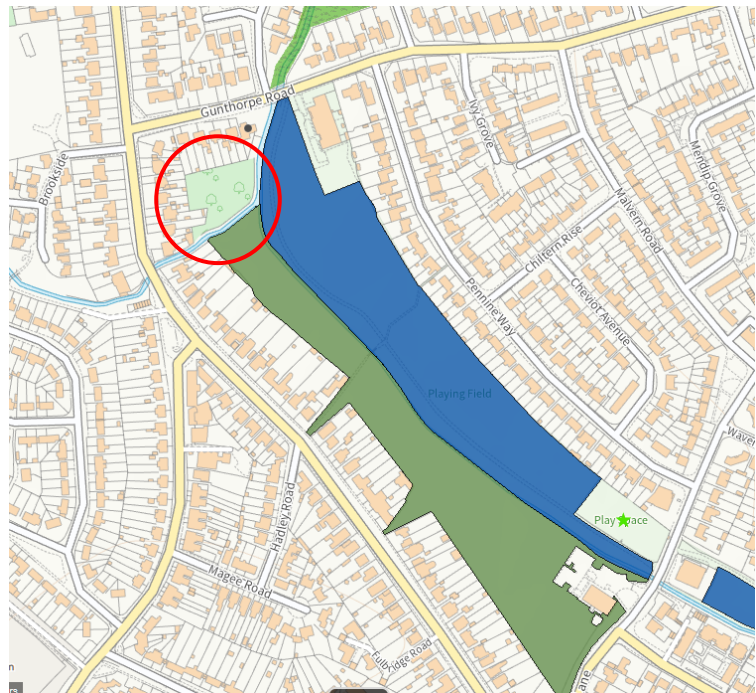


Fig. 1 Screenshot showing PCC Local Authority Map - Planning Designations near Area circled in red.

- 4.5 The trees and scrub growth in the Area are clearly visible to the public, although not easily accessible as the land is bounded by a water-filled drain. However, the Area does not provide much in the way of amenity, particularly in comparison to the surrounding area. This is illustrated in the aerial image in Fig. 2 below, which shows the Area in February 2023 as an unremarkable area of dense, unmanaged tree growth.



Fig. 2 Aerial view available on Google Maps © 2024 (Source: Peter Fearon, Google Maps Local Guide, February 2023)

5 Observations and analysis

5.1 The images below show the species of the trees within the Area.



Fig. 3 Image showing trees on Google Maps © 2024

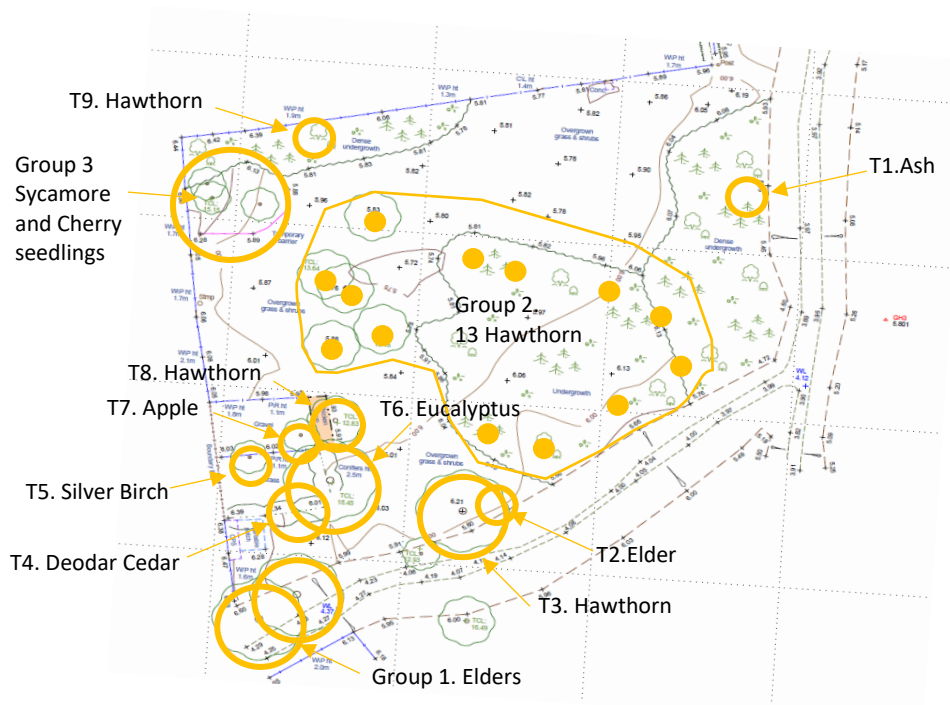


Fig. 4 Image of topographical survey map showing trees

- 5.2 The young Ash T1 on the eastern boundary is a reasonable tree and it has current and future public visual amenity.
- 5.3 The Hawthorn T3 on the southern boundary is a reasonable but unremarkable tree that offers low public visual amenity.
- 5.4 Although visible, the Elders T2 and Group 1 on the southern boundary are unlikely to be suitable for inclusion in a Tree Preservation Order.
- 5.5 T5 – T7 are trees that have been illegally cultivated on the site by trespassing neighbours.
- 5.6 Deodar Cedar T4 is not yet visible from a public place but it has significant growth potential and is not a desirable tree on this site.
- 5.7 Silver Birch T5 is not yet visible from a public place but it may eventually be seen as a skyline feature.
- 5.8 Although the Eucalyptus T6 can be seen as a skyline tree, it has significant growth potential and is not a desirable tree on this site.
- 5.9 Apple T7 is not visible from a public place it is unlikely to have public visual amenity.
- 5.10 Although the Hawthorn T8 can be seen as a skyline tree, it is unlikely to have sufficient public visual amenity to justify inclusion in the TPO.
- 5.11 Group 2 comprises 13 Hawthorn, which have varying amounts of Ivy in their crowns. They are not remarkable, nor would they normally be considered suitable for inclusion in a Tree Preservation Order.
- 5.12 Group 3 Cherry and Sycamore seedlings are not suitable for inclusion in a Tree Preservation Order. They are uncounted due to access.
- 5.13 Although the Hawthorn T9 can be seen as a skyline tree, it is unlikely to have sufficient public visual amenity to justify inclusion in the TPO.

6 Concluding opinions and recommendations

- 6.1 Whilst some of the trees are more clearly seen in the foreground, I do not consider that the TPO made complies with the reason stated for making the TPO.
- 6.2 In its present form the TPO is weak, containing a number of trees that offer little or no public visual amenity and the majority of the trees are not in a suitable condition. However, it is understood that the TPO has been Made to safeguard all the trees on site in response to recent management works being carried out on site. Therefore, the motivation and mechanism for Making the TPO is understood.
- 6.3 In due course, it is expected that if the TPO is Confirmed, it would be Subject to Modification where specific 'Individual' trees or trees in 'Groups' are protected.
- 6.4 I consider that if the TPO is Confirmed, it should only include Ash T1 with the possible inclusion of Hawthorn T3 and Silver Birch T5.



Andrew Belson

RCArborA, DipArb RFS, Tech Cert (ArborA)

References:

Town and Country Planning Act 1990

Mynors, C.; Hall, S. & Nicholls, E. (2023) *The Law of Trees Forests and Hedges* London: Sweet & Maxwell.

Gov.uk (2014) *Tree Preservation Orders and trees in Conservation Areas* (Collection: Planning Practice Guidance) [available from: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>]