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Report

Report subject : Old Sarum Tree Works
Report to : City Area Committee
Date : 24 Jan 2008
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PROPOSED AND ON GOING TREE WORKS AT OLD SARUM

1. Introduction

1.1 At a recent meeting of Cabinet where under Item 122 a member of the public made a statement relating to tree maintenance and scrub clearing on the west side of Old Sarum, it was resolved that as this was a regulatory matter the Head of Development Services be requested to report as a matter of urgency to the next City Area Committee the facts of the matter and any action that could or should be taken by this council.

2. Background

2.1 In general there are two ways of affording protection to trees under planning legislation. The first under section 198 of the Town and Country Planning Act 1990 is to make a tree preservation order (TPO). If it appears to a Local planning Authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to trees, groups of trees or woodlands as is deemed appropriate. This is specific protection and to undertake works where a tree is afforded such protection, a planning application is made, the proposal is assessed, a decision is made and a right of appeal is available to the applicant if they do not agree with the decision. Therefore, in general, a TPO is usually only made where the tree has significant amenity value, from a public point of access and is in good health. The professional and objective assessment is made by a qualified arboriculturalist. If a tree is considered to be under threat and the tree is worthy of a TPO under S201 a provisional TPO can be made that must be confirmed within 6 months. This is usually undertaken by the area committee concerned. If the order is not confirmed then the provisional order lapses.

2.2 Trees within a Conservation Area are protected generally by special provision under section 211 of the Town and Country Planning Act 1990. Tree diameters are measured at breast height (diameter at breast height or dbh) which is 1.5 metres above ground level.



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2.3 Trees with a stem diameter less than 75mm (dbh) are exempt. This increases to 100mm (dbh) for woodland thinning operations. As such, the Local Authority has no control over the removal of smaller trees and scrub.

2.4 A Local Authority has 6 weeks to consider works proposed under a section 211 notice. If appropriate, and the trees are considered worthy, a preservation order can be enacted to protect them. Alternatively, if the works are reasonable the Local Authority can advise the applicant they have no objection. After 6 weeks have expired the applicant can carry out the work if they have not had a response. Due to the very tight time frames imposed by this legislation and the fact all trees within a conservation area are subject to this procedure, notice of intent to carry out works are dealt with by officers under delegated powers as normally by the time an application is considered by committee it would already be a deemed approval.

3. Summary of events

3.1 With regards to the works being undertaken to the west side of Old Sarum, English Heritage notified the council of their intention to thin woodland on the western banks of the ancient monument in December 2006 and October 2007, (notification is known as a section 211 notice). Each notification related to a different area of woodland but included the removal of Ash and Sycamore with a stem diameter up to 300mm, Yew trees with a stem diameter up to 150mm and the crown lifting of all trees to a height of 2.5 meters. Young specimens of other species of tree (mainly Beech and Field Maple) are to be retained to provide tree cover for the future.

3.2 English Heritage state the thinning work is necessary because the canopies create dense shade which kills the grass beneath the trees and causes erosion.

3.3 The Councils Arboricultural Officer has inspected the trees on site and concluded that the operations proposed by English Heritage are in the best interests of the Ancient Monument and are in line with good silvicultural management. Removal of the small trees and scrub will promote grass growth and protect both the monument and the more mature trees on the site against further erosion. English Heritage have been informed that the Local Authority have no objection to the thinning work they are undertaking.

3.4 In December 2007 English Heritage notified the council of further tree work they would like to carry out in accordance with the results of a recent tree survey. Approximately 33 trees have been identified as being dangerous or in a poor condition. The Arboricultural Officer is currently in the process of considering this proposal and a decision needs to be made before 1st February 2008. So far English Heritage have been persuaded to withdraw seven trees from the notification because the work is not considered to be totally necessary.

4. Conclusion

4.1 Whilst it is acknowledged that the works currently being undertaken by English Heritage have caused concern to some members of the public, as owners of the Scheduled Ancient Monument they have a duty to ensure that it is maintained and conserved for future generations. The reason for the silvicultural work both ongoing and proposed are considered to be responsible and necessary. The arboricultural assessment of the tree removal is that individually they are not worthy of Tree Preservation Order under section 198 and therefore no objection is raised.

3. Recommendations:

(1) That members note the report.

4. Background Papers:

Draft Minutes to Cabinet meeting 17th January 2008
The Town and Country Planning Act 1990