



**DECISION
DIRECTOR OF DEVELOPMENT AND ENVIRONMENT**

DECISION No. DE 16/17 222

**SUBJECT: District of North Somerset – 6 Hillside Road, Long Ashton, BS41 9LG
(No. 1045) Tree Preservation Order 2016.**

DETAILS:

Tree Preservation Order 1045 was made 27 June 2016 to protect:

T1 – Cypress – Located in garden of above address and marked as T1 on the map.

After six months from the date a Tree Preservation Order (TPO) is made the trees protected therein lose the protection of the section 201 direction. If the council wish to confirm the TPO as it stands, or confirm it subject to modification, the decision must be made before the end of the six months.

CONSIDERATION OF OBJECTIONS AND OTHER REPRESENTATIONS:

One letter of objection was received from OCA Arboricultural Consultants who are dealing with an alleged subsidence case for the adjacent property 7 Hillside Road, Long Ashton. OCA objects on the grounds that:

1. The reasons for the making of the Order have not been fully explained because 'the Council has not provided the evidence or indicated that in fact it has assessed the 'amenity' value of the tree'.
2. 'The True cypress covered by the OCA survey is located in sufficient proximity to the risk address (7 Hillside Road) to be on the balance of probabilities contributing to soil drying underside of foundations. The property has sustained damage, which is being investigated by Chartered Engineers as tree root related subsidence. The serving of the TPO has added a significant additional layer [of] complexity for the Engineers in relation to requirements for mandatory levels of evidence if they wish to apply for consent to carry out works to the True Cypress.'

Council response:

1. When assessing whether or not it is expedient to make a tree or group of trees the subject of a Tree Preservation Order, North Somerset Council uses an assessment form created by the former Wessex Tree Officer Group (WTOG) which assesses trees according to a range of criteria in order to comply with statutory guidance. The trees' health, amenity contribution, impact on surroundings and any special interests are considered with a threshold required to be met before a tree is deemed worthy of protection. It is used for guidance only and its result is not binding but is normally adhered to. In the section of the formal notice 'Reasons for making the Order' the council makes three statements. The first two reflect the amenity assessment despite not being explicit about the background process. The third statement explains the trigger for the making of the TPO assessment and why it is expedient to make it. As such we consider that our duty to assess the 'amenity' value of the tree and expediency for making the Order has been met. A copy of the assessment form is available to inspect on request and a copy has been sent to OCA as requested.
2. North Somerset Council determined that the evidence supplied in support of the original S211 notice (to fell trees at 7 Hillside Road (the 'risk address') and at 6 Hillside Road (the location of the T1)) fell short of clearly demonstrating that the trees including T1 were the cause of the damage. This was because seasonal movement consistent with tree root related subsidence had not been shown. The TPO was served to protect T1 until such time that the data became available. In the knowledge that simple and relatively inexpensive 'level monitoring' data would determine this, we advised OCA to submit new data along with a TPO application if it became clear that building damage was caused by the tree and that tree removal was the only sensible course of action. With methods like 'level monitoring' available we do not need to rely on the balance of probabilities in this case. We recommend that in future 'level monitoring' is adopted early on in the assessment process to save time. This should clarify beyond doubt that trees rather than poor drainage, poor construction or other factors are the cause of damage.

DECISION:

That Tree Preservation Order 1045 is confirmed with modification.

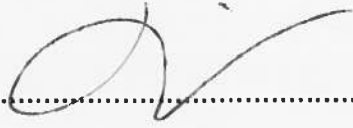
Reasons:

1. The tree is visible to the general public and contributes to the green infrastructure and biodiversity of the Long Ashton Conservation Area.
2. The tree appears to be in a reasonable condition with reasonable life expectancy.
3. A Conservation Area Notice (S211) has been submitted which proposes felling of the tree due to alleged tree related subsidence. However the evidence submitted to date does not clearly demonstrate that the damage has been caused by the tree. The tree is considered to be under threat and the making of the Tree Preservation Order will ensure that the tree is afforded protection until tree related subsidence can be proven.

Other Alternatives Considered:

None.

Signed.....



John Flannigan
Community and Environment Services
Manager, Natural Environment, Streets
and Open Spaces – on behalf of and
exercising the powers of the Director of
Development and Environment.

Dated.....

2/12/16

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