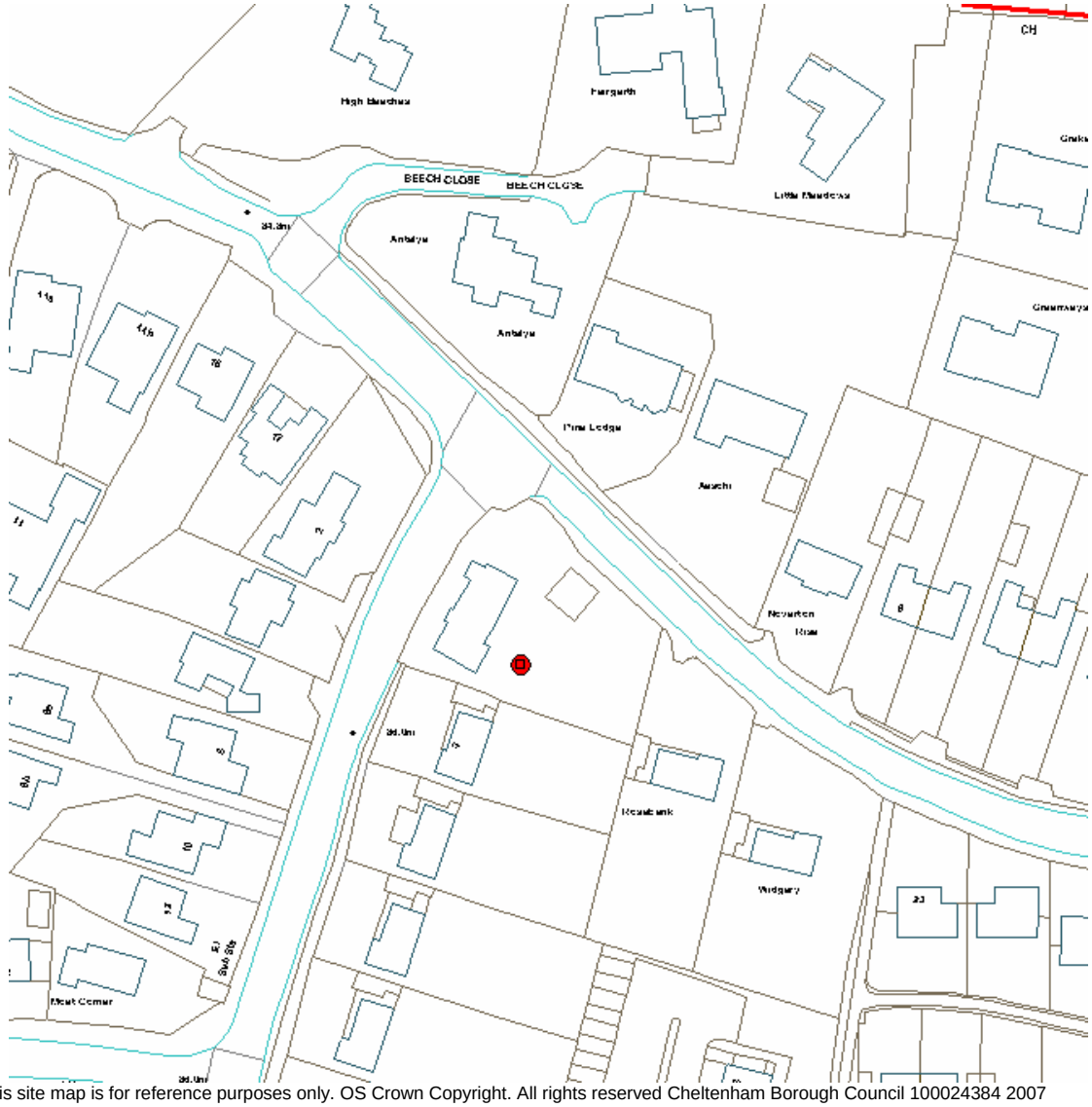
APPLICATION NO: 13/01484/TPO		OFFICER: Miss Lindsey Mulraine
DATE REGISTERED: 28th August 2013		**DATE OF EXPIRY:** 23rd October 2013
WARD: Prestbury		**PARISH:** Prestbury
APPLICANT:	Mrs Lucy Simpson-Daniel	
AGENT:	Mr Mike Gregory	
LOCATION:	1 Finchcroft Lane, Cheltenham	
PROPOSAL:	Atlas cedar in rear garden - fell. [NB: Please refer to Arboricultural Report submitted with application for full details]	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

The Atlas cedar is within the rear garden of large, detached, period property on the junction of Finchcroft Lane and Noverton Lane. The property and garden were semi-derelict for a period of time but now the site is under new ownership and is undergoing total renovation. The new owners are intending to re-landscape the gardens to reflect the newly restored property.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:
Tree Preservation Order

Relevant Planning History:
02/01852/CONF CONFIR
Confirmation of Tree Preservation Order number TPO549: 1 Yew and 1 Cedar in rear garden.

3. POLICIES AND GUIDANCE

Adopted Local Plan Polices
GE5 - The council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders when appropriate.

4. CONSULTATIONS

Cheltenham Tree Group
20th September 2013

We agree that the tree is becoming too big for its current position, and we can understand the reasons for the application, but we would be unhappy to see this tree felled when it appears that it would have some years of healthy life left if carefully managed. We are also unsure about the position for proposed replanting. We defer to the judgement of the Tree Officers in this case.

Parish Council
10th September 2013

The Planning Committee of the Prestbury Parish Council objects to the felling of this tree on the following grounds. In 2008 the then occupier of the property was advised by CBC to have a TPO placed on the tree in 2008. The report commissioned by the applicant confirms that based on the TEMPO scoring scheme, the tree only just qualifies for TPO status. The committee accepts that there is minor structural damage to the tree, and that its position is detrimental to the house, and blocks a significant amount of light, making the rooms at the rear of the property dark. However, the position and TPO status of the tree were known at the time of purchase.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	**9**
Total comments received	**5**
Number of objections	**0**
Number of supporting	**5**

General comment	**0**

a. Letters of representation are provided in full as an attachment to this report. In summary comments relate to:

- The tree is too large for the site and too close to the newly renovated property
- It does not add benefit to the surrounding area
- The other trees within the garden will benefit from its removal
- Good to see the owners rescuing the house and garden from dereliction
- Understand that the tree is in a poor condition

6. OFFICER COMMENTS

a. Determining Issues

This tree is very close to the building has outgrown its situation. This species of tree has the potential to grow much larger and is more suited to a formal garden or park setting, or at least a large garden where it has the room to grow to maturity.

It is unclear from the historic paper work why the TPO was originally placed on this tree as there did not appear to be a threat of removal at the time the TPO was served. The condition of this tree will not have significantly changed in 11 years, in that the weak fork will have been present and visible in 2002. Due to its vigour this tree will have grown dramatically in this time and therefore will appear more out of context now than it did then.

If this tree is to remains in situ it will need to be regularly pruned, as a minimum to give good clearance from the property, but more advisably it would require a crown reduction all round to reduce the potential for damage to the property as well as reduce the risk of branch failure, in relation to the weak fork. Also this species of tree is susceptible to branch loss, particularly over the winter months when the branches are heavy with ice or snow.

Such pruning will reduce the overall size of the tree and therefore the amenity value the tree has within the locality. Cedar trees do not easily regain their former grace and form from reduction works.

b. The site and its context

This site as a whole is currently under renovation. The site has been semi-derelict for some time and the new owners are renovating the building. They would also like to landscape the garden to reflect the newly renovated building. They have agreed to replant with one Scots pine and two birch (as recommended by their Arboricultural consultant) in a more prominent location, on the corner of Finchcroft Lane and Noverton Lane. Currently there is a tarmac drive in-situ, which will be relocated, this area will then be landscape to incorporate the new trees.

c. Other considerations

Since the application was submitted the owners have had drain experts in to assess the drains on the property. Possibly due to the age and condition, the drains have collapsed and are full of roots (see photos submitted) and new drains have to be laid. Tree roots can only exploit a pre-existing fault in a drain, therefore it is likely that due to the age and condition of the drains the roots have exploited the damaged areas and therefore penetrated the drains. Although this is insufficient in its own right, it is a contributing factor which should be taken into consideration.

7. CONCLUSION AND RECOMMENDATION

Taking all of the above into consideration, the Trees Officer recommends that this tree is removed subject to the replanting of 1 Scots pine and two Birch in the location described.

8. CONDITIONS

1 This permission shall expire after two years from the date of this consent following which a further application will be required to undertake the work.
Reason: Circumstances may change and the Local Planning Authority may wish to review the permission.

2 Following the removal of the tree hereby approved, it shall be replaced by one Scots pine and two Birch in the location as detailed within the Arboricultural Report dated June 2011, unless agreed otherwise with the Local Planning Authority. The replacement trees shall be planted during the planting season current at the time of felling (end October - end March) or during in the next immediately available planting season. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.
Reason: In the interests of the visual amenity in accordance with Local Plan Policy GE5.

MIKE GREGORY
Tree Consultancy

94 Ryelands Road
Stonehouse
Glos GL10 2PQ

Tel: 01453 823398
07515827944

Tree Condition Report
(to support application for removal of Atlas Cedar protected by Tree Preservation Order)

SITE
1 Finchcroft Lane
Prestbury
Cheltenham
Gloucestershire
GL52 5BD

CLIENT
Mrs. Simpson-Daniel

June 2011

Ref: MG/29/13

1.0 Overview

1.1 I am Mike Gregory. I have 24 years experience in arboriculture. I have been a tree officer for over six years and have undertaken consultancy for the private sector since 2000. I hold a HND in arboriculture, am a professional member of the Arboricultural Association and member of the Consulting Arborists Society.

1.2 I have been instructed by Mrs. Simpson-Daniel to undertake a visual ground inspection of a mature Atlas Cedar (*Cedrus atlanica*) situated in the rear garden of no. 1 Finchcroft Lane, Prestbury. This tree is subject to a tree preservation order. The purpose of the inspection is primarily to assess:

a) whether there is reasonable grounds for the tree to be removed, and
b) what alternative forms of management may be appropriate

1.3 Site Visit: Saturday June 29 2013. Present: Mike Gregory.

1.4 Weather Conditions: Clear.

1.5 Limitations

1) Due to the changing nature of trees – and possibly other site circumstances – this report and recommendations are limited to a two year period. Similarly, this report could be invalidated if any alterations are made to the property that could change the current circumstances.

2) Under certain circumstances, roots can affect foundations, drains and other underground services. These issues have not been addressed by this report.

3) Trees are dynamic structures that can never be guaranteed 100% safe; even those in good condition can suffer occasional damage under only average weather conditions. A lack of recommended work does not imply that a tree will never suffer damage.

2.0 The Site and Surroundings

2.1 The tree is situated within a large, detached period residential property situated within a medium to low density residential area within Prestbury; a region situated within, and on the north-east outskirts of Cheltenham.

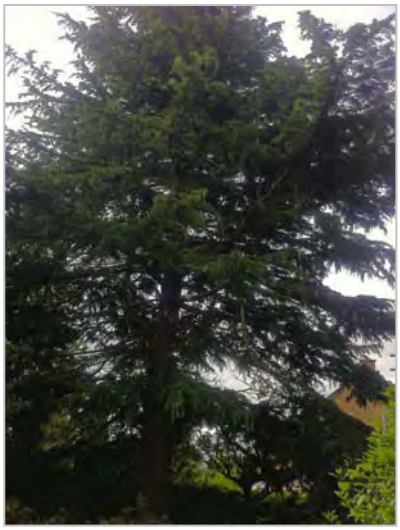
2.2 The property itself is situated by the junction of Finchcroft Lane and Noverton Lane within an area predominately comprising modern (circa mid to late 20th century) properties. At the tine of my site visit the property was uninhabited and undergoing building works.

2.3 The garden area includes a narrow strip to the front of the house which adjoins a section of garden to the north (and side) of the house in which a driveway adjoins the junction of and Finchcroft Lane and serves to access a detached double garage situated near the northerly boundary. The main garden area is situated to the rear of the property, this includes a low dry stone Cotswold wall demarcating a ground level change of some 0.5m that runs centrally through the middle of the garden.

2.4 The most prominent garden features are a number of trees including a row of mature Lawson Cypress (growing as a row of individual trees) and various species (including Lawson Cypress, Holly and Ash) that form a row along the northerly boundary of the property. Two Yew trees are situated close to the north-easterly corner. The most prominent feature of the garden is a mature Atlas Cedar that is situated centrally within the rear garden some 8m from the rear of the house.

3.0 The tree

3.1 The tree is a mature specimen with an estimated height of some 17m. The diameter of the trunk (measured at 1.5m height) is 800mm. The canopy form of the tree is generally symmetrical though the main structure of the tree is dominated by two large co-dominant scaffold limbs.



View south-east towards the tree from within the property garden.

View west. View towards the fork forming two main scaffold branches.

3.1.1 The trunk of the tree extends straight upward for some 5m before forking into the aforementioned scaffold limbs. The main fork indicated signs of included bark; a commonly found defect within forks of trees, where there is no interconnecting tissue between two stems which may result in an internal crack forming into the trunk just below the fork. In this instance such a crack appears to be present; the tree has responded by forming response growth; reinforcing growth intended to structurally fortify a potential structural weakness.

View west towards included junction at 5 metres height. The arrow indicates the section of wood where the two scaffold limbs are pushing against each other with no interconnecting tissue between. A crack is forming, which the tree is attempting to structurally reinforce with formation of growth (in the oval highlighted area).

3.1.2 Both scaffold limbs (that emanate from the fork) extend generally upwards forming the main structure of the canopy. In addition to these two scaffold limbs a third smaller scaffold limb extends outward from near the fork and extends upwards.

3.1.3 The overall mid and outer canopy appear to be in reasonable condition, with no obvious significant defects noted, though visibility in the upper canopy was limited. A small fractured and hanging branch was present in the north-west corner of the canopy and lower branches within the canopy were in contact with the house.

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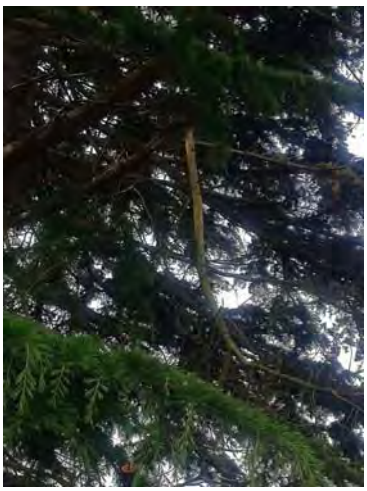
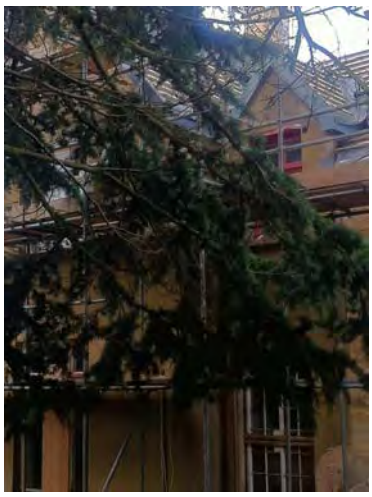


Left: Fractured and hanging branch within canopy of tree.



Left: Lower branches of canopy in contact with house.

3.2 Considering the justification of a tree preservation order

3.2.1 The Cedar tree is presently subject to a Tree Preservation Order no. 549, made by Cheltenham Borough Council in 2008.

3.2.2 Tree preservation orders are made primarily on the basis of visual amenity, i.e, the value of a tree, groups of trees, or a woodland in terms of landscape and aesthetic value.

3.2.3 In order to made a determination of the amenity value that the tree provides I have applied a basic test, the application of a pro-forma evaluation system called Tree Evaluation Method for Protected Trees (hereafter referred to as TEMPO).

3.2.4 TEMPO is commonly used by local authorities for the evaluation of trees that are being considered for inclusion within a tree preservation order. I have used TEMPO for the assessment of hundreds of trees, both in reviewing and making tree preservation orders.

3.2.5 The TEMPO pro-forma for the cedar tree is completed in Appendix A. Notes relating to the use of TEMPO are also included.

3.2.6 The summary of the TEMPO evaluation is as follows:

a) **In terms of amenity assessment** I consider the tree to be suitable, giving a *Fair* rating scoring 3 points. As I consider the tree to have poor form (based on the included bark junction), 1 point is deducted, thus resulting in a final amenity assessment score of 2 out of possible maximum score of 5.

b) **In terms of retention span (in years) and suitability for TPO** I consider the tree to have 40 - 100 years, though in order to achieve this I consider management to the tree to be required. This makes the tree *Very suitable* providing a score of 4 out of a possible maximum score of 5.

c) **In terms of relative public visibility and & suitability for TPO** I consider the tree to be a *Large tree, clearly visible to the public*. While at present the tree has arguably a somewhat limited view I consider that possible changes to surrounding vegetation may improve the visibility of the tree. This makes the tree *Suitable* providing a score of 4 out of a possible maximum score of 5.

d) **In terms of other factors** I do not consider that the tree has any particular redeeming features hence a score of 1 out of a possible maximum score of 5.

e) **In terms of expediency assessment** the tree is already protected by a TPO, so expediency in making an order is null. I have added 1 point (out of a possible maximum of 5).

3.2.7 The final result is a sum of all the points accrued giving a total of 12 points. This, in terms of the TEMPO evaluation means the *TPO is defensible,* but only just. A single point drop would make the tree fall into the *TPO indefensible* category.

3.2.8 It must be noted that the TEMPO evaluation system is a tool to aid in providing a transparent evaluation of the tree and differences of opinion are to be expected. I have however erred in favour of the tree (for options b, above a lower rating may be justified) in the interest of impartiality.

Overall the result indicates that the tree can be considered worthy of a TPO, but very marginally.

3.3 Consideration of the tree and its juxtaposition with the property

3.3.1 The tree dominants the rear garden area, particularly the lawn area that is most likely to be used by residents (due to its proximity to the house). This main lawn area is heavily shaded and will continually be subject to falling debris from the tree. In addition lower branches of the tree are in contact with parts of the house.

3.3.2 Atlantic Cedar are a species that are susceptible to branch loss, particularly in the cases of overdeveloped lateral branches with heavy end loading, though, as a species their propensity for branch breakage, large or small is relatively greater than most other species. I have been involved in many cases, both in the private and public sector where Atlantic Cedars have regularly suffered from branch fractures, even where no outward signs of defects were present.

3.3.3 The tree does not exhibit any highly significant defects, however the included bark junction at 5 m height indicates a structural defect which, given the location of the tree, requires consideration as there is a high risk target area.

3.3.4 The junction will be predisposed to fail in the event of extreme weather events, and while the risk of failure is unlikely to be high, the risk is likely to increase as the size of the tree increases, and is a defect that should be addressed via management should the tree be retained.

3.4 Management Options

3.5 I consider that the management options fall into two basic categories:

- Removal of the tree.
- Retention of the tree.

3.6 Within these two options further management recommendations are required. I consider these options below.

3.6.1 **Removal of the tree** would, of course, address those issues considered within section 3.3. It would also mean the loss of a protected tree, and corresponding amenity value. In such a case it is reasonable to consider potential for mitigating planting.

3.6.2 The property is sited on the corner of Finchcroft Lane and Noverton Lane, with a section of garden that abuts the junction of these two roads. Presently this area of garden comprises a shrub and soil area and access drive. I understand that the access drive is likely to be removed and the whole section returned to garden area. This being the case, a total area of approximately 49m² would be available for replanting in a position that is highly visible from Noverton Lane and Finchcroft Lane.

3.6.3 Such a position provides adequate space for tree species capable of attaining large canopy sizes in the future without conflicting with the property (the trees would be to the north of the house and there are no principle windows facing out on the north flank wall of the property).

3.6.4 I consider that three trees should be replanted, with a minimum stock size of extra heavy standard (either rootball, or container stock). The species of trees could be agreed with the local authority but I would suggest a single Scots Pine and two White Barked Himalayan Birch.

3.6.5 Removal of the tree would require the consent of the local planning authority who can issue conditions for the replanting of trees. I would expect to detail replanting specifications as well as species, though believe corresponding on final details with local authority prior to species and stock size would be beneficial.

3.6.6 It should be noted that notwithstanding the removal of the existing access drive, adequate space for planting still remains, both in the corner by the junction as well as the north of the garden.

3.7 **Retention of the tree**. As mentioned above, retention of the tree will require management pruning to be undertaken. Due to the trees protected status, any pruning will require the consent of the local planning authority, though I consider that these pruning proposals would meet with approval due to the tree's size, condition and proximity to the house.

3.7.1 The result of management pruning would effectively reduce the overall size of the tree, thus reduce the overall visibility of the tree, though the overall impact on the existing visual amenity is likely to be limited. The tree would require continual cyclic pruning to maintain its size and growth, the period between pruning will depend on the growth rate of the tree, but is likely to be in the region of five years.

3.7.2 Even following pruning the tree will dominate the rear garden area of the house, and require ongoing regular inspections. I believe there will remain an ongoing risk of branch loss within the canopy in the long term (though as predicting such an outcome is difficult the risk of branch loss should be considered low).

3.8 **Of the management options** I consider that removal of the tree and mitigating replanting as the favourable choice. In summary the reasons for this are:

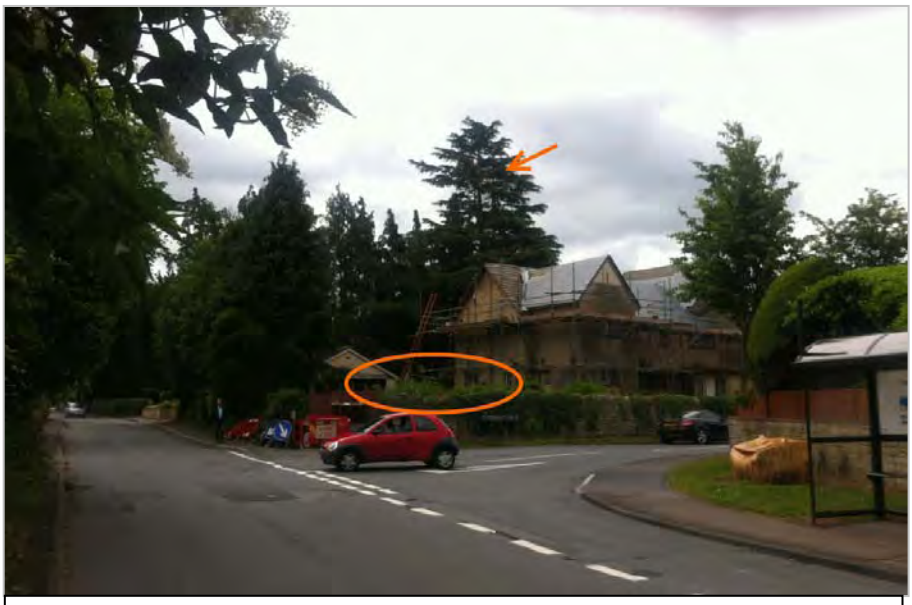
a) The tree is, at best, only marginally worthy of a tree preservation order.

b) The tree is situated centrally within the main area of lawn, only 8m from the rear of the house. The tree dominates the main section of garden and shades the house.

c) The tree has a compromised structure with an included bark junction present with clear indications of an internal crack and response growth wood.

d) Retention of the tree would require comprehensive pruning works, which will require ongoing cyclic re-pruning.

e) There are excellent opportunities for replanting. The tree owners are prepared to provide high quality and large tree stock for this purpose in a position that is sustainable and will provide excellent visual amenity in the long term.



View east from Noverton Road towards 1 Finchcroft Lane. The Cedar tree is shown by the arrow, while the area for proposed new planting is indicated in the oval.

4.0 Summary

I recommend removal of the Atlas Cedar and replanting with three extra-heavy standard trees in the north-west corner of 1 Finchcroft Lane. As the tree is subject to a tree preservation order an application for its removal must be submitted and approved by Cheltenham Borough Council.

Signed:

Mike Gregory. HND Arb. M. Arbor. A.

APPENDIX A - TEMPO FORM AND ASSOCIATED NOTES ON USE OF TEMPO (TEMPO developed by Forbes-Laird Arboricultural Consultancy)

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 29 June 13 Surveyor: Mike Gregory

Tree details TPO 549
TPO Ref (if applicable): Tree/Group No: Species: Atlas Cedar
Owner (if known): Mr & Mrs Simpson-Daniel Location: 1 Finchcroft Lane

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5) Good	Highly suitable
3) Fair	Suitable
1) Poor	Unlikely to be suitable
0) Dead/dying/dangerous*	Unsuitable

Score & Notes: Deduct 1 point for weak junction - (2)

** Relates to existing context and is intended to apply to severe irremediable defects only*

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable
4) 40-100	Very suitable
2) 20-40	Suitable
1) 10-20	Just suitable
0) <10*	Unsuitable

Score & Notes: (4)

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable
4) Large trees, or medium trees clearly visible to the public	Suitable
3) Medium trees, or large trees with limited view only	Suitable
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable
1) Trees not visible to the public, regardless of size	Probably unsuitable

Score & Notes: (4)

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

5) Principal components of arboricultural features, or veteran trees
4) Tree groups, or members of groups important for their cohesion
3) Trees with identifiable historic, commemorative or habitat importance
2) Trees of particularly good form, especially if rare or unusual
1) Trees with none of the above additional redeeming features (inc. those of indifferent form)

Score & Notes: (1)

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

5) Immediate threat to tree
3) Foreseeable threat to tree
2) Perceived threat to tree
1) Precautionary only

Score & Notes: (1)

Part 3: Decision guide

Any 0	Do not apply TPO
1-6	TPO indefensible
7-11	Does not merit TPO
12-15	TPO defensible
16+	Definitely merits TPO

Add Scores for Total: (12)

Decision:

- Planning
- TPO
- Safety Inspection
- Subsidence
- Expert Witness
- Design

Forbes-Laird Arboricultural Consultancy

Principal Consultant:
Julian Forbes-Laird
BA(Hons), MICFor, MEWI, M.Arbor.A. Dip.Arb (RFS)

TEMPO

Tree Evaluation Method for Preservation Orders

A systematised assessment tool for TPO suitability

GUIDANCE NOTE FOR USERS

November 2009

To be read in conjunction with TEMPO pro forma, included at the end of this document

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Introduction

Background

The impetus to take a fresh look at existing TPO suitability evaluation methods grew out of the preparation for a local authority of a detailed Method Statement for reviewing Tree Preservation Orders (TPOs) in 2002. The client wanted the Method Statement to include a reliable means of assessing trees for TPO suitability, and asked for a bespoke system.

Having looked closely at what was already available, JFL decided that there was considerable room for improvement, as each of the better-known existing methods has disadvantages.

Accordingly, TEMPO was developed by JFL (whilst working as a Senior Consultant at CBA Trees) as a direct response to the apparent continuing uncertainty about what attributes a tree should have in order to merit statutory protection by TPO.

Overview

TEMPO is designed as a field guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken.

TEMPO considers all of the relevant factors in the TPO decision-making chain. In this connection, it is helpful to revisit the wording of central government advice[1]:

> 'Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO'

From this, it becomes apparent that most existing methods are inadequate, seeking as they do solely to consider the tree rather than any known threats to its retention. TEMPO corrects this omission by including an expediency assessment within the framework of the method.

Excluding the first section, which is simply the survey record and is thus self-explanatory, TEMPO is a three-part system:

Part 1 is the Amenity Assessment
Part 2 is the Expediency Assessment
Part 3 is the Decision Guide

These parts are set out and function as follows:

Part 1: Amenity Assessment

This part of TEMPO is broken down into four sections, each of which are related to suitability for TPO:

a) Condition
b) Retention span
c) Relative public visibility
d) Other factors

The first three sections form an initial assessment, with trees that 'pass' this going on to the fourth section. Looking at the sections in more detail:

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD	Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so
FAIR	Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse
POOR	Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult
DEAD	Tree with no indication of life
DYING/ DANGEROUS	Trees showing very little signs of life or remaining vitality, or with severe, irremediable structural defects, including advanced decay and insecure roothold. Death or catastrophic structural failure likely in the immediate future, retention therefore impossible as something worthy of protection

The scores are weighted towards trees in good condition. It is accepted that trees in fair and poor condition should also get credit, though for the latter this is limited to only one point. Dead, dying or dangerous trees should not be placed under a TPO, hence the zero score for these categories, due to exemptions within the primary legislation.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

Where a group of trees is being assessed under this section, it is important to score the condition of those principle trees without which the group would lose its aerodynamic or visual cohesion. If the group cannot be 'split' in this way, then its average condition should be considered.

Each of the condition categories is related to TPO suitability.

b) Retention span

The reason that this is included as a separate category to 'condition' is chiefly to mitigate the difficulty of justifying TPO protection for veteran trees. For example, it is necessary to award a low score for trees in 'poor condition', though many veteran trees that could be so described might have several decades' potential retention span.

This factor has been divided into ranges, which are designed to reflect two considerations:

- It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005

- The further ahead one looks into the future, the more difficult it becomes to predict tree condition: hence the width of the bands increases over time

Scores are weighted towards the two higher longevities (40-100 and 100+), which follow the two higher ranges given by Helliwell[2].

The Arboricultural Association (AA) publishes a guide[3] to the life expectancy of common trees, which includes the following data:

300 years or more	Yew
200-300	Common [pedunculate] oak, sweet chestnut, London plane, sycamore, limes
150-200	Cedar of Lebanon, Scots pine, hornbeam, beech, tulip tree, Norway maple
100-150	Common ash, Norway spruce, walnut, red oak, horse chestnut, field maple, monkey puzzle, mulberry, pear
70-100	Rowan, whitebeam, apple, wild cherry, Catalpa, Robinia, tree of heaven
50-70	Most poplars, willows, cherries, alders and birches

The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive, though it should assist with determining the theoretical overall lifespan of most trees. However, TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

If a group of trees is being assessed, then the mean retention span of the feature as a whole should be evaluated. It would not be acceptable, for example, to score a group of mature birches based on the presence of a single young pedunculate oak.

A note on the pro forma identifies for inclusion in the less than ten years band trees which are assessed being an existing or near future nuisance, including those clearly outgrowing their context, or which are having an adverse effect on adjacent trees of better quality.

The nuisance element is introduced to cover situations where, for example, a Section 211 Notice has been received by the LPA for removal of a tree causing subsidence damage. In relation to outgrowing context, some common sense is needed here: if the trees are being considered for TPO protection prior to development, and if it is apparent that demolition of existing structures will be a component of this process, then a tree should not be marked down simply because it is standing hard up against one of the existing structures.

As with condition, the chosen category is related to a summary of TPO suitability.

c) Relative public visibility

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. I have not attempted to be too prescriptive here, as TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. However, I have found that reference to the square metre crown size guide within the Helliwell System[4] can be helpful in reaching a decision.

Reference is made to 'young' trees: this is intended to refer to juvenile trees with a stem diameter less than 75mm at 1.5m above ground level. The reasoning behind this is twofold: this size threshold mirrors that given for trees in Conservation Areas, and trees up to (and indeed beyond) this size may readily be replaced by new planting.

In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection[5].

Where groups of trees are being assessed, the size category chosen should be one category higher than the size of the individual trees or the degree of visibility, whichever is the lesser. Thus a group of medium trees would rate four points (rather then three for individuals) if clearly visible, or three points (rather than two) if visible only with difficulty.

Once again, the categories relate to a summary of TPO suitability.

Sub-total 1

At this point, there is a pause within the decision-making process: as the prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The total of seven has been arrived at by combining various possible outcomes from sections a-c.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

- 'Any 0' equating to 'do not apply TPO'
- '1-6' equating to 'TPO indefensible'

d) Other factors

Assuming that the tree or group qualifies for consideration under this section, further points are available for four sets of criteria, however only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 2000[5]). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups

- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups

- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply

- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero score disqualification (under part 3).

Sub-total 2

This completes the amenity assessment and, once again, there is a pause in the method: the scores should be added up to determine whether or not the tree (or group) has sufficient amenity to merit the expediency assessment.

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting

- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, central government advice[7] is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

Clearly, other reasons apply that might prevent/usually obviate the need for the making of a TPO. However, it is not felt necessary to incorporate such considerations into the method, as it is chiefly intended for field use: these other considerations are most suitably addressed as part of a desk study.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO

Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice

- 1-6 TPO indefensible
  This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected

- 7-11 Does not merit TPO
  This covers trees which *have* qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention

- 12-15 Possibly merits TPO
  This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'

- 16+ Definitely merits TPO
  Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

Notation boxes

Throughout the method, notation space is provided to record relevant observations under each section. For local authorities using TEMPO, it may even be helpful to include a copy of the TEMPO assessment in with the TPO decision letter to relevant parties, as this will serve to underline the transparency of the decision-making process.

Conclusion

TEMPO is a quick and easy means of systematically assessing tree or group suitability for statutory protection. It may be used either for new TPOs or for TPO re-survey, especially where Area TPOs are being reviewed.

From the consultants' perspective, it is also an effective way of testing the suitability of newly applied TPOs, to see whether they have been misapplied, or it can be used to support a request to make a TPO in respect of trees at risk, for example from adjacent development.

TEMPO does not seek to attach any monetary significance to the derived score: the author recommends the use of the Helliwell System where this is the objective.

CBA Trees owns the copyright for TEMPO, however the method is freely available, including via internet download through the FLAC website (www.flac.uk.com) and the Arboricultural Information Exchange www.aie.org.uk

TEMPO has undergone a number of minor revisions since its inception, many of which are due to helpful comments received from users. Any feedback on the method is gratefully received by the author.

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References

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3 'Tree Management', Leaflet No. 4, Arboricultural Association 1991

4 Helliwell op. cit.

5 DETR 2000 op. cit. at para. 3.3 (1)

6 'Veteran Trees: A Guide to Good Management', Helen Read, English Nature 2000

7 DETR 2000 op. cit. at para. 3.5

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