

Malton War Memorial Restoration Committee

c/o Malton Town Council
Community House
Wentworth Street
Malton
YO17 7BN

Mr Don Davies
Tree & Countryside Officer
Ryedale District Council
Malton
YO17 7HH

7th July 2017

Felling Application No. 17/00504/CAT
Tree Preservation Order No. 346/2017
Planning Application 15/01093/FUL

Dear Mr Davies

Tree Preservation Order at Malton War Memorial

We are in receipt of e-mail 29/06/2017 17:11 from Gary Housden advising us the above Tree Preservation Order will be considered at the next planning meeting on 2nd August 2017. We note Mr Housden has listed five possible grounds for objections and, for the avoidance of doubt; we reconfirm our objections within the five suggested parameters:

1. Amenity

A definition of amenity is given in the Government Publication *Tree Preservation Orders: A Guide to the Law and Good Practice*. To discuss the criteria in turn:

We do not believe the removal of the tree would have a significant impact on the local environment and its enjoyment by the public. Indeed the removal of the tree and its replacement with a smaller tree would provide improved visibility of *The Cross of Sacrifice*, which we suggest should be the dominant feature on the Memorial.

We do not believe the LPA has shown that a reasonable degree of public benefit would accrue to justify a TPO. Particularly as the TPO is inhibiting proposed improvements to the Memorial with regards to disabled access and public safety.

We do not believe the tree is worthy of preservation because of its intrinsic beauty, its contribution to the landscape or its scarcity. The tree is a stunted sycamore obscuring views of the Memorial. Sycamores are not native trees and were introduced around the 16th century from Eastern Europe. They are considered invasive in Canada, New Zealand, Australia and Ireland.

There are other larger trees in the vicinity contributing to the landscape, including a Copper Beech.

We do not believe the tree has any importance as a wild life habitat.

2. Health of the Tree

A mature Sycamore tree normally grows to a height of 30 to 35 metres. The height of the tree in question is estimated at just 15 metres. The growth of the tree appears to have been inhibited by being pot-bound by the Memorial retaining walls. Furthermore, it is poorly irrigated with paving around the trunk and metalled roads surrounding the site on all sides.

The tree carries a number of dead branches, the canopy is thinner than adjacent Sycamore trees and it is later to come into leaf.

3. Damage to Property

The tree roots are lifting the paving slabs behind the Memorial leaving the area unsuitable for wheelchairs and a trip hazard. The railings were removed during World War II and there is a potential fall of about 3 feet at the south east corner.

The tree overhangs the road on either side and is a potential source of damage to high-sided vehicles on one of the main routes into the town.



Tree Overhanging Yorkersgate and Horsemarket Road

4. Errors in the TPO

The Tree Evaluation Method For Preservation Order-TEMPO, enclosed, was incorrectly assessed. With a zero rating at item b) there is insufficient cause to grant a TPO.

	LPA Score	Committee Score
a) Suitability for TPO	3	1
b) Retention Span	4	0.
c) Public Visibility	5	4
d) Other Factors	1	Not Applicable
Expediency Assessment	5	Not Applicable

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 07/06/17 Surveyor: Don Davies

Tree details	Tree/Group No:	Species: <u>Sycamore</u>
TPO Ref (if applicable):	Location: <u>Malton</u>	
Owner (if known):		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes
3

* 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
5

d) Other factors

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

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal 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)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
5

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:
18

Decision:
Promote TPO

Our zero rating for item b) "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".

The tree is an existing nuisance for the reasons given in paragraph 3. There is the potential to replace the tree with a smaller species which will not interfere with passing traffic nor obscure the Memorial.

5. Procedural Requirements

We assume the TPO was made in response to Malton Town Council's Application for a felling order 17/00504/CAT. We note the Application is not listed in the on-line Planning Register and wonder why it has not been duly processed? Furthermore, the reasons for requesting permission to fell do not appear to have been considered in the TPO. We believe the TPO was an unnecessary reaction and the correct procedure was to fully consider the wider implications given in the Application for felling the tree and replacing it with a more appropriate species. The TPO was a deplorable over-reaction. The tree was already protected and it is inconceivable that Malton Town Council would authorise the felling of a tree in a conservation area without permission.

The application for Heritage Lottery Funding currently stands at £97k with a further £28k promised in cash or kind from supporters of the project. The majority of the money will be spent with local contractors. As the 100th anniversary of the end of the Great War approaches this is an opportunity to fund the refurbishment of the monument which is unlikely to be repeated.

Yours sincerely



John Howard
On Behalf Of War Memorial Restoration Committee
Sent by e-mail 7th July 2017.

cc Gary Housden
Ryedale Planning Committee
War Memorial Committee

Enclosures:

Tree Evaluation Method dated 7th June 2017
Project 119: Reasons for applying to fell Sycamore at War Memorial dated 28th April 2017.