

Flat 1
Grove House
125 Langton Road
Norton
Malton
North Yorkshire
YO17 9AE

28th November 2022

Re: Tree Preservation Order No: 361/2022

Dear Matthew,

Thank you for your site visit on 21st November. It was good to meet you in person and we found the visit informative. Further to our discussion on that date please find outlined below our response to the placing of a TPO (Tree Preservation Order) on six of the trees in our garden. With regard to the trees, I have included a little bit of background to the garden which will hopefully give some idea of where we are coming from in terms of tree protection.

Background to the garden

Since taking possession of the garden in late 2012, we have worked hard to increase habitat and species diversity as we have a keen interest in nature conservation. Projects include introducing a pond and a small wild flower meadow as well as planting several native species of trees and shrubs including hazel (*Corylus avellana*), rowan (*Sorbus aucuparia*), spindle (*Euonymus europaeus*) and guelder-rose (*Viburnum opulus*).

Since retiring from my job as a biodiversity officer in 2018, I have begun recording species in the garden. So far this has resulted in records for 160 native and naturalised plant species, 27 species of birds actively using the site with seven species resident and breeding. Twelve species of butterfly (20% of all British species) also visit the garden along with good numbers of other pollinators, particularly bees and hoverflies including some scarce species such as common mourning-bee (*Melecta albifrons*) and broad-bordered bee hawkmoth (*Hemaris fuciformis*).

The trees in the garden obviously form a valuable component of the garden ecosystem to be found here and although it appears that nature conservation is not a component in the selection process for assignment of a TPO, it is very important to us. We would therefore not normally consider harming or damaging any tree based on ecological grounds alone. In a natural setting trees do not normally require any management and can be left to develop naturally. However, when trees grow in close proximity to buildings and public highways, other factors need to be considered; primarily safety and protection of property.

As amenity value seems to be the main criteria for applying a TPO to an individual tree it is perhaps worth noting that no-one enjoys these trees more than we do. We feel fortunate to be able to go into our garden and be surrounded by trees rather than houses. Not only do we enjoy looking at the trees but they provide a degree of privacy and noise screening for us. This has been particularly valuable during the last three years because of a health condition which means that should Covid infection be brought into the house it would probably result in the death of the one of us with serious respiratory issues. Having the garden and the trees it contains as a haven has been nothing short of a life-saver and helped us to retain our mental well-being.

As you know, we had planned to have work done on two of the trees which have had a TPO placed on them. The details of the proposed work and our reasons for wishing to have the work done are outlined in the individual tree entries below. We do not object to TPO *per se* but we do have an objection to one of them.

Note: Any tree work would be undertaken by a fully qualified and insured tree surgeon working to BS3998.

The Trees

T1: Purple Beech (*Fagus sylvatica* var. *purpurea*)

This is the dominant tree in the garden and a rather impressive specimen which has attractive foliage in the summer and is spectacular in the autumn when the leaves turn. As well as recognising its amenity value it also holds a high value for nature conservation, particularly for nesting birds. Blackbird (*Turdus merula*), wood pigeon (*Columba palumbus*) and carrion crow (*Corvus corone*) have all nested in this tree. Blue tit (*Cyanistes caeruleus*) usually utilise the nest box attached to the trunk of the tree as a nest site although one year it was utilised by tree bumblebee (*Bombus hypnorum*). Tawny owl (*Strix aluco*) have also been seen roosting in the tree during the daytime. The seeds provide a good food source for resident wood mouse (*Apodemus sylvaticus*) and visiting hedgehog (*Erinaceus europaeus*), therefore: **No objection.**

Proviso: Some of the branches of the tree are very close to the house. We therefore require permission to carry out some minor crown reduction in the near future (probably within the next two years). This would take place only to protect the fabric of the building (gutter, soffits, slates, etc) from being damaged by branches lashing during high winds. Such works would also protect the tree from damage by coming into contact with the building. *All work to reduce the crown would be kept to an absolute minimum; 5% approximately.*

T2: Common Lime (*Tilia x europaea*) (incorrectly identified as small-leaved lime on the TPO citation sheet)

A fair specimen of this species which produces a huge biomass of aphids during the summer months and which is also host to *Eriophyes tiliae* a specialist mite found only on lime trees. We do have concerns about this tree and planned to have some work done on it. It is a rather 'one-sided' tree with most of the branches on the south side, some of which give us safety concerns for the potential impact on the property next door. Our plan is to retain the lime as a viable tree but to have some reduction in height and crown balancing work done. The canopy also holds a fair amount of dead wood and we would wish for all dead branches to be removed. If permission for this work is granted we will have achieved our goal. Therefore: **No objection.**

Proviso: We require permission to undertake thinning works on the tree which would result in a crown reduction of approximately 20%. Given the circumstances and the location of the tree we consider this to be consistent with sustainable tree management.

T3: Norway Maple (*Acer Platanoides*)

We have serious safety concerns regarding this tree as it is somewhat 'one-sided' with almost all of the branches on the south side, some of which are large and which are hanging directly

over the property next door. We planned to have work done on this tree. Our plan is to fell the tree in order to remove all safety issues. This is not a decision we have taken lightly. Although we feel that felling the tree is the best option, we would retain a three metre monolith which would develop as standing deadwood (a habitat currently absent from the garden), thereby providing opportunities for specialist saproxylic fauna and fungi. We would also plant a 'standard' native tree to replace the Norway maple. Our choice would be for either field maple (*Acer campestre*) or wild cherry (*Prunus avium*), either of which are shade tolerant, work well as understory trees and provide opportunities for wildlife. Given this, we have no alternative than to register an **OBJECTION** to the placing of a TPO on this tree. Our reasons for wishing to have the tree felled are as follows:

- The majority of the crown directly hangs over the property next door and should the tree lose a major limb this would cause severe damage to the property and possible risk of injury to its inhabitants.
- Because the weight of the tree is very unevenly distributed it is more likely to be prone to root plate lifting. Given the location of the tree, such an event would be catastrophic.
- Whenever there have been high winds the tree sheds some timber. Although this is usually small amounts of deadwood, the tree has shed live branches.
- The lower limb has a significant scar which although apparently slowly healing over may well have allowed fungal infection to already have penetrated the tree.
- There are historic scars on the main stem of the tree which may similarly have allowed fungal infection to enter in the past.
- The tree will never develop into a healthy, balanced specimen as its proximity to other trees, primarily the beech will prohibit this. Beech is known for casting deep shade which makes it difficult for any plants to develop; this would preclude any branches developing on the northside of the maple.
- The removal of the maple would allow the beech to continue to develop a healthy, balanced crown.
- The loss of amenity value caused by removing the Norway maple is likely to be minor as its removal would give improved views of the lime and the beech, the latter of which is the far more spectacular tree.

T4: Yew (*Taxus baccata*)

A rather small tree so we are not sure how much amenity value it holds. However, it does hold value for nature conservation. It is evergreen and therefore provides year round cover for birds and invertebrates. In 2020 it had song thrush (*Turdus philomelos*) nesting though sadly these have not returned. The tree presents no safety issues and should not require any management for many years, therefore: **No objection.**

T5: Sycamore (*Acer pseudoplatanus*) (identified as maple on the TPO citation sheet)

A rather poor specimen which does not hold much value for wildlife other than a large amount of biomass in the form of aphids which help support the bird population both in and visiting the garden, especially when parent birds are feeding young. It is host to tar-spot fungus (*Rhytisma acerina*), a clean air indicator species and has vigorous fertile stems of ivy (*Hedera helix*) which provide late flowering blooms for pollinators and winter berries for birds. However, we do recognise its amenity value as it is highly visible from the road and presents a pleasant bit of greenery in the summer and yellow in the autumn for members of the public (and us) to enjoy, therefore: **No objection.**