

<u>Location:</u>	<b>Church of St Peter, Pirton Road, Holwell, Hitchin, Hertfordshire, SG5 3SR</b>
<u>Applicant:</u>	-
<u>Proposal:</u>	<b>T1 Redwood (Wellingtonia)</b>
<u>Ref. No:</u>	TPO/00203 (2022)
<u>Officer:</u>	<b>Vicki Wood</b>

## 1.0 **Proposal**

1.1 Confirmation of Tree Preservation Order TPO/00203 (2022) – T1 Redwood (Wellingtonia) at Church of St Peter, Pirton Road, Holwell, Hitchin, Hertfordshire, SG5 3SR.

## 2.0 **Site History**

2.1 In accordance with The Town and Country Planning Act 1900 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 North Hertfordshire Council served a provisional Tree Preservation Order dated 21 September 2022 in respect of the above which provides for a period of 6 months (21 March 2023) for the Local Planning Authority to confirm the Order.

## 3.0 **Representations**

3.1 A period of 28 days from the date of service of a provisional Tree Preservation Order provides for comments to be made. In this case, two letters of objection have been received, one from the Church Warden at St Peter's Church and one from the Owner/Occupier of 20 Rands Meadow raising the following concerns:

- Proximity of the tree being sited close to both the church and residential properties in terms of potential damage to property and/or injury to people living close by and/or attending graves;
- Possibility of the root system causing damage to drains and the potential costs to the church arising from this;
- Professional inspection (which is understood to be carried out on an annual basis by the land owners) has shown that there is trifurcation to the tree, meaning that it is more susceptible to water at the point where the trunk splits into three.
- If works were permitted to reduce the height of the tree, the tree would look peculiar and no longer aesthetically pleasing;
- Any works to limit root spread may leave the tree less stable;
- Non-native tree; and
- Not ecologically friendly given that only pigeons seem to like it.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 St. Peter's Church is a Grade II listed building located on the corner of Holwell Road and Pirton Road. Whilst the listing description makes reference to the building itself, it is important to consider the setting of the building as a whole in the context of the village.

4.1.2 The tree lies to the south east of St. Peters church within the grounds of the churchyard having residential properties located to the east, south and west.

## 4.2 Key Issues

4.2.1 When considering whether to confirm the TPO, it is essential that the following points be considered such as: any impact on the local environment in terms of loss of amenity if the tree was to be removed; any benefit in its retention for the present and the future and other relevant factors such as wildlife.

## 4.3 Consideration

4.3.1 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Trees Action Plan 2021-2024; Tree Preservation Orders and Trees in Conservation Areas 2014 and the North Hertfordshire Council Tree Strategy 2017 and Climate Change Strategy 2020-2025. In addition to these, Section 14 (Meeting the challenge of climate change, flooding and coastal damage) of the NPPF and Policies SP12 – Green Infrastructure, biodiversity and landscape and NE1 – Landscape, all seek to support the contribution trees make to the natural environment.

4.3.2 Prior to the making of the provisional TPO, a visual assessment of the tree was undertaken by Maydencroft. The assessment looked at the tree condition at that time (September 2022) and the following findings were recorded:

Roots and buttress- No signs of heave or movement in the soil.

Base of trunk- No signs of fungal fruiting bodies, cavities or decay. Mature ivy at base has recently been severed allowing good visual access.

Main stem- unable to inspect the main stem from ground level to approximately 14m in height because of the presence of mature ivy.

Main unions- At approximately 14m above ground level the main stem splits into 3 separate codominant leaders. Due to height confirmation of the structural condition of unions at this point was not possible without an aerial climbing inspection.

Crown shape- Typical of species, with some historical pruning works being carried out, this was evident from the pruning wounds present on the outer crown.

Physiological condition- Some browning of the foliage was evident, however only in small isolated sections of the crown, this may be caused by the recent drought and is not something that should be taken as an immediate cause for concern.

4.3.3 The conclusion being a recommendation for its retention and the suggestion of a TPO being placed upon the tree. This recommendation was based on the condition of the tree at the time of the survey, further validated by the trees historical, landscape and amenity value.

4.3.4 In terms of the objections received, it is accepted that St.Peter's Church and churchyard are located within close proximity to residential properties and it is also accepted that the proximity of the tree in relation to these properties as well as the church is close. However, the tree is a mature specimen of which is understood to be in good health. Its height is a characteristic of this type of tree and although not native to this country, its presence in the churchyard provides a degree of public amenity value as well as providing a home for various wildlife species including birds and insects. In addition to this, is its contribution towards combating climate change and its ability to absorb carbon.

## 5.0 **Environmental Implications**

5.1 Trees contribute a key role in helping to tackle the climate emergency and creating a greener district. They not only directly remove carbon dioxide from the atmosphere and provide us with oxygen but also deliver many other benefits including: providing visual public amenity; softening or complementing the effect of the built environment; displaying seasonal changes and providing opportunities for biodiversity; making places more comfortable in noticeable ways by contributing to screening and shade; reducing wind speed and turbulence; reduce flooding by intercepting snow and rainfall and reducing sun glare.

5.2 Trees are also a key element of the green infrastructure network, contributing to urban cooling and providing microclimate effects which help reduce energy demands on buildings. They therefore represent a key resource that can significantly contribute to climate change adaptation.

## 6.0 **Legal Implications**

6.1 There are no financial implications for the council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to a protected tree and where that application is refused.

## 7.0 **Human Rights Act Implications**

7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions, but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and by the general principles of international law.

## 8.0 **Alternative Options**

8.1 If the Provisional Tree Preservation Order (TPO/00203) is not confirmed then the tree is no longer afforded any protection.

## 9.0 **Conclusion**

9.1 Mature trees such as this Redwood play a key role in helping to tackle the climate emergency and create a greener district. They directly remove carbon dioxide from the atmosphere and convert this to stored carbon. Additionally, they are important for biodiversity both in their own right and as a habitat for other species. Therefore, if the

provisional TPO is confirmed, the protection of this tree will not only retain the contribution it makes to public amenity value but it will help contribute towards the Council's objective to reduce the effects of global warming and carbon emissions.

9.2 Should the TPO be confirmed, it does not mean that no future works to the tree can be undertaken, it purely means that any works would be the subject of a TPO application which the Local Planning Authority would need to consider and issue a decision on accordingly.

10.0 **Recommendation**

10.1 That the provisional Tree Preservation Order (TPO/00203) be **CONFIRMED**.