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APPENDICES:

1. 'SCHEDULE – SPECIFICATION OF TREES'
2. TPO PLAN PRODUCED BY BRACKNELL FOREST COUNCIL

1. INTRODUCTION

- 1.1 Broad Oak Tree Consultants Ltd. have received instructed by Rapleys to produce valid objections to the placing by Bracknell Forest Council of Tree Preservation Order 1171, hereinafter referred to as 'the TPO'.
- 1.2 The TPO took effect on a provisional basis on 4th August 2014 and comprises the following:
 - 12 Individual trees.
 - 4 Groups.
 - 3 Woodlands.
- 1.3 A copy of the 'Schedule – Specification of Trees' is included in Appendix 1 for reference purposes.
- 1.4 A copy of the TPO Plan produced by Bracknell Forest Council is included in Appendix 2 for reference purposes.
- 1.5 The site was visited on Friday 22nd August 2014 by Tim Laddiman, BSc.(Hons) M.I.C.For. M.Arbor.A., Chartered Arboriculturist and Principal Consultant of Broad Oak Tree Consultants Ltd.
- 1.6 Objections are raised to the overall principle of the placing of the TPO and specific elements of its components. These are covered in this order below.

2. OBJECTIONS TO THE TPO IN PRINCIPLE

- 2.1 The site is located on the south side of London Road, with levels falling from north to south. A complex of buildings, served by extensive surfaced car parking, provides offices for a number of companies. The grounds originally formed the extensive gardens to the main house on the site and evidence of long term management and maintenance is notable within the grounds localised around the buildings and in the wider woodland areas to the east and west. The open vistas to the south of the grounds are maintained as grassland with regular maintenance of paths as well as hazard reduction of collapsed trees.
- 2.2 The extent of the trees on the site is considerable and the numbers involved sizeable with a diverse range of ages and species present. The site represents a considerable management challenge to ensure the ongoing viability of the wooded areas and to manage potential hazards to users of the site, the buildings and users of London Road.
- 2.3 The placing of the TPO covering the vast majority of the trees on the site places draconian constraints on the owners in their day to day management of the site, by requiring Council permission for such simple tasks as trimming back low hanging limbs over the drive, car parking areas or buildings. The requirement to wait up to two months from submitting an application is considered unreasonable in the context of the day to day management and maintenance in the absence of any clear justification for placing the TPO.
- 2.4 The TPO also severely restricts any normal maintenance operations that the owners may wish to undertake in the woodland areas, such as clearing fallen trees, controlling invasive weeds and rhododendron due to the fear of being prosecuted for accidentally cutting any regenerative trees of any size, which are automatically covered within the TPO Woodland designations.

- 2.5 The overall effect of the TPO is to place undue constraints and financial obligations on the client without any clear justification for the expediency of its placing.
- 2.6 Whilst the site is indicated to be available for potential development this does not immediately indicate that wholesale tree felling would occur to achieve developable area.
- 2.7 Due to the scale of the site, density of the trees and their size any cutting within the wooded areas would automatically require a Felling Licence from the Forestry Commission for any amount over 5 cubic metres per calendar quarter. For some of the larger trees on the site a single tree would exceed this quota.
- 2.8 Therefore the requirement for a TPO to control potential development related felling is negated by existing legislation controlling tree felling administered by the Forestry Commission.
- 2.9 The reason stated by the Council for the placing of the TPO is as follows:
'To maintain the visual amenity the tree/s afford to the area'.
- 2.9.1 No statement has been provided by the Council to justify this reasoning or to quantify how the site provides visual amenity. Given the implications of the TPO on such a large site and resource the lack of any justification is not considered acceptable.
- 2.10 The nature of the site, the surrounding land and the topography means that the vast majority of the site affords no publicly visible amenity, either locally or in a wider context.
- 2.11 To the north the wooded frontage and glimpses along the drive entrance to several of the large redwoods could be construed as visible amenity and that is accepted. However, the majority of the trees located around the buildings, parking areas and lawns/grassed areas beyond the frontage and drive provide no visible public amenity. The nature of the surrounding land and large edge trees mean that even over greater distances no complete or even partial views of these trees are possible. As such they do not meet the basic stated criteria for the placing of a TPO that they should be visible to the public and as such should not be included.
- 2.12 To the east the site is bounded by further similar woodland without clear definition. As such no part of this boundary beyond the road frontage area has any definable public visibility locally or in a wider landscape context. To the south and west the wooded areas border further pine woodlands of varying ages divided by a ride network. The Ordnance Survey Landranger 175 'Reading, Windsor & Surrounding Area' does not indicate any public footpaths or bridleways to the south or west of the site. Inspection of the rides indicated several bicycle tracks but no significant evidence of foot traffic to suggest regular general public access. Consequently apart from the outer edges of the site contributing to the general wooded nature of the area there is no other justification on public amenity value.
- 2.13 It is therefore considered that the reason stated for placing the TPO has not been justified by the Council and in the most part is not of relevance to the site. As such the majority of the TPO has no justification within The Town and Country Planning (Tree Preservation) (England) Regulations 2012 No. 605. Only the frontage belt of trees, (W1), and the northern most section of W3 and the individually listed trees T1-T4 would be considered appropriate for inclusion in a TPO. The Council should look at revising or remaking the TPO to more accurately reflect the trees that provide public amenity.

3. OBJECTIONS TO SPECIFIC ELEMENTS OF THE TPO

3.1 The following comments and objections relate to the individual listings, groups and woodlands in the order they appear in the Schedule in Appendix 1.

3.2 *Individually listed trees*

TPO Reference	Comments
•Trees T1-T4 inclusive -	Redwood – visible to the public and important features of the entrance and drive. Inclusion considered justifiable.
•Trees T5, T6, T7 -	Redwood – not generally visible to the public outside of the site or in a wider landscape context therefore no justification for inclusion. Trees 6 and 7 inter crowded reducing any internal site amenity value with considerable growth potential.
•T8 -	Cypress – Inaccurate identification – actually a Western Red Cedar. No public visibility or wider landscape value. Of limited internal site amenity.
•T9 -	Oak – A Turkey Oak with large decaying basal wound to the west with decay fungi present. Short safe life span as Turkey Oak does not possess the rot resistant heartwood of native Oaks. Unsuitable for inclusion due to its condition. No public visibility.
•T10 -	Cypress – incorrect species – actually a Western Red Cedar. No public amenity value.
•T11 -	Redwood – No public or landscape amenity value.
•T12 -	Redwood – No public or landscape amenity value.

3.3 *Groups of trees*

TPO Reference	Comments
•Group 1 -	The 1 no. Douglas Fir and two Redwood listed are just about visible outside the site but do not provide justifiable public amenity. Internally these trees have value but should not be included in the TPO. The listed Sweet Chestnuts, yew and Cypress are low quality trees of poor form, limited size and limited contribution to internal visual amenity and have no justification.
•Group 2 -	The Monkey Puzzle is stunted and asymmetric and would not be justified even if publicly visible. The listed Cypress is a Western Red Cedar. The Cedar and Hemlock have some internal amenity value but no public or wider landscape value and the inclusion of Group 2 is not justified.
•Group 3 -	The listed 12 no. Oak are in fact one Oak with two small young Oaks of very poor form within a dense cluster of Birch. This listing is therefore incorrect. The Cedar is heavily asymmetric and limited in its internal amenity value. The Redwood is a good example and of internal site value as a feature but with no public visibility.
•Group 4 -	There are 5 Purple Beech, not 4 as listed leading to confusion as to which is covered. These and the listed Firs frame the southern part of the site in the context of potential views from the south of the site. The 3 Hornbeams are crowded and of very limited internal amenity value with no public visibility or wider landscape context and their inclusion is not justified.

3.4 Woodlands

TPO Reference	Comments
•Woodland 1 -	This forms a publicly visible belt along the northern boundary with London Road and its inclusion in the TPO is not objected to. However its western extent beyond the existing large brick wall is unjustified as only several low quality fruit trees are present and these do not constitute a woodland. The extent of Woodland 1 should be revised to terminate at the eastern end of the large frontage wall.
•Woodland 2 -	Apart from a narrow strip to the north, west and southwest this extensive area has no publicly visible amenity value and the inclusion of the whole area is not justified. Much of Woodland 2 has been managed as a commercial Pine woodland in the past and any tree felling within this area would be controlled by the Forestry Commission Felling Licence requirements. Therefore inclusion in the TPO is unnecessary and unjustified.
•Woodland 3 -	Except for the northern road frontage section and southern/southeast boundary sections there is no public amenity or wider landscape amenity to this area. Any felling within this area would be controlled by the Forestry Commission Felling Licence requirements. Therefore inclusion of the majority of this area within the TPO is unnecessary and unjustified.

4. SUMMARY

- 4.1 Objections are raised to the principle of a TPO on the site as it unduly restricts the management and maintenance of the site and places an unreasonable financial burden on the owners.
- 4.2 The vast majority of trees on the site have no public visual amenity value or wider landscape context due to the nature of the site, its surroundings and topography.
- 4.3 The risk of felling for possible development cannot be used as a justification for the TPO as the vast majority of any tree felling would require a Forestry Commission Felling Licence. The TPO represents an additional and unnecessary level of bureaucracy and places excessive restrictions on typical operations that would be reasonable within such a site and with such a large resource to manage.
- 4.4 There are specific mistakes within the listings within the TPO Schedule and in its definition on the TPO Plan.
- 4.5 The Council have provided no justification for their placing of such a large TPO and have not defined the public amenity supposedly afforded by the trees.
- 4.6 It is therefore requested and recommended that the Council do not confirm TPO 1171 for the reasons stated above.

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