Heather Morgan
Head of Planning and Housing Strategy
Spelthorne Borough Council
Knowle Green
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TW18 1XB
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TRII CONSULTANCY
Southborough,
Royal Tunbridge Wells, Kent,
[redacted]

Dear Mrs Morgan, 19 January 2024

Objection to the serving of Tree Preservation Order No. 293 of 2023 on an English oak in the rear garden of 35 The Avenue, Sunbury-on-Thames, TW16 5HY

1. I am writing to you to formally object to the tree preservation order (TPO 293/2023) that was served on an English oak (T1) in the rear garden of 35 The Avenue, Sunbury-on-Thames, TW16 5HY, which was accompanied by a Regulation 5 notice dated 8 December 2023.

2. My objection to the order concerns its expediency and the tree's compromised structural integrity due to decay in its buttress roots, trunk and branches.

3. I inspected the oak (T1) on 8 January 2024 in line with the visual tree assessment method expounded by Mattheck and Breloer *(The body language of trees, DoE booklet Research for Amenity Trees No. 4, 1994)*.

4. I have appended my Tree Risk Assessment Report and Tree Evaluation Method for Preservation Orders (TEMPO) Survey Data Sheet & Decision Guide to this letter.

5. While inspecting the oak, I observed extensive heartwood decay throughout the tree's buttress roots and evidence of it in its trunk and branches.

6. Decay throughout the tree's structure presents a risk of harm.

7. Consequently, the oak's long-term potential will likely be shortened, so I consider the TPO to be of only transitory worth.

8. The owner does not wish to remove the oak but seeks to manage it following good arboricultural practices.

9. The National Planning Policy Framework –Planning Practice Guidance for Local Planning Authorities, under the subheading *"What does 'expedient' mean in practice?"* as to whether it is expedient to make a TPO, explicitly states that "*Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.*

10. *It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution."*

11. The guidance states that making a TPO may be expedient when a property changes ownership. While saying that, making an order where a tree is under good arboricultural management may not be expedient. The owner has no intention of managing the tree inappropriately but seeks to prolong its life through good arboricultural husbandry.

12. The decay within the tree renders it more likely to shed branches in high winds, and the risk of this should be managed to minimise the potential for uncontrolled branch failure.

13. In such circumstances, it is appropriate to control the length of its branches to shorten the lever arm and encourage new inner growth to increase branch thickening, strengthen the limbs, and reduce the overall sail area and wind loading.

14. Therefore, I propose the tree's crown be reduced to maintain its size proportionate to its setting and, ultimately, prolong its life.

15. I will apply to reduce its lateral branches to within 8 metres of its trunk. Removal of 2-3 metres from their length. Cut back to suitable side branches with a final cut diameter not exceeding 100 millimetres. Reduce its height from 19 to approximately 17 metres by pruning about 2-3 metres off the top and cutting back to suitable side branches.

16. Reducing the tree's size will minimise the potential for uncontrolled branch failure and potentially prolong its life. It will also reduce its public visibility, further questioning the expediency of the order.

17. The tree is presently not of particular visual importance in the landscape, as one needs to look for it rather than standing out as a prominent feature.

18. Due to the presence of decay, allowing the tree to grow unchecked would not be appropriate, as doing so increases the risk of branch failure arising from the lengthened lever arm of decayed limbs.

19. The oak is obscured in views from the road by the house, and it is not visually significant in views from Sunbury Park due to the presence of other foreground trees. Consequently, removing the tree from the landscape would not be particularly noticeable from a public visual amenity perspective.

20. The order does not benefit public visual amenities but is a restrictive measure upon the owner with good arboricultural management intentions.

21. For the reasons given above, it was not expedient to make the TPO, so I respectfully request that the TPO be revoked.

Thank you for your time considering my objection, and I look forward to your response.

Yours sincerely,

[redacted] Principal Consultant

Appendices: A Tree Risk Assessment Report

B TEMPO

APPENDIX A

TRII CONSULTANCY

TREE RISK ASSESSMENT REPORT

35 The Avenue

Sunbury-on-Thames

TW16 5HY

16 January 2024

TRII CONSULTANCY

TREE RISK ASSESSMENT REPORT

SITE	35 The Avenue, Sunbury-on-Thames, TW16 5HY		**DOCUMENT REF** [redacted]
CLIENT	[redacted]		**DATE OF TREE INSPECTION** 8 January 2024
TREE RISK ASSESSMENT SYSTEM	Trii Consultancy Tree Risk Assessment (TCRA)		**DATE OF REPORT** 16 January 2024
CONSTRAINTS	The property is not with a conservation area (CA), but the Lower Sunbury CA borders the rear boundary. A tree preservation order (TPO) No. 293/2023 protects the subject oak.		**DATE OF NEXT INSPECTION** 2026
INSPECTOR	[redacted] *TechArborA*	**AUTHOR**	[redacted] *TechArborA*
LOCAL AUTHORITY		Spelthorne Borough Council	

TERMS OF REFERENCE

To inspect the health and safety of an oak tree within the property, to carry out a risk assessment and to make recommendations for tree works as appropriate for general health and safety to minimise the potential risk of harm.

C O N T E N T S

1.0 Summary

1.1 I inspected the subject oak tree (T1) within the grounds of 35 The Avenue on 8 January 2024.

1.2 The oak is of a low-risk rating, which means that the risk of harm from the tree within the next two years is as low as reasonably practicable.

1.3 I observed the presence of heartwood and sapwood decay of the buttress roots, trunk and branches. The only fungal presence I observed was Split Porecrust growing on dead branch cambium and the dead branches.

1.4 The tree has been previously crown lifted and possibly thinned, which has removed low and internal branches.

1.5 The tree would benefit from being crown reduced to encourage new growth within the inner crown, prolonging its potential life expectancy whilst maintaining its size in proportion to its setting.

1.6 This report can be submitted to Spelthorne Borough Council to support an application to work on a tree protected by a tree preservation order (TPO No. 293 of 2023).

1.7 The tree risk assessment and recommended tree work is in Appendix A of this report.

1.8 Whilst the oak has been assessed as a low risk, a low-risk rating does not mean that the tree will be risk-free for the two-year limited period but implies that the risk of harm from the tree in its target setting is as low as reasonably practicable.

1.9 The tree may contain nesting birds and bats, which are protected, so it should be checked for their presence before carrying out any work.

2.0 Introduction

2.1 Trees have many benefits for humans, wildlife and the environment, including human health and well-being. Trees are an integral part of the landscape. In some cases, they can increase the value of a property if they are healthy and growing in a harmonious relationship with surrounding built forms and infrastructure.

2.2 No tree is entirely risk-free, and it is not possible to remove all the risks that trees impose without removing the tree. Decisions on the management of trees need to be balanced with the benefits they provide against a reasonable and tolerable level of risk they impose to sustain a healthy and green environment for all. With this in mind, my conclusions are balanced and proportioned to the benefits and risks of the inspected trees.

2.3 The primary purpose of my report is to inform you about the trees' condition and to summarise my observations and risk assessment with recommendations for work, if necessary, in a reasonable and proportioned manner.

3.0 Tree inspection methodology and limitations

3.1 I inspected the tree in line with the visual tree assessment method expounded by Mattheck and Breloer *(The body language of trees, DoE booklet Research for Amenity Trees No. 4,* 1994*).*

3.2 I undertook the inspection from the ground with the aid of a monocular. I used a 500-millimetre-long steel flat-head screwdriver and a nylon-headed mallet to detect the presence of dead bark, decay or cavities by probing and acoustic resonance.

3.3 Besides those hand tools, I did not perform invasive examinations or take samples of soil, bark, shoots, roots, foliage, fungi or other organic or inorganic matter.

3.4 I inspected the surrounding site conditions, the base of the tree, its buttress roots above ground, its bark, trunk, stem, branches, crown, twigs and buds from what I could see from standing on the ground and looking up at the tree.

3.5 I could not see all the upper surfaces of the tree above my eye height (1600mm) when standing on the ground, so there could be features hidden from my line of sight for which I could not assess.

3.6 Hidden weaknesses such as cracks, cavities and decay can display symptoms such as swellings and bleeding, which can sometimes be visible from the ground. If those features are present, they might prompt me to recommend an aerial inspection.

3.7 My instruction, however, did not include an aerial inspection. So if there are non-symptomatic weaknesses hidden beyond my line of sight that were not reasonably discernible to me from standing on the ground at the time of my inspection, then the potential risks of those weaknesses, should they exist, are deemed tolerable within the limitations of my instruction to conduct a ground-based assessment only.

3.8 I measured the trunk diameter of the tree in millimetres with a rounded-down diameter tape at 1.5 metres above ground level and rounded up to the nearest five millimetres.

3.9 I estimated the tree's height with a laser hypsometer rounded up to the nearest half metre.

3.10 I estimated a single crown radius rounded up to the nearest half metre, including the trunk radius.

4.0 Tree risk assessment system

4.1 My assessment of the risk of harm to persons and property from the tree was conducted following the Trii Consultancy Assessment system of 2023 (TCRA).

4.2 TCRA is similar to the International Society of Arboriculture (ISA) basic visual tree risk assessment system (current system as of 2013), Tree Risk Assessment Qualification (TRAQ).

4.3 The TCRA system is a semi-quantitative or otherwise referred to as a qualitative risk assessment system instead of a purely quantitative risk assessment. The difference is that a strictly quantitative risk assessment assigns a number to risk.

4.4 In contrast, a semi-quantitative or 'qualitative' system such as TCRA describes the likelihood of harm in four bands of low, moderate, high and extreme-risk ratings.

4.5 I use four colours to represent the four risk ratings in Appendices A and C, listed below.

4.6 Tree risk ratings:

Green = **low;**

Amber = **moderate;**

Red = **high;** and

Purple = **extreme** risk ratings.

4.7 As part of my risk assessment, I identify the targets likely to be impacted by the tree, whether entirely or by its parts, should there be a failure. I estimate the likelihood of potential failure and the potential consequences should failure and impact occur.

4.8 I qualify my risk assessment based on the two TCRA matrices below.

TCRA Matrix 1. Likelihood matrix

Likelihood of failure	Likelihood of impacting a target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

TCRA Matrix 2. Risk rating matrix

Likelihood of failure and impact	Consequence of failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

4.9 I have capped the risk assessment to two years following the date of this report.

4.10 My assessment is capped at two years subject to my mitigation recommendations being carried out in full, without modification to which I have not been consulted and whether any subsequent changes occur to the tree's above or below-ground environment or following any significant weather events or the appearances of diseases not evident to me at the time of my inspection.

4.11 The two-year time frame does not guarantee that the tree will be risk-free during that period. I have used a limited period to assess and estimate the likelihood of failure occurring, and my assessment of the risks is based on the tree's condition at the time my inspection was carried out.

4.12 Further explanation of the TCRA system is in Appendix A (Tree Risk Assessment Schedule Column Headings).

5.0 Recommendations

5.1 I recommend and an application is made to crown reduce the tree as specified in Appendix A. The pruning should stimulate new growth within the inner crown whilst shortening the existing branches lever arm. Which should prolong the life of the tree whilst maintaining its size in proportion to its setting.

5.2 The recommended tree work will not harm the health or public visual amenity value and complies with BS 3998:2010 *Tree work – Recommendations.*

5.3 I recommend that the trees within your garden are re-inspected within two years or sooner if any changes occur to their immediate environment or following extreme weather events.

6.0 Conclusion

6.1 The oak at is of a low risk rating. Which means there is a low risk of harm occurring within the next two years.

6.2 The tree will benefit from crown reduction which will not harm its health or public visual amenity value. Permission from Spelthorne Borough Council is required before carrying out the recommended work.

7.0 Closure

7.1 I trust this report's information is clear, easily understandable, and helpful, but if you have any queries, please do not hesitate to contact me.

Yours sincerely,

[redacted] *TechArborA*
Principal Consultant

The statements made in this report do not consider the effects of climate extremes, vandalism or accident, whether physical, chemical or fire. Trii Consultancy cannot, therefore, accept any liability in connection with these factors, nor where prescribed work is not carried out correctly and professionally following current good practice. The authority of this report ceases at any stated time limit within it, or if none declared after two years from the date of the report or when any site conditions change, or pruning or other works unspecified in the report are carried out to, or affecting, the inspected tree or trees, whichever is the sooner.

TREE RISK ASSESSMENT SCHEDULE COLUMN HEADINGS

This risk assessment follows the Trii Consultancy Risk Assessment (TCRA) system primarily based on the International Society of Arboriculture - Tree Risk Assessment Qualification (TRAQ). The TCRA system provides a systematic and structured approach to assessing tree risk. It helps risk managers balance the tree's risk and the benefits individuals and communities derive from trees.

Tree No.	Tree reference number with a prefix of **T** for an individual tree, **G** for a group, **H** for a hedge, **S** for a shrub and **W** for a woodland.
Species	Common name and botanical name italicized in brackets.
Height (m)	Estimated tree height from ground level to highest foliage/buds measured with a laser hypsometer where line of sight was attainable or estimated visually where laser observation was restricted and rounded up to the nearest metre.
Stem diameter (mm)	Measured in millimetres at 1.5 metres above ground level or estimated visually where access was restricted or otherwise in accordance with Annex C of BS 5837:2012 *Trees in relation to design demolition and construction - Recommendations.*
Crown radius (m)	Branch spread measured in the direction of the cardinal compass points, either with a laser rangefinder or estimated by pacing or visually where access was restricted and rounded up to the nearest half metre.
Age class	**Sapling/newly planted. Young. Early mature. Mature. Late mature. Veteran/ancient.**
Physiology	**Normal. Below average. Low. Dying Dead.**
Structure	**Good. Remediable. Irremediable. Unviable.**
Observations	Tree-specific comments made by the arboriculturist when the inspection was being undertaken.
Re-inspect	Recommended next inspection time frame in years.
Tree part(s)	A brief description of the tree part assessed for risk.
Target(s) / occupancy	A brief description of what could be impacted (the target) if the risk assessed tree part failed and the frequency of the target within the impact zone: **Rare** - Not commonly used. **Occasional** - Infrequent or irregular use. **Frequent** - Occupied for a large portion of the day or week. **Constant** - Present at nearly all times.
Likelihood of failure	A judgement about the likelihood of the part failing within the inspection time frame and rated as: **Improbable** - Failure unlikely in normal or severe weather. **Possible** - Failure could occur, but unlikely during normal weather. **Probable** - Failure expected under normal weather conditions. **Imminent** - Failure started.
Likelihood of impact	A judgement about the likelihood of the part impacting the target within the specified time frame and rated as: **Very low. Low. Medium. High.**
Likelihood of failure and impact	A judgement about the likelihood of the part failing and impacting the target within the specified inspection time frame.
Consequence of failure	A judgement based on the value of the target and the harm that may be done to it and rated as: **Negligible. Minor. Significant. Severe.**
Risk rating	Based on the TRAQ risk matrices and rated as: **Low. Moderate. High. Extreme.**
Tree work	Recommended tree works for safety, management or general good arboricultural husbandry.
Residual risk rating	The risk rating of the tree following completion of the recommended tree works.

[redacted] Tree Risk Assessment Schedule

Appendix A

35 The Avenue, Sunbury-on-Thames TW16 5HY

Tree No.	Species	Height (m)	Stem diameter (mm)	Crown radius (m)	Age class	Tree part(s) and target	Target occupancy	Likelihood of failure	Likelihood of impact	Likelihood of failure and impact	Con-sequence of failure	Risk rating	Residual risk (Post tree work)
					Young Early-mature Mature Ancient	The part most at risk of failure and what will it hit	Rare Occasional Frequent Constant	Improbable Possible Probable Imminent	Very low Low Medium High	Unlikely Somewhat likely Likely Very likely	Negligible Minor Significant Severe	Low Moderate High Extreme	
T1	English oak *(Quercus robur)*	18	1110	10	Mature	Branch failure due to heartwood decay falling on to people.	Occasional	Probable	Low	Unlikely	Severe	**Low**	**Low**
Observations	The oak grows in the rear garden with a loose brick-paved circular area surrounding its trunk. A hollow main buttress root on the south side exposes heartwood decay. Sapwood decay between buttress roots on the south side at the trunk base. A flat-head screwdriver can be inserted into the decayed sapwood at the base on the south side. Decay cavity in the buttress root on the north side. Secondary buttress root formation on the north side. Secondary buttress roots are possibly due to the degradation of the primary buttress roots due to decay. During my inspection, I saw no fungal bodies at the base or on the trunk. Historically crown lifted with fully and partiality occluded pruning wounds. Unoccluded pruning wounds exposing decay cavitation. Historical branch tear-out wound with decay cavitation. Multiple woodpecker holes in the branch internodes indicate potentially significant heartwood decay in the main branch framework. Split Porecrust fungus *(Schizopora paradoxa)* on the lowest dead branch on the northwest side. Possible squirrel damage to the upper branch surfaces of branches up to 90mm in diameter. Or the upper surface branch swellings could be the Split Porecrust fungus killing the cambium and causing sapwood decay. The crown has been thinned in the past. Multiple pruning wound cavities in many of the branches. Upper crown bud density is slightly below normal.												

[redacted] Tree Risk Assessment Schedule

Appendix A

35 The Avenue, Sunbury-on-Thames TW16 5HY

Tree work	Crown reduce the lateral branch tips to within 8m of the trunk. Removing 2-3m of their length. Cutting back to suitable side branches with a final cut diameter not exceeding 100mm. Reduce height from 19m to 17m by pruning approximately 2-3m off the branch tips and cutting back to suitable side branches. To maintain the proportionality of the tree in its setting. To encourage new growth within the inner crown for the purpose of reducing the present lever arm and ultimately prolonging the tree's life. Whilst minimising the risk of uncontrolled branch failure due to decay. Timescale: 08-Jan-2026 (2 Years)

T1 oak photo 1 - Screwdriver inserted into the decay at the base between the buttress roots on the south side

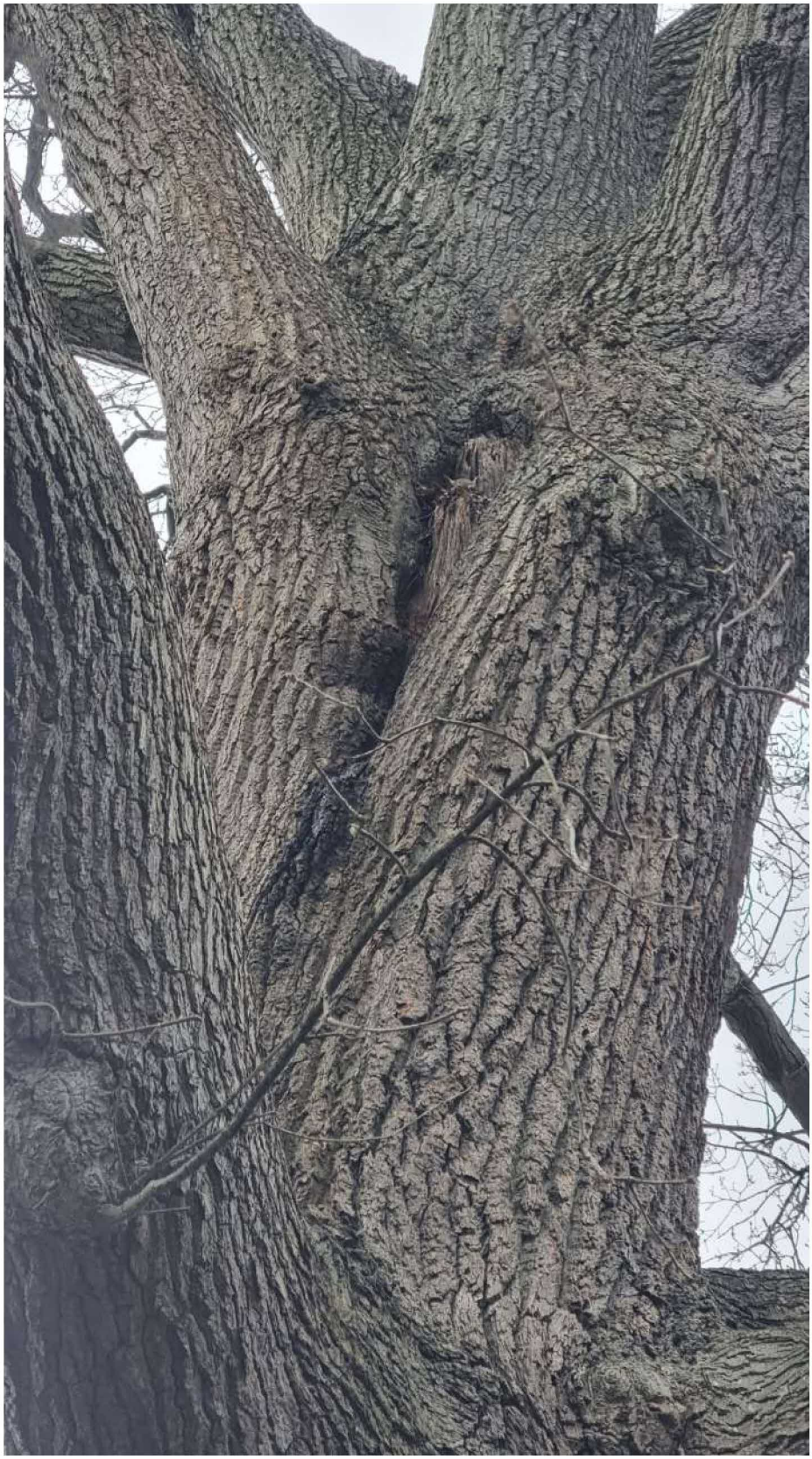
T1 oak photo 2 - Screwdriver inserted into buttress root cavity on the south side

T1 oak photo 3 - Screwdriver inserted into buttress root cavity on the south side

T1 oak photo 4 - Screwdriver inserted into buttress root cavity on the north side

T1 oak photo 5 – Old pruning wounds

T1 oak photo 6 - Woodpecker hole



T1 oak photo 7 - decay cavity

T1 oak photo 8 - Split Porecrust fungus

T1 oak photo 9 - View from the northwestern corner of the house

T1 oak photo 10 - View from the south western corner of the house

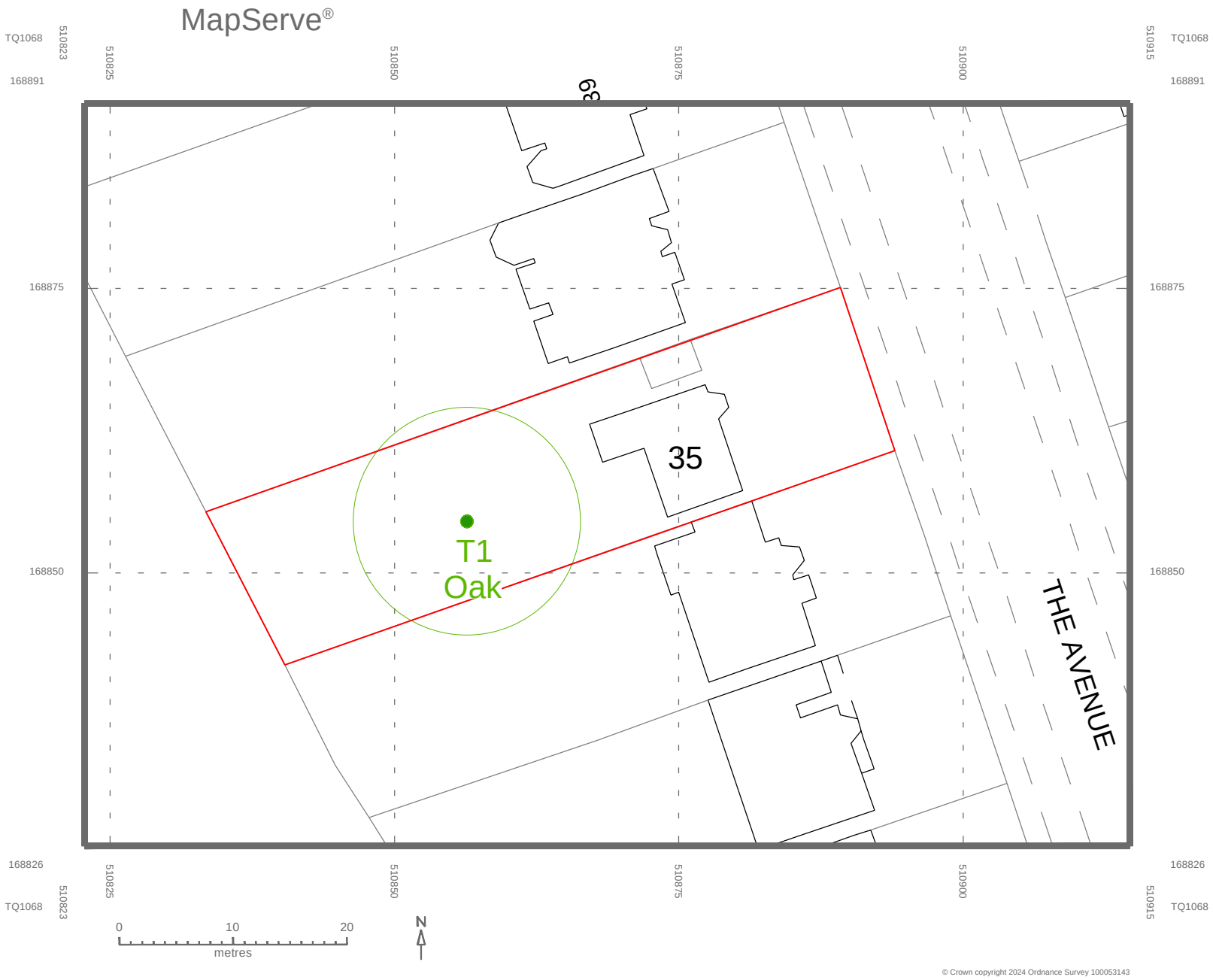
T1 oak Photo 11 - View from the rear boundary

T1 oak photo 12 - View from Sunbury Park car park

T1 oak photo 13 - Zoomed in view from Sunbury Park car park

T1 oak photo 14 - View looking south-west from The Avenue. The oak is in the centre of the photo

Appendix C



Key

- Extreme risk tree
- High risk tree
- Moderate risk tree
- Low risk tree

North is up the page

DRAWING MUST BE VIEWED AND PRINTED IN COLOUR

TRII CONSULTANCY

TITLE: Tree Inspection Plan

SITE:
35 The Avenue
Sunbury-on-Thames
TW16 5HY

DWG NO: TC-240104-TIP-240116 REV:

SCALE: 1:500 PAPER: A4

DATE: 16/01/2024 DRAWN: BO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

APPENDIX B

Date: 8 January 2024	Surveyor: [redacted]
Tree details	
TPO Ref (if applicable): 293/2024	Tree/Group No: T1 Species: English oak
Owner (if known): [redacted]	Location: 35 The Avenue, Sunbury-on-Thames, TW16 5HY

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: 3 Downgraded due to decay

** 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 Downgraded due to decay

**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

3 Downgraded as it is of medium size with limited visibility

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:

TPO defensible