



**Amenity Evaluation  
For  
Tree Preservation Orders**

## **INTRODUCTION**

**This Tree Preservation Order (TPO) Amenity Evaluation System** has been designed to provide a tool with which we, as local authority tree officers, can be consistent in our approach to applying TPO's, and is a method for dealing fairly with objections which may occur because of those evaluation judgements.

It is not considered appropriate to use the system on every tree or group, only where justification is warranted either for inclusion or exclusion, such as to objectors or even Planning committee within a Local Authority. It is unusual that the system will be used where the tree is obviously not one worthy of a TPO.

The system incorporates methods of evaluation similar to other recognised amenity systems, and includes the three relevant criteria as identified in the 2000 publication of The Blue Book '*Tree Preservation Orders: A Guide to the Law and Good Practice*', (1) Visibility, (2) Individual impact and (3) Wider impact.

The system has been in use now for 4 years and has since been adapted to be user friendly and as objective as possible. It is only a tool to help consider all the necessary factors and should only be used to help justify your reasoning for including a tree or groups of trees on a TPO.

There are many hoops to jump through when applying TPO's and complicated procedures may follow as a consequence. It is important to step through these procedures consistently and show how you eventually reached the conclusion that the tree or trees are worthy of a TPO.

A checklist is one way to ensure that this process has been followed and that all the implications of a TPO have been considered. A TPO can fail on a simple oversight, which can be very frustrating after months of work. We have included a list in *Appendix 1* that details all the relevant checks that should be followed. (*Reference Richard Nicholson East Dorset District Council*)

In accordance with Wilson (Journal of Planning Law 83) it is suggested there are four tests that can be applied before making a TPO:

- **Is it in the interests of amenity?** (*see **benefits** in Appendix 1*)
- **Is it expedient?** (*see **justification/expediency** in Appendix 1*)
- **Barring unforeseen accidents, will the trees last for a suitable period (over ten years)?** (*see **site visit details** in Appendix 1*)
- **Does the tree in the location show signs of causing damage?** (*see **disbenefits** in Appendix 1*)

Once it has been established that there is a need for a TPO, then and only then should an assessment for inclusion be carried out. Remember, that this normally only occurs when justification is warranted. Based on experience and the nine factors below, a **suitably qualified arboriculturalist** should be able to decide whether trees are worthy or not worthy of inclusion.

Before this evaluation system is used it is appropriate to consider the trees importance in the Landscape, and assess the prominence with regard to surrounding features such as buildings or other trees. They must have intrinsic value when seen from normal public vantage points.

## **Methods for evaluating the Amenity of trees placed under TPO's**

### **1. Size of tree**

Size of tree is measured as the area when viewed from one side. the height and diameter of the crown itself is estimated omitting the height of any clear stem. Multiply the two together to calculate the total area m<sup>2</sup>.

Where two or more trees grow close together or as a group, they form a single visual unit and are valued as one tree.

### **2. Life expectancy**

All identifiable problems surrounding the trees should be considered in order to assess the potential life expectancy, such as localised conditions and the proximity of the tree to obvious factors that may have a bearing on its future health. The score rating in this category must be made on Arboricultural grounds by a suitably qualified professional.

### **Typical useful life expectancy of common trees.**

**300+** Yew

**200-300** Oak, Sweet Chestnut, Plane, Sycamore, Lime

**150-200** Scots Pine, Hornbeam, Beech, Tulip Tree, Norway Maple, Lebanon Cedar

**100 - 150** Ash, Spruce, Walnut, Red Oak, Horse Chestnut, Field Maple, Monkey Puzzle, Mulberry, Pear.

**70 - 100** Rowan, Whitebeam, Apple, Wild Cherry, Catalpa, Robinia, Ailanthus

**50 - 70** Poplars, Willows, Cherries, Alders, Birches.

There are of course exceptions to the list and each tree must be judged on its merits, but these figures do give guidance.

### **3. Form**

The form of the tree is difficult to define precisely, but one should consider what is being offered in terms of its physical and structural attributes and how highly pleasing that may be in the aesthetic sense. Trees with good natural

characteristics or trees that contrast well with their location can be examples of trees with good form. The judgements for these characteristics must be made by professionally qualified Arboriculturalists.

#### **4. Public amenity assessment**

The Public amenity assessment is based on how much of the tree or trees can be seen, and from which point. The appropriate criteria are identified within the rating form.

#### **5. Other trees in the area**

The percentage of tree cover within the **visual area** considers the overall contribution of trees in the nearby surrounding area. It is intended to represent a visual impression as seen from ground level from different public viewpoints. The lower the surrounding tree population, then the higher the amenity value and vice-versa.

**Woodland surrounding** More than 70% of the visual area covered by trees, & at least 100 in total.

**Many** more than 30% of the visual area covered by trees and at least 4 trees in total.

**Some** more than 10% of the visual area covered by trees, and at least 4 trees in total.

**Few** Less than 10% of the visual area covered by trees, but at least one other tree present.

**None** No other trees present in the area under consideration.

#### **6. Suitability to the area**

As a general rule, one should aim to have the most suitable tree, or group that the available space will conveniently contain or maybe one with a suitable growing habit. Sometimes a tree or group of trees is particularly suitable to a certain setting or area with a particular character i.e. Weeping willows hanging down over water or a row of oak trees in a country lane.

#### **7. Future amenity value or potential to contribute**

An assessment must be made on the trees future, i.e. does the tree or group have room to develop, will it develop into a potentially large tree or group and will it eventually be seen by many to offer a reasonable degree of amenity value. There are several things to consider here, and a knowledge of the trees potential growth under various conditions is necessary to reach a reasonably accurate rating.

**0 Potential already realised** - If the tree or trees are of considerable size their amenity value is likely to have been realised, therefore it is fair to assume no rating is necessary.

**1 Some potential** - The tree or trees will develop to contribute some amenity in the future but are possibly blocked by lots of other features i.e. building or other trees.

**2 Medium potential** - The tree or trees will develop to contribute significantly to-amenity in the future but are possibly blocked by some other features i.e. buildings or other trees.

**3 High potential** - The tree or trees are in an appropriate place where they will develop well and eventually contribute well to the local amenity and landscape.

## **8. Tree influence**

Trees in urban situations are often found in close association with existing buildings and structures. This can lead to a perceived conflict between the differing features which can be difficult to quantify, but is, none the less real. For the purpose of this assessment what is being considered is the relationship between the tree and nearest inhabited building.

**-1 Significant** - The tree or trees are medium to large or have potential to become so and have a significant influence over a nearby inhabited building.

**0 Slight** - The tree or trees are small to medium, or they only have potential to become so, and so have only a slight influence on inhabited buildings nearby.

**1 Insignificant** - The tree or trees are either too small or far enough away from an inhabited building to be a significant influence.

## **9. Added factors**

Where there is some special value to the tree which has not been considered by the previous factors additional value ratings can be used. The factors included on the rating form include; important screening value, relevance in The Local Plan, wildlife potential and historical association. Other factors may be suggested by individual circumstances but it is important to be clear that such factors really do add an extra value to the trees under consideration.

It is important that if more than one factor is relevant, then it should still score just one point. It is considered that the amenity value should have already been recognised in the other eight factors and that this extra score is only help maintain its importance and not to help it reach the benchmark.

## **Benchmark Total score**

Once the figures have been collected for all 9 factors they are added together for a total amenity evaluation rating.

The Benchmark figure allows us to be consistent with the evaluation of amenity, taking into consideration 9 different factors. The top score of 31 is

for a perfect tree, and a tree with a rating of 2.5 would be the lowest. It is fair to say that a tree worthy of inclusion should be one that is well above the low rating but within a range which does not exclude them to be otherwise relatively important trees

The top score is based on a top score from numbers 1,2,3,4,5,6 and 8 which can only produce a maximum of 26. Because all these factors determine the importance of the tree/trees then number 7 will only be able to produce a maximum of 1 due to the fact that the potential would have already been recognized. Factor 9 the last to be included can only add a maximum of 2 extra points even if more are relevant.

The lowest score is 2.5 and the highest is 31 which gave us a range of 29.

Using the above range, we then identified trees we felt were worthy of a TPO, trees less important and trees we were unsure of including. These were then evaluated using the score system to help derive a reasonable and consistent benchmark. It was found that trees which arrived at a score of between 2.5 - 10 were unreasonable to include within a TPO, trees which scored between 11 - 21 were probable, and trees 22 - 31 were very important. We concluded it would be fair to come above the top of the low rating, and mid range of the probable score. This gave us a benchmark of 15

This benchmark was put to many field tests with the view that each tree or group of trees is different. The system was tested by tree officers within the council and all of the important factors were considered so that the eventual benchmark was not unfair or biased.

At present it is considered that a benchmark score of 15 is appropriate to indicate that a tree is worthy of inclusion in a TPO. This cut-off point may be adjusted in the light of further information.

**AMENITY EVALUATION RATING FOR TPO'S**

<b>TPO NO:</b> <b>TREE SPECIES:</b>  <b>ADDRESS:</b>  <b>AMENITY VALUE RATING:</b> <b>REASON FOR TPO:</b>	<b>SITE VISIT DATE:</b>  <b>EFFECTIVE DATE:</b> <b>TPO DESIGNATION:</b>  <b>SURVEYED BY:</b>
---	---

<b>1. <u>Size</u></b>  1 very small 2-5m <sup>2</sup> 2 small 5-10m <sup>2</sup> 3 small 10-25 <sup>2</sup> 4 medium 25-50m <sup>2</sup> 5 medium 50-100m <sup>2</sup> 6 large 100-200m <sup>2</sup> 7 very large 200m <sup>2</sup> +	<b><u>score</u></b>	<b>6. <u>Suitability to area</u></b>  1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable	<b><u>score</u></b>
<b>2. <u>Life expectancy</u></b>  1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +		<b>7. <u>Future amenity value</u></b>  0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential	
<b>3. <u>Form</u></b>  -1 Trees which are of poor form 0 Trees of not very good form 1 Trees of average form 2 Trees of good form 3 Trees of especially good form		<b>8. <u>Tree influence</u></b>  -1 Significant 0 Slight 1 Insignificant	
<b>4. <u>Visibility</u></b>  1 Trees only seen with difficulty or by a very small number of people 2 Back garden trees, or trees slightly blocked by other features 3 Prominent trees in well frequented places		<b>9. <u>Added factors</u></b>  <i>If more than one factor relevant maximum score can still only be 2</i>  1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association  1 Considerably good for wildlife 1 Veteran tree status	
<b>5. <u>Other trees in the area</u></b>  0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None		<b>10. <u>Notes and total score</u></b>  <b>Not / Reasonable for inclusion within the TPO</b>	

**Typical useful life expectancy of common trees.**

300+ Yew  
 200-300 Oak, Sweet Chestnut, Plane, Sycamore, Lime  
 150- 200 Scots Pine, Hornbeam, Beech, Tulip Tree, Norway Maple, Lebanon Cedar  
 100 - 150 Ash, Spruce, Walnut, Red Oak, Horse Chestnut, Field Maple, Monkey Puzzle, Mulberry, Pear.  
 70 - 100 Rowan, Whitebeam, Apple, Gean, Catalpa, Robinia, Ailanthus  
 50 - 70 Poplars, Willows, Cherries, Alders, Birches.

**ADD EACH FACTOR TOGETHER 1+2+3+4+5+6+7+8+9 = Rating figure**  
**(The suitable benchmark rating for inclusion within a TPO is 15)**

# Appendix 1

## Tree Preservation Order Checklist

### File Search

- Any existing TPO's on the site?
- If there is an extant selective TPO can another be justified?
- Conservation Area?
- Extant approvals that would compromise the tree?
- Extant Planning permissions?
- Local Plan and other Land use policy considerations?
- Forestry Commission interest in the land? (DETR BB 2.8-2.11)
- Land Ownership details?
- Crown Land? (DETR BB 2.4-2.7)
- Local Authority Land? (DETR BB 2.12)
- Previous TWAP's or DDD replacement conditions

### Justification/expediency (DETR BB 3.4-3.5)

- Human Rights Act 1998?
- Change of ownership?
- Development pressures?
- Risk of felling?
- Risk of unacceptable pruning?
- Policy?
- Section 211 notification?
- Tree Preservation Order Review? (DETR BB Chapter 4)
- Hedgerow regulations?
- Member of public/Committee request?

### Site visit details

- Trees inspected (date)
- Form/condition (Mattheck)
- Barring unforeseen accidents will the tree last longer than 10 years? (Wilson)
- Does the risk of felling justify making a TPO before an inspection is carried out? (DETR BB 3.7)
- What works would be permitted in a future decision? Has this been discussed with the tree owner?
- Is the purpose to protect individuals/groups or ensure tree cover remains in the area?
- Present use of land



## **Exemptions**

- Planning history? (see file search) (DETR BB 6.14-6.16)
- Are the trees cultivated for fruit production? (DETR 6.17-6.18)
- Does Smith v Oliver apply? (TCPA Section 198(6);[1985] 2 PLR 1)
- Does the tree grow on a statutory undertakers operational land? (DETR BB 6.20-6.24)
- Can you justify inclusion? (see amenity evaluation form)
- Is there a presence of power cables, danger, appearance of post line clearance?
- Aerodromes? (DETR BB 6.25)
- Is the tree in the vicinity of an Ancient Monument? (DETR BB 6.26; PPG 15)
- Is a felling license needed? (see file search) (DETR BB 6.29-6.32)
- Is the tree dead/dying or imminently dangerous? (TCPA 1990 198(6); DETR BB 3.2)
- Is the tree causing an actionable nuisance? (TCPA 1990 198(6); DETR BB 6.9-6.11)
- Can reasonable Highway clearances be achieved within acceptable arboricultural management? (Highways Act Sec.154)

## **Benefits: Visual amenity/visual benefits**

- Define the visual area (Gordon Cullen 1968 Townscape notation)
- Tree with future benefit? (DETR BB 3.2)
- Statement about visibility, importance of position in the landscape, landscape value when viewed from a stated public place (see evaluation form)
- Would the loss have a significant impact on the local environment and its enjoyment by the public? (DETR BB 3.2)
- If not visible, can the trees inclusion be justified? (DETR BB 3.3)
- Does the tree screen an eyesore or future development (DETR BB 3.2)
- Value of the tree enhanced by its scarcity? (DETR BB 3.2)
- Group/collective value only? (DETR BB 3.2)

## **Benefits: Non-visual amenity/Non-visual benefits**

- Wildlife Habitat?
- Pollution/Environmental/Health? (DETR Air Quality Strategy)
- Community/Social?
- Local economy? (Products)
- Biodiversity?
- Protection/Energy conservation?

## **Disbenefits**

- Proximity of tree to structures? (BS 5837:1991 6.3)
- Shade readings? (BRE guidance)
- Unreasonableness to rooms requiring light? (BS 8206:1992)
- Phenology
- Size of tree ? (BS 5837:1991)
- Ultimate size and spread? BS 5837:1991; ARN 84/90
- Aspect and changes in exposure?
- Is risk of future damage reasonably foreseeable?(1999 regulations)
- Is tree causing damage? (Wilson)
- 28.2° East of South? Digital signals

## **Hedges** (DETR BB 3.2)

- Are the trees in a hedge?
- Are the trees an overgrown hedge?
- Would future management be classed as hedgerow management? (Plot carefully)

## **Designation** (DETR BB 3.10)

- Individual** : Regardless of scale of plan, do the trees merit protection in their own right?
- Group**: (Count carefully) (DETR BB 3.14)
  - Plot the trees on the plan and specify in the first schedule
  - Show the canopy edge of group as a dotted line
- Woodland** (DETR BB 3.15)
  - Does the wood include ground flora, a shrub layer and natural regeneration?
  - Use features/boundaries as woodland boundary for the avoidance of doubt.
  - Does the woodland form part of a Garden? (see leaflet Woodland guidelines for Branksome Park)
  - Would the TPO hinder normal silvicultural management?
  - Coppice (Bullock v Sec. Of State for the Environment 1980)

## **Statement of reasons for promoting the order**

Ensure:

- Checks have been carried out
- Plan is accurate
- Statement is accurate
- Regulation 3 statement
- Serving (DETR BB 3.24)
- Objections (DETR BB 3.31, 3.36-3.38) (see amenity evaluation form)

## ***Bibliography***

**Arboricultural Research Note ARN 84/90** Ultimate spread of trees grown in towns

**BRE** Availability of Sunshine. Building Research Establishment. Current paper CP 75/75

**British Standard 5837:** 1991. Guide for Trees in Relation to Construction

**British Standard 8206:** part 2: 1992. Lighting for buildings. Pt.2 Code of Practice for daylighting.

**Case Law :** Smith V Oliver [1985] 2 PLR 1

**DETR March 2000** Tree Preservation Orders A guide to the Law and good practice (Blue Book)

**Highways Act 1980** Section 154

**Mattheck and Broeler** The Body Language of Trees *Research for Amenity Trees 4*

**Planning Policy Guidance (PPG 3)** Housing

**Planning Policy Guidance (PPG 12)** Development Plans and Regional Planning guidance: paragraphs 3.18 and 3.1: Supplementary Planning Guidance.

**Planning Policy Guidance (PPG15)** Historic Buildings

**The Town and Country Planning Act 1990** Section 198(6)

**Wilson** Journal of Planning and Environmental Law. February 1983 pp 83-96