

Guidance Note 4: The Evaluation of Trees for Protection with a TPO





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1 Introduction

Section 198 of the Town and Country Planning Act 1990 provides that local planning authorities may make Tree Preservation Orders (TPOs) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. Section 333 of the Act gives authorities powers to vary and revoke TPOs, and government advice is that authorities should keep their TPOs under review and make full use of their variation and revocation powers.

When a tree is protected by a TPO, the authority’s consent must be obtained before it may be felled, lopped, pruned, or otherwise worked on. Certain exemptions apply, such as in the case of dead, dying or dangerous trees and trees obstructing the highway. Anyone can apply for TPO consent, and whenever an authority refuses an application for consent, or grants consent subject to conditions, the applicant has the right of appeal to the Office of the Deputy Prime Minister.

The Act does not define amenity, but Government guidance states that TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. It advises local authorities to develop ways of assessing the amenity value of trees in a structured and consistent way.

This document is intended to provide a detailed and robust framework for decision-making when there are judgments to be made about the making, variation or revocation of TPOs. (Where the text refers to the making of TPOs the same considerations will equally apply to the variation and revocation of Orders.)

2 The System for Evaluation

2.1 Background

The impetus to take a fresh look at existing TPO suitability evaluation methods grew out of the preparation for a local authority client of a detailed Method Statement for reviewing Tree Preservation Orders. The key requirement was that the Method Statement should provide a reliable means of assessing trees for TPO suitability.

Having looked closely at what was already available, consultant arboriculturalists CBA Trees decided that there was considerable room for improvement, as each of the better-known existing methods has disadvantages.

Accordingly, the Tree Evaluation Method for Preservation Orders (TEMPO) was developed by CBA Trees as a direct response to the apparent continuing uncertainty about what attributes a tree should have in order to merit statutory protection by TPO.



2.2 Overview

TEMPO is designed as a guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma. As such, it stands as a record that a systematic assessment has been made (ref. Tree Preservation Orders – A Guide to the Law and Good Practice “the Blue Book” 2000 para. 3.3).

TEMPO is unique in that it is the only method that considers all of the relevant factors in the TPO decision-making chain. In this connection, it is helpful to revisit the wording of the Blue Book:

‘Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO.’ (para. 3.4)

From this, it is clear that existing methods are inadequate, seeking as they do solely to consider the tree rather than any known threats to its retention. TEMPO corrects this omission by including an expediency assessment within the framework of the method.

Excluding the first section, which is simply the survey record and is thus self-explanatory, TEMPO is a three-part system:

Part 1: Amenity Assessment

Part 2: Expediency Assessment

Part 3: Decision Guide



Part 1: Amenity Assessment

This part of TEMPO is broken down into four sections, each of which is related to suitability for TPO:

- a) Condition
- b) Remaining longevity
- c) Relative public visibility
- d) Other factors

The first three sections form an initial assessment, with trees that 'pass' this going on to the fourth section. Looking at the sections in more detail:

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD

Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may have already done so



FAIR

Trees have some defects, which are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. Such trees may not reach their full age and size potential, or if they already have their condition may decline. However, they can be retained for the time being



POOR

Trees in obvious decline, possibly requiring major intervention to allow their retention. Health is significantly impaired, and it is likely to deteriorate. Life expectancy is curtailed and retention is difficult



UNSAFE

Trees with severe, irremediable structural defects, including advanced decay, and insecure roothold. Collapse or toppling likely in the near term, retention therefore impossible as something worthy of protection



DEAD

Self-explanatory





The scores are weighted towards trees in good condition. It is accepted that trees in fair and poor condition should also get credit, though for the latter this is limited to only one point. It is our view that unsafe and dead trees should not be placed under a TPO, hence the zero score for these categories.

Where a group of trees is being assessed under this section, it is important to score the condition of those principal trees without which the group would lose its aerodynamic or visual cohesion. If the group cannot be 'split' in this way, then its average condition should be considered.

Against each of these terms is set an assessment of TPO suitability. These assessments are designed to reflect the fact that trees which are dead, dying or dangerous (which may be equated to the 'Dead' – obviously – 'Poor' and 'Unsafe' categories above) are effectively exempt from TPO protection.



b) Remaining longevity

This is expressed by five terms, which are defined as follows:

The reason that this is included as a separate category to 'condition' is chiefly to mitigate the difficulty of justifying TPO protection for veteran trees. For example, it is necessary to award a low score for trees in 'poor condition', though many veteran trees that could be so described might have several decades remaining longevity.

Longevity has been divided into ranges, which are designed to reflect two considerations:

- It has long been established good practice that trees with less than ten years remaining life expectancy are not worthy of a TPO (hence the zero score for this category)
- The further ahead one looks into the future, the more difficult it becomes to predict tree longevity: hence the width of the bands increases over time

Scores are weighted towards the two higher longevity ranges (40-100 and 100+), which follow the two higher ranges given by Helliwell (the Helliwell System being a method of placing a monetary value on the visual amenity provided by individual trees and/or woodland).

The Arboricultural Association (AA) publishes a guide to the life expectancy of common trees (AA 4). This guide is as follows:

300 years +

Yew

200-300

Common [pedunculate] oak, sweet chestnut, London plane, sycamore, limes

150-200

Cedar of Lebanon, Scots pine, hornbeam, beech, tulip tree, Norway maple

100-150

Common ash, Norway spruce, walnut, red oak, horse chestnut, field maple, monkey puzzle, mulberry, pear

70-100

Rowan, whitebeam, apple, wild cherry, catalpa, robinia, tree of heaven

50-70

Most poplars, willows, cherries, alders and birches

The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive. However, it should assist with determining the remaining longevity of most trees, in light of their current age, health and context.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

If a group of trees is being assessed, then the mean age of the feature as a whole should be evaluated. It would not be acceptable, for example, to score a group of mature birches based on the longevity of the single young pedunculate oak present.

As with condition, the chosen category is related to a summary of TPO suitability.



c) Relative public visibility

The first point of note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on future development sites, with the visibility enhanced as a consequence.

The categories each contain two considerations: size of tree and degree of visibility. We have not attempted to be too prescriptive here, as TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgment. However, we have found that reference to the square metre crown size guide within the Helliwell System can be helpful.

Reference is made to 'young' trees being in the lowest scoring category. This is intended to refer to juvenile trees with a stem diameter less than 150mm at 1.5m above ground level. The reasoning behind this is that such trees may be replaced by new planting, though it is accepted that replacement specimen trees towards the upper end of the given size are expensive.

In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible: it is accepted that, in exceptional circumstances, such trees may justify TPO protection (Blue Book para. 3.3.1).

Where groups of trees are being assessed, the size category chosen should be one category higher than the size of the individual trees or the degree of visibility, whichever is the lesser. Thus a group of medium trees would rate four points (rather than three for individuals) if clearly visible, or three points (rather than two) if visible with difficulty.

Once again, the categories relate to a summary of TPO suitability.



d) Other factors

Assuming that the tree or group qualifies for consideration under this section, further points are available for four sets of criteria, however only one score can apply per tree (or group):

- ‘Principal components of arboricultural features, or veteran trees’ – The latter is hopefully self-explanatory (if not, refer to the Veteran Tree Management Handbook (Read 2000 for English Nature). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- ‘Members of groups of trees that are important for their cohesion’ – This should be self-explanatory, though it is stressed that ‘cohesion’ may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- ‘Trees with significant historical or commemorative importance’ – The term ‘significant’ has been added to refine the selection, but it is important to stress that significance may apply to even one person’s perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter’s dead child (incidentally, in over 25 years it has never failed to be in flower on the child’s birthday). Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply

- ‘Trees of particularly good form, especially if rare or unusual’ – ‘Good form’ is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this is deliberately vague: ‘rare or unusual’ may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have ‘poor’ form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero score disqualification (under Part 3)



Sub-total 1

This completes the amenity assessment and, once again, there is a pause in the method: the scores should be added up to determine whether or not the tree (or group) has sufficient amenity to merit the expediency assessment.

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a), b) c), plus at least two extra points under section d). Thus trees that only just qualify for the 'other factor' score need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention



Part 2: Expediency Assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- ‘Known threat to tree’ – for example, Tree Officer receives Conservation Area notification to fell
- ‘Foreseeable threat to tree’ – for example, Planning department receives application for outline planning consent on the site where the tree stands
- ‘Perceived threat to tree’ – for example, survey identifies tree standing on a potential infill plot

However, the Blue Book is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, ‘precautionary only’ still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

The fifth category within this section relates to reverse expediency: where trees are known to be an actionable nuisance, it is possible effectively to protect them with a TPO, hence the zero score.

Clearly, other reasons apply that might prevent/ usually obviate the need for the making of a TPO (e.g. the tree stands on Crown land). However, it is not felt necessary to incorporate such basic considerations into the method, as it is chiefly intended for field use: these other considerations are most suitably addressed as part of a desk study and could, if necessary, be factored into the scoring after the field work has been completed.

Finally, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 15, and thus ‘definitely meriting’ a TPO, might not be included for protection for other reasons unconnected with its attributes.



Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO
Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice
- 1-6 TPO indefensible
This covers trees that have failed to score enough points in sections a), b) and c) to qualify for an 'other factors' score under d). Such trees have little to offer their locality and should not be protected
- 7-10 Does not merit TPO
This covers trees which have either qualified for a d) score, though they may not have qualified for Part 2. However, and even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 10-13 Possibly merits TPO
This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- 14+ Definitely merits TPO
Trees scoring 14 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified

Notation boxes

Throughout the method, notation space is provided to record relevant observations under each section. It may even be helpful to include a copy of the TEMPO assessment in with the TPO decision letter to relevant parties, as this will serve to underline the transparency of the decision-making process.



3 Conclusion

TEMPO is a quick and easy means of systematically assessing tree or group suitability for statutory protection. It may be used either for new TPOs or for TPO re-survey, especially where Area TPOs are being reviewed.

From the consultants' perspective, it is also an effective way of testing the suitability of new TPOs, to see whether they have been misapplied. We have also used it to illustrate that trees adjacent to a development site merited TPO protection, securing a TPO for a worried client.

TEMPO does not seek to attach any monetary significance to the derived score: we recommend use of the Helliwell System where this is the objective.

CBA Trees owns the copyright for TEMPO, however the method is freely available, including via internet download.



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION GUIDE

Date: _____ Surveyor: _____

Tree details
TPO Ref: _____ Tree/Group No: _____ Species: _____
Owner (if known): _____

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score and Notes

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score and Notes

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably Unsuitable

Score and Notes

Sub-total 2 =
Sum of scores a), b), c), d) =



d) Other factors

Trees must have accrued 7 or more points (with no 0 score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees that are important for their cohesion
- 3) Trees with significant historical or commemorative importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score and Notes

Sub-total 2 =
Sum of scores a), b), c), d) =

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score and Notes

Part 3: Decision guide

| | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-13 | Possibly merits TPO |
| 14+ | Definitely merits TPO |

Add Scores for Total:

Decision: