

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 8

meeting date: 12th February 2015
title: CONFIRMATION OF DILWORTH LANE, LONGRIDGE TREE PRESERVATION ORDER 2014 NO 4
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: PHIL JOHNSON

1 PURPOSE

- 1.1 To request that Members formally confirm the Dilworth Lane, Longridge Tree Preservation Order 2014 No 4
- 1.2 To request that Members formally authorise the Director of Community Services to sign the modified order as confirmed.
- 1.3 Relevance to the Council's ambitions and priorities
 - The Order will help to make people's lives healthier by protecting and enhancing the environment.
 - Protect and enhance the existing environmental quality of our area by retaining trees in the local landscape.

2 BACKGROUND

- 2.1 On 23rd October 2014 Ribble Valley Borough Council made the temporary tree preservation order for the proposed Taylor Wimpey development site on Dilworth Lane, Longridge. This temporary order is in place for a period of 6 months during which time the Council must make a decision as to whether to confirm the order (with or without modification) or revoke the order.

3 ISSUES

- 3.1 2 objections to the tree preservation order (or parts thereof) have been received. The details of the objections are outlined with a response below.

Objection 1:

- i. *An objection is made on the grounds that the objector does not believe the order to be expedient in the public interest because they have always looked after the trees in the past and intend to continue this in the future:-* It is accepted that the objector has not wholesale felled trees without necessity in the past. However, the proposed use of the land may change in the future and the ownership of the land may be a further change as a part of that process. This potential places the trees under greater threat, and it is within the power of the Council to make the decision to protect the trees against a potential threat. Clearly it is too late to protect trees once they have already

been damaged or removed. **It is not considered that this objection is a valid reason to revoke or modify the tree preservation order.**

- ii. *An objection is made on the grounds that the objector does not believe the order to be expedient in the public interest because the trees are already protected by felling licence controls:-* The report from TEP is clear on this, that if the trees were to remain within a field then felling regulations would prevent wholesale removal of trees all at one time. However, felling regulations would not prevent the removal of several trees at once (in each calendar quarter) which would have a significant impact on the environment and amenity of the area. Additionally, if the use of the land were to change and trees were to be located within designated parkland or within residential curtilage then felling regulations would not apply at all. It should also be noted that felling regulations do not prevent the unnecessary pruning of trees. **It is not considered that this objection is a valid reason to revoke or modify the tree preservation order.**
- iii. *An objection is made on the grounds that the objector does not believe the order to be expedient in the public interest because the planning process is on-going and as a part of that process the majority of the trees are shown to be retained:-* The planning application for houses on Dilworth Lane was refused, and as such there are no conditions requiring the retention of the trees. If the trees were considered to be a barrier to obtaining planning permission then it is feasible that the owner or a developer may feel that it is appropriate to remove that barrier by removing those trees. Confirming the tree preservation order would ensure that this does not happen and would ensure that this important landscape is protected. **It is not considered that this objection is a valid reason to revoke or modify the tree preservation order.**
- iv. *An objection is made on the grounds that the objector believes that some of the trees protected by the order are of low amenity value because they were rated as Category C trees by the developer's arboricultural report:-* It is accepted that the Council concurs with the findings of the arboricultural report that was provided with the planning application made by Taylor Wimpey. Category C trees are identified as being "trees of low quality with an estimated life expectancy of at least 10 years". It is considered to be of bad practice to include trees with a life expectancy of less than 10 years within a tree preservation order, and tree preservation orders must be made on trees that have a reasonable amenity value. In this case the trees were inspected on site by the Countryside Officer and several Category C trees were included in the order because it was considered that they had a wider amenity value (beyond simple visual amenity). That wider amenity value includes a value as habitat features for local wildlife, as such it is considered that it is important to retain these trees within the order. As a matter of note, not all of the Category C trees as identified within the arboricultural report were included within the tree preservation order, as it was considered that some of those trees had no significant wider amenity value. **It is not considered that this objection is a valid reason to revoke or modify the tree preservation order.**

Objection 2:

The comments as a part of Objection 2 support the order, but object to the two trees on the objector's property being placed under protection:

- v. *An objection is made on the grounds of expediency for both T16 and T17. All trees within the property 54 Higher Road have been carefully looked after and are not at risk of removal by the current owners:-* Inspection of the site concurs with this comment, the trees within the property that front Higher Road are in good condition and have not been the subject of needless felling or pruning. **It is considered that this is a valid reason to modify the tree preservation order to remove trees 16 and 17.**
- vi. *An objection is made on the grounds of suitability of T17. The tree is in close proximity to the house and is therefore considered inappropriate for inclusion:-* The trunk of T17 is greater than 5m distance from the building, as such it is not too close to the house to be included within the order. However, due to the objection (v.) the tree should be removed from the order. **It is not considered that this is a valid reason to revoke or modify the tree preservation order.**

3.2 Of the 6 individual points of objection only point number 5 is considered to be a valid reason to change the order. It is considered reasonable to remove T16 and T17 from the confirmed order and to therefore confirm the order as modified.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – Potential increase in reputation locally in Longridge due to protecting the natural environment.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Agree to the modified confirmation of the Dilworth Lane, Longridge Tree Preservation Order 2014 No 4 under the Town and Country Planning Act 1990.

5.2 Authorise the Director of Community Services to sign the modified order as confirmed.

PHIL JOHNSON
COUNTRYSIDE OFFICER

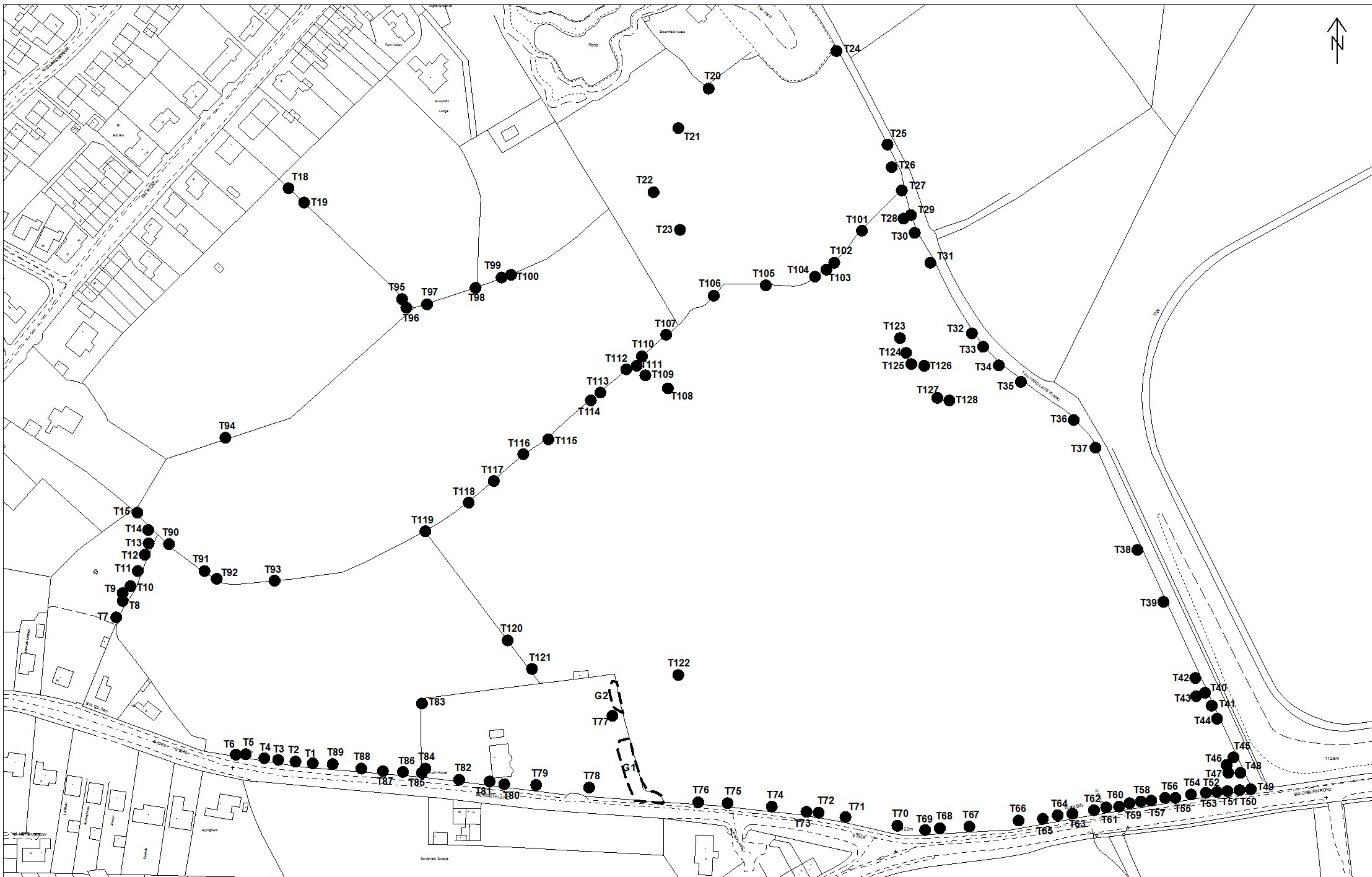
JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

See attached copy of the Modified Map and Order, and copies of both formal objections.

For further information please ask for Phil Johnson, extension 4505.

REF: PJP&D/12-02-15



Tree Preservation Order

Town and Country Planning Act 1990

The Dilworth Lane, Longridge Tree Preservation Order 2014 No. 4

The Ribble Valley Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Dilworth Lane, Longridge Tree Preservation Order 2014 No. 4.

Interpretation

2.— (1) In this Order “the authority” means the Ribble Valley Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 23rd day of October 2014.

The Common Seal of the Ribble Valley Borough Council

was affixed to this Order in the presence of—

..... THE MAYOR

..... CHIEF EXECUTIVE

CONFIRMATION OF ORDER

This Order was confirmed by the Ribble Valley Borough Council, subject to the modifications indicated by the inclusion of a modified Schedule and a modified Map, on the [xx] day of [insert month and year]

Signed on behalf of the Ribble Valley Borough Council

.....

Mr John Heap, Director of Community Services

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Alder	Along the roadside at Dilworth Lane, opposite Croft Way
T2	Ash	Along the roadside at Dilworth Lane, opposite Croft Way
T3	Sycamore	Along the roadside at Dilworth Lane, opposite Croft Way
T4	Ash	Along the roadside at Dilworth Lane, close to Croft Way
T5	Sycamore	Along the roadside at Dilworth Lane
T6	Lime	Along the roadside at Dilworth Lane
T7	Oak	To the rear of 28 Dilworth Lane
T8	Holly	To the rear of 28 Dilworth Lane
T9	Birch	To the rear of 28 Dilworth Lane
T10	Sycamore	To the rear of 28 Dilworth Lane
T11	Sycamore	To the rear of 28 Dilworth Lane
T12	Sycamore	To the rear of 28 Dilworth Lane
T13	Sycamore	To the rear of 28 Dilworth Lane
T14	Horse Chestnut	To the rear of 28 Dilworth Lane
T15	Sycamore	Within development site North of Dilworth Lane close to the rear boundary of 28 Dilworth Lane
T16	Yew OMITTED FROM CONFIRMED ORDER	To the rear of 54 Higher Road
T17	Beech OMITTED FROM CONFIRMED ORDER	To the side of 54 Higher Road
T18	Ash	Within development site North of Dilworth Lane
T19	Ash	Within development site North of Dilworth Lane
T20	Sycamore	Within development site North of Dilworth Lane close to the boundary with Broomfield House

T21	Oak	Within development site North of Dilworth Lane close to grounds of Broomfield House
T22	Hawthorn	Within development site North of Dilworth Lane
T23	Hawthorn	Within development site North of Dilworth Lane
T24	Holly	Within development site North of Dilworth Lane, adjacent bridleway
T25	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T26	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T27	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T28	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T29	Alder	Within development site North of Dilworth Lane, adjacent bridleway
T30	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T31	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T32	Oak	Within development site North of Dilworth Lane, adjacent bridleway
T33	Oak	Within development site North of Dilworth Lane, adjacent bridleway
T34	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T35	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T36	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T37	Alder	Within development site North of Dilworth Lane, adjacent bridleway
T38	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T39	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway

T40	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T41	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T42	Lime	Within development site North of Dilworth Lane, adjacent bridleway
T43	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T44	Lime	Within development site North of Dilworth Lane, adjacent bridleway
T45	Lime	Within development site North of Dilworth Lane, adjacent bridleway
T46	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T47	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T48	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T49	Sycamore	Corner of bridleway and Blackburn Road (A6243)
T50	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T51	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T52	Lime	East end of development site adjacent to Blackburn Road (A6243)
T53	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T54	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T55	Ash	East end of development site adjacent to Blackburn Road (A6243)
T56	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T57	Horse Chestnut	East end of development site adjacent to Blackburn Road (A6243)
T58	Sycamore	East end of development site adjacent to Blackburn Road (A6243)

T59	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T60	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T61	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T62	Lime	East end of development site adjacent to Blackburn Road (A6243)
T63	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T64	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T65	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T66	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T67	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T68	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T69	Lime	Adjacent to Blackburn Road (A6243) opposite Lower Lane
T70	Sycamore	Adjacent to Blackburn Road (A6243) opposite Lower Lane
T71	Lime	Adjacent to Dilworth Lane near junction with Blackburn Road and Lower Lane
T72	Alder	Adjacent to Dilworth Lane opposite Dilworth Court
T73	Sycamore	Adjacent to Dilworth Lane opposite Dilworth Court
T74	Oak	Adjacent to Dilworth Lane opposite Dilworth Court
T75	Sycamore	Adjacent to Dilworth Lane opposite Dilworth Court
T76	Sycamore	Adjacent to Dilworth Lane, opposite No. 41
T77	Sycamore	Eastern part of the garden of Dilworth House, Dilworth Lane
T78	Beech	Adjacent driveway of Dilworth House, Dilworth Lane

T79	Lime	Grounds of Dilworth House opposite 41 Dilworth Lane
T80	Beech	Adjacent to Dilworth House, within the garden, Dilworth Lane
T81	Beech	Adjacent to Dilworth House, within the garden, Dilworth Lane
T82	Beech	Grounds of Dilworth House opposite 39 Dilworth Lane
T83	Beech	North West corner of garden area of Dilworth House, Dilworth Lane
T84	Alder	South West corner of garden area of Dilworth House, Dilworth Lane
T85	Beech	South West corner of garden area of Dilworth House, Dilworth Lane
T86	Alder	Close to the western boundary of Dilworth House within the development site North of Dilworth Lane
T87	Alder	Close to the western boundary of Dilworth House within the development site North of Dilworth Lane
T88	Oak	Within the development site North of Dilworth Lane opposite Croft Way
T89	Alder	Within the development site North of Dilworth Lane opposite Croft Way
T90	Sycamore	Within the central area of the development site North of Dilworth Lane
T91	Sycamore	Within the central area of the development site North of Dilworth Lane
T92	Sycamore	Within the central area of the development site North of Dilworth Lane
T93	Sycamore	Within the central area of the development site North of Dilworth Lane
T94	Sycamore	Within the central area of the development site North of Dilworth Lane
T95	Scots Pine	Within the central area of the development site North of Dilworth Lane
T96	Scots Pine	Within the central area of the development site North of Dilworth Lane

T97	Hawthorn	Within the central area of the development site North of Dilworth Lane
T98	Ash	Within the central area of the development site North of Dilworth Lane
T99	Ash	Within the central area of the development site North of Dilworth Lane
T100	Ash	Within the central area of the development site North of Dilworth Lane
T101	Alder	Within the central area of the development site North of Dilworth Lane
T102	Alder	Within the central area of the development site North of Dilworth Lane
T103	Holly	Within the central area of the development site North of Dilworth Lane
T104	Alder	Within the central area of the development site North of Dilworth Lane
T105	Ash	Within the central area of the development site North of Dilworth Lane
T106	Ash	Within the central area of the development site North of Dilworth Lane
T107	Ash	Within the central area of the development site North of Dilworth Lane
T108	Ash	Within the central area of the development site North of Dilworth Lane
T109	Oak	Within the central area of the development site North of Dilworth Lane
T110	Oak	Within the central area of the development site North of Dilworth Lane
T111	Ash	Within the central area of the development site North of Dilworth Lane
T112	Ash	Within the central area of the development site North of Dilworth Lane
T113	Oak	Within the central area of the development site North of Dilworth Lane
T114	Sycamore	Within the central area of the development site North of Dilworth Lane
T115	Alder	Within the central area of the development site North of Dilworth Lane

T116	Alder	Within the central area of the development site North of Dilworth Lane
T117	Ash	Within the central area of the development site North of Dilworth Lane
T118	Ash	Within the central area of the development site North of Dilworth Lane
T119	Ash	Within the central area of the development site North of Dilworth Lane
T120	Sycamore	Within the central area of the development site North of Dilworth Lane
T121	Ash	Within the central area of the development site North of Dilworth Lane
T122	Oak	Within the central area of the development site North of Dilworth Lane
T123	Ash	Within the eastern area of the development site North of Dilworth Lane
T124	Ash	Within the eastern area of the development site North of Dilworth Lane
T125	Ash	Within the eastern area of the development site North of Dilworth Lane
T126	Alder	Within the eastern area of the development site North of Dilworth Lane
T127	Alder	Within the eastern area of the development site North of Dilworth Lane
T128	Alder	Within the eastern area of the development site North of Dilworth Lane

Trees specified by reference to an area

(within a dotted black line on the map)

-NONE-

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	3 Sycamore, 1 Beech, 1 Oak, 1 Lime	Eastern boundary of Dilworth House, Dilworth Lane
G2	5 Holly	Eastern boundary of Dilworth House, Dilworth Lane

Woodlands

(within a continuous black line on the map)

-NONE-



Tree Preservation Order at Dilworth Lane, Longridge 2014 No. 4

Objection to Making of Order

Genesis Centre
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Offices in Warrington, Gateshead, Market Harborough, London, Kent and Cornwall

Tree Preservation Order at Dilworth Lane, Longridge 2014 No. 4

Objection to Making of Order

Document Reference: 4859.004

November 2014

Prepared by: Francis Hesketh MICFor

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Genesis Centre
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Warrington
WA3 7BH
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Prepared for

Mr T. Croft
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4859.004 TPO Objection

Written by:	Checked by:	Approved by:
FBH	TP	FBH



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1.0 Formal Objection

- 1.1 Ribble Valley Borough Council ("The Council") made Tree Preservation Order Dilworth Lane, Longridge 2014 No 4 ("The Order") on 23rd October 2014. Many of the trees included in the Order are on land belonging to Mr T. Croft of Crofts (Longridge) Ltd, Hollin Hall Farm, Tanyard, Longridge, Preston, PR3 3TA.
- 1.2 In accordance with Regulation 6 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 ("The Regulations"), this document is an objection by Mr Croft to the making of the Order.
- 1.3 The grounds of objection are as follows:
- 1.4 Firstly, it is not expedient to make the Order. The reason given by the Council when making the Order is the risk to the trees from a planning application to build housing on the land. This document shows that a) Mr Croft is a responsible landowner and has no intention of carrying out any tree felling, b) the planning process has worked, and can continue to work, to protect the trees and c) there are other controls which would prevent significant felling of mature trees.
- 1.5 While the objection on grounds of lack of expediency applies to the Order in totality, Mr Croft makes a specific objection to the making of the Order on trees on his land, namely trees in Table 1.
- 1.6 Secondly, several of the trees included in the Order are of little value and therefore it cannot be in the interests of amenity to apply the Order to them. These are trees are listed in Table 2.
- 1.7 If confirmed, the Order would impose an unnecessary and unfair administrative burden on Mr Croft, who has demonstrated a long history of responsible stewardship of the trees.

Table 1: Trees included in the Order located on Mr Croft's land

TPO Reference Number
T1; T2; T3; T4; T5; T6; T27; T28; T29; T30; T31; T32; T33; T34; T35; T36; T37; T38; T39; T40; T41; T42; T43; T44; T45; T46; T47; T48; T49; T50; T51; T52; T53; T54; T55; T56; T57; T58; T59; T60; T61; T62; T63; T64; T65; T66; T67; T68; T69; T70; T71; T72; T73; T74; T75; T76; T86; T87; T88; T89; T90; T91; T92; T93; T101; T102; T103; T104; T105; T106; T107; T108; T109; T110; T111; T112; T113; T114; T115; T116; T117; T118; T119; T120; T121; T122 T123; T124; T125; T126; T127; T128

Table 2: Trees included in the Order that are of low value

TPO Reference Number
T1; T4; T27; T29; T38; T39; T43; T44; T45; T46; T47; T48; T53; T64; T73; T93; T104; T112; T114; T121;

2.0 Sources of Information

- 2.1 An extract from the Land Registry showing the land owned by Mr Croft in pink is reproduced below.



- 2.2 Trees in Table 1 are on this land and the objection relates to these trees.
- 2.3 Outline Planning Application Reference 3/2014/0517 was made by Taylor Wimpey in respect of the land. This application was accompanied by a Tree Survey in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. The tree survey (by Trevor Bridge Associates) is document reference MG/4536/TSR 'B'/OCT14, and includes a schedule of all trees including their Value categorisation using BS 5837 criteria. This objection refers to the Survey.
- 2.4 This Tree Survey was carried out in consultation with Council Officers, who accepted its findings, as was reported to the Planning Committee dealing with the application. This objection refers to the Officers Report to Committee.

Objection to Making of Order

- 2.5 At the Planning Committee meeting of 16th October 2014, Francis Hesketh MICFor, a Director of TEP made representations that the Order was not expedient given that planning and felling licence controls were capable of protecting the trees, and given the long history of responsible ownership of Mr Croft.
- 2.6 In response, Mr Philip Johnson, Countryside Officer for the Council, noted that the reason for making the Order was due to the uncertainty caused by the planning application and also stated that felling licence controls would not apply. This specific point is addressed later.

3.0 No Expediency

Ownership and Stewardship of Trees

- 3.1 The land has been in the family ownership since the 1920's and Mr Croft has owned and managed the land for 52 years. He has not removed any significant trees, nor has he caused any trees to die.
- 3.2 Study of historic aerial photography shows that tree cover has remained consistent. For example, a Google Earth image from December 2000 shows that the same trees were present on the land as are present now.
- 3.3 The Council has indicated that the trees are considered to be at risk due to the planning application to build houses on the land. It is evident that Mr Croft has behaved responsibly throughout the planning application process and has not interfered with the trees to facilitate prospects of future development. Therefore the making of the Order is disproportionate to the actual risk.
- 3.4 If there were to be a change of ownership, or if Mr Croft had recently removed trees, then that might be a reasonable time for the Council to consider it expedient to make the Order. However, these circumstances do not apply, so the making of the Order is not expedient.

Felling Licence Controls

- 3.5 Under the Forestry Act 1967, any person wishing to fell growing trees must apply to the Forestry Commission for permission unless the work is covered by an exemption. Such permission is usually only granted provided that replacement planting is secured.
- 3.6 The mature trees on Mr Croft's land typically have timber volumes of between 0.8 and 2.8 m³. This calculation is made on the basis of the dimensions reported in the Tree Survey, accepted by the Council. For example TPO tree T51 is referenced in the Tree Survey as Tree T67, with a diameter at breast height of 0.5 m and a height of 17 m. Using a simplified model based on a 13 m saleable stem with a mid-diameter of 0.38 m this has a timber volume of 1.5 m³.
- 3.7 On this basis, it would only be possible to fell approximately 3 mature trees without requiring a felling licence. If a felling licence application were to be made, at that stage, the Council may feel it expedient to make an Order.
- 3.8 On this specific point, Mr Johnson advised the Council's Planning Committee, before they debated the making of the Order, that Felling Licence controls would not be effective. This advice was incorrect and Council members should have been advised that Mr Hesketh's advice that a person "*could only cut down a handful of the mature trees on the site before needing a Felling Licence*" was factually correct.

Planning Process

- 3.9 Trees are a material consideration in the planning process. The Council Officers were diligent in applying tree protection principles during the planning application, with the result that they negotiated a development layout and point of access that would have minimal impact on the tree stock.
- 3.10 The Officer's report to Committee provides an appraisal of the situation regarding trees. It states that the countryside officer has determined the particular trees of amenity value to be worthy of protection. The masterplan submitted with the application (albeit indicative as the application was in outline) shows that the overwhelming majority of these trees would be retained. Only some trees would necessarily be felled to accommodate the site vehicular access, and in this regard the officer reports that *"the proposal has been designed to minimise as far as practicable, the loss of trees along the frontage of the site"*.
- 3.11 If the Council is intent on making a TPO due to the planning application, it would be common sense to make it either at the time of Reserved Matters approvals (or if land changes ownership prior to that). At time of Reserved Matters applications the Council can ensure tree protection and retention during construction, and can therefore apply the Order only to such trees.
- 3.12 This TPO, in its current form, is effectively a blanket TPO covering the majority of trees on the site, including 36 trees which Council officers have agreed are of "Low value" (20 of which are owned by Mr Croft). It doesn't make sense to confirm the TPO now, because the Council will need to amend the TPO every time there is a Reserved Matters approval.
- 3.13 In short, the planning process has done its job of protecting trees of value, and in the circumstances there is no expediency for the making of the Order.
- 3.14 TEP has been involved in numerous residential planning applications on sites with mature trees, and it is unusual for a TPO to be applied unless there is a clear threat to trees e.g. due to an irresponsible or absentee land owner, or due to an insensitive planning layout being aggressively promoted by a developer. Neither of these situations apply in this case, therefore there is no expediency.

4.0 Lack of Amenity Value of Trees

- 4.1 The Tree Survey report submitted with the planning application was carried out in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. It includes a schedule of all trees including their Value categorisation using BS5837 criteria, defined below.
- 4.2 Category A – Trees of high quality with an estimated life expectancy of at least 40 years. Trees that are particularly good examples of their species and/or those that have visual importance or significant conservation or other value.
- 4.3 Category B – Trees of moderate quality with an estimated remaining life expectancy of at least 20 years. Trees that do not qualify as Category A due to impaired condition and/or those that collectively have higher value than they would as individuals; also trees with material conservation or other value.
- 4.4 Category C – Trees of low quality with an estimated life expectancy of at least 10 years. Trees that have very limited merit or of such impaired condition that they do not qualify in higher categories or offering transient or temporary landscape benefits.
- 4.5 Category U – Trees that cannot be realistically be retained as living trees longer than 10 years. Trees that have a serious, irremediable structural defect, are dead or showing signs of irreversible decline, or are infected with pathogens of significance to the health and/or safety of other trees.
- 4.6 The Council officers agreed that the Tree Survey was accurate.
- 4.7 On this basis, it would only be appropriate to consider making an Order in respect of Category A and B trees. The purpose of a TPO is “in the interests of amenity”, and therefore it cannot be appropriate to make an Order in respect of a Category C tree, unless a special justification is provided.
- 4.8 No such special justifications are made in the Order.
- 4.9 Therefore Mr Croft objects to the making of the Order in respect of the following trees on his land, which are BS 5837:2012 Category C:
T1; T4; T27; T29; T38; T39; T43; T44; T45; T46; T47; T48; T53; T64; T73; T93; T104; T112; T114; T121;
- 4.10 This objection is in addition to and separate from, his general objection (on grounds of expediency) to the making of the Order on all trees on his land.