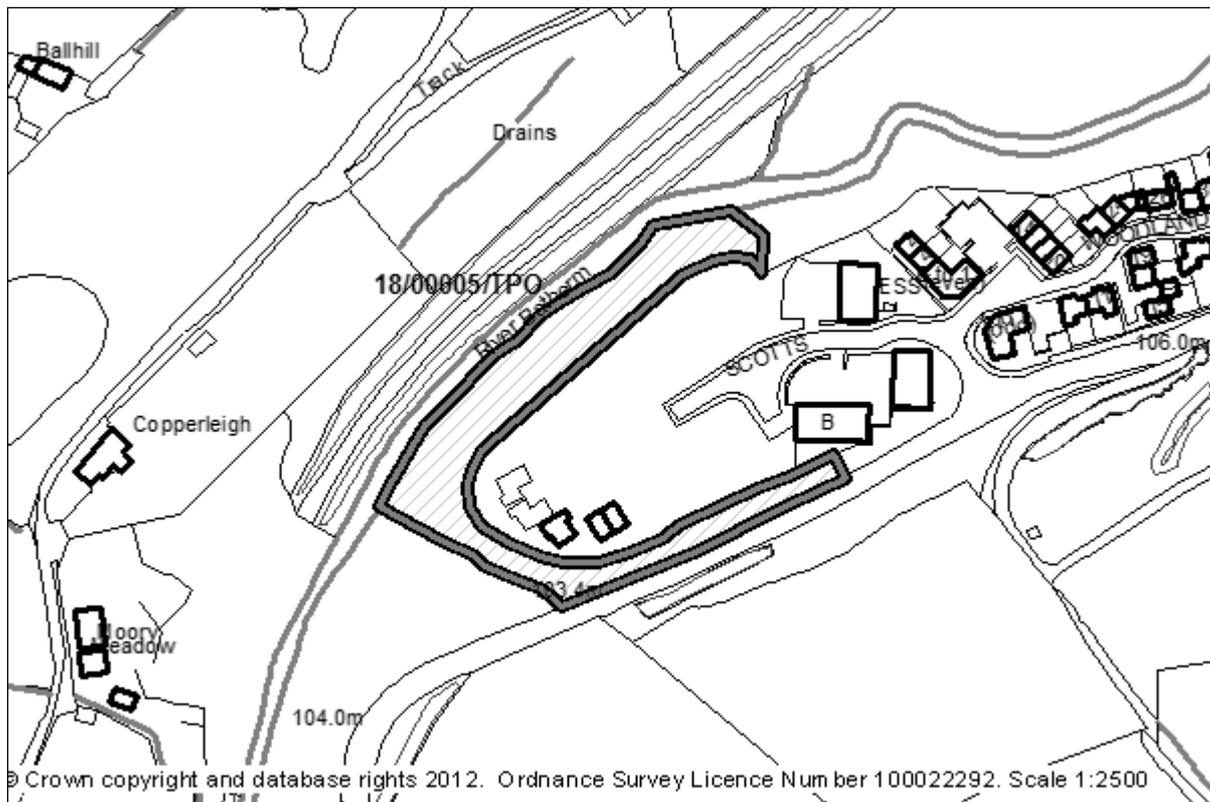


**Tree Preservation Order: 18/00005/TPO**

Grid Ref: 295284 : 121659

Location: Land at NGR 295283 121659 (Scotts Business Park)  
Bampton  
Devon

Proposal: Tree Preservation Order for an area of woodland



**TREE PRESERVATION ORDER: 18/00005/TPO**

**MEMBER CALL-IN**

**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**Reason for Report:**

One objection raised by owner of the trees

**RECOMMENDATION**

The Tree Preservation Order 18/00005/TPO is confirmed.

**Relationship to Corporate Plan:**

The proposal impacts upon the Corporate aim of 'Protecting the natural environment'

**Financial Implications:**

None

**Legal Implications:**

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Local Planning Authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

**Risk Assessment:**

None

**Consultation carried out with:**

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

**PROPOSAL:**

Tree Preservation Order for an area of woodland

**RELEVANT SITE HISTORY/DESCRIPTION:**

**15/00645/DCC** - DCCREF date 28th July 2015

County Matter Application for importation of fill from an adjoining piece of land to improve the levels, drainage and improve general access to New Park, Tiverton Road, Bampton, EX16 9DX - DEVON COUNTY REFUSAL 28TH JULY 2015

**18/00594/OUT** - PCO date

Outline for the erection of 5 dwellings; parking/turning area; formation of new access and footpath connection to 'Scotts Quarry'

**REPRESENTATIONS:**

Letter of objection from landowner Fortbury Homes:

- 1) There are weak and fallen trees within the protected area

- 2) They feel MDDC has only made the Order because they are carrying out husbandry work
- 3) They will not be able to manage the area if the TPO is confirmed
- 4) Concerned about who will be responsible for any damage caused by the trees.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

This Tree Preservation Order was made following concerns regarding the tree management at the site and in response to the development of the site.

The location is at the edge of Bampton and in a wooded area. The roadside trees screen development and the trees within the site offer a woodland setting for the development, in keeping with the area.

The Tree Preservation Order covers a range of woodland species and the woodland order should serve to ensure the trees are managed according to the nature of the site.

The trees have good amenity value from within the development and externally, enhancing and screening historic and more recent development. The woodland area of trees are considered to be worthy of consideration by Tree Preservation Order, using the TEMPO method of assessment.

MDDC response to the objections:

- 1) Unfortunately there is significant Ash dieback within the area and this has become apparent this summer. It is acceptable to remove any dead or dangerous trees without the need for formal application. Where possible MDDC ask for 5 days notification for our records. Trees which have significant Ash dieback but may still be slightly alive but when next to the Highway, are regarded as potentially dangerous and should be dealt with swiftly by the land owner. The Tree Preservation Order will serve to ensure that new trees are planted to replace the Ash. This does not have to be an expensive planting scheme but with Ash dieback the replacement of lost trees will be a consideration for all land owners.
- 2) There is no evidence of good tree husbandry at the site. The removal of trees to install the rainwater discharge for the development and create a track is not considered to be tree husbandry. The works however have been completed before the Tree Preservation Order was made so the order will have no impact on these plans.
- 3) A Tree Preservation should not cause all management to cease but it will ensure that management proposals are put forward and considered in line with good arboricultural practice.
- 4) The trees remain the responsibility of the landowner. If there is concern regarding the health and safety of trees this can be dealt with swiftly, despite the Tree Preservation Order.

## **SUMMARY:**

The Tree Preservation Order should be confirmed to maintain the woodland feel to the site at this gateway location into Bampton. The trees have good amenity value from within the development and externally, enhancing and screening historic and more recent development. The retention of the trees would also have a positive impact on biodiversity in the area. A Tree Preservation should not cause all management to cease but it will ensure

that management proposals are put forward and considered in line with good arboricultural practice.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.