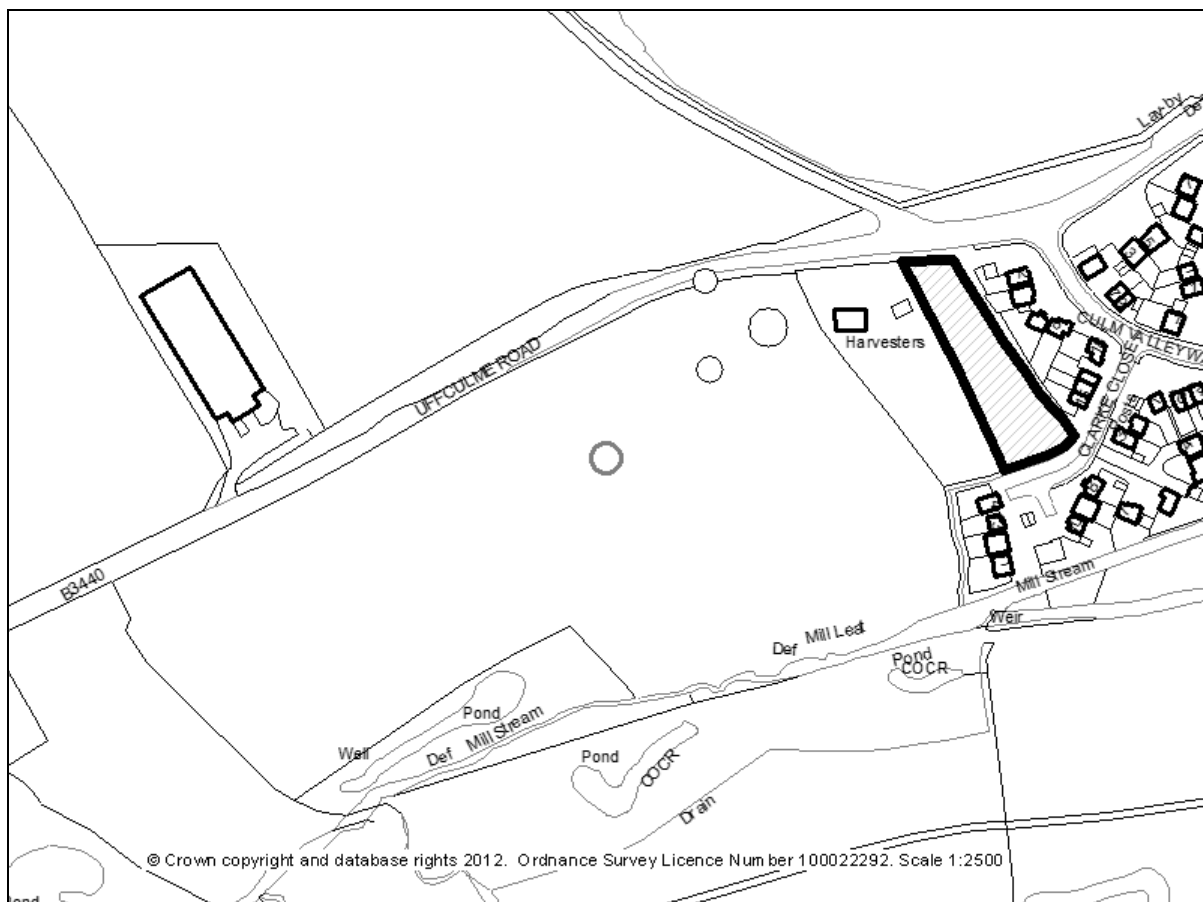


Application No. 16/00007/TPO

Grid Ref: 112080 : 305658

Location: Land at Grid
Reference 305658
112080 Uffculme
Devon



REPORT OF THE HEAD OF PLANNING AND REGENERATION

Reason for Report:

To consider whether a Tree Preservation Order should be confirmed in light of the objection that has been received.

RECOMMENDATION(S)

That the Tree Preservation Order 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.

1.0 DESCRIPTION/SITE HISTORY

- 1.1 This Tree Preservation Order was made in response to a proposed development on land to the west of existing development at Uffculme forming part of Langlands Farm. Outline planning permission for the development of 60 dwellings has been granted on appeal. The Tree Preservation Order specifically protects four Oak trees within the site.

1.2 One letter of objection has been received in relation to Tree Preservation Order 16/00007/TPO. The objection seeks to modify the Order to not include T1. It is accepted that the Tree Preservation Order is relevant to T2, T3 and T4.

2.0 AMENITY EVALUATION

2.1 The trees add a significant amenity/landscape value to the surrounding area, which will be enhanced following the development of the site. Following an amenity evaluation of the trees, it was deemed necessary to place further protection on them, in the form of a Tree Preservation Order.

3.0 REPRESENTATION

3.1 One objection to the TPO has been made on the following grounds:

- The Planning Practice Guidance states that 'before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.' Given the poor state of health of T1 it is questioned whether there is any benefit in seeking to protect it;
- Inclusion of T1 acts against future public benefit in that its health is likely to fade in the near future, such that its public benefit is reduced to zero, most probably in the short term;
- T1 will not provide future benefit to the same degree that a properly controlled landscaping strategy for the reserved matters can.

4.0 MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS

4.1 This Tree Preservation Order was made on the more significant trees in response to proposed development on the site.

4.2 The four trees subject of the TPO are found toward the northern boundary of the site, with T2, T3 and T4 located toward the north eastern corner and T1 somewhat further to the west.

4.3 When referring to the Tree Survey Schedule submitted in support of the outline planning application, produced by Devon Tree Services, T1 is described as an English Oak in the age class 'Veteran'. Veteran trees are extremely valuable for wildlife. They are living ecosystems which support a huge variety of life. A veteran tree is of interest biologically, culturally or aesthetically because of its age, size or condition in relation to wildlife habitat. The features highlighted in the tree survey schedule such as the significant crown dieback and stem decay are what we would expect in a tree regarded as a veteran. The root loss due to ploughing is an assumption. In the experience of MDDC Tree Officer, when trees are exposed to regular ploughing they can produce a root system which may be regarded as deeper than that which would be considered typical. Problems may occur if ploughing suddenly commences, where it has not been done routinely, especially with deep pan ploughing.

- 4.4 The physiological and structural conditions of the tree have been rated as fair – poor. However the estimated remaining contribution in years is given as 40+ years, the same estimate as given to T2, T3 and T4. On this basis, concerns that the tree will begin to ‘fade’ in the short term are not accepted and the tree could potentially provide decades of public benefit and ecological benefit.
- 4.5 In relation to comments stating that the tree is in a poor state of health, the tree is regarded to be a veteran. Features such as dieback, crown retrenchment and decay are all seen to be beneficial indicators of a veteran tree. Most importantly Devon Tree Services have placed the tree into category A3 for retention (BS 5837: Trees in relation to design, demolition and construction – Recommendations). Trees with such a category are those regarded as the most desirable for retention. Throughout the Outline planning application process this tree was always earmarked for retention. The tree report suggests that the tree will be retained with a reduced Root Protection Area (RPA), reduced by 40%, which the MDDC Tree Officer objects to. Veteran trees require extra care throughout development. Older trees have been shown to be more sensitive and slower to adapt to the challenges faced with a changing environment through development. Where possible they should be afforded a larger RPA.
- 5.0 **CONCLUSION**
- 5.1 The Oak tree included in this Tree Preservation Order is worthy of this protection. The tree is in good condition for its veteran status, and likely to add significant amenity value to the site should it be developed. It is recommended that the Tree Preservation Order be confirmed without modification.

Contact for any more information	Cathy Lynch, Tree Officer 01884 234304
Background Papers	15/00108/MOUT
File Reference	16/00007/TPO
Circulation of the Report	Cllrs Richard Chesterton Members of the Planning Committee