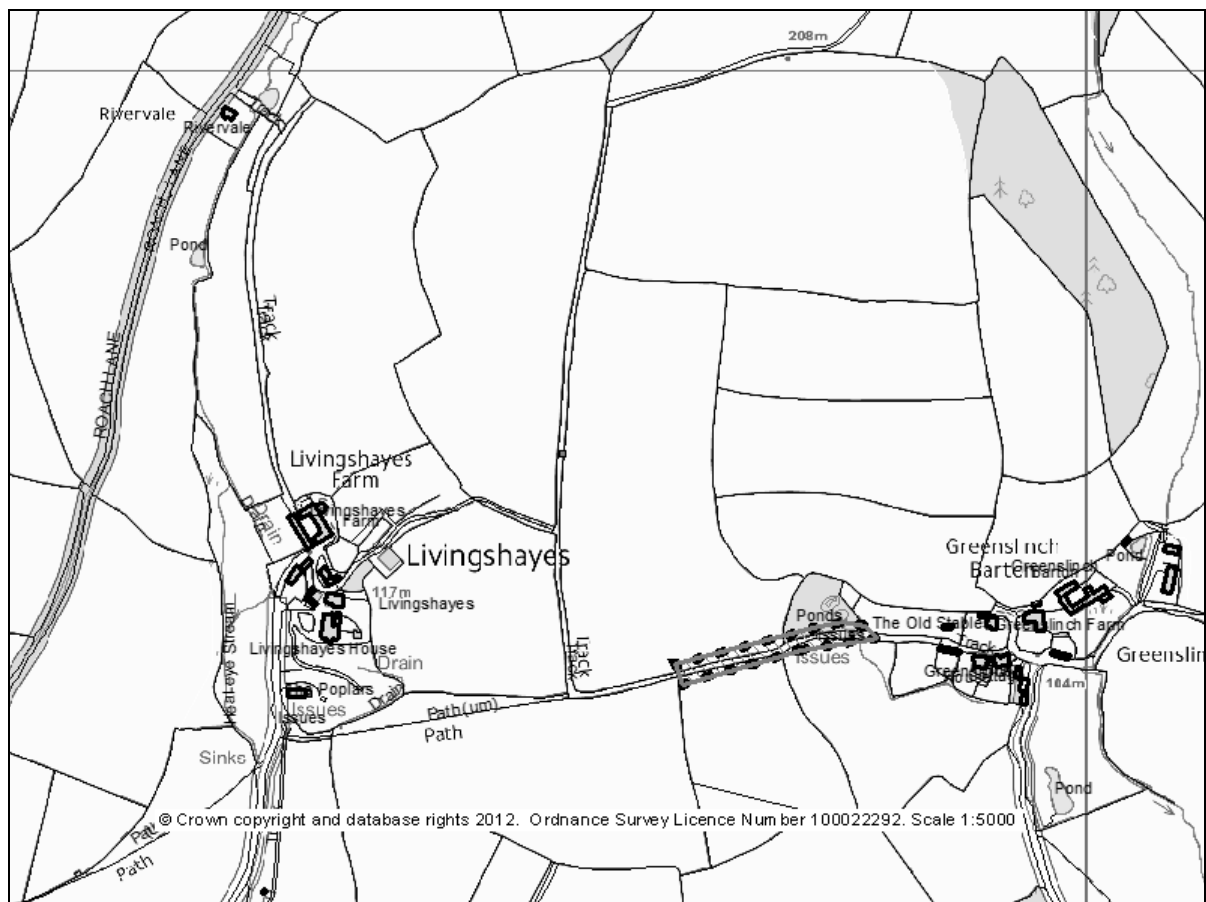


**Application No. 17/00001/TPO**

**Agenda Item**

**Grid Ref:** 103663 : 296539

**Location:** Track at NGR 296538  
103662 (Greenslinch  
Lane) Silverton  
Devon



## **AGENDA ITEM**

### **PLANNING COMMITTEE 14<sup>th</sup> June 2017**

#### **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**

This Tree Preservation Order was made in response to a request to Mid Devon District Council by local residents. Authorities can either initiate the process of applying a Tree Preservation Order themselves or in response to a request made by another party.

The Tree Preservation Order was requested following the felling of a significant amount of trees along both edges of Greenslinch Lane. The trees appear to have been removed to implement a track improvement scheme.

## **2.0. AMENITY EVALUATION**

- 2.1 The trees add good landscape value to the surrounding area; the public footpath seems to be a popular walking area. 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. An amenity score of 17 was afforded to the trees using the Poole System evaluation system, any tree that scores more than 15 merits consideration for a Tree Preservation Order.

## **3.0 REPRESENTATION**

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

- \* The trees are under good silviculture management
- \* The land is well managed farm land, with a proven history of tree planting and hedgerow improvement and conservation achievements
- \*The TPO Order is an area category
- \*The whole of the footpath is not covered

## **4.0 MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS**

- 4.1 A large section of the trackway trees, which appear to have been made up of trees of a similar age and size as to those subject to the Tree Preservation Order, were felled in order to improve an existing trackway. As the trees root systems were kept mainly intact, this was not a breach of the Hedgerow Regulations.

However it could be argued that the standard of work was poor. Although it is acknowledged that within the next 5 years the area is likely to form a new informal hedge.

Additional planting of native species on the newly made earth banks would have enhanced the species diversity, it may have also been possible to selectively lay some of the pre-existing species.

- 4.2 The Tree Preservation Order does not serve to stop good management. There is nothing stopping the landowner from applying for future works to the trees in question should it be deemed necessary as a part of the overall management plan for the farm.

- 4.3 The Tree Preservation Order applies to the remaining trees along the track sides. Currently the TPO is an Area Order. While it is recognised that an area category is intended for short-term protection in an emergency and may not be capable of providing appropriate long-term protection, there is no recommended guidance on how soon an area TPO should be re assessed but it is acknowledged that LPA are advised to fully assess and reclassify the trees in an area order.
- 4.4 The whole length of the footpath has not been included in the Tree Preservation Order. The part of the track which has been felled/coppiced will take a number of years to return to a treescape and it is possible that the farmer would prefer to maintain the tracksides as a hedgerow rather than allowing it to regenerate back into trees. As such a Tree Preservation Order would not be appropriate for this area now. The remaining trackside trees have been included in the order.
- 4.5 Authorities may only use an Order to protect anything that may ordinarily be termed a tree. This would not normally include shrubs, but could include, for example, trees in a hedge or an old hedge which has become a line of trees of a reasonable height.
5. It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

## **5.0 CONCLUSION**

The Tree Preservation does not serve to stop good Silviculture Management. Whilst it is acknowledged that the farmer has achieved great things with hedgerow and environmental projects on the farm, the actual removal of the pre existing line of trees triggered the need to consider protecting the remainder of this landscape feature.

### **Contact for any more information**

Cathy Lynch, Tree Officer  
01884 234304

### **Background Papers**

### **File Reference**

17/00001/TPO

### **Circulation of the Report**

Cllrs Richard Chesterton  
Members of the Planning Committee