

TREE PRESERVATION ORDERS WITH OBJECTIONS

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report:	To consider the following Tree Preservation Order recently made by this Authority and to confirm or not confirm the Order accordingly
Recommendations:	It is RECOMMENDED that: the following Tree Preservation Order is confirmed without modification: The East Dorset District (Parkland Close, Verwood No 1) Tree Preservation Order 2012
Lead Members:	Councillor S. Tong – Environment
Contact Officer:	Nicholas Hayden, Arboricultural Officer

2. Introduction

2.1. Members are invited to consider the following objection and representation to the making of a new Tree Preservation Order and determine whether to confirm or not to confirm the Order or to confirm the Order subject to modification.

3. The East Dorset District (Parkland Close, Verwood No 2) Tree Preservation Order 2012 – VE/277

3.1. On 28th June 2012 the Council made the above Tree Preservation Order (TPO) as a result of the Green Belt boundaries being reviewed as part of the East Dorset Core Strategy. On 15th December 2012 this TPO was revoked and a new TPO made as the six months in which to confirm the TPO would have passed before this Committee meeting. The original objections have been considered as the TPO remains unchanged.

3.2. The trees protected by this TPO include a linear belt of semi-mature Oaks adjacent to the roadside, marked as Area 1 (A1) on the plan and a woodland, marked as (W1) on the plan. Eleven individual Oaks marked as (T1 – T11) on the plan have also been protected. The Council consider that all of the protected trees make a positive contribution to the sylvan characteristics of the area.

3.3. One letter of objection was received in response to this TPO. The objection was made by Tyler Grange LLP on behalf of their clients, Linden Homes. The objections, summarised below, relate to the inclusion of Area 1 (A1) and the woodland (W1) within the TPO.

- 3.4. Area (A1) only covers a short section of a much larger linear belt adjacent to the highway and the amenity value of those trees protected is very limited. None of the trees are of individual merit and therefore warrant protection. Their close proximity to the roadside and overhead power cables also makes them unsuitable specimens for protection.
- 3.5. The visibility of woodland (W1) is restricted due to the intervening residential built form. Although the woodland is visible this alone does not merit its protection as there are no specific individuals that are notable in terms of their size, form, character or rarity.
- 3.6. Finally, the extent of woodland (W1) conflicts directly with the Core Strategy Pre-Submission (March 2012), made under policy VTSW5. The submission and associated consultations with East Dorset District Council included the promotion of residential development of the site, including the area now covered by woodland (W1). Consideration of the relevant criteria suggests that these trees do not therefore merit formal protection.
- 3.7. Your Officer's response to these points is as follows. Whilst Area 1 (A1) only encompasses a small section of the entire linear belt adjacent to the highway, the remainder of the trees within this linear belt are not currently perceived to be under threat. The Council concur with the objector's assessment that when viewed as individuals they are not specimen trees. However, collectively they are an integral component of the linear belt and their removal would be at the detriment to the visual amenities of the locality. Their close proximity to the roadside and the overhead cables does not make them unsuitable specimens for retention and minor pruning works could be undertaken to ensure that statutory clearances over the highway are achieved as well as suitable clearance from the cables. This TPO has not made to prohibit good arboricultural practise.
- 3.8. With regards to woodland (W1), the Council is of the opinion this woodland does make a positive contribution to the visual amenities of the locality and that should the site be developed its prominence would only be increased. Although it is suggested that the woodland does not merit protection as there are no individual specimens of merit, collectively these trees form an imposing backdrop and their protection is therefore justified.
- 3.9. Finally, whilst this site has been identified for potential development, a considerable developable area remains. Nonetheless, as this land has been highlighted for potential urban expansion it is your Officers duty to ensure that all trees worthy of retention are protected. The TPO has not been made to prohibit development but to ensure that should development occur these trees are given full consideration throughout the development process.
- 3.10. It is therefore recommended that the Tree Preservation Order is confirmed without modification.

4. IMPLICATIONS

Corporate Plan & Council Objectives

- 4.1. To ensure East Dorset's natural and built environment is well managed.

Legal

- 4.2. The Council is the Local Planning Authority and has delegated to the Planning Committee the responsibility for determining tree applications.

Environmental

- 4.3. Any issues are contained within the body of this report.

Financial and Risk

- 4.4. The survey prior to making a Tree Preservation Order is primarily limited to an assessment of public visual amenity and does not always include a detailed inspection of matters of health or safety from the Council's Arboricultural Officer. The primary responsibility for tree health and safety remains with the landowner who should have their trees inspected regularly by an independent and qualified arboriculturist. Where matters of tree safety are drawn to the attention of the Council, the Arboricultural Officer will undertake a more detailed inspection and advise the Committee of their findings prior to the confirmation of the Order.

Equalities

- 4.5. There are no equality implications associated with this report.
- 4.6. **Background Papers:** All letters, reports and associated correspondence can be found in the TPO files in the Tree Section office.