

P & EP Committee: 17 September 2013

Item 4.4

PROPOSED: Provisional Tree Preservation Order 3_2013 Gericia, St Martins Rd Newborough

REFERRED BY: Head of Planning, Transportation & Engineering

REASON: Objections have been raised to the provisional TPO

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

Officers have served a provisional Tree Preservation Order (TPO) 3_2013 Gericia, St Martins Rd Newborough following the submission of planning application 13/00292/HHFUL which threatened the loss of an Ash tree. Following the public consultation period, objections have been raised.

The main considerations are:

- **Are the trees worthy of inclusion into a TPO in terms of public visual amenity value, condition and health?**
- **Are the proposals reasonable and justified having regard to any representations received?**

An objection has been raised in respect of the Tree Preservation Order and Committee are asked to determine the application accordingly in accordance with para 2.5.1.2.(f) of the Council's Constitution.

The Head of Planning, Transportation & Engineering recommends that the TPO is **CONFIRMED**.

2 DESCRIPTION OF SITE AND SURROUNDINGS

The tree T1 (Ash) is located on the northern boundary of Gericia, against St Martin's Rd at the western edge of Newborough village.

The tree is in good condition and health and provides significant public visual amenity value as viewed from St Martin's Rd, Soke Rd & Thorney Rd. The tree is therefore considered worthy of protection by way of a Tree Preservation Order.

3 CONSULTATIONS/REPRESENTATIONS

INTERNAL

None

EXTERNAL

Mr & Mrs M Joyce (tree owner) made the following comments during the consultation on the provisional Tree Preservation Order:-

1. The tree is in the final stages of Ash dieback disease (*Chalara Fraxinea*) and has dropped branches which are considered dangerous in terms of existing buildings and the general public.

2. There is a BT cable running through the branches of the tree, this cable will become damaged and will affect the business of Peterborough Tyre and Battery, if the tree is not maintained/cut back.
3. The tree is not a rare species..

NEIGHBOURS

None

COUNCILLORS

None

4 REASONING

a) Introduction

A Tree Preservation Order (TPO) is a legal order made by local planning authorities to preserve important trees, groups of trees or woodlands that have a public amenity.

A request for a TPO was submitted surrounding concerns for the loss of the tree linked to the threat of development.

An initial site assessment was made of the tree on site as per "Tree Preservation Orders : A Guide to the Law and Good Practice".

Under Section 201 of the Town & Country Planning Act, a TPO was served on the 25th April 2013.

Under the DETR guidance, people affected by the order have a right to object or make comments on any of the trees or woodlands covered before the Local Planning Authority (LPA) decide whether the order should be made permanent (Confirmed), the following advice is provided to LPA's regarding objections:-

If objections or representations are duly made, the LPA cannot confirm the TPO unless they have first considered them. To consider objections and representations properly it may be necessary for the LPA to carry out a further site visit, which would in any case be appropriate if the LPA had not yet assessed fully the amenity value of the trees or woodlands concerned. Any objection or representation made on technical grounds (for example, that a tree is diseased or dangerous) should be considered by an arboriculturist, preferably with experience of the TPO system.

Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side's point of view. This in turn can help clarify the main issues which will have to be considered by the LPA before they decide whether to confirm the TPO. Alternatively, discussions can lead to the withdrawal of objections.

An initial objection was received to the current form of the TPO on the 21st May 2013. Points were raised by Mr & Mrs Joyce and are summarised as *The tree has Ash dieback disease and is considered dangerous in terms of existing buildings and the general public. There is also a BT cable running through the crown of the tree, which will become damaged and will affect the on-site business if the tree is not maintained/cut back and finally that the tree is not a rare species.*

As per the above best practice, a further site visit was undertaken taking on board comments from the objector. Mr & Mrs Joyce were then contacted via email explaining why the TPO was served and the reasons for doing so.

Officer Response to the objection to the Provisional TPO

At the time of both inspections in preparing the TPO and a further inspection on the 24th Aug 2013, there was no positive identification of Chalara Fraxinea (Ash dieback). Trees often shed limbs through their lives; this does not however mean that the tree is necessarily dangerous. Often, limbs are shed as they no longer provide any beneficial function in terms of the trees growth – lower limbs for example whereby

the leaves get very little light. The tree essentially shuts down that limb to concentrate its energies in other areas. Essential tree maintenance such as the removal of dead or dangerous branches would not be prevented by the tree being protected by the Tree Preservation Order. There are sound Arboricultural pruning techniques to address issues with telecoms cables and there is no reason why such reasonable and justified works would not be permitted. A simple halo thin would provide required clearances to alleviate any risk of damage; these works would neither compromise the visual aesthetics of the tree nor threaten the health of the tree. Whilst at present Ash are not considered to be rare trees, with the threat of Ash dieback disease, this will in all probability change. Current guidance from Department of Environment, Food and Rural Affairs suggests that in terms of best practice:- *“Mature trees will not currently be removed, as they are valuable to wildlife, take longer to die and can help us learn more about genetic strains that might be resistant to the disease. Infection does not occur directly from tree to tree.”* The visual amenity this tree provides is considered to be important in terms of the surrounding landscape and is of significant benefit to the public.

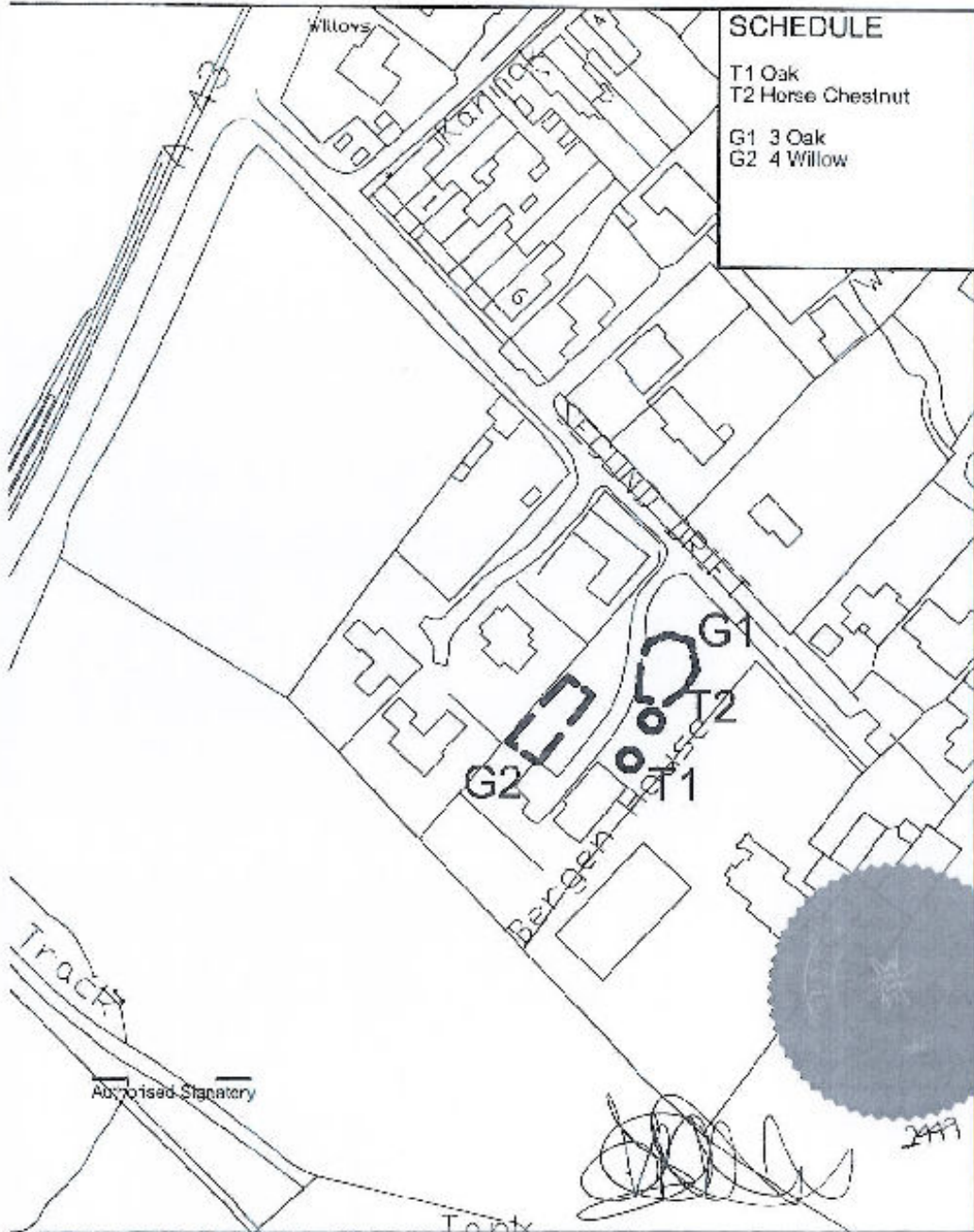
5 CONCLUSIONS

It is the opinion of the Case Officer that the TPO should be Confirmed for the following reasons:-

- The tree offers public visual amenity value and it is considered that the loss would be of detriment to the greater public and the landscape in this location.
- Newborough is one of the villages with lowest tree cover, so where appropriate, PCC should seek to protect any trees that are considered to be under threat and worthy of retention in line with the formally adopted Trees and Woodlands Strategy.
- It is the opinion of the Case Officer that tree could provide 50 yrs + visual amenity value based on its current condition.

6 RECOMMENDATION

The Head of Planning, Transport & Engineering recommends that this provisional TPO is CONFIRMED.



SCHEDULE	
T1	Oak
T2	Horse Chestnut
G1	3 Oak
G2	4 Willow

TREE PRESERVATION ORDER 2 /2011

Bergen House, Wothorpe, Peterborough

Scale: Not to scale Org.no. DS/TPO

Date: 21/01/11 Name: DS Department: Planning Services PCCGIS

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