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REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	28 May 2002	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	TONY YOUNG	DOC:
SUBJECT:	TREE PRESERVATION ORDER 192 (2002) – 21 ALEXANDRA ROAD, OVERSEAL	REF:
WARD AFFECTED:	OVERSEAL	TERMS OF REFERENCE: DC01

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## 1.0 Recommendations

- 1.1 That this Tree Preservation Order be confirmed with a modification that the tree species list for the woodland be extended to include alder, wild cherry, acer, horse chestnut, hawthorn, mountain ash and willow.

## 2.0 Purpose of Report

- 2.1 To consider confirmation of this Tree Preservation Order.

## 3.0 Detail

- 3.1 This Tree Preservation Order was made on 1 March 2002 in respect of a woodland in the garden of 21 Alexandra Road, Overseal, as indicated on the plan attached at Annex 'A'. The Order was made for the following reasons:

'This mixed species woodland provides a wooded edge to a built up area and is visible from Alexandra Road and Public Footpaths Numbers 1 and 5. The woodland is also a source of food and shelter for wildlife. An enquiry has been made to develop this area and in view of the woodlands amenity value, South Derbyshire District Council considers it expedient that the Order be made.'

- 3.2 An outline planning application for residential development of the garden is pending. A letter of objection to the making of the Order from the owner's agent has been received on the following grounds:

1. "The Order was made on purely visual considerations. The poor biological quality of the woodland has been disregarded.
2. The trees were closely and poorly planted approximately ten years ago and have received no proper management since that time. Consequently, many of the trees have attained a height in excess of 25 feet with a basal diameter of less than 7 inches.
3. Because of the water-logged nature of the ground, it is highly probable that all root plates are shallow and inadequate for individual trees of such height. This is

born out by the fact that ground movement can be felt in the wood, during periods of only moderate gusting wind.

4. The woodland has been in great need of thinning for some years. To undertake the work at this late stage would remove mutual protection and create severe risk of wind blow with resulting danger to adjacent boundaries and property.
5. The woodland is shielded on the eastern side by a line of Polar, not in my clients control, nor to our knowledge, protected by any Tree Preservation Order. Removal of these trees would result in a situation similar to thinning (See Para 4).
6. Fruit trees, to the north, included in the Order, are diseased.
7. A Line of Leylandii on the southern boundary has been included in the Order."

"In conclusion, although the trees give an impression of rural idyll, the majority are individually and collectively of very poor quality. Any attempted management at this late stage in their development is unlikely to improve the situation. On the other hand, if things are left as they are, the trees will continue to bolt and quickly become dangerous."

"Our Clients therefore request that the Order be put aside, allowing the woodland to be replaced with properly structured, good quality replanting worthy of a Tree Preservation Order. This would not only enhance the visual aspect of the site, but would ensure that the amenity could be enjoyed for a much longer period of time."

I have also received a letter from a local resident supporting the Order, as follows:

"The Tree Preservation Order on mixed woodland, on land at 21 Alexandra Road, Overseal is to be applauded."

"The copse provides food and shelter for a large number of birds and mammals and also insects, which include many species of butterflies, dragonflies and damsels. The Great Crested Newt has also colonised in a natural pond close to the copse."

"This Order should remain in force until such time that the trees of the National Forest show signs of maturing. Cover and food from these small areas of woodland will perhaps be of lesser importance in years to come."

### 3.3 In answer to the comments made officers have the following comments:

- A woodland left alone without man's hand will thin by survival of the fittest. It is not too late to manage a small wood and the TPO does not stop management/thinning work and certain trees could be coppiced if they are not stable.
- Root plates for most trees are shallow and do not penetrate below 600mm. If any trees do fall down then water tolerant trees can be replanted eg. Alder, willow etc.
- The wood could be thinned with light regular thinning work.
- The poplars in the field along the eastern boundary can be removed as they are not covered by the TPO and subsequently increase windblow to the woodland. This is a matter to consider should the event occur.
- Individually the trees are not outstanding but as a small woodland this is an important wood set in this National Forest location.
- Visual and wildlife amenity are the reasons for the placing of this TPO.

#### **4.0 Planning Assessment**

- 4.1 It is expedient in the interests of amenity to make this small wood the subject of a Tree Preservation Order. The wood has been planted by the house owner in his garden. The TPO Guide to Law and Best Practice advises that the woodland classification is unlikely to be appropriate in gardens. Due to the density of planting, however, the identification of each tree and its location has not been possible and therefore the woodland classification is considered to be the most appropriate classification in this case.
- 4.2 Following a further survey of the site the additional tree species have been identified: alder, wild cherry, acer, horse chestnut, hawthorn, mountain as and willow. The area and classification would not be changed just the species list improved and therefore this amendment would be acceptable.
- 4.3 The Authority would not resist the proper management of the wood and confirming the TPO would not prevent this work from being carried out subject to an application for such works being made and approved.

#### **5.0 Conclusions**

- 5.1 Proper management is considered to be the appropriate solution for this small wood which it is expedient in the interests of amenity to preserve. The list of species should be extended to include alder, wild cherry, acer, horse chestnut, hawthorn, mountain ash and willow.

#### **6.0 Financial Implications**

- 6.1 None.

#### **7.0 Corporate Implications**

- 7.1 None

#### **8.0 Community Implications**

- 8.1 None

#### **9.0 Background Implications**

- 9.1 1 March 2002 Tree Preservation Order  
9.2 1 April 2002 letter from objector  
9.3 20 March 2002 letter from local resident.

