
REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	29 OCTOBER 2013	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY & PLANNING	OPEN
MEMBERS' CONTACT POINT:	ANN GARFIELD (ext. 5745)	DOC:
SUBJECT:	TREE PRESERVATION ORDER 372	REF:
WARD AFFECTED:	LINTON	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That this Tree Preservation Order be confirmed.

2.0 Purpose of Report

2.1 To consider confirmation of this Tree Preservation Order (TPO372).

3.0 Detail

3.1 This Order was made on 17th June 2013 in respect of a wood (known locally as Badgers Wood), land west of Coton Park, Linton. The woodland is part of the National Forest and was planted (approximately 10-12 years ago) under the National Forest Tender Scheme. The land is now out of contract.

More latterly the wood has been divided into a number of small 'plots', each plot sold and thus now owned separately.

3.2 The TPO was made to protect the woodland from unauthorised works including a vehicular access into one of these plots which involved the felling of part of the woodland. To protect the wood from further unauthorised works a temporary preservation order was made.

3.3 A number of comments to the Order have been received and are summarised below:

- The preservation order is a knee jerk reaction due to the actions of one owner. The woodland has (until 2028) the oversight of the Forestry Commission and Defra via the Farm Woodland Premium Scheme; all new owners have signed up to this contract on purchase (this point is reiterated by a number of other plot owners);

- TPO's tend to scare tree and woodland owners into inactivity. Poor management and inactivity thus far has led to poor timber trees and inaccessible areas and the TPO is hampering our management plan;
- The damage to the trees / land which has caused this temporary TPO has been reported to (and can be dealt with by) the Forestry Commission; the same goes for any planning breach where appropriate proportionate action can be taken (by SDDC).
- There are other similar newly planted woodlands in the area with no Order on them; what's the difference here? All woodland in this area has high amenity value.
- There is no public benefit to making a TPO with the bulk of the woodland not seen from a public place. Neither is it in the public interest to protect woodland which has previously been poorly managed and contains many poor / dead /dying trees or ask owners to seek consent for works. The woodland is not visually prominent; public access through the site is limited – as such public interest in regards loss of amenity is negligible.
- No proper survey was carried out in regards the trees or the amenity of such;
- The council has no grounds for concluding the woodland is under threat
- In regards a specific plot the owner is working together with the Forestry Commission and the Woodland Trust. A National Forest officer has offered advice and acknowledged some of the trees have been planted too closely together and need thinning to promote further growth.
- A number of owners have been granted felling licences (Type T). With that and other knowledge collated (from my work here already) it is obvious they are trying to manage the wood in order to preserve and protect them. The TPO is a hindrance to allow the effective performance required for further maintenance.
- The blanket TPO over the whole of the woodland has not stopped the unauthorised works. It has though penalised people who are taking care to sustain the woodland whose only objective is to preserve the countryside and enhance/promote the wildlife.
- The TPO penalises all owners, most of whom are operating to the given rules Farm Woodland Scheme (FR3) at the time. They are not responsible for the unauthorised works; those who are should be punished accordingly but not to the detriment of all.

One comment was received in support of the TPO

Local residents were disappointed that the woodland was sold off believing the National Forest (with its walks and wildlife offer) was for everyone to enjoy for years to come.

The week the new plot owners took possession they could hear and smell work taking place. It sounded like carnage.

3.4 In answer to the comments made officers have the following response:

- Not all owners signed up to the Farm Woodland Premium Scheme; there was an opt- out available. In this instance it was felt appropriate for the Local Authority to become involved to protect the wood as a whole (in line with adopted planning policy EV9) where it could control inappropriate clearing or mismanagement in partnership with other interested partners (Forestry Commission/Defra). It is felt at this time there is no suitable joint 'way forward' in place.
- If the TPO is confirmed, individual management plans (covering 5 years maintenance) can be submitted and where approved actioned, without any further Local Authority intervention; it is not disputed that management works are necessary.
- The purpose of a TPO is to protect trees (those seen to be under threat) in public interest. There are subtle differences between the Individual bodies concerned and their views on Woodland management. As this is the first woodland to be sold it would be inappropriate for the Local Authority to ignore the situation, rather, seek some sort of guarantee in regards possible future such sell offs and the level of involvement from such bodies as the Forestry Commission in regards management planning.
- It is reasonable and appropriate for action to be taken by the Planning Authority in such circumstances by virtue of section 198 of the Town and Country Planning Act 1990 where it appears to the authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in its area.
- Other woodlands are not seen to be under threat. The situation though is being monitored with the assistance of the National Forest Company.
- The woodland has amenity value seen from Sandy Lane, numerous homes on Coton Park and from the residencies of Hill Crest Farm and New Barns Farm. There is also a public footpath running along the entirety of its southern boundary (Linton FP1). The woodland is well seen at both close quarters and from further afield and as such the issue of local amenity is beyond doubt. The reason for the Tender Scheme contracts in the first place was to help deliver the new forest to '*enrich the lives of its people and the landscape and wildlife of this part of England*'.
- The legislation allows the Council to place a woodland Order with the option of revisiting the site for individual tree assessment.
- Trees enhance the environment and character of an area and therefore are of community benefit helping to achieve the Council's vision for the Vibrant Communities theme of the Sustainable Community Strategy.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make the trees the subject of a Tree Preservation Order.

5.0 Conclusions

5.1 It is expedient in the interests of amenity to preserve.

6.0 Financial Implications

6.1 None.

7.0 Corporate Implications

7.1 Protecting visually important trees contributes towards the Corporate Plan theme of Sustainable Development.

8.0 Community Implications

8.1 Trees that are protected for their good visual amenity value enhance the environment and character of an area and therefore are of community benefit for existing and future residents helping to achieve the vision for the Vibrant Communities theme of the Sustainable Community Strategy.

9.0 Background Information

9.1 17 June 2013 Tree Preservation Order

9.2 14 Letters have been received from plot owners/nearby residents.