

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	6 NOVEMBER 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	RICHARD RODGERS (01283) 595744 <a href="mailto:richard.rodgers@south-derbys.gov.uk">richard.rodgers@south-derbys.gov.uk</a>	DOC:
SUBJECT:	PROPOSED TREE PRESERVATION ORDER 497 – LAND TO REAR OF 42 & 44 MAIN STREET, NEWTON SOLNEY	REF:
WARD(S) AFFECTED:	REPTON	TERMS OF REFERENCE:

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## **1.0 Recommendations**

1.1 That this tree preservation order should be confirmed.

## **2.0 Purpose of Report**

2.1 To consider confirmation of this tree preservation order (TPO).

## **3.0 Detail**

3.1 This tree preservation order was made on 6<sup>th</sup> June 2018 in respect of a linear 'group' of trees (of various species) including Hornbeam, Hawthorn, Lime and Oak, situated on land to the rear of 42 & 44 Main Street, Newton Solney. The group is however possibly more prominent when viewed from the nearby Church Lane.

3.2 The TPO was made following contact to remove this linear group through a Hedgerow removal notice, under ref. 9/2018/0467.

3.3 Two letters of objection have been received through consultation stating:

- The group is actually a hedge of less than 30 years old;
- It would appear the Council realised the Hedgerow Retention Notice was unenforceable and decided to use a Tree Preservation Order to protect the hedge instead;
- The designation as a group 'of varying species' is ambiguous and misleading as there is no species number(s) and a group designation must include numbers of differing species so that the order can be enforced if one or more of the species listed are removed. As such the order is enforceable in its present form;
- No appraisal of the feature has been made available to the land owners. Evaluation systems such as TEMPO (Tree Evaluation Method for Preservation Orders) are available to use to come to a justifiable decision;

- There are no singularly formed trees in this hedge and there [*sic*] height (at around 4m) is not considered substantial;
- There is holly, laurel and privet here, reinforcing that this is a hedge;
- The Council has acted without due care and attention to the detail of the trees on site. Any appraisal of the trees should be made available to the landowner and the TPO not confirmed;
- The statement that the landscape feature offers a high level of amenity to the locality is somewhat of an exaggeration - the trees being on private land and the surrounding land overgrown with weeds.

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

- The Council's Tree Officer has assessed the trees and opined that they do constitute an interesting feature, and whilst possibly the trees were first planted as a hedge they have evolved (the more aggressive species dominating) and are worthy of a TPO – both on arboricultural grounds and that they have high wildlife and habitat value. TEMPO assessment delivers a 'defensible' outcome.
- The Tree Officer's estimate in terms of species mix is 60% Hornbeam, 30% Hawthorn with 'other' making up the balance. Beyond that it is very difficult to quantify numbers due to how tight trees are packed together. He has added that trees can be planted in such a fashion (i.e. tightly packed) to provide screening on new development sites (as part of structural landscaping for instance).
- As with all TPOs, the Council would be willing to work with the owner advising on reasonable works; possibly allowing thinning of the feature to allow the better trees within it to flourish.
- As has been pointed out by one of the objectors, Planning Practice Guidance does make reference to 'trees in a hedge' which have become (over time) a line of trees of a reasonable height. Some of the trees here are approximately 6m tall.

#### **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 in accordance with advice set out in the Governments PPG document.

#### **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**

- a. 22 May 2018 Tree Preservation Order.
- b. 11 June 2018 – Letter(s) of Objection.