
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	3rd MARCH 2009	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	KIM DORAN-PARKES	DOC:
SUBJECT:	TREE PRESERVATION ORDER 308 LAND WOODYARD LANE, FOSTON	REF:
WARD AFFECTED:	FOSTON	TERMS OF REFERENCE: DC01

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.

3.0 Detail

- 3.1 This Tree Preservation Order was made on 28th August 2008 in respect of a woodland of trees at Woodyard Lane, Foston.

The Order was made for the following reasons:

'These trees make a valuable contribution to the visual amenity of the area, being highly visible from public vantage points. The trees are under possible threat from development of adjacent land and this Council therefore considers it expedient to protect the Woodland'

- 3.2 Comments have been received from an agent who made a number of statements/objections and they are as follows:

- They believe that the owner of land has not been informed of the TPO.
- It is believed that the Council have acted unreasonably in placing the TPO with regards the long-standing tenure of the land.
- It is also believed that the Council's grounds for justification of the TPO are not accepted.
- No tree numbers were specified within the order.

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

- The Council's notification was sent to the address of the landowner and therefore it is considered that we have notified the landowner. This information has been furnished upon the agent within our letter dated 11th November 2008.
- The Council has the right to place a TPO on any tree should it be deemed necessary, regardless of the use of the land it is upon.
- The Council's grounds for justification of the TPO are not only that there is possible threat from future development but also in order to preserve the amenity value of the trees. These are two statements that this Council continues to support.
- It is not necessary for the number of trees to be specified within a woodland order.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make these trees the subject of a Tree Preservation Order. The location of the trees is such that they are highly visible from many public vantage points. Applications to do works to the trees would be considered by the Authority in the interests of ensuring the tree's amenity value to the area is not diminished.

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 None

8.0 Community Implications

8.1 It is in the interest of the community to preserve the amenity of the trees.

9.0 Background Implications

9.1 28th August 2008

9.2 16th October 2008 letter from an agent of the landowner.