

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	30th JUNE 2020	CATEGORY: Delegated
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	TOM BEARDSMORE (01283) 595821 THOMAS.BEARDSMORE@SOUTHDERBYSHIRE.GOV.UK	DOC:
SUBJECT:	TREE PRESERVATION ORDER 519: LAND NORTH OF SNELSMOOR LANE, BOULTON MOOR, DERBY	REF:
WARD(S) AFFECTED:	ASTON	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That the Committee endorse the use of emergency powers in confirming this Tree Preservation Order subject to the modifications as set out below.

2.0 Purpose of Report

2.1 To endorse the Chief Executive's use of emergency powers to confirm of this Tree Preservation Order (TPO), noting the provisional Order would have expired during the lockdown imposed in response to the COVID-19 pandemic.

2.2 The remainder of this report was originally written in preparation for a meeting in early May. This meeting did not take place resulting in the need to exercise emergency powers to confirm the TPO.

3.0 Detail

3.1 This TPO was made on 19 November 2019 in respect of multiple trees situated on land north of Snelsmoor Lane, Boulton Moor.

3.2 The TPO was made in order to protect trees within, and on the boundaries to, the site that provide both visual and landscape benefit in terms of screening development from vantage points in the wider locality, as well as providing features to act as focal points in the detailed design of the site and biodiversity value through association with watercourses and existing field boundaries. Their retention should be an integral part of the detailed design of the submitted outline development scheme (ref. 9/2016/0166) and appropriate protection should be afforded to ensure long term impacts on the trees are minimised by appropriate separation to built development. Without protection, there is a risk of these trees being unnecessarily felled or harmed, such that statutory protection is warranted in the interests of long-term visual amenity and biodiversity.

3.3 One letter of objection to the Order has been received raising the following points:

- The use of the woodland classification for W1 is considered inappropriate as the trees are not a woodland but rather a linear belt of hedgerow including areas where trees are not the primary feature;
- It is considered that where the collective impact and quality of trees (that are not woodlands or outlying individuals) merits protection, the group classification would be more appropriate, and the order should be modified on that basis; and
- The Arboricultural Impact Assessment submitted in support of the outline application records trees T1 and T2 as a pair of English Oak. This contrasts with the trees referred to on the TPO schedule and it is requested that this is corrected.

3.4 In response to these comments, the objection to W1 is centred on its unsuitability as a method of protection and suggests that a group order would be more fitting in this instance. The Council's Tree Officer has considered that, in principle, this would appear justifiable. However, a group order here would be ambiguous as group orders should be written to include all species within the group that warrant protection and indicating those that are not included. Given the number of trees that require protection it would be very difficult to achieve this accurately. In addition, if exact numbers of trees together with their species are unclear (and it would be in this instance) then enforcement (if required) becomes very difficult. Without being able to provide effective enforcement there is little point in protecting the trees in the first place defeating the objective of the order.

3.5 Trees T1 and T2 have been incorrectly identified on the schedule and should be modified accordingly.

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 Government's Planning Practice Guidance.

4.2 As a result of incorrect tree species being listed previously, T1 should be changed from a Lime to Oak and T2 from an Ash to an Oak. These are the only modifications recommended to the Order following the consultation process.

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 important trees contributes towards the Corporate Plan themes of enhancing biodiversity across the District, tackling climate change and enhancing the attractiveness of South Derbyshire.

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. 19 November 2019 - Tree Preservation Order made
- b. 23 December 2019 - Letter of objection received
- c. 23 December 2019 - Consultation end date