

<b>Title of Report</b>	<b>TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER (TPO) ON LAND AT THE JUNCTION OF HEPWORTH ROAD AND BRIDLE WAY BLACKFORDBY</b>	
<b>Presented by</b>	Dylan Jones <b>Planning &amp; Development Team Manager</b>	
<b>Background Papers</b>	None	<b>Public Report: Yes</b>
<b>Financial Implications</b>	None	
<b>Staffing and Corporate Implications</b>	None	
	<b>Signed off by the Director: James Arnold</b>	
<b>Legal Implications</b>	Under the Human Rights Act, Article 8, there is a right to protect private and family life, the home and correspondence. The making of a Tree Preservation Order potentially impacts on that right. However, in this case it is considered that the placing of the order on the trees will not impact on the private life of the owner of this group of trees and as such, the making of the Order is justified in the public interest.	
	<b>Signed off by the Legal Advisor: Sherrie Grant</b>	
<b>Purpose of Report</b>	To consider the objection lodged by Mr C.Kimberlin	
<b>Recommendations</b>	It is an Officer recommendation that the TPO be confirmed.	

## 1. BACKGROUND

1.1 A provisional Woodland Tree Preservation Order T499 was prepared, served and came into force for a six month period on 22<sup>nd</sup> November 2021. Because an objection has been made to the Order, Planning Committee is asked to formally confirm the Order on a permanent basis.

1.2 The Council received a request from a nearby resident to make a Tree Preservation Order in respect of a young woodland near South Street. The small woodland forms a triangle surrounded by South Street Woodville, Bridle Way and Hepworth Road Blackfordby.

1.3 The area was planted as part of the development's landscaping scheme and it helps to block views and also the sound of vehicles using Hepworth Road from the houses on South Street.

1.4 Because some other planted areas have been cleared and sold, the resident believes there is a threat of it being cut down after it was sold when the Woodville link road was built.

1.5 The woodland plantation is approximately 0.2ha in size and consists of broadleaf trees such as Field Maple, Silver Birch, Oak, Ash, Alder, Willow and Cherry planted at 2m spacing now at a height of approximately 8m. The woodland is in good condition with long life expectancy, very prominent and important for screening.

## **2. OBJECTIONS**

2.1 The woodland's owner believes that he must be allowed to manage his own trees. He has owned the land since December 2012 and was aware of the planning retention requirement for a ten-year period at the time of purchase. The ten-year period has now lapsed.

2.2 He considers that he should be allowed to specify how many trees and which ones should be on the TPO.

## **3. OFFICER COMMENTS**

3.1 Woodland TPOs can have a negative impact because they are seen to prohibit thinning and good woodland management. However, a suitable management plan can be agreed with the Local Planning Authority or the Forestry Commission which would allow the woodland to reach its full potential.

3.2 The owner would not currently be required to obtain a Forestry Commission felling licence due to the small size of the trees and therefore it could be removed in phases.

3.3 A woodland TPO is the most appropriate form of TPO for closely spaced trees in a plantation which was established to provide amenity and screening.

3.4 One resident on South Street has expressed support for the TPO because of the buffer the woodland creates and the likelihood of Hepworth Road becoming busier when new road layouts are implemented. The area was originally proposed for transfer to the Council but this has not materialised, so it was sold by the developer to a private buyer. Additionally, the woodland is considered to be a haven for wildlife and connects other areas of vegetation with important habitats creating an ecological network.

3.5 Tree Preservation Orders should be used to protect trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before Planning Authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

3.6 Authorities should consider the extent to which the trees or woodlands can be seen by the public, whether their impact on the local environment is significant and also their contribution to, and relationship with, the landscape.

3.7 The owner's concerns in this case can be addressed by the creation of a suitable management plan and thinning regime. With suitable liaison, the TPO should not prevent appropriate management.

3.8 It is therefore an Officer recommendation that the TPO be confirmed.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Developing a clean and green district</li> <li>- Local people live in high quality, affordable homes</li> <li>- Our communities are safe, healthy and connected</li> </ul>
Policy Considerations:	None
Safeguarding:	None
Equalities/Diversity:	Equalities Impact Assessment already undertaken, issues identified actioned.
Customer Impact:	The site owner will have to apply to the Local Planning Authority for consent to carry out tree works.
Economic and Social Impact:	None
Environment and Climate Change:	The making of a Tree Preservation Order will support Council policy on climate change.
Consultation/Community Engagement:	People with a legal interest in the land affected by the Order have been consulted and members of the public were consulted by the placing of site notices.
Risks:	None
Officer Contact	Julian Simpson Tree Officer Planning and Development  <a href="mailto:julian.simpson@nwleicestershire.gov.uk">julian.simpson@nwleicestershire.gov.uk</a>