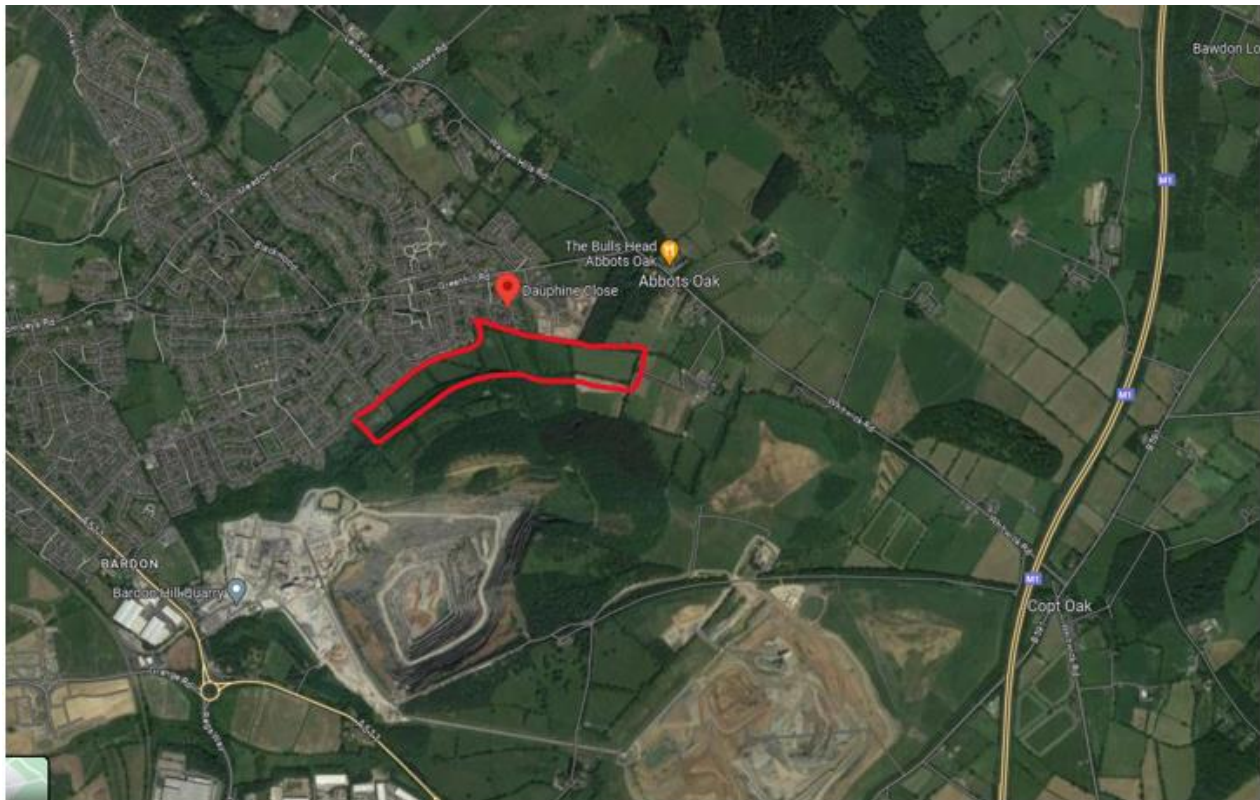


<b>Title of Report</b>	<p><b>TO CONSIDER AN OBJECTION MADE BY HARWORTH ESTATES INVESTMENTS LTD. IN RESPECT OF NWLDC TREE PRESERVATION ORDER T508</b></p> <p><b>LAND SOUTH OF DUNBAR ROAD, KENMORE CRESCENT, KIRTON ROAD AND DAUPHINE WAY, COALVILLE</b></p>	
<b>Presented by</b>	<p>Dylan Jones Planning and Development Team Manager</p>	
<b>Background Papers</b>	<p>None</p>	<p><b>Public Report: Yes</b></p>
<b>Financial Implications</b>	<p>None</p>	
<b>Legal Implications</b>	<p>None</p>	
	<p><b>Signed off by the Legal Advisor: Yes</b></p> <p>Stephen James</p>	
<b>Staffing and Corporate Implications</b>	<p>None</p>	
	<p><b>Signed off by the Director of Place: Yes</b></p> <p>James Arnold</p>	
<b>Purpose of Report</b>	<p>A provisional TPO was made on 10 February 2023. The TPO needs to be confirmed within six months. Trees will lose their protection if the TPO is not confirmed before 10 August 2023.</p>	
<b>Recommendations</b>	<p><b>IT IS AN OFFICER RECOMMENDATION THAT THE TPO BE CONFIRMED SUBJECT TO MODIFICATION.</b></p>	

## SITE LOCATION PLAN



### 1.0 BACKGROUND

- 1.1 As a result of tree felling being carried out on land to the south of Dauphine Close and Kenmore Crescent in late January 2023, residents requested that a Tree Preservation Order be made. Their concerns were that important trees across several fields and hedgerows were at risk from potential development after a recent change in property ownership. Young naturally regenerated trees and some mature trees were reported to have been removed.
- 1.2 For consistency in the way the Council make all new TPOs, TEMPO Assessments (Tree Evaluation Method for Tree Preservation Orders) are carried out by the Council's Tree Officer to assess life expectancy, condition, public visibility and expediency. In this case, due to the large number of trees involved it was impractical to inspect all trees individually.
- 1.3 Subsequently, a provisional Area TPO covering seven disused fields and their dividing hedgerows was made on 10<sup>th</sup> February to preserve the amenity value of the area.

### 2.0 OBJECTIONS

- 2.1 One objection has been received from FPCR Consultants representing Harworth Estates Investments Ltd.

Summary of representations received:

- It is considered that the reasons for making the TPO are unsubstantiated.

- It is unlikely to be expedient to make a TPO if trees are subject to good agricultural management.
- Contractors had made a genuine error in removing more trees than instructed.
- FPCR have been instructed by Harworth Estates to carry out an arboricultural assessment to ascertain amenity value.
- FPCR were unaware of the Council's TEMPO assessment.
- FPCR consider that a large proportion of the site has restricted public visibility.
- Tree work applications could result in increased administration and enforcement burden on the LPA.
- Harworth Estates need to manage existing trees and vegetation appropriately and effectively so that visitors are reasonably safe.
- The removal of the saplings was to aid management of the grassland and reduce the risk of fire.
- The need for a felling licence from the Forestry Commission to remove larger volumes of timber prevents further felling.
- Area TPOs should only be for short-term protection.
- The land is currently being promoted for residential development with representations being submitted for allocation within the on-going local plan review. As part of that process a Concept Plan for the site has been developed.

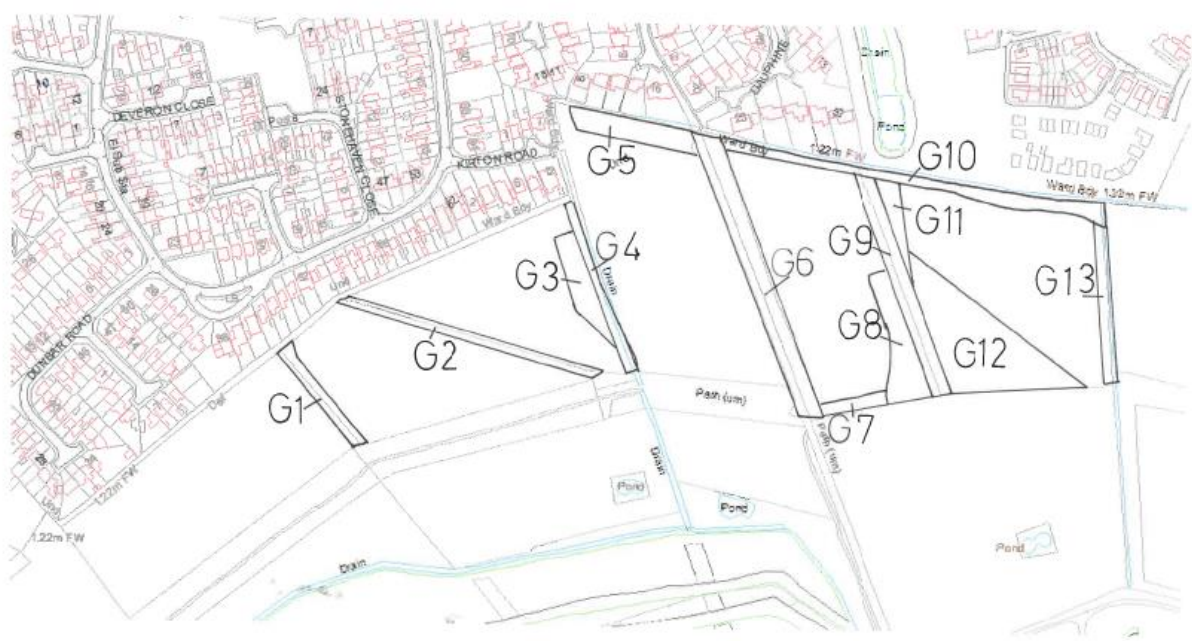
FPCR consider that an Area Order is inappropriate and that if the LPA considers that a TPO is still required, that it be modified to protect individual trees and groups of trees.

### **3.0 OFFICER COMMENTS**

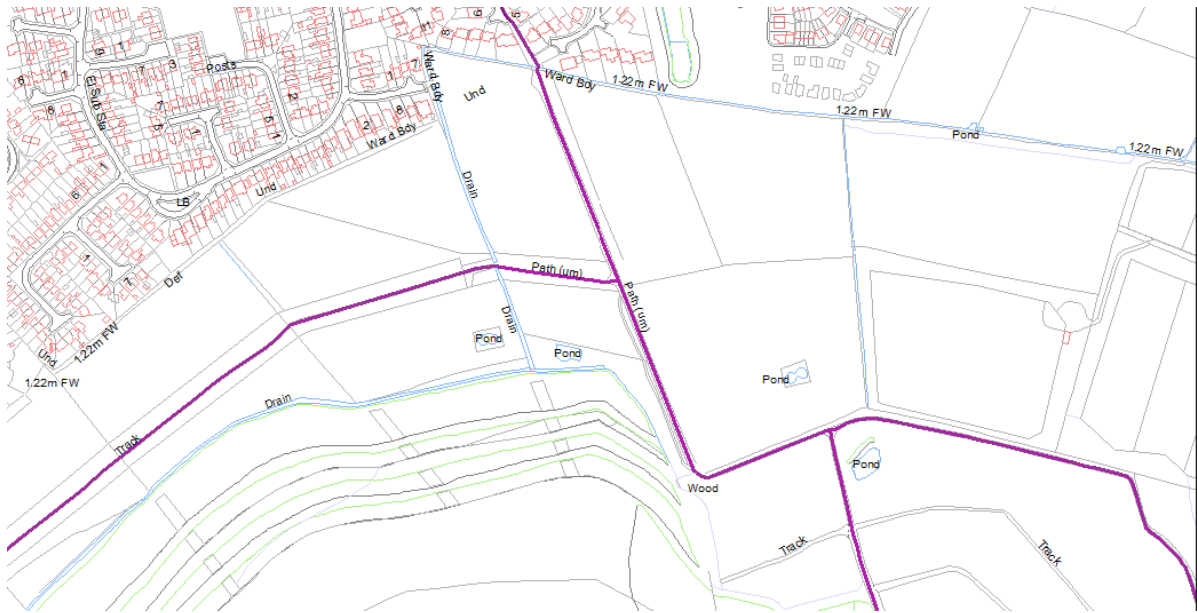
- 3.1 The LPA may make a TPO if it appears to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.
- 3.2 Part of a tree or trees should normally be visible from a public place and that a reasonable degree of public benefit would accrue from the making of a TPO. The benefits may be in the present or the future, trees may be worthy of preservation for their intrinsic beauty or contribution to the landscape.
- 3.3 TPO guidance suggests that it is unlikely to be expedient to make a TPO if trees are under good arboricultural or silvicultural management – not good agricultural management. However, over many years, natural woodland regeneration has spread into the fields from hedgerows and woodlands by natural seeding and suckering. Clearance of such saplings can be justified for agricultural reasons.
- 3.4 Due to contractors felling more trees than allowable without a Felling Licence, the Forestry Commission have served a stop notice but the Forestry Commission support the making of a TPO.
- 3.5 The Pegasus Design Concept Plan for new housing provided by FPCR indicates potential conflict where fields would need a road network connection and where potential housing abuts hedgerows containing mature and aged trees.
- 3.6 It is agreed that Area TPOs should only be for short-term protection and therefore it is recommended that the TPO be confirmed with modifications to only include 12no. groups to protect trees in hedgerows and significant areas of natural regeneration.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Supporting Coalville to be a more vibrant, family-friendly town</li> <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:	None
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:	Trees have been shown to enhance mental wellbeing and by mitigating the urban heat island, reduce energy costs.
Environment and Climate Change:	A TPO will help protect the local natural environment and as trees absorb carbon dioxide and filter pollutants from the atmosphere it 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>

# Appendix 1 – TPO Map



## Appendix 2 – Kenmore Crescent footpaths





### Appendix 3 – Kenmore Crescent Aerial view

