

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Anna Klinkenberg

DATE: 26 April 2016
REPORT OF: Arboricultural Officer
SUBJECT: E2/01/136 District of Teignbridge (Whitehill) Tree Preservation Order 2015

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (Whitehill) Tree Preservation Order 2015 is confirmed in an unmodified form

1. PURPOSE

The District of Teignbridge (Whitehill) Tree Preservation Order 2015 protects trees within a large area of land identified within the Teignbridge Local Plan 2013-2033 as NA2 Whitehill.

The Tree Preservation Order (TPO) was served on 13 November 2015. The provisional protection will cease on 12 May 2016, if it is not confirmed.

2. BACKGROUND

The District of Teignbridge (Whitehill) Tree Preservation Order 2015 protects trees within a large area of land identified within the Teignbridge Local Plan 2013-2033 as NA2 Whitehill.

The TPO is not intended to be an absolute constraint on the area but instead to provide an opportunity to consider and incorporate existing trees within the site as well as safeguard those considered most important.

Local Planning Authorities (LPAs) have a duty under Part VIII of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees (Section 197) by making TPOs where it is considered necessary. "Tree Preservation Orders - A Guide to the Law and Good Practice" (published by the then DETR) provides additional guidance on when to serve TPOs. Section 198 of the TCPA states LPAs may make a TPO if it appears to them to be "expedient

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in the interests of amenity to make provision for the preservation of trees or woodlands in their area”.

The provisional TPO provides protection for six months from the date of serving, but if not confirmed before or at this time, the protection provided by it will cease.

Owing to the size of the area, the number of trees, and the diverse form and condition of the trees included within the area, it is not appropriate to produce an amenity rating value in this instance.

Representations

Four letters of objection have been received

The objection can be summarised as follows:

- The Area designation used within the TPO protects all trees and is non specific, including dead and dying trees, as well as trees below electricity cables.
- The TPO protects trees that have outgrown their location.
- The TPO protects trees that are damaging or may damage a wall.
- The TPO protects trees that may fall or sections of the trees may fall onto the highway.
- The TPO protects a number of trees that are non native.
- The order will make it difficult to maintain field boundaries.
- A number of trees are endangering sewage pipes leading to a septic tank and a herringbone soak-away serving five houses.
- The Council should consider a tree survey to identify the individual trees with a significant amenity benefit.

Officer Comment:

- The Council would look sympathetically upon a request to prune and/or remove trees that have outgrown their location, are in a state of decline or are causing or may cause damage or threat to the highway. The Council's consent is not required to remove dead trees.
- There are many TPOs within the District that protect non-native trees, it is considered appropriate to protect such trees that provide or have the potential to provide public visual amenity.
- The Council would look sympathetically upon a request to continue the maintenance of field boundaries.
- No information has been supplied to support the assertion that trees are damaging or may damage underground pipes/drainage. Following the submission of a report from a suitably qualified person, the Council

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would look sympathetically upon an application to remove trees that are causing or may cause such damage.

- The Council will review the Area designation of the TPO following the completion of development associated with NA2 Whitehill.

SUSTAINABILITY IMPLICATIONS

Trees in urban areas are a vital component of a sustainable future, serving to absorb CO², create oxygen and filter pollutants that exacerbate conditions such as eczema and asthma, as well as providing shade and screening and a softening of the built environment. Trees provide a sense of place, habitat for fauna and flora, as well as uplifting the spirits of many people.

3. FINANCIAL IMPLICATIONS

None

4. OPTIONS

The Regulatory and Appeals Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Confirm the Tree Preservation Order in a modified form
- Not to confirm the Tree Preservation Order

Mark Waddams
Arboricultural Officer

Wards affected	Bradley - Cllrs Bullivant and Hocking
Contact for any more information	M Waddams (01626) 215708
Background Papers (For Part I reports only)	Tree Preservation Order and representations from Interested parties
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	Tree Preservation Order and representations from Interested parties