

AGENDA ITEM NO. 16**PLANNING COMMITTEE****Date** 14 December 2022**Title** TPO 03/2022**1. PURPOSE**

The purpose of this report is to advise members of the current situation in respect of confirmation of a Tree Preservation Order (TPO) at Land adjacent to St Leonards Cemetery, Church Road, Leverington.

2. SUMMARY

Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to this Committee where objections to the Order are received.

Background

In September 2022 an Emergency TPO was imposed on the trees proposed to be felled under application F/YR22/0907/TRCA (1x Poplar tree, 1x Sycamore tree, 1x Hawthorn tree, 6x Ash trees and 2x groups of Ash trees). The trees are located within a large group of trees, some of which are already covered by TPO 2/1993 or 19/1990. The trees are located adjacent to the cemetery contributing greatly to the character of the Leverington conservation area. Five applications have been received by the planning department for the felling of trees on the site in the last 3 year.

Application	Description	Decision	Date
F/YR22/0907/TRCA	Fell 1 x Poplar tree, 1 x Sycamore tree, 1 x Hawthorn, 6 x Ash Trees and 2 x groups of Ash trees within a conservation area	TREES proposed to be granted protection under TPO 03/2022	
F/YR22/0908/TRTPO	Fell 3 x Ash trees covered by TPO 2/1993	Granted	01 Nov 2022
F/YR22/0277/TREEEX	5 day notice - Work/fell trees covered by TPO or within a Conservation Area due to storm damage and/or vandalism	Dangerous trees and 5 day notice	11 May 2022
F/YR21/0955/TREEEX	5 Day Notice - Work/fell trees covered by TPO or within a Conservation Area due to vandalism	Dangerous trees and 5 day notice	02 Nov 2021
F/YR20/1104/TREEEX	5 day notice - Work/fell trees covered by TPO 19/1990 or within a Conservation Area due to vandalism on northern boundary of site	Dangerous trees and 5 day notice	10 Dec 2020

It was proposed to TPO the trees to guarantee their future management and if necessary, the replacement of these trees should they need to be removed in the future.

The application for the felling of the trees under consideration here (F/YR22/0907/TRCA) received objection from the Leverington Parish Council. Comments made by the council included the fact to many trees were being removed and they required the trees should be replaced.

TPO objection

An objection to the TPO was lodged by the agent of the aforementioned application for the following reasons:

- The late response (Received after the application determination date) from the FDC Arboricultural Officer stated that some of the trees put forward within TPO 03/2022 were not of amenity value and not worthy of a TPO.
- The agent stated that any future TPO's put forward on the site would be detrimental to the ongoing management of the site.

The trees subject to this TPO are considered an important local nature resource, contribute to the character of the conservation area and the confirmation of this TPO on the 1 x Poplar tree, 1 x Sycamore tree, 1 x Hawthorn, 6 x Ash Trees and 2 x groups of Ash trees within a conservation area will seek to ensure proper management of the area to retain the integrity of this community facility and the character of the conservation area.

The confirmation of the TPO will ensure that applications to fell any of the trees covered by the TPO will ensure that replacement trees will be planted to ensure that the character of the area will be maintained.

3. RECOMMENDATION

It is therefore recommended that members confirm the TPO in respect of the 1 x Poplar tree, 1 x Sycamore tree, 1 x Hawthorn, 6 x Ash Trees and 2 x groups of Ash trees within a conservation area adjacent to St Leonards Cemetery.

Forward Plan Reference No. (if applicable)	Not applicable
Portfolio Holder(s)	Not applicable
Report Originator	Tracy Ranger, Development Officer
Contact Officer(s)	David Rowen, Development Manager
Background Paper(s)	N/A

1. BACKGROUND

- 1.1 Concern was raised by the Parish council over the number of trees being felled in the Leverington Conservation area.
- 1.2 The Arboricultural Officer was unavailable, so the planning department put an emergency TPO on 1x Poplar tree, 1x Sycamore tree, 1x Hawthorn tree, 6x Ash trees and 2x groups of Ash trees located adjacent to the Leverington cemetery.
- 1.3 The TPO was put in place to ensure that any works carried out would not cause any damage that may affect the long-term health of the trees and if the trees were to be felled in the future they would be replaced.
- 1.4 The trees contribute greatly to the character of the Leverington conservation area.
- 1.5 During the processing of the TPO an objection from the agent of the original application was received.

2. ASSESSMENT

- 2.1 The Order, which encompasses 1x Poplar tree, 1x Sycamore tree, 1x Hawthorn tree, 6x Ash trees and 2x groups of Ash trees, is detailed on the accompanying plan.
- 2.2 Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to Committee where objections to an Order are received.
- 2.3 The placement of a TPO does not prevent tree works or even removal but gives the Local Planning Authority control over 'inappropriate' works.
- 2.4 The original applicant/agent has objected to the placing of the TPO as they consider it is unjustified and they consider that the TPO's put forward on the site would be detrimental to the ongoing management of the site.

3. ARBORICULTURAL OFFICER'S ASSESSMENT

- 3.1 The late response from the Arboricultural officer did not consider that the condition of T13, T15, T19, Ash Tree adjacent to T11 merit removal. The tree officer specified that the trees would need to be replaced if they were felled to ensure some continuity of canopy cover. However, the tree application was for the felling of trees in a conservation area and therefore no such condition could be applied.

4. CONCLUSION

- 4.1 Due consideration has been given to the objection from the agent/applicant however the trees are considered important to the character of the Conservation Area and some are of high amenity value and good condition.
- 4.2 It is therefore recommended that the TPO is confirmed and that the Arboricultural Officer will continue working with the applicant to achieve a satisfactory Management Plan which will eventually become part of the woodland TPO.



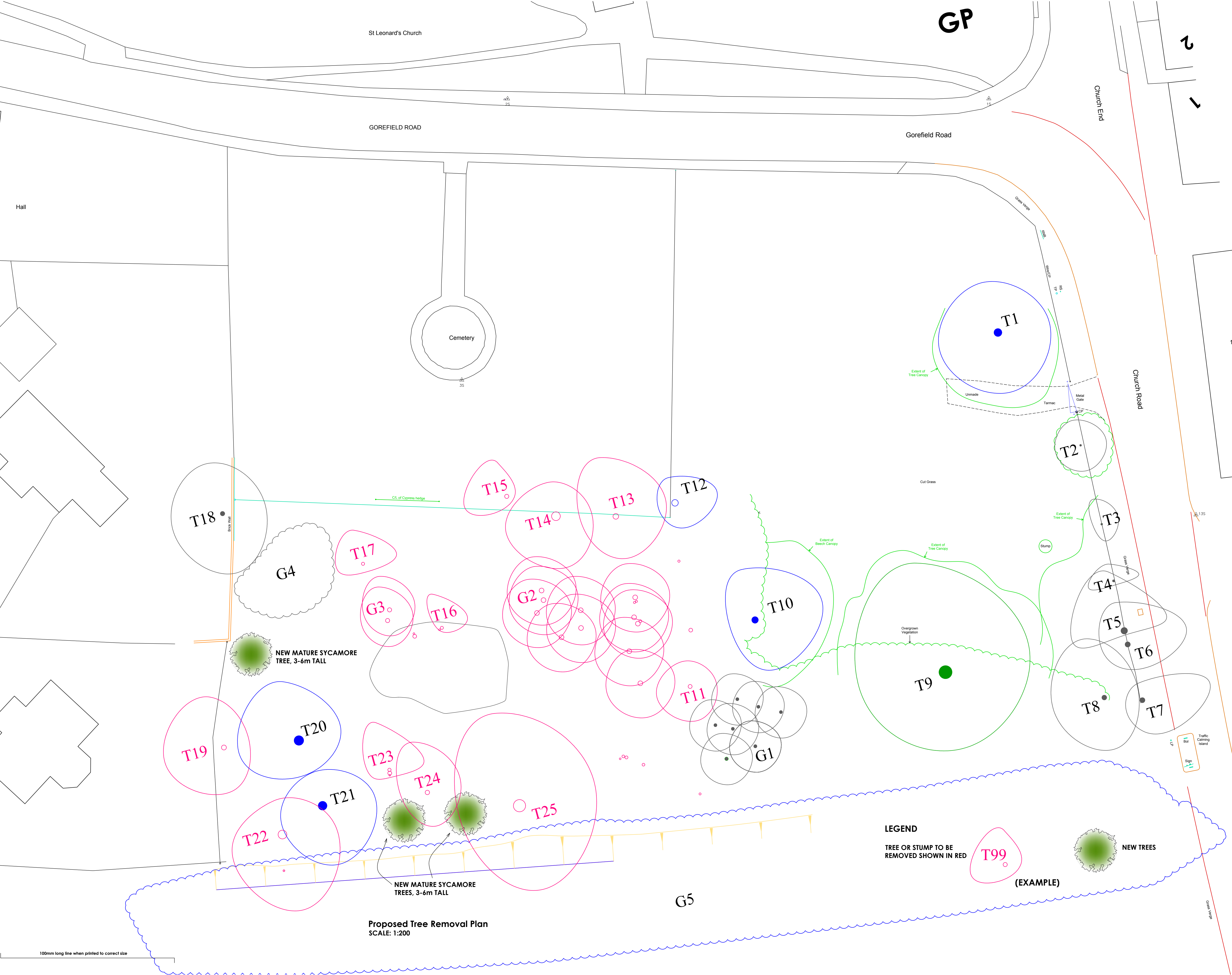
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F/YR22/0907/TRCA

Scale = 1:1,250





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The works contain no extraordinary hazards or risks that are not present during routine construction operations that would not readily be apparent to a competent contractor.

This information should be included as part of the commencement of the Health and Safety file for the project.

Project:
Land Rear of Cemetery
Gorefield Road
Leverington
PE13 5AS

Client:
Mr & Mrs Salter

Title:
Proposed Tree Removal Works
for Health & Safety Reasons

Revision Details:
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Issue Date: 29.7.22



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