



**DECISION
DIRECTOR OF DEVELOPMENT AND ENVIRONMENT**

DECISION No. 16/17 220 DE

SUBJECT:

District of North Somerset Well Park Congresbury (No. 1050) Tree Preservation Order 2016

DETAILS:

Tree Preservation Order (TPO) 1050 was made on 17 October 2016 to protect all trees within the area marked as A1 on the map, the area being located between Millennium Green and Well Park, Congresbury. A Section 201 direction was applied which meant that the Order came into immediate effect. The period for receipt of objections has now expired.

After six months from the date a TPO is made the trees protected therein lose the protection of the section 201 direction. If the council wish to confirm the TPO as it stands, or confirm it subject to modification, the decision must be made before the end of the six months.

CONSIDERATION OF OBJECTIONS AND OTHER REPRESENTATIONS:

Supportive representations

Nine letters of support from individual members of the public were received. Additionally, letters of support were received from Congresbury Town Council, Yatton and Congresbury Wildlife Action Group and Well Park Residents Group.

Objections

Three objections were received, submitted by two of the land owners as well as one neighbour. Issues raised and the officer response are below.

In relation to land to south of 8 Southlands Way:

1. The boundary of A1 includes land which does not belong to the parcel of land sold at auction in May 2016. The trees within this land to south of 8 Southlands Way are positively managed and are not under threat and should therefore not be included in the TPO.

Officer response: In order for us to respond swiftly to protect trees from an imminent perceived threat, it was not possible to follow a step by step approach to ascertain land ownership or boundaries. This approach is only used in urgent situations when important trees are at imminent risk of removal. The TPO will now be modified to include only trees within the boundary of the parcel of land to south of 6 to 24 Well Park, Congresbury.

2. The TPO will prevent pruning of dead and fallen trees on the land next to Southlands Way.

Officer response: The TPO does not prevent maintenance to trees, but it does require prior written permission. The TPO will be modified to exclude trees on the land south of 8 Southlands Way.

In relation to land to south of 6 to 24 Well Park:

3. Government advice on the making of TPOs states that local authorities should take into account a number of factors before making the TPO:

- *Public visual amenity.* A number of the trees on the western fringe of the land are obscured by the embankment which borders the land, and are not visible unless straying off of the public footpath, and trespassing on the land itself.
- *Size and form.* The form of the trees on the site is questionable. Some are leaning, dead or dying; others are in a reasonable condition. The oldest trees at the site have been estimated to be no more than 70 years old.
- *Future potential as an amenity.* This depends largely on the adopted use of land in the local area in the future. The land sits in the heart of the village, and considering the use of bordering land over the last 30 years it is realistic to foresee the area becoming more developed to accommodate the county's ever increasing population.
- *Rarity, cultural or historical value.* There was no mention of these values in the TPO, and it seems like there is little suggestion that these trees hold any such value.
- *Contribution to the character or appearance of a conservation area.* This area is not as of yet designated as a conservation area.
- *Other Factors.* These could include nature conservation or response to climate change. Advice is that these factors alone would not warrant making an order.

Officer response: The council uses a widely practiced assessment method which takes all of the government advice into consideration. The trees are considered to pass the threshold for inclusion in a TPO. With regards to visual amenity, we consider future amenity following tree growth as well as the present level of amenity value. This means that trees which are small now but that will grow large in maturity, may be included in a TPO.

4. Confirming Tree Protection Order on the trees would restrict the potential of the land, which at the moment has potential for uses such as development, which could help offset the major shortage of new homes in the county.

Officer response: The making of the TPO has ensured that the protected trees are covered by planning controls, and will form a material part of any planning proposal and decision. Whereas the temporary TPO protected all trees of whatever species within A1, the modified confirmed TPO will protect trees within the land parcel to south of 6 to 24 Well Park which the council finds to be of significant value to the public. This information can be useful to the landowner when considering opportunities for development or other activities within the land.

5. The TPO would make trees very difficult to manage in the long run (cutting, pruning etc would require permission and time).

Officer response: A TPO does not mean that tree works cannot be carried out. It means that prior written permission is required, and this is to ensure that public visual amenity and tree longevity is considered.

6. A TPO would lead me to have to look at other sources for maximising the productivity of the land, which could include commercial or agricultural use.

Officer response: The TPO protects trees which are important to public amenity. It does not prevent any specific use of the land as long as the activity does not interfere negatively with the trees.

7. I fear that if the TPO remains, it will have an undesired negative ecological effect as it may leave me reluctant to replant any trees in the area, as I could not remove them again without a considerable degree of difficulty if they grow to be problematic.

Officer response: Trees planted after the TPO was made are not included in this TPO.

Conclusion

There is significant public support for this TPO. In response to the comments received which object to the TPO, the Order will be modified to exclude trees on land to South on Southlands Way, and to specify the individual trees and groups of trees which merit permanent protection, within the land parcel to south of 6 to 24 Well Park.

DECISION:

That Tree Preservation Order 1050 is confirmed with modification, to consist of the following trees:

T1 - Elder

T2 - Willow

T3 - Willow

T4 - Willow

T5 - Willow

T6 - Willow

T7 - Willow

T8 - Willow

T9 - Willow

T10 - Willow

T11 - Willow

G1 – 4 x willow

G2 – 3 x willow

G3 – species include willow, sycamore, poplar, maple

Reasons:

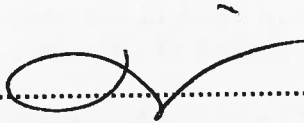
1. The trees are visible to the general public, or will become visible to the general public, and contribute to the green infrastructure and biodiversity of the area.
2. The trees appear to be in reasonable condition with reasonable life expectancy.

3. The land was sold by Alliance Homes as investment land in May 2016. The confirmation of the Tree Preservation Order with modification will ensure that the trees will be subject to planning regulations in the interest of public visual amenity, and that any proposed work is consistent with good arboricultural practice.

Other Alternatives Considered:

None.

Signed.....



John Flannigan
Community and Environment Service
Area Manager, Streets and Open
Spaces – on behalf of and exercising
the powers of the Director of
Development and Environment.

Dated.....

1/12/16