



**DECISION
DIRECTOR OF DEVELOPMENT AND ENVIRONMENT**

DECISION No. 16/17 DE 221

SUBJECT: TPO 1040 Land at Moor Lane, Backwell

DETAILS:

Tree Preservation Order 1040 was made 13 June 2016 to protect

A1 – All trees of whatever species standing in the area marked A1 on the map.

The period for receipt of objections has now expired.

After six months from the date a Tree Preservation Order (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.

The provisional TPO was served as an Area Order; correct processes dictate that should the TPO be confirmed, the Order should be modified to individuals, groups, woodlands or a combination of these. The Area order has been amended to protect only trees which have significant visual amenity and wildlife value whilst not preventing the development of the site. This Decision therefore seeks to confirm the Order subject to modification.

CONSIDERATION OF OBJECTIONS AND OTHER REPRESENTATIONS:

Two letters of objection were received from the developers' Solicitors (Osborne Clarke LLP) relating to the Order. The objector finds specimens unsuitable for protection for the following reasons:

- a) The TPO was served incorrectly;
- b) The use of the Area Order was inappropriate.

Officer response:

- a. It is the Council's assertion that the TPO was confirmed correctly. The relevant documents were sent by post to the agent who submitted the application on behalf of Taylor Wimpey UK and a site notice was erected in a conspicuous place on site.

- b. An Area Order was utilised in this situation following discussions with Planning Officers. It was determined that an Area Order was required to ensure that the tree cover was not lost prior to a survey of the site being undertaken.

Following a number of site visits and discussions with Officers, it has been decided to modify the Order to include seven individual specimens and one group (which includes three Oaks and an Ash). These trees have significant amenity value but importantly will not prevent the development of the site.

- c. It is therefore recommended that TPO 1042 is confirmed with modifications.

DECISION:

That Tree Preservation Order 1040 is confirmed with modification.

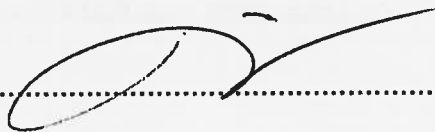
Reasons:

1. The trees are 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 Tree Preservation Order will ensure that the local planning authority has adequate control over proposals to prune, remove or otherwise damage trees, in the interest of public visual amenity.
4. The land has been subject to an application for planning consent (15/P/1916/O) and outline consent is likely to be granted for the erection of 65 dwellings, which means that the council has agreed on the general principle of development. At this stage, detailed information has not yet been submitted apart from for access to the site. The tree preservation order will ensure adequate consideration of the issues surrounding trees worthy of retention on this site, throughout the development process.

Other Alternatives Considered:

None.

Signed.....



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

Dated.....

30/11/16