

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 26 November 2018

REPORT OF: Arboricultural Officer

SUBJECT: The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018
E2/28/57

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018 is confirmed unmodified.

1. PURPOSE

The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018 protects an area of woodland located on land to the west of Broadmeadow View, Teignmouth.

The Tree Preservation Order (TPO) was served on 23 July 2018, and replaces The District of Teignbridge (Broadmeadow) Tree Preservation Order 2018 that was made on 16 February 2018. The provisional protection will cease on 22 January 2019, if it is not confirmed.

2. BACKGROUND

The Tree Preservation Order was made following a request from agents representing the owner of the site for an extension to the time to submit a detailed objection.

The Tree Preservation Order was made following reports that a number of trees were being felled.

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 Tree Preservation Orders 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

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TPOs. Section 198 of the TCPA states LPAs may make a TPO if it appears to them to be “expedient 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.

The trees are highly visible and contribute to the visual amenity of the area. The loss of the trees would have a detrimental impact upon the visual amenity of the area.

As the Tree Preservation Order uses a Woodland designation the use of an amenity rating system is not appropriate.

Owing to the importance of the trees within the local landscape, The District of Teignbridge (Broadmeadow 2) Tree Preservation Order 2018 was made and served on 23 July 2018.

Objections to the making of the tree preservation order have been received from the owner of the site and agents representing the owner.

The objections can be summarised as follows:

- Trees have not been felled therefore it is not expedient to make a tree preservation order.
- The area protected by the tree preservation order is not a woodland
- The contribution to public amenity is low
- The felling of the trees would have no significant negative impact on the local environment, and this matter has been tested at examination.
- The tree preservation order prevents development of the site

Officer Comment:

- Photographs of the site clearly show that a number of trees have been felled
- When viewed from the west or via an aerial photograph the area can be clearly identified as woodland. Woodlands comprise of dense areas of trees, less dense areas of trees and clearings.
- The woodland is highly visible both from distant views, Bishopsteignton Road and the adjacent supermarket, accordingly the visual amenity provided by the trees is considered to be high
- Through the Local Plan 2013-2033 examiners report, a representation was addressed which requested this site be re-inserted into the final plan. The Examiner identified a three main local constraints which

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made the west side of Teignmouth unsuitable for significant amounts of new housing, namely;

Poor air quality as noted through the air quality management area, particularly around Shaldon Bridge which would be exacerbated by any significant amount of housing on the west side of town.

(It should be noted that trees can have positive effects on air quality)

The attractive landscape on the western side of the town, which is designated as undeveloped coast is very sensitive to change.

(In addition the woodland is considered to form part of the landscape setting of Teignmouth, defines its setting and provides enhancement to the urban area)

Extensive wildlife sites which form extremely important habitats for Cirl Buntings would be affected

SEE APPENDIX ONE FOR COMMENTS RECEIVED FROM THE COUNCIL'S SPATIAL PLANNING OFFICER

- The making of a tree preservation order does not prevent future development of a site. The protection of trees is considered alongside the design of any proposed scheme and the public benefit provided by the proposed development.

In addition to letters of support from residents and the National Trust for the making of the tree preservation order a petition containing in excess of 300 signatures has been received.

SEE APPENDIX TWO

3. 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.

4. FINANCIAL IMPLICATIONS

None

5. OPTIONS

The Regulatory and Appeals Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Not to confirm the Tree Preservation Order

Office Name: Mark Waddams

TEIGNBRIDGE DISTRICT COUNCIL

Officer Designation: Arboricultural Officer

The box below to be completed by the report author.

Wards affected	TEIGNMOUTH
Contact for any more information	M Waddams (01626) 215708
Background Papers (For Part I reports only)	
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	A: B: