

REGULATORY & APPEALS COMMITTEE

21 JANUARY 2019

Present:

Councillors Dennis (Chairman), Hockin (Vice-Chairman), Austen, Cook and Evans

Member in Attendance:

Councillor Clarence

Apologies:

Councillor Prowse

Officers in Attendance:

Marie Downey, Solicitor

Mark Waddams, Senior Arboricultural Officer

Howard Bassett, Democratic Services Officer (Exeter City Council)

1. MINUTES

The Minutes of the meeting held on 26 November 2018 were approved as a correct record and signed by the Chairman.

2. DECLARATIONS OF INTEREST.

There were no declarations of interest.

3. TREE PRESERVATION ORDER 2018 - E2/50/20

The Committee considered a request to confirm the provisional Tree Preservation Order (TPO) which was served on 27 September 2018 and would cease on 22 February 2019.

The District of Teignbridge (St Boniface) Tree Preservation Order 2018 protected an area of trees located within the area of Land north of St Boniface and as shown on a plan that forms part of the Order.

The Committee heard from the Council's Arboricultural Officer who gave his reasons why the Committee should confirm the Order. He made the following points:-

- while individually the trees were of moderate quality, collectively they formed an important landscape feature that was highly visible. The plotting of all the trees within the area ranging from the smallest to the largest was not considered practicable and an area rather than a woodland designation was considered appropriate;
- contrary to the objector's observations the area of trees was regarded as highly visible contributing to the visual amenity of the area;

- following a meeting with the agent representing the owner of the site on 8 January 2019, correspondence has been received suggesting the Order should be modified to protect seven trees - one ash tree referred to as tree (T1), two ash trees referred to as group (G1) and three lime trees and one ash tree referred to as (TG1 or G2). The agent considered other trees within the site should not be included as they were not worthy of protection. This suggestion was not supported as, while individually, the trees may be of indifferent quality, collectively the trees contributed to the visual amenity of the immediate and wider area, and should be protected;
- at the site meeting, trees adjacent to the water course and trees on or close to the northern boundary of the site were identified as providing the majority of the visual amenity; and
- owing to the above, the plan that formed part of the Order had been revised to reflect the area of the land that had been cleared and to include the trees that provided the majority of the visual amenity.

Letters of objection had been received from an agent representing the owner of the land affected by the tree preservation order dated 28 September and 7 November 2018 and 8 January 2019, which were considered by the Committee. Also considered was a petition received on 16 January 2018 with 64 signatories in support of the Order and an email, also in support, received on 18 January 2018.

The objector attended the hearing. The agent's letter stated that the Order had been made with an Area (A1) designation when Government advice stated that this should only be used in an emergency and that the TPO was unreasonable due to its indiscriminate coverage and should be amended to include those trees with a public amenity value that are of reasonable quality, in accordance with Government. The objector stated that the site largely contained poor quality shrubs and vegetation which was not worthy of an Order. He believed that it was likely that the ash trees within this area would, in due course, suffer from Ash dieback and that it was therefore appropriate for them to be removed. He also explained that the clearance work had been undertaken because of the poor quality shrubs and vegetation in this often boggy area and in order to facilitate access to the brook running through this site to prevent its further deterioration. As one of the landowners he felt that it was his responsibility to clear the brook running through the area which was becoming clogged with fallen branches, vegetation and general debris. He further advised that he was awaiting information from Devon County Council on appropriate drainage works to the brook.

Responding, the Arboricultural Officer advised that individual requests to remove specimens could be submitted after an Order had been made and he stated that it was not Devon policy to remove species of Ash in advance of any possible dieback diseases. He reported that neither South West Water nor the County Council had made representations relating to the brook.

A supporter of the TPO, speaking on behalf of the 64 petitioners, addressed the Committee. She raised the following points:-

- 64 signatures had been received over a two day period reflecting the strength of support for the Order from local residents including the Ringmore Residents Association;
- a before and after google aerial photograph showed the extent of the removal of trees and vegetation which goes beyond responsible tree management leading to the loss of valuable habitat;
- the woodland had existed since medieval times and its character is central to the neighbourhood as well as the wider area and is highly visible;
- comments in the agent's report in respect of individual trees are not supported, the character of Tree 2 had been adversely affected by the burning of shrub and vegetation as part of the clearance works, and the root area of Tree 4 was damaged by the plant equipment. Further, leylandi contributes to the collective value of the woodland;
- this area of woodland supports sustainability in that it assists the purification of air and has a high biodiversity element;
- no prior consultation had taken place with residents on the proposals for the clearance of the area; and
- request the reinstatement of the original Order with the removed trees replaced with other specimens to protect this valuable and unique landscape.

The Arboricultural Officer explained that it was not possible to reinstate the original Order and to seek replacement of the trees that had been removed during the clearance.

Councillor Clarence spoke on behalf of local residents and expressed his concerns at the extent of the clearance undertaken to date. He referred to other woodland clearances in the Shaldon area and he supported the retention of habitat and maintaining the existing biodiversity. He believed that the works were also impacting adversely on a neighbouring Conservation Area.

In conclusion, the Arboricultural Officer reiterated his view in respect of the collective value of the trees and recommended conformation of the Order as recommended. The objector stated that he was amenable to further consultation with the Arboricultural Order and Devon County Council for arrangements to be agreed on what further clearance would be permissible to enable him to carry out his responsibilities and to access the brook.

The Committee considered the trees provided a high amenity vale and were an asset to the local area and landscape. The protection of trees in question complied fully with Government guidance and it was therefore expedient in the interests of amenity to make provision for their preservation.

Therefore the Committee

Resolved

To confirm the Tree Preservation Order, as modified.

Reason

The trees are highly visible and contributes to the visual amenity of the area, and are typical of those found within this part of Shaldon. The loss of the trees would have a detrimental impact upon the visual amenity of the area. Collectively the

trees have an amenity rating of 18. The suitable benchmark rating for inclusion within a tree preservation order is 15.

Chairman