

## Planning Committee Tree Preservation Order Report

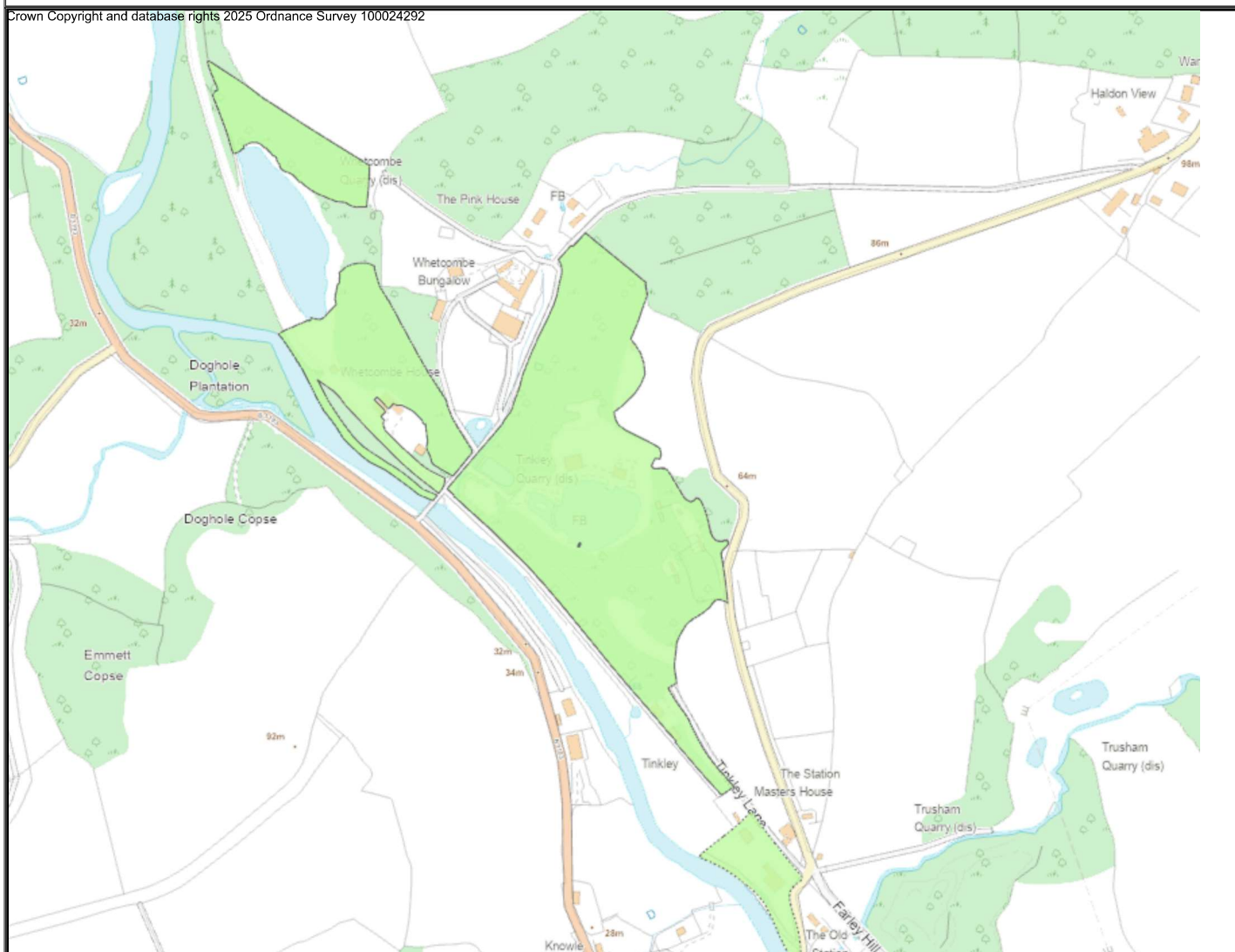
Chair: Cllr Suzanne Sanders

<b>Date</b>	23 September 2025
<b>Case Officer</b>	Cheryl Stansbury
<b>Location</b>	Tinkley Koi Farm Trusham TQ13 0NT
<b>Order</b>	The District of Teignbridge (Former Tinkley Quarry) Tree Preservation Order 2025
<b>Ward</b>	Teign Valley
<b>Member(s)</b>	Cllr Stephen Purser, Cllr Andrew Swain
<b>Reference</b>	E2/22/04



### RECOMMENDATION: CONFIRM WITH/WITHOUT MODIFICATIONS

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## **RECOMMENDATION**

### **The Planning Committee is recommended to resolve that:**

The District of Teignbridge (Former Tinkley Quarry) Tree Preservation Order 2025 is confirmed unmodified.

#### **1. PURPOSE**

The District of Teignbridge (Former Tinkley Quarry) Tree Preservation Order 2025 protects a Woodland of whatever species of trees located within the land at Tinkley Koi Farm, Trusham.

The provisional tree preservation order (TPO) was served on 21 May 2025. The provisional protection will cease on 21 November 2025, if it is not confirmed.

#### **2. BACKGROUND**

There was an original Woodland Tree Preservation Order E2/22/03 (The District of Teignbridge (Former Tinkley Quarry) Tree Preservation Order 2018, E2/22/03; the decision at the time was to not confirm it as the trees were not considered to be under threat, and therefore this has lapsed.

This provisional TPO was made following reports informing the Council of the intention to fell trees, that trees were being damaged, and that the woodland was under immediate and visible threat; since those reports were received, the trees/woodland have been assessed by the Local Planning Authority's Tree Consultants.

The trees are part of an established mixed woodland that includes oak and other native species. The woodland is a County Wildlife Site, Whetcombe Barton, which was surveyed in 2006 and 2023, and is designated for its non-ancient woodland. It contains BAP (Biodiversity Action Plan) priority habitats – lowland mixed deciduous woodland, wet woodland and lowland fen. The Consultants have identified no obvious pressures or constraints that would significantly limit the life expectancy of the woodland as a whole. The trees are mostly growing in favourable conditions, with adequate space, low levels of disturbance and signs of ongoing regeneration. Taking all of this into account, it is considered appropriate to assign a remaining contribution of 100 years to reflect the expected longevity of the woodland system, based on current site conditions and arboricultural judgement.

Local Planning Authorities (LPAs) have a duty under Part VIII Section 197 of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees by making TPOs where it is considered necessary. 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".

Further guidance may be found in National Planning Policy Guidance "Tree Preservation Orders and trees in conservation areas".

### 3. REASON

The woodland contributes to the visual amenity of the area. A number of trees have been felled, had branches removed, roots exposed or been damaged in the recent past. The trees exhibit good form, supported by the overall woodland structure which retains a well-spaced arrangement of mature trees with natural crowns and balanced structure.

The woodland enhances the wooded character of the area, providing a pleasing landscape feature within the immediate area, enhancing the visual amenity for local residents and passers-by; local topography limits longer range views.

The Consultant's report gives the woodland an amenity rating of 16.5. The suitable benchmark rating for inclusion within a tree preservation order is 15; see Appendix I.

Owing to the importance of the woodland within the local landscape, and threat to the trees, The District of Teignbridge (Former Tinkley Quarry) Tree Preservation Order 2025 was made and served on 21 May 2025.

One letter of objection to the making of the TPO on behalf of the landowner has been received. The objection is summarised as follows:

- The TPO was served on 21 May 2025 and describes the proposed trees for protection as "trees of whatever species". The description, being overly general in nature, fails to properly identify any specific tree, group of trees or woodland that has sufficient merit to be subject to designation
- No copy of the assessment has been provided with the provisional TPO, such that the reasons for the making of the TPO are unclear to the landowner.
- The woodland is not immediately visible to the public nor open to the public
- The TPO fails to identify specific reasons why it covers all areas including the dwelling, farm, caravan site, fish/poultry enterprise and will substantially restrict the ability to manage the farmland
- A previous TPO was withdrawn as it was considered inappropriate so why is this now considered necessary?
- Some trees are in poor condition and Ash represents a major component of the woodland. If specific trees require protection, these should be identified
- The site is not at threat for development and the only applicant is for a certificate of lawfulness, nor is it at risk of tree removal. The landowner has not marked trees with "x", but neighbours have done so
- Disagree with the score given by the independent arborist and consider the TPO has not been assessed thoroughly.

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### Officer Comment:

- The TPO does describe the trees as “of whatever species” which is appropriate given it is a woodland order; it does not need to identify or assess individual tree species, but is based upon the overall value of the woodland as a whole
- The scoring assessment carried out by the Council’s Consultant is published as Appendix 1 and is viewable on the online file
- The woodland does not need to be open to the public to be covered by a TPO and the restricted visibility of it has factored into the assessment in Appendix 1
- A TPO does not prevent activities or farming, but applications will need to be made to carry out works to trees or fell them, it simply prevents felling or removal of branches
- It is noted Ash forms part of the woodland but not a majority of it and the TPO does not prevent the removal of trees with dieback; applications for felling or 5 day exemption notices would be required and can be submitted to cover a number of trees
- Since the previous TPO was not confirmed further work has taken place on the land and trees removed/damaged; therefore, this TPO is considered necessary and justified.

12 letters of support, including from Cllr Purser and Cllr Swain, for the making of the TPO have been received. They are summarised as follows:

- The TPO describes “trees of whatever species,” which is standard practice for woodland designations and fully in line with National Planning Practice Guidance (NPPG, Paragraph 092). This blanket description is appropriate and accurately reflects the current character of the woodland. It provides essential protection for the woodland and ensures its ability to regenerate following recent felling and the damaging methods used to remove trees
- The woodland contains a significant proportion of young/mid-mature specimens that will contribute to long-term succession and continuity. This diversity of age classes demonstrates a remaining longevity
- This TPO is essential to protect the trees for future generations and preserve the natural habitat for wildlife
- The woodland is a significant local asset that contributes to the local ecosystem, biodiversity and aesthetic appeal of the area
- The TPO will restrict further building and development in the area which has resulted in trees dying and excavations leaving roots exposed
- The trees are a defining and dominant landscape feature that contribute strongly to the character of the area providing visual amenity
- The wood provides environmental benefits such as shade, air quality enhancement and wildlife habitat
- The creation of a track and trees being marked with “x” gives concern they will be felled
- Community benefits through a sense of place and connection to nature

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- TPOs encourage responsible land stewardship and are essential, even on private land
- The woods are contiguous with other woods, and any loss would have consequences beyond its defined area
- The TPO will not prevent all activities (fences have since been erected) and further clearance can be applied for and considered properly
- The findings of an independent survey by Advanced Arboriculture Ltd (18 June 2025) are fully supported
- The County Wildlife Site designation and the woodland being priority habitat does not stop felling and a lot of clearance has taken place recently, so this TPO is necessary
- Whilst Ash and Dieback is present, these do not form a majority of the woodland.

### **Officer Comment:**

- There is clear local support for this TPO. One of the letters contained an independent arboricultural assessment carried out from public vantage points, which also evaluated the woodland and scored it 22, higher than the LPA consultant as it attributed additional points for significant risk to trees through there being “x” marked on some of them.
- There is a dispute over the origins of the “X” markings on the trees and this did not factor into the Council’s Consultant’s assessment.

## **4. SUSTAINABILITY IMPLICATIONS**

Trees in urban areas are a vital component of a sustainable future, serving to absorb CO<sup>2</sup>, 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.

## **5. FINANCIAL IMPLICATIONS**

None

## **6. OPTIONS**

The Planning Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Confirm the Tree Preservation Order in a modified form
- Not to confirm the Tree Preservation Order

*Ian Perry*

**Head of Development Management**

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## APPENDIX I

### AMENITY EVALUATION RATING FOR TPOs

TPO No:	E2/22/04	Site Visit Date:	11 August 2025
TPO Name:	The District of Teignbridge (Former Tinkley Quarry) Tree Preservation Order 2025	Effective Date:	21 May 2025
Address	Tinkley Koi Farm, Trusham, TQ13 0NT	TPO Designation	Woodland
Rating	16.5	Surveyed by:	Devon Tree Services
Reason for TPO	The woodland/ trees contribute to the visual amenity of the area. A number of trees have been felled or damaged in the recent past.		

<b>1. <u>Size – height x spread</u></b> 1 very small 2-5m <sup>2</sup> 2 small 5-10m <sup>2</sup> 3 small 10-25 <sup>2</sup> 4 medium 25-50m <sup>2</sup> 5 medium 50-100m <sup>2</sup> 6 large 100-200m <sup>2</sup> 7 very large 200m <sup>2</sup> +	Score 5	<b>6. <u>Suitability to area</u></b> 1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable	Score 3
<b>2. <u>Life expectancy</u></b> 1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +	3	<b>7. <u>Future amenity value</u></b> 0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential	0
<b>3. <u>Form</u></b> -1 Trees which are of poor form 0 Trees of not very good form 1 Trees of average form 2 Trees of good form 3 Trees of especially good form	2	<b>8. <u>Tree influence</u></b> -1 Significant 0 Slight 1 Insignificant	0
<b>4. <u>Visibility</u></b> 1 Trees only seen with difficulty or by a very small number of people 2 Back garden trees, or trees slightly blocked by other features 3 Prominent trees in well frequented places	2	<b>9. <u>Added factors</u></b> <i>If more than one factor relevant maximum score can still only be 2</i> 1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association 1 Considerably good for wildlife 1 Veteran tree status	1 – priority habitat
<b>5. <u>Other trees in the area</u></b> 0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None	0.5	<b>10. <u>Notes and total score</u></b> Not/Reasonable for inclusion within the TPO	16.5