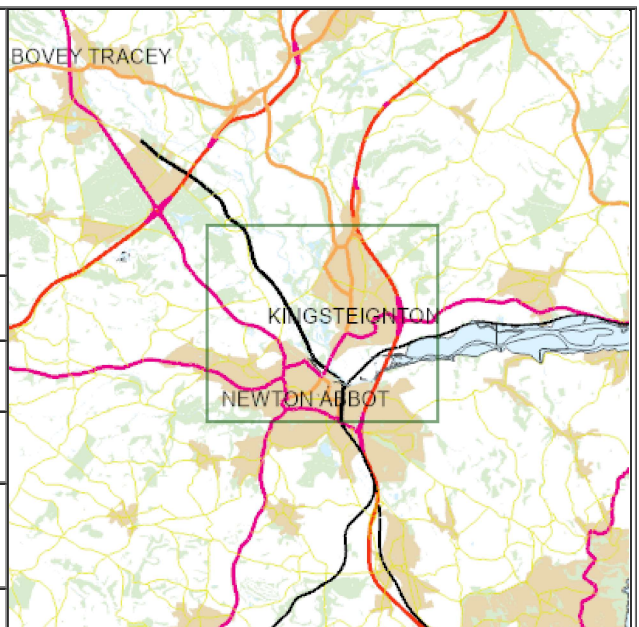


## Planning Committee Tree Preservation Order Report

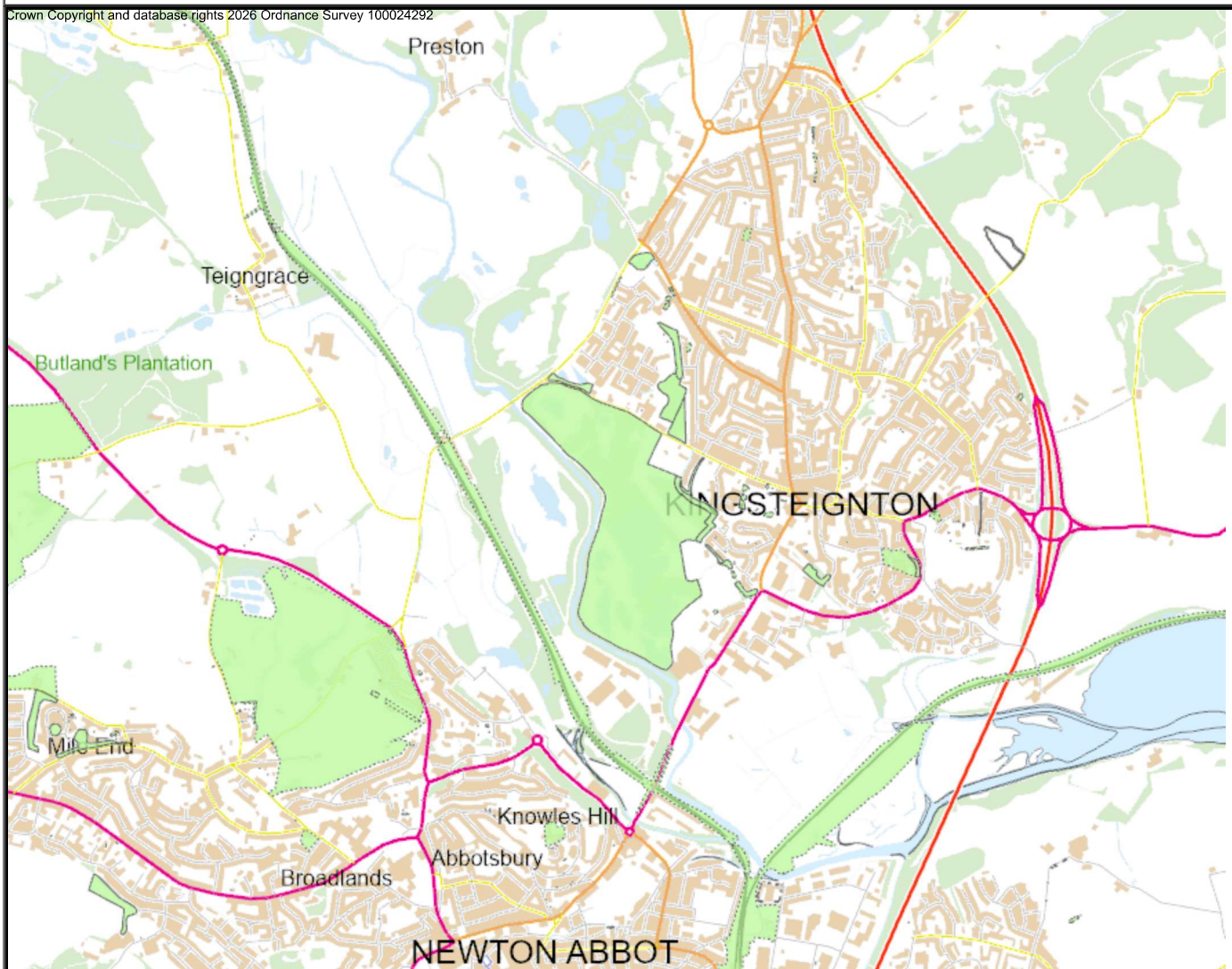
Chair: Cllr Suzanne Sanders

<b>Date</b>	27 January 2026
<b>Case Officer</b>	Edward Hornsby
<b>Location</b>	Land At Rackerhayes Ngr 286373 72920 Newton Road Kingsteignton
<b>Order</b>	The District of Teignbridge (Land off Broadway Road, Kingsteignton) Tree Preservation Order 2025
<b>Ward</b>	Kingsteignton West
<b>Member(s)</b>	Cllr Bill Thorne, Cllr Dave Rollason
<b>Reference</b>	E2/23/46



### RECOMMENDATION: CONFIRM WITH/WITHOUT MODIFICATIONS

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## **Recommendation**

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

The District of Teignbridge (Land off Broadway Road, Kingsteignton) Tree Preservation Order 2025 unmodified.

#### **1. Purpose**

The provisional Tree Preservation Order (TPO) was served on 21 August 2025. The provisional protection will cease on 21 February 2026, if it is not confirmed.

The purpose of the TPO is not to sterilise mineral resources or frustrate lawful operations, but to prevent avoidable or premature woodland clearance that would result in a significant and irreversible loss of public amenity. The Order provides a necessary level of control to ensure that any tree removal is justified, proportionate, and aligned with wider planning and environmental objectives.

In this context, the TPO is consistent with both the intent of the Tree Preservation Regulations and broader national and local planning policy. It represents a balanced and lawful response to a credible risk of woodland loss, ensuring that mineral interests and amenity considerations are properly weighed rather than one overriding the other.

#### **2. Background and Reason**

The provisional Tree Preservation Order was made following credible reports that the woodland was at imminent risk of clear felling by the landowners. Given the scale of the threat and the irreversible harm that would have resulted, it was considered necessary and expedient to introduce immediate statutory protection to prevent the loss of a highly valued landscape and ecological asset while the matter was fully assessed.

The woodland is located between Newton Road and Exeter Road, lying to the south of Broadway Road and to the north of the banks of the River Teign. It forms a substantial and continuous block of woodland within the urban fabric of the town. The site is long-established, having last been subject to mineral extraction prior to the 1890s. Since the cessation of mining activity, the land has been allowed to regenerate naturally, resulting in a mature and well-structured, self-seeded broadleaved woodland. Over time, natural succession has created a diverse canopy, understory, and ground flora, with associated fishing ponds and a wide range of fauna. The woodland now represents a strong example of natural regeneration and contributes significantly to biodiversity, landscape character, and recreational value.

The amenity value of the woodland is exceptionally high, particularly given its central location and accessibility within the town. It provides visual containment, and a sense of natural enclosure that is increasingly rare in urban settings. The site has been assessed as having an amenity value score of 20, as determined by an external arboricultural consultant (Devon Tree Services) prior to the current Tree Officer taking up post. The Tree Officer has also carried out an assessment since being in post. These assessments reflect not only the quality and extent of the tree cover, but also its public visibility, ecological importance, and contribution to the character and wellbeing of the area.

The land is subject to a Review of Old Mineral Permission (ROMP) issued by Devon County Council (DCC, the Minerals Planning Authority) in 1999 (DCC reference 99/2080/01/9DCC).

## TEIGNBRIDGE DISTRICT COUNCIL

The ROMP Scheme of Conditions requires that ecological and habitat considerations are addressed prior to the commencement of any quarry-related operations. However, the ROMP does not provide blanket protection for the woodland against other forms of land management or clearance unrelated to mineral extraction. As such, in the absence of a Tree Preservation Order, there would have been no effective control to prevent the clearance of the woodland for purposes outside the scope of the ROMP. This includes, for example, wholesale removal of trees within the designated country park area, which could have proceeded lawfully without arboricultural oversight or public consultation.

The Tree Preservation Order therefore serves a critical role in safeguarding both the woodland and the associated country park, ensuring that their long-term retention and management are properly controlled in the public interest. This approach is consistent with the intent and outcomes of planning permission 08/01372/MAJ (issued by Teignbridge District Council), which recognises the importance of the site as a protected green and recreational space.

Further weight is added by the submission of a pre-application enquiry, to Devon County Council (PRE/1663/2023), which included multiple technical consultations. These consultations clearly identify the woodland as a sensitive environmental receptor and highlight the significant ecological implications of reopening the historic mineral workings. Collectively, the evidence demonstrates that the woodland is not only a legacy of the site's industrial past, but a mature, high-value natural asset whose loss would result in substantial and lasting harm. The confirmation of the Tree Preservation Order is therefore justified, necessary, and proportionate to ensure the continued protection of this important woodland resource.

### **3. Comments and Objections**

170 emails in support of confirming the TPO have been received from local residents, members of the public including children, and from local Councillors for the making of the TPO. They are summarised as follows:

- Clay pits quarry is already a vast blight on the landscape;
- Some of the trees are rare and ancient species;
- Increase in flood risk and toxic damage from dust and debris;
- Local residents enjoy the beauty, shelter and peace the trees provide and the abundant wildlife;
- Woodland provides some visual screening and helps to absorb noise and other unpleasant side effects produced from activity within the quarry;
- Trees are an important part of the community and contribute to the visual amenity of the area;
- Safeguard the trees for future generations;
- Loss of trees would affect hundreds of species of wildlife, including bats, dormice, owls, foxes and deer;
- Replanting saplings cannot replicate ancient woodland structure or ecosystem for decades;
- Mental health benefit of having trees and wildlife on your doorstep;

There has been one objection and one detailed comment (as per the following summaries)

## TEIGNBRIDGE DISTRICT COUNCIL

**Objector;** Sibelco

### **Summary of Objection**

Sibelco UK Limited submitted a formal objection on 1 October 2025, citing the following key points:

#### **Existing Mineral Permissions:**

The site is subject to extant planning permissions allowing the extraction of nationally and internationally significant ball clays. These permissions explicitly permit the removal of trees to facilitate quarry operations and require compensatory planting in non-extraction areas.

#### **Lack of Evidence for TPO Justification:**

TDC's rationale for the TPO, stating that the trees contribute to visual amenity, was not supported by any arboricultural assessment or evidence. No site inspection was undertaken with landowner consent.

#### **Regulatory Non-Compliance:**

Under Section 10(2b) of The Town and Country Planning (Tree Preservation) (England) Regulations 2012, authorities must consider individuals entitled to remove trees or extract minerals. The proposed TPO fails to acknowledge these rights and conflicts with established legislation and mineral planning policy.

#### **Impact on Industrial Mineral Operations:**

The TPO would impede lawful mineral extraction activities, rendering the order ineffective and inconsistent with national and local policy frameworks for industrial minerals.

### **Analysis**

The objector considers that the absence of supporting evidence for the TPO and failure to consider existing mineral permissions indicate that the order may not withstand legal scrutiny; and that imposing a TPO on trees scheduled for removal under lawful permissions could create unnecessary conflict and operational delays.

### ***Counterpoints to Sibelco Objections***

#### **Visual Amenity and Public Interest**

The Council is empowered under the Town and Country Planning Act to protect trees that contribute to the character and amenity of the area. The presence of trees along Broadway Road provides significant screening and landscape value for nearby residents and public viewpoints. This amenity benefit exists independently of mineral extraction rights and warrants protection.

#### **Separate Regulatory Frameworks**

Mineral planning permissions do not override the Council's statutory duty to consider environmental and amenity impacts. While permissions allow mineral extraction, they do not negate the Council's ability to impose TPOs where justified. Both frameworks are intended to operate in balance, ensuring industrial activity does not unnecessarily compromise local environmental quality.

Objections to the proposed Tree Preservation Order (TPO) rely in part on Regulation 10(2)(b) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, which requires the Local Planning Authority, when deciding whether to confirm a

## TEIGNBRIDGE DISTRICT COUNCIL

TPO, to take into account the interests of persons entitled to remove trees or extract minerals. This provision does not grant an automatic right to remove trees, nor does it preclude the making or confirmation of a TPO. Its purpose is to ensure that such interests are considered as part of a balanced assessment, rather than given overriding weight.

Under Section 198 of the Town and Country Planning Act 1990, the Local Planning Authority has a statutory power and duty to make a TPO where it is expedient in the interests of amenity to do so. The test of expediency is met where there is a reasonable degree of public amenity value and a demonstrable risk of loss. In this case, reports indicating a credible threat of woodland clearance provided sufficient justification for the making of a provisional Order.

The Tree Preservation Regulations are designed to operate alongside other planning regimes, including mineral planning, rather than being displaced by them. The existence of mineral rights or mineral permissions does not remove the Council's duty to protect trees where appropriate, nor does it create a presumption against the use of TPOs.

### **Lack of Automatic Exemption**

Sibelco asserts that the TPO is invalid because trees may be lawfully removed under mineral permissions. However, the Tree Preservation Regulations do not provide blanket exemptions for such cases. Instead, they require consideration of competing interests. The Council can still confirm a TPO and subsequently assess applications for works under Regulation 14, ensuring proper scrutiny rather than automatic removal.

Mineral planning permissions authorise the extraction of minerals in principle but do not override other statutory controls relating to environmental protection, landscape character, or public amenity. This reflects the wider framework of the Town and Country Planning Act 1990, which establishes a plan-led system requiring the balancing of multiple material considerations.

National planning policy, including the National Planning Policy Framework (NPPF), requires mineral development to be undertaken in a manner that minimises adverse impacts on the natural environment and local amenity. Paragraphs relating to conserving and enhancing the natural environment make clear that development should protect valued landscapes and features, including trees and woodland, unless there are clear and justified reasons for their loss.

The use of a TPO in this context does not seek to prevent mineral extraction outright, but rather to ensure that woodland of established amenity value is not removed prematurely or unnecessarily, particularly outside the scope of active or consented mineral operations.

The objection suggests that the TPO would be ineffective or unlawful because trees may be removed lawfully under mineral permissions. This interpretation is not supported by the Tree Preservation Regulations. There is no blanket exemption within the 2012 Regulations for tree removal associated with mineral extraction.

Instead, the Regulations provide mechanisms to address competing interests in a proportionate and transparent manner. Where tree works are genuinely necessary to facilitate permitted development, including mineral extraction, applications for consent may be made under the TPO regime, allowing the Local Planning Authority to assess the justification, timing, and extent of the proposed works.

## TEIGNBRIDGE DISTRICT COUNCIL

In cases involving immediate risk to public safety, Regulation 14 of the 2012 Regulations provides specific exemptions for works to dead or dangerous trees where action is urgently necessary to remove an immediate risk of serious harm. These provisions ensure that health and safety considerations can be addressed promptly without undermining the wider purpose of tree protection.

### **Amenity Assessment**

Although Sibelco claims no arboricultural assessment was undertaken, the Council is not legally required to seek landowner consent for preliminary visual assessment from public vantage points. The amenity value of trees can be reasonably judged without entering private land, particularly where trees are visible from public roads and contribute to the wider landscape.

### **Policy Alignment**

National and local planning policies emphasize the importance of biodiversity, green infrastructure, and landscape character. Confirming the TPO aligns with these objectives and demonstrates the Council's commitment to sustainable development principles, even within mineral extraction areas.

### **Restoration and Long-Term Landscape**

Sibelco's objection focuses on short-term operational needs. However, the TPO supports long-term restoration goals by safeguarding existing tree cover where feasible. This approach complements mineral planning conditions requiring progressive restoration and planting, ensuring continuity of landscape quality.

**Comment;** Newton Abbot Fishing Association (NAFA)

### **Summary of Comment**

NAFA submitted a formal objection on 18 September 2025, citing the following key points:

### **Key Concerns;**

#### **Health & Safety Risks**

NAFA is legally responsible for member safety.

Routine tree maintenance is essential to prevent hazards (e.g., falling limbs).

Recent incident: Oak tree limbs fell on an angler's bivvy during poor weather, highlighting the risk if immediate action cannot be taken.

#### **Operational Impact**

The blanket TPO without variation will cause:

Unnecessary bureaucracy and delays in obtaining permissions.

Increased strain on Teignbridge Council resources.

NAFA argues that allowing routine maintenance would reduce administrative burden.

#### **Historical Stewardship**

NAFA has managed the site for over a century, following best silvicultural practices and UK Forestry Standards.

Previous works have complied with Forestry Act 1967 and UKFS.

Association has collaborated with the Environment Agency (e.g., otter fencing funded by EA).

## TEIGNBRIDGE DISTRICT COUNCIL

### **Environmental & Community Value**

The site's natural appearance and biodiversity are attributed to NAFA's management.

Restricting maintenance could negatively impact:

Member safety.

Wildlife and habitat quality.

Community enjoyment of the fishery.

### **Request for Variation**

NAFA seeks a variation to Schedule 5 of the TPO to allow:

Routine maintenance.

Essential tree works for safety and conservation.

Suggests a site visit by the Teignbridge Council Tree Officer to assess impact

### ***Counterpoints to NAFA Objections***

#### **Health & Safety Risks**

The TPO does not prevent essential safety works; it simply requires proper consent to ensure works are justified and proportionate.

Emergency works for immediate danger are already permitted under TPO regulations without prior approval.

A blanket exemption could lead to unnecessary or excessive tree removal under the guise of safety.

#### **Operational Impact & Bureaucracy**

The consent process ensures transparency and accountability, preventing inappropriate works that could harm the woodland ecosystem.

Streamlined procedures (e.g., fast-track applications for routine works) can be implemented without removing TPO protections.

Administrative burden is outweighed by the long-term benefits of safeguarding significant woodland areas.

#### **Historical Stewardship**

Past good management does not guarantee future compliance; legal protections are necessary to maintain standards regardless of changes in leadership or priorities.

TPOs provide an independent check to ensure works align with broader conservation objectives, not just the Association's interests.

Forestry Act and UKFS compliance is commendable but voluntary; TPO adds enforceable protection.

### **Environmental & Community Value**

Unregulated works could inadvertently damage habitats and biodiversity, undermining the very natural character the Association values.

TPO ensures that any tree works consider ecological impacts, maintaining the site's wildlife and amenity value for the wider community, not just anglers.

## TEIGNBRIDGE DISTRICT COUNCIL

Routine maintenance can still occur under consent, balancing safety with conservation.

### **Request for Variation**

A variation allowing unrestricted works would effectively nullify the purpose of the TPO in that area.

Site-specific exemptions risk setting a precedent that weakens TPO enforcement across the district.

A collaborative approach, such as a management plan agreed with the Council, offers a better solution than removing oversight entirely.

### **Officer Comment:**

The woodland makes a substantial contribution to public amenity, landscape character, and biodiversity, particularly given its central and highly visible location within the town. Evidence indicates that the site was at genuine risk of clearance, and existing designations would not have provided sufficient protection against non-mineral related works. The provisional Tree Preservation Order is therefore considered both necessary and expedient to prevent the loss of an important self-seeded broadleaf woodland and associated country park. On this basis, the Order is justified in the interests of long-term environmental protection and public benefit, and there are no objections to the works proceeding as described.

## **4. SUSTAINABILITY IMPLICATIONS**

Trees 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**



## APPENDIX I

## DEVON TREE SERVICES AMENITY EVALUATION RATING



Arboricultural Consultancy  
 Website: [www.devontreeservices.co.uk](http://www.devontreeservices.co.uk)  
 Email: [consultancy@devontreeservices.co.uk](mailto:consultancy@devontreeservices.co.uk)  
 Phone: 01803 814126  
 Address: Little Acre, Ipplepen, Newton Abbot, TQ12 5TR

TPO Amenity Evaluation - Site Visit: 8.9.25  
 Tree Species: Mixed Woodland Species

Site Address: Land off Broadway Road, Kingsteignton

Factor	Selected Score	Notes
1. Size	6	The site covers a large area, and a significant portion is visible from various public locations.
2. Life expectancy	3	The site contains a mix of tree ages and species, so an average life expectancy has been considered to reflect the overall condition of the tree population.
3. Form	1	
4. Visibility	3	The boundary edge trees are the principal visual feature when assessing the site against this criterion. Internally, the flat nature of the land means the trees are not especially prominent; however, they contribute to reinforcing the site's visual boundaries. From higher vantage points to the east, there is some public visibility. Overall, the boundary trees are the most prominent features and help to soften the urban landscape within the wider setting
5. Other trees in the area	1	The site contains woodland trees and is located on the fringes of the town, forming a transition into the surrounding rural setting
6. Suitability to area	3	
7. Future amenity value	1	
8. Tree influence	1	
9. Added factors	1	An additional factor is the screening benefit provided by the trees, which help to soften views and provide visual separation between the urban edge and the adjoining rural landscape
10. Notes		<p>The site contains a high volume of trees, with those along the boundaries being the most prominent. There is scope for tree protection through the serving of a Tree Preservation Order, which would likely take the form of woodland parcels, supplemented by groups or individual trees identified for their particular importance. Given the woodland setting and overall tree density, any large-scale felling would fall under the control of the Forestry Commission. While exemptions exist that allow for limited felling on a small scale each calendar quarter, clear felling of large areas would be restricted.</p> <p>It may be worth considering that, if the boundary trees are retained at a suitable depth, they will continue to fulfil their visual and screening function. However, if tree retention is limited to only shallow belts or individual specimens, their visibility and contribution to amenity may be significantly reduced, particularly from public viewpoints.</p>
Total Score	20	



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DTS Tree Consultancy Letterhead – Version 4 – 141223

DTS Tree Consultancy is a trading name of Devon Tree Services LTD

# TEIGNBRIDGE DISTRICT COUNCIL

## TDC TREE OFFICER AMENITY EVALUATION RATING FOR TPOs

TPO No:	E2/23/46	Site Visit Date:	07/01/2026
TPO Name:	The District of Teignbridge (Land off Broadway Road, Kingsteignton) Tree Preservation Order 2025	Effective Date:	
Address	Land At Rackerhayes Ngr 286373 72920 Newton Road Kingsteignton	TPO Designation	
Rating	20	Surveyed by:	Ed Hornsby
Reason for TPO	Woodland is in imminent danger of being clear felled		

<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> +	<b><u>Score</u></b>       7	<b>6. <u>Suitability to area</u></b> 1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable	<b><u>Score</u></b>       4
<b>2. <u>Life expectancy</u></b> 1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +	<b><u>Score</u></b>       4	<b>7. <u>Future amenity value</u></b> 0 Potential already recognized 1 Some potential 2 Medium potential 3 High potential	<b><u>Score</u></b>       2
<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	<b><u>Score</u></b>       2	<b>8. <u>Tree influence</u></b> -1 Significant 0 Slight 1 Insignificant	<b><u>Score</u></b>       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	<b><u>Score</u></b>       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	<b><u>Score</u></b>       2
<b>5. <u>Other trees in the area</u></b> 0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None	<b><u>Score</u></b>       3	<b>10. <u>Notes and total score</u></b>  Reasonable for inclusion within the TPO	<b><u>Score</u></b>       26