

Agenda Item No 10a

Planning and Development Board

10 October 2016

Woodland Preservation Order - Land At Vicarage Lane, Water Orton

Report of the Head of Development Control

1 Summary

- 1.1 An email to the Planning Duty Officer from a major tree surgeon company enquiring about the status of the trees at 62 Vicarage Lane, Water Orton prompted concerns that this tree surgeon had been instructed to fell the trees, as it was identified that the adjacent site was protected in 1993 by an area TPO numbered 713.081/5. However the trees at 62 Vicarage Lane were not included in the order as they were not considered to be at risk at the time, even though they clearly form part of the same woodland. It was considered necessary to consider the protection of the woodland with an emergency woodland protection order to prevent felling by the tree surgeons. The value of the wood was assessed initially by the County Forestry Officer, and then a TEMPO was undertaken to assess the value of the trees by our newly appointed Green Space Officer. The area was found to be worthy of protection. Delegated authority was then sought for the emergency protection of the woodland. An emergency TPO was made on 06 September 2016 and notices were served on the owners and immediate neighbours.

Recommendation to the Board

**That the Board confirms the action taken in the making of an
Emergency Tree Preservation Order for woodland at 62 Vicarage Lane,
Water Orton and adjacent land.**

2 Background and Statement of Reasons

- 2.1 The area TPO 713.081/5, dated 27 April 1993, covers the adjacent site south of Vicarage Road, which is a former garden nursery, and is owned by a building contractor. The trees to the rear of 62 Vicarage Lane formed part of the same woodland but were not covered by the 1993 Order. It was therefore decided that the 1993 Order be revoked, and a new Order made in respect of the whole woodland. The wood comprises oak, hawthorn, sycamore, spruce, Cyprus, field maple, maple, elm, pine, holly and cedar trees and the understory. A woodland TPO is made in preference to an Area TPO, on the advice of the Green Space Officer, as the woodland TPO will also protect the understory and any self-seeded trees or managed replacement trees.

- 2.2 The Forestry Commission has been consulted and has advised that checks with Forest Services datasets are unlikely to reveal the following:
- No forestry Dedication scheme on the site.
 - No existing grant or forestry permissions to fell trees on the site.
- 2.3 The Forestry Officer from Warwickshire County Council advises that *'there is sufficient evidence to indicate that a TPO would be appropriate'*. The Council's Green Space Officer has prepared a TEMPO and has scored the woodland as 22 which indicates that the trees definitely merits a TPO.
- 2.4 The aerial photograph and plan below shows the extent of the woodland to be protected.



- 2.5 The assessments of the Green Space Officer conclude that the woodland is worthy of protection. The Board is advised that an emergency tree preservation order was made on 06 October 2016 under delegated powers. The owners and neighbours have been served with a notice of the tree preservation order.
- 2.6 The tree surgeon who made the enquiry has also been served with the notice. There is now an opportunity for representations to be submitted. A further report will be submitted to the Planning and Development Board following the conclusion of the consultation period for Members to consider whether the TPO should be confirmed and made permanent.
- 2.7 The southern edge of the site falls within the HS2 safeguarding area, and Cllr Reilly has advised that HS2 has expressed an interest in the site for a wetland. Therefore the emergency TPO notice has also been served on the Chief Executive of High Speed Two (HS2) Ltd.

3 Report Implications

3.1 Legal and Human Rights Implications

- 3.1.1 The owners of the land and those with an interest in it now have the opportunity to make representations to the Council before the Order is confirmed.

3.1.2 The woodland to be protected exhibits an amenity value for both the present and the future amenities of the area, given its appearance and prominence in the street scene.

The Contact Officer for this report is Christina Fortune (719481)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
1	County Forestry Officer	Assessment of the Woodland	30/09/2016
2	NWBC Green Space Officer	TEMPO	04/10/2016
3	NWBC Officers	TPO 713.081/5	27/04/1993
4	Google Maps	Aerial Photography	June 2013

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 04/10/2016 Surveyor: ANDREW WATKINS

Tree details
 TPO Ref (if applicable): Tree/Group No: Species: OAK, HAWTHORN, Sycamore, Spruce, CYPRESS, FIELD MAPLE, MAPLE, Owner (if known): Location: REAR OF 62 VICARAGE LN. ELM, PINE, HOLLY, CEDAR, MAPLE.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

Score & Notes 5.
 SEMI MATURE SPECIMENS. PROVIDE A GOOD BIO DIVERSE MIX WITHIN A SMALL AREA.

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes 4.
 DIVERSE MIX GIVING GOOD PROTECTION AGAINST SPECIFIC SPECIES DISEASE CONCERNS.

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 4

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 5.
 COMPANY THAT HAS REQUESTED INFO ON ANY CURRENT TPO ARE WELL KNOWN HIGH VOLUME ARB CONTRACTORS.

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

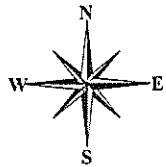
Add Scores for Total:
 22

Decision:
 WOODLAND TPO
 SUITABLE.



**Tree Preservation Order: Land at Vicarage Lane
Water Orton
(Variation)**

Scale: 1:1250 | Date: 05.10.16 | File No: 713.081/11 | Drawn By: J.S.



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Development Control