

MID SUSSEX DISTRICT COUNCIL

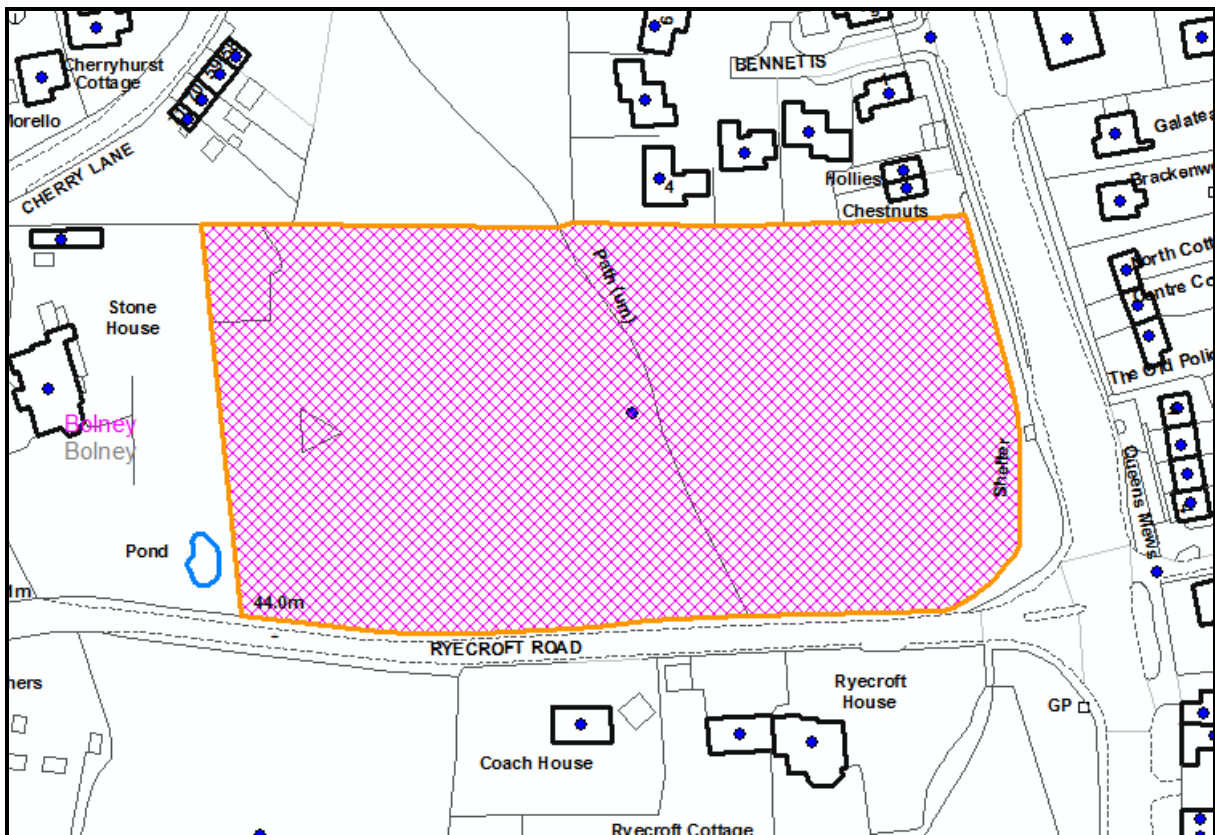
Planning Committee

4 JUL 2019

OTHER MATTERS

BOLNEY

TP/19/0001



REPORT

Members are being requested to consider whether or not to confirm a new Tree Preservation Order (TPO), TP/19/0001 refers, on an area of land east of Stone House, Ryecroft Road, Bolney.

BACKGROUND

Half of the site has been clear felled but there is regeneration of the remaining stumps, particularly birch and oak and there are a number of ash seedlings visible. The remaining fringe trees, providing important screening on this part of the site include hawthorns, poplars and ash. Remaining mature trees include horse chestnuts, many of which have bleeding canker.

The other half of the side includes some stands of birch and occasional hazel and holly. Again, there are some mature horse chestnuts and other oaks of around 40 years old.

A public footpath traverses the site and the site is surrounded on two sides by Ryecroft Road and London Road.

The trees are considered to be under threat due to felling of trees over the Christmas period and follows a number of requests from local residents.

The trees scored an average of 17 on the TEMPO assessment, definitely meriting protection by TPO.

THE OBJECTION

An objection has been received on behalf of the owners of the site on the following grounds:

- The type of TPO, a woodland Order is not appropriate. The majority of trees on this site are pioneer species and have established themselves recently on what was previously grassland. So, whilst the area could have the look of a woodland and could perhaps be described as having begun to acquire a degree of secondary woodland cover, it has not developed the mature composition of a mature canopy. 'Mixed broadleaf woodland', therefore is not strictly accurate.
- Government guidance advises that LPAs need to explain their reasons for imposing a TPO clearly. The LPAs reasons are vague and general in nature. Their description of trees as being of 'significant public amenity value' is unsupported and could be applied to most trees in the towns and countryside.
- The trees fail to have any significant impact as individual specimens. None are rare, most are common. They contribute little to the appearance or character of the surrounding landscape
- MSDC has failed to carry out any structured assessment of the amenity value of the trees in any meaningful way. Some trees could be justified for protection but not in the woodland category.
- A significant proportion of the larger trees are dead, dying or diseased, the horse chestnuts are affected by bleeding canker which is progressive and terminal. The TPO is therefore defective.

A letter has been received from the freehold owner of the site advising that the area was formerly farmland interspersed with trees and natural regeneration has taken over from around 2002.

EVALUATION OF COMMENTS

Government advice, 'Tree Preservation Orders and Trees in Conservation Areas' states in relation to the making of Orders that LPAs can make an Order *'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'*. Expediency in this case is clearly demonstrated in that half the trees on the site had been felled over the Christmas period.

With regard to visual amenity, the site is traversed by a public footpath and is bounded on two sides by roads. It is your officers' opinion that the trees are of significant public amenity value, in respect of both the fringe trees and those either side of the footpath.

In relation to woodland orders, it states *'Orders covering a woodland protect the trees and saplings of whatever size, including those growing naturally after the Order was made. This is because the purpose of the Order is to safeguard the woodland as a whole, which depends on regeneration of new planting'*. It was clear on a recent visit by your Tree Officer that regeneration has begun, a number of stumps are regenerating and a large number of seedlings were visible. It is also clear that while many trees are not fully mature, this does not mean that they do not have value or significance within what the tree officer has described as woodland.

It is accepted that this is not a mature woodland, but, as described above, there are a number of understorey plants which indicate it is a developing woodland. It contains mature trees, some understorey and typical fringe trees. Furthermore, herbaceous, woodland floor plants are developing in the unfelled area including ferns and stinking iris, both defined as woodland plants. Although some open areas are visible within the woodland, again, this is not an unusual feature.

With regard to the contention that diseased trees have been included within the TPO, it should be noted that dead and diseased trees are an intrinsic part of a woodland. However, should the applicant wish to submit a 5 Day Notice, it will be considered in the normal way. This does not render a woodland Order defective.

The objection sets out that a thorough assessment of trees has not been made. The Council's Tree Officer has made three separate visits to the site and carried out a TEMPO assessment which scored 17 (out of 25), which indicates an Order is justified.

ASSESSMENT

It is considered that a number of trees have significant public amenity value, and value as a woodland in their own right, and that it was expedient to issue an Order in accordance with government advice.

Officers are content that the trees meet the relevant criteria for inclusion in the Order and that their protection is justified, and it is considered that the Order should be confirmed.

RECOMMENDATION

It is recommended that the Order is confirmed.