

SUBJECT:	CONFIRMATION OF TREE PRESERVATION ORDER NO. 174
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	KIERON MANNING, ASSISTANT DIRECTOR - PLANNING

Purpose of Report

To have confirmed one (temporary) Tree Preservation Order, made by the Planning Manager under delegated powers. The order currently provides six months of temporary protection for the trees but is required to be confirmed by the Planning Committee to provide long term future protection.

Executive Summary

A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.

The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.

The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

The proposal is to modify the boundary of the temporary TPO to take account of policy decisions whilst also retaining significant areas of woodland.

Background

Tree Preservation Order 174 was made on 2nd November 2022 and relates to two areas of identified woodland made up of mixed trees consisting mainly of *Betula pendula* (silver birch), *Prunus avium* (sweet cherry), *quercus robur* (english oak), *fraxinus excelsior* (European ash), *acer campestre* (field maple) and *alnus glutinosa* (black alder).

The trees are considered to contribute to the visual amenity of the wider area and the unauthorised removal of the trees would be considered to be detrimental to visual amenity and to the wider amenity of the area.

The initial 6 months of protection would end for the Tree Preservation Order on 2nd May 2023.

Consideration

The reason for making a Tree Preservation Order on this site is as a result of a request from local residents who wanted to ensure no loss of trees from any future development on the site. The Arboricultural Officer carried out a site visit and identified the trees and areas of woodland to be suitable for protection under a Tree Preservation Order stating that the trees have a significant amenity value, forming a prominent feature of the area and their removal would have a harmful effect on the appearance and amenity of the area.

A four-week consultation period was undertaken with local residents and a copy of the Tree Preservation Order was sent to the registered land-owners. Representations were received from the landowners, from their partners in a potential development of the site and from residents adjacent to the site. The detailed survey of the site was reviewed as part of the consultation process and this also took account of the application for outline planning permission that the applicants have made to Lincolnshire County Council for the erection of houses within the quarry.

This application, together with the imminent allocation of the site for housing in the newly prepared Central Lincolnshire Local Plan proposes to take entry to the site from Riseholme Road. The site is still the subject of restoration conditions from its time as a quarry which means that, very unusually, the County Council is the planning authority. The application proposes to use the material which is located within bunds on the east and west sides of the quarry as fill prior to housebuilding. The bunds were created from material taken from the quarry in the first instance and these bunds were designed to protect local residents from the quarrying activity. Trees were planted on and beyond these bunds at the same time and, as is evidenced by many of them retaining the tree guards that were put in place at the time of planting, these trees have grown unmanaged over the time period since they were planted. The Local Plan has addressed the development of this site directly and proposed at the draft stage that the bunds around the quarry were retained to protect the amenities of local residents when the new houses were developed. Since the Examination in Public for the Local Plan, when the policy in relation to the quarry was discussed in detail, the wording of the policy has been considered further by the Inspector who led the Examination in Public and he has commented as follows::

- *Land at Cathedral Quarry, Riseholme Road (COL/MIN/005) includes requirements to retain the bunds around the site and the enhancement of biodiversity. However, keeping the bunds is not the only way of achieving the necessary separation between existing and proposed new housing or of enhancing biodiversity on the site. The bunds could also be reused to help fill the former quarry and a new landscaping scheme could help ensure an overall net gain in biodiversity, potentially including any existing wildlife corridors and protected trees. To ensure that the allocation is effective and justified, both requirements are therefore modified by MM47.*

This statement will form the basis of the wording for a revision to the new Local Plan policy.

The consideration of the planning application is not a matter for this Committee; the consideration is whether to confirm the tree preservation order No;174. It is proposed that the original boundary for the TPO (attached at Appendix 1) which was set out in order to protect all of the trees within it and give the necessary time for those trees to be assessed in detail, is amended to the boundary set out in appendix 2. This provides protection to a significant belt of trees along either side of the quarry without inhibiting development that the Local Plan has agreed to allow and most importantly the area of woodland within the revised proposal contains the most significant trees.

Equally members will appreciate that those trees outside of the revised area proposed for the TPO, whilst not protected, do not necessarily need to be removed and this would be a matter for consideration by the County Council when determining the planning application for the houses and for the Cathedral as the owners of the site. Any matters of biodiversity net gain associated with the development of the land would also be considered as part of the planning application.

Strategic Priorities

Confirmation of Tree Preservation Order 174 would ensure that the trees would not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the trees would contribute to enhancing our remarkable place.

Organisational Impacts

Legal Implications – anyone wishing to carry out works to the trees will require consent from the City of Lincoln Council first.

Recommendation

It is recommended that Members confirm the Tree Preservation Order with the suggested modifications to the boundary, and that the Officer carries out the requisite procedures for confirmation.

How many appendices does the report contain?

One – plans of original and revised boundary for the woodland TPO.

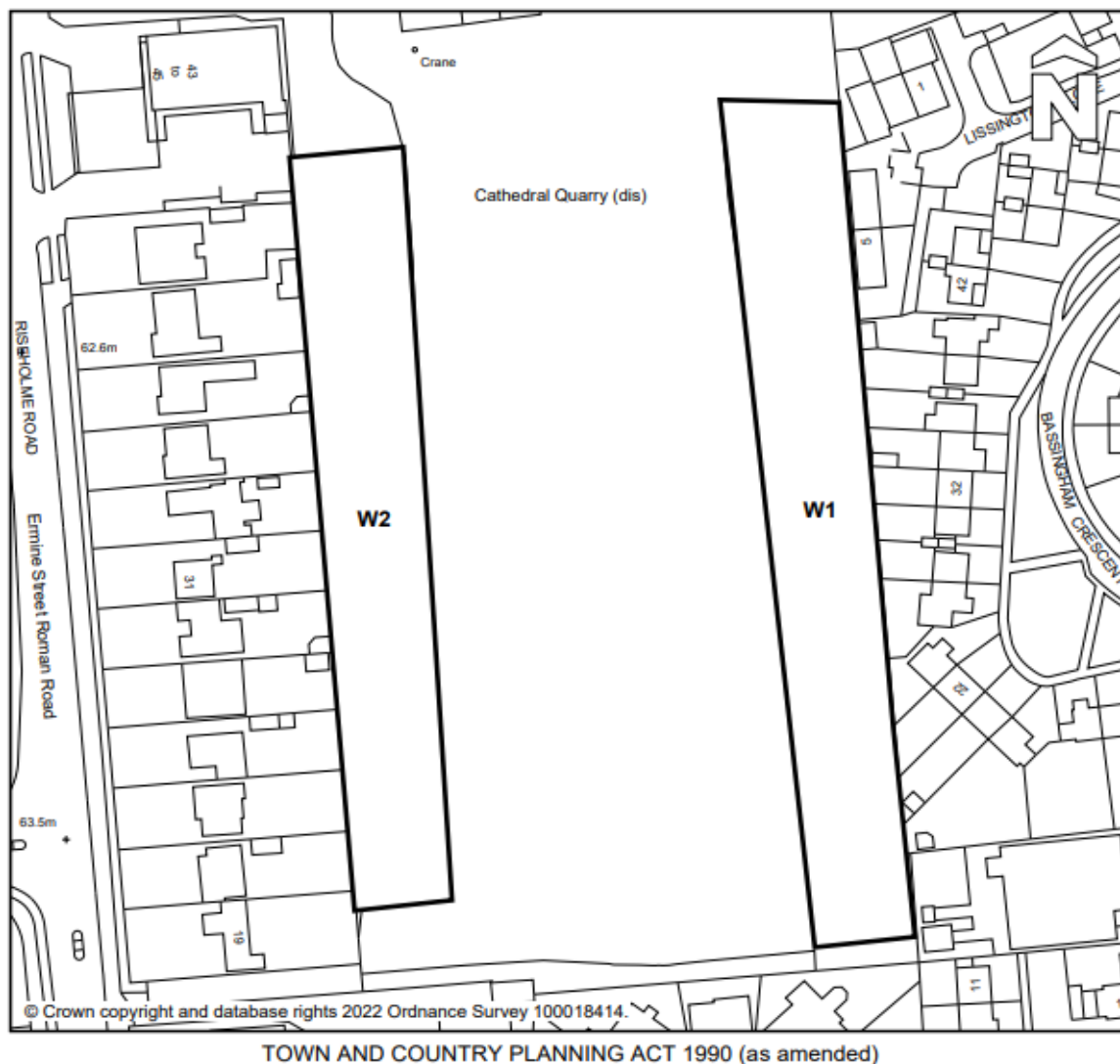
List of Background Papers:

Representations received.

Lead Officer:

Kieron Manning, Assistant Director - Planning
Telephone (01522) 873551

Appendix 1 – Original temporary boundary



Cathedral Quarry Tree Preservation Order No.1 2022

W1

Mixed trees consisting mainly of *Betula Pendula* (Silver Birch),
Prunus Avium (Sweet Cherry), *Quercus Robur* (English Oak),
Fraxinus Excelsior (European Ash) and *Acer Campestre* (Field Maple)

W2

Mixed trees consisting mainly of *Betula Pendula* (Silver Birch),
Prunus Avium (Sweet Cherry), *Quercus Robur* (English Oak),
Alnus Glutinosa (Black Alder) and *Acer Campestre* (Field Maple)

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City Hall, Beaumont Fee, Lincoln, LN1 1DD
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Appendix 2 – Proposed revised boundary.

