

PLANNING COMMITTEE – 23 JANUARY 2020

PART I - DELEGATED

6. CONSIDERATION OF OBJECTIONS AND CONFIRMATION OF THE THREE RIVERS (LAND ON THE WEST SIDE OF CHURCH HILL, ADJACENT TO NO.7, BEDMOND, ABBOTS LANGLEY) TREE PRESERVATION ORDER 2019 – TPO 901 (DCES)

1. Summary

- 1.1 To consider representations made in respect of the Three Rivers (Land on the West side of Church Hill, adjacent to No.7, Bedmond, and Abbots Langley) Tree Preservation Order 2019 (TPO901). This report sets out the officer recommendation to confirm the order.

2. Details

- 2.1 The Three Rivers (Land on the West side of Church Hill, adjacent to No.7, Bedmond, and Abbots Langley) Tree Preservation Order 2019 was made on 29 August 2019. This Order protected eight individual Oak trees, one individual Hawthorn, one individual Apple and one individual Ash tree; one Area of trees on the western boundary of the site and one Group of two Hawthorn trees.

This TPO was made after a full visual inspection and TEMPO evaluation of the trees and due their significant amenity value in the area. It was initially requested and full supported by the Bedmond Residents Association.

- 2.2 An objection to the making of the Order, from a developer, dated from 26 September 2019, was received together with a letter requesting an update on the confirmation progress of the TPO, from a Residents Association, (which encloses 11 supporting letters), dated 5 January 2020.

3. Officer Summary of Objections and Support

- 3.1 In the case of G1 one of the trees was misidentified as a Hawthorn when in fact it was an Elder
- 3.2 The use of a Group designation is inappropriate.
- 3.3 That the condition of some of the trees means that they do not warrant protection with a TPO.
- 3.4 That G1 and T4 are of restricted public visibility.
- 3.5 G1 and T4 would not be considered as significant constraints when considering possible development of the site.
- 3.6 T8 is not highly visible from a public place and hence its amenity contribution is negligible and is in a declining state.
- 3.7 That TRDC's Development Management Policies at "Lastly, in terms of procedure, the Council's Development Management Policy (f) " Trees, Woodlands and Landscaping" is an enforceable mechanism to guarantee consideration for the site's weaker trees and to secure strategic replacement planting that ensures a high quality treescape is maintained on the site. The making of a TPO on weaker trees is not necessary to implement this process."
- 3.8 A considerable number of supporting letters (12) has been received and the main reasons for supporting the making of the TPO are:

- most of the trees are approximately 200 years old
- the visual amenity to local residents and users of the nearby designated public footpath highway at both Church Hill and Chapel Way.
- the great value of the mature and potential veteran trees.
- the ecological and environmental benefit by sustaining local biodiversity.
- the contribute to carbon sequestration and storage.
- trees are mature and were showed on the ordinance map from C1873-1881.
- rare Merlin Falcons use this field during their annual migration as they nest nearby.
- the field where the trees are located is rich in wildlife, such as bats, birds and pollinators.
- the site has not been ploughed or fertilized or treated in any way at least in the last 60 years.
- these trees are a major support for wildlife (especially birds, bats and insects)

4. Officer Response to Objection

- 4.1 With regards to G1 an officer has revisited the site and can confirm the group comprises one Hawthorn and one Elder.
- 4.2 The Group designation is considered appropriate due to the fact that the two trees have developed as one canopy and that their overall impact and quality is considered significant as part of this group. The trees do not merit protection in their own right, hence it would be appropriate to protect as a group rather than as individual trees. They have a very considerable value as part of a group of trees and contribute to the ecosystem, providing food for pollinators during the spring and early summer and birds in late summer and autumn.
- 4.3 That the health and condition of all trees covered by the TPO is sufficient to warrant the making of a TPO. If any of the trees should warrant management works then an application can be submitted and will be dealt with as appropriate. If any tree is deemed dead or dangerous, then it would be exempt from the requirement for permission, subject to replacement planting.
- 4.4 G1 and T4 are visible from the designated public footpath (Abbots Langley FP18) crossing the southern boundary of the site. The trees are considered to contribute significantly to public amenity.
- 4.5 The trees forming G1 and T4 are currently contributing public amenity value and as such if any planning permission is granted for the site would supersede the requirements of the TPO. If protected trees are required to be removed to implement any granted permission, this would be considered acceptable, subject to compliance with any planning conditions imposed at the time of granting consent. Replanting and tree protection conditions could be imposed as part of the planning process.
- 4.6 T8 is a very large tree for this species and is full visible from the public footpath and its crown is clearly visible from the highway (Church Hill). There's a damaged limb on this tree that can be monitored, this damage is not a threat to the overall health of the tree.
- 4.7 TRDC Development Management Policy DM6 Biodiversity, Trees, Woodlands, Watercourses and Landscaping does support the retention of trees, however the most robust way to legally protect trees is via the making of a TPO.

4.8 All the supportive comments are more than reasonable and reflect the real importance of the trees the subject of this TPO to the character and amenity of the local area.

5. Options/Reasons for Recommendation

5.1 There are 2 options available to the Committee:

5.1.1 To confirm the Order subject to modifications on G1 to a group of one Hawthorn and one Elder instead of two Hawthorns.

5.1.2 Not to confirm the Order. This would mean that the trees would not be provided statutory protection and could be removed or worked on without any further notification requirement.

6. Policy/Budget Reference and Implications

6.1 The recommendations in this report are within the Council's agreed policy and budgets.

7. Financial, Legal, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

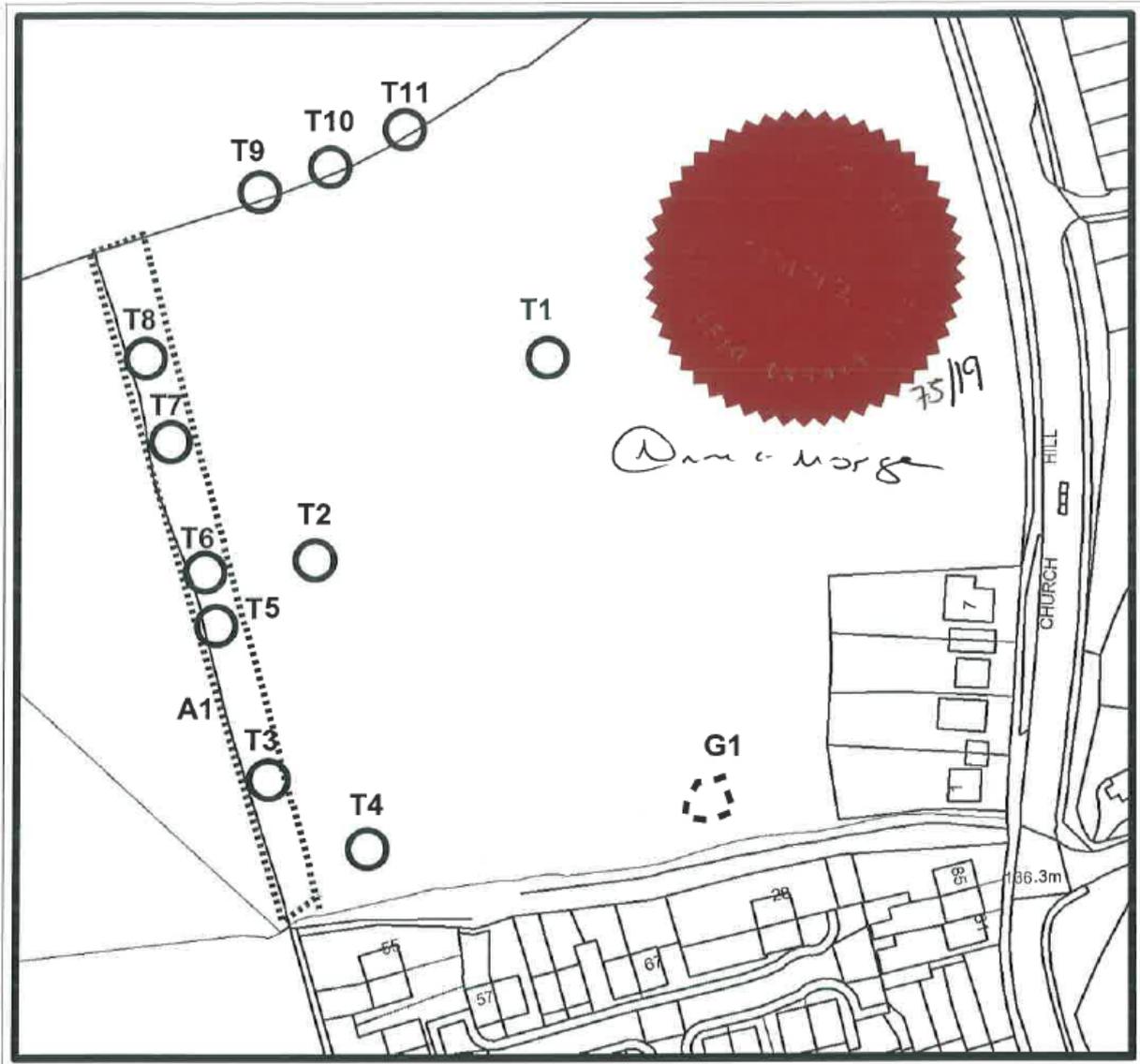
7.1 None specific.

8. Recommendation

8.1 Option 1, to confirm the Order with modification of G1 to one Hawthorn and one Elder.

Report prepared by: Angela Borges (Tree and Landscape Officer)

Background Papers 1- TPO901 doc



TPO 901

**Three Rivers (Land on the West side of Church Hill,
adjacent to No7, Bedmond, Abbots Langley)**

Tree Preservation Order 2019

Date: 29th August 2019 Scale: 1:1250

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