

**CITY OF LEEDS TREE PRESERVATION ORDER (No.6) 2014,  
(LAND SITUATED OFF OTLEY ROAD ADEL LEEDS)**

**1. BACKGROUND**

The Local Planning Authority was contacted by Adel Neighborhood Forum and a local Ward Member with a view to protecting linear woodland. In particular, concern was expressed as to current and future development in the vicinity of the above site and the potential loss of trees.

The site was subsequently inspected by a Tree Officer and it was evident from this inspection that a highly prominent woodland block running parallel to Otley Road possessed sufficient amenity value to warrant the protection of a Tree Preservation Order (TPO) and that the making of an Order was expedient. A provisional TPO was consequently made and served on 15 April 2014.

**2. OBJECTION**

An objection to the TPO was subsequently submitted by Lister Haigh, Chartered Surveyors, acting on behalf of a farmer who farms several fields adjacent to the woodland. The objector does not own the woodland itself.

The points of objection can be summarised as follows:

1. The existence of a TPO would result in unnecessary red tape in respect of the need to make application for consent to carry out works to protected trees. The time taken to respond to any application might affect the ability of the objector to crop his land and potentially affect his livelihood.
2. The objector would like to be able to ensure that overhanging branches do not obstruct or prevent drainage works, which are necessary to prevent other land from coming out of production.
3. The objector would like to continue ploughing right up to the field boundary and concerned that ploughing through roots would now be an offence

**3. COMMENTS OF THE TREE OFFICER IN RELATION TO THE OBJECTION**

Whilst the Council has a duty to adequately protect trees of amenity value, it would reality support any sensible and sympathetic proposals to undertake works to protected trees. Unlike grass cutting for example, tree works are carried out on an infrequent basis and it is anticipated that the trees will at most require pruning on an annual or bi-annual basis. As such, it is not considered to be an unreasonable imposition to require tree works applications to be submitted to the Council for approval.

In addition, the objector would presumably be aware of the time of year when works are usually required to facilitate his farming activities and so the onus would be on him in the first instance, to ensure that any application is made in a timely manner accordingly.

In terms of dealing with any Tree Works applications received, Tree Officers are currently obliged to wait a minimum of 7 days to receive comments on the application from Members and the Public before determining the application. Whilst the Council has up to 8 weeks to determine applications, it does endeavours to determine them within a shorter period.

It is recognised that the time taken in determining applications can vary depending upon work load, staffing levels and the quality/ clarity of the information provided a part of an application. Where an applicant requires a decision to be taken within in a set time period, it is essential that the applicant to anticipates this and applies in good time.

Good agricultural practise suggests that an unploughed buffer should be left at field edges and adjacent to water courses / drains, to provide wildlife corridors and protect hedgerows and trees. Many grants such as the Entry Level Environmental Stewardship Grant make this a mandatory requirement.

The TPO protects the whole tree above and below ground and, therefore, technically, ploughing through roots is an offence. That said, as this activity has been undertaken historically and continuously in the present case, the trees will have adapted a root-structure to compensate. As such, the Council would be unlikely to pursue the issue

#### **4. CONCLUSION**

The Order is warranted on the grounds of amenity and expediency and, therefore, the imposition of the Order is considered to be appropriate.

The Council would consider any sensible tree works application on its merits.

#### **5. RECOMMENDATION**

That the Order be confirmed as originally as served.