

## **1. BACKGROUND**

The Local Planning Authority was contacted by Adel Neighborhood Forum and a local Ward Member with a view to protecting trees and woodland along the Otley Road, Adel corridor from Golden Acre Park to Centurion Fields. Concern was expressed as to current and future development in the area and the potential loss of trees.

The site was again visited and it was evident that there was a highly prominent woodland block running parallel to Otley Road. The trees were made subject to TPO 6/2014 which has recently been confirmed.

During the process, a representative of Adel Neighborhood Forum contacted the department to check on the progress and extent of the TPO request. The representative was advised that the TPO terminated just before Adel Willows. Adel Forum were concerned that the trees at Adel Willows had been omitted from the order as they formed a prominent woodland shelterbelt and asked for these also to be protected. The request was supported by the same Ward Member.

On 14<sup>th</sup> April, the owner of 'The Boma', Adel Willows, contacted the Development Enquiry Centre. He requested that the Oak tree and possibly one or 2 other trees) to be protected.

The owner was advised that whilst the one or 2 trees individually had limited amenity value, the collective trees at Adel Willows formed a prominent Woodland. He was further advised that following several requests to do so, it was intended to make a Woodland TPO at Adel Willows to link up to the TPO at Centurion Fields and the woodland to the North protected by TPO 6/2014, known locally as "Beech Walk".

It was explained that the woodland TPO would include the Oak and the "one or two others" forming the request. The owner was not supportive of this suggestion as he was opposed to applying for consent to undertake work to his trees. He was advised that any sensible and reasonable proposals for routine management/ thinning would be readily supported upon receipt of a valid application.

Subsequently, the Ward Member referred to above contacted the department to check on the progress of the Adel Willows TPO request. He was advised of the conversation with the owner of 'The Boma' and his opposition to a wider TPO being requested and requested that the making of the Order be delayed to allow further discussions to take place with interested parties but it did not prove possible for agreement to be reached to the satisfaction of all parties. In the circumstances a woodland TPO was served on 28<sup>th</sup> July 2014, in respect of the area of woodland in multiple ownership, originally identified by the Tree Officer as meriting protection in terms of public amenity.

## **2. OBJECTIONS**

Four objections to the TPO were subsequently received, these being submitted by the owners of 'The Boma' and 'The Cottage', Adel Willows; a joint owner of affected land at Adel Willows and a land management company holding an interest in such land.

### **The points raised in the objection from the owner of 'The Cottage' can be summarised as follows:**

1. The owner is fully supportive of the TPO in principle but would like the formal garden areas at Adel Willows to be omitted from the Order and has objected on that basis, given that he maintained them for many years. The Owner has provided a plan showing the extent of an amended woodland TPO that he would support.

### **The points raised in the objection from the owner of 'The Boma' can be summarised as follows:**

1. The TPO has been made in haste. The Tree Officer has not entered his grounds and did not contact him originally to discuss the issue.
2. The area is a woodland garden and not commercial woodland. The shrub and herbaceous layers require continuous management and the making of an Order is unnecessary given the fact that he has managed the trees for many years and has no intention of removing them.

### **The points raised in the objection from the joint owner of other land at Adel Willows**

1. Much of the woodland cannot be readily be seen from Public vantage points and, therefore, a TPO is not justified in terms of amenity value.
2. Even if the woodland trees were visible, it does not have any special characteristics to merit protection and includes garden specimens.
3. The removal of the woodland would not have a significant negative impact to the area given the lack of visibility from public vantage points or existence of trees of special characteristics.

**The points raised in the Objection by the land management company can be summarised as follows:**

1. Some of the trees are not readily visible from public places and vantage points.
2. Guidance states that the woodland classification is unlikely to be appropriate in gardens.
3. The trees are planted garden specimens that do not form a woodland.

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

**Comments of the Tree Officer in relation to the Objection from the owner of 'The Cottage'**

1. During a meeting attended by the Ward Councillor , the Deputy Chief Planning Officer, the Landscape Team Leader and the Tree Officer the objections of the owners of 'The Cottage' and 'The Boma' were considered. Following further discussion it is now proposed to amend the Order to remove garden areas and to amend wording in the Schedule of the Order from "Mixed Species" to "Mixed Deciduous", which would have the benefit of excluding trees of limited amenity value and thus avoiding the requirement for tree works applications to be submitted in respect of their management.

The amended proposal was considered to be a reasonable compromise as it removes a number of ornamental trees from the application process whilst still protecting the prominent woodland areas.

**Comments of the Tree Officer in Relation to the Objection from the owner of 'The Boma'**

1. The issue of a TPO was discussed with the owner on the 15<sup>th</sup> April at his request. The owner was advised of the request to protect the collective woodland trees at Adel Willows from Adel Neighbourhood Forum and that it was the intended to serve a woodland TPO. Whilst it is acknowledged that the owner was not happy at this proposal, he was given prior notice of what was intended.
2. The composition of trees at Adel willows can only be classified as Woodland and would be the only appropriate classification within the TPO. The Government advises against the use of Area TPO's. The proposed woodland TPO considers the collective amenity value rather than trees of individual merit. (It is accepted that dead and declining trees do make up the biodiversity of a woodland and aid the ecosystem and the removal/ management of these could be considered through an

application or in the case of a dead tree, the exemption within the legislation.)

The proposed amendment to the TPO would exclude address the objection to inclusion of the formal garden areas by removing them from the Order. It has been explained to all parties that the TPO does not protect shrubs or hedges or flower beds and these are exempt from tree works application.

Where an application for tree works is required, it has been explained that sensible applications for appropriate management would be readily supported.

### **Comments of the Tree Officer in Relation to the Objection from the joint owner of other land at Adel Willows**

The woodland can be readily seen from a number of public places, including Otley Road, the public right of way running through Adel Willows linking up to Beech Walk ( TPO 6/2014) and also Centurion Fields. The trees are considered to be important for their collective woodland value and continuation of the woodland shelterbelt, protected by TPO 6/2014.

It is therefore considered expedient in the interests of public amenity to make the Order in the interests of public amenity pursuant to S198 of the Town & Country Planning Act 1990.

### **Comments of the Tree Officer In relation to the Objection from the land management company**

1. The woodland can be readily seen from a number of public places including Otley Road, the public right of way running through Adel Willows and also Centurion Fields. The trees are considered to be important for their collective woodland value and continuation of the woodland shelterbelt, protected by TPO 6/2014.
2. Following further consideration of the objections to the order it is now proposed to amend the Order so that garden areas are removed from the Order.
3. The collective composition of trees can only be classified as woodland. The only other method of protecting the collective would be an Area TPO. Government guidance is to avoid the use of area orders where possible.

#### **4. CONCLUSION**

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

It has been confirmed to various parties that the Council would consider any sensible tree works application on its merits.

Any future development related tree issues can be considered through the Planning process, where trees will be one of many considerations.

#### **5. RECOMMENDATION**

That the Order be confirmed subject to a modified Order Plan for the purpose of removing the garden areas from the Order, together with the modification of the Description stated within the Schedule to the Order from “Mixed Species” to “Mixed Deciduous”