

Report of City Solicitor**Report to Chief Planning Officer****Date: May 2020****Subject: CITY OF LEEDS TREE PRESERVATION ORDER (NO.1) 2020****(BRADFORD GOLF CLUB, HAWKSWORTH LANE GUISELEY**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Guiseley & Rawdon		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4(2)		
Appendix number:2		

Summary of main issues

1. A Tree Preservation Order ("the Order") was made in respect of the above site on 17 January 2020 on a provisional basis.
2. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order will expire if it has not been determined within 6 months of the date of making.
3. One objection to the Order was subsequently submitted on behalf of The Bradford Golf Club.
4. The Chief Planning Officer is requested to determine whether or not the Order should be confirmed, or confirmed subject to modification, in light of the objection.

Recommendation

5. That the objection is overruled and the Order be confirmed as originally served.

1. Purpose of this report

- 1.1 To set out the background to the making of the provisional Tree Preservation Order and to note the fact that one objection to the Order has been submitted to the Council
- 1.2 To seek a determination from the Chief Planning Officer that the objection should be overruled in all the circumstances, and that the Order be confirmed as originally served.

1.3 Background information

- 1.4 A Conservation Area Notification (Ref: 19/07300/TR), was submitted on behalf of The Bradford Golf Club Ltd to fell 3 mature trees; 2 Sycamore and 1 Chestnut; validated on 25 November 2019. The accompanying arborist report to this application focused on presenting a case to demonstrate that the tree was not at that time covered by an existing Tree Preservation Order due to its age, and that it would cause harm in the future.
- 1.5 The site was visited by the Tree officer and the trees were found to be attractive, highly prominent, apparently healthy specimens.
- 1.6 A Tree Preservation Order ("TPO") was, therefore, made and served on the Golf Club on 17 January 2020.

2 Main issues

- 2.1 One objection to the TPO was subsequently submitted on behalf of the Golf Club, dated 5 February 2020.
- 2.2 The grounds of objection have been considered together by the Tree Officer. For the reasons given in his comments it is considered that the Order should be confirmed as originally served.

3 Corporate Considerations

3.1 Consultation and Engagement

- 3.1.1 Tree Preservation Orders are served on landowners on a provisional basis any other party holding an interest in the land other parties and adjoining landowners where any trees overhang their boundary.
- 3.1.2 A minimum statutory objection period of 28 days applies in respect of any Order made.

3.2 Equality and Diversity / Cohesion and Integration

- 3.2.1 Human Rights. It is necessary to balance the rights of the landowners against the public interest in the protection of trees provided for by the statutory provisions. Local Planning Authorities have the powers to make Tree Preservation Orders if it appears to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area. In the present case the amenity of the trees is considered on balance to justify the making confirmation of a Tree Preservation Order

and to outweigh the rights of the property owners to manage trees without local authority control.

3.3 Council policies and City Priorities

3.3.1 The work of the Sustainable Development Unit forms a vital element of the 'Vision For Leeds', 'City Priority Plan' and 'Council Business Plan', which are relevant to the aims of: maintaining high quality buildings, places and green spaces which are clean and looked after; respecting the City's heritage; enabling the growth of the city whilst protecting its distinctive green character. These aims are promoted by the making of Tree Preservation Orders.

3.3.2 In the light of the Climate Change Emergency recently declared by the Council, it is important to recognise the value of existing trees, in terms of carbon storage and their year on year carbon sequestration (in addition to public amenity and bio-diversity value). The retention of existing trees wherever possible, is a positive factor in combatting climate change (as well as contributing to the improvement of Biodiversity in Leeds). By way of comparison, it will take at least 30 years for newly planted trees planting to make a similar contribution.

3.4 Resources and value for money

3.4.1 There are no resource implications.

3.5 Legal Implications, Access to Information and Call In

3.5.1 The Report is not subject to call in.

3.5.2 The Chief Planning Officer is authorised to take the decision whether to determine Tree Preservation Orders under Part 3 Section 2A of the Constitution (Council non-executive functions).

3.6 Risk Management

3.6.1 There are no specific risks involved.

4 Conclusions

4.1 All grounds of objection have been considered by the Tree Officer and for the reasons given in his comments it is considered that the objection to the Order should be overruled.

5. Recommendation

5.1 That the objection is overruled and the Order be confirmed as originally served.

6 Background documents¹

6.1 None.

7 Appendices

7.1 City of Leeds Tree Preservation Order (No.1) 2020 (Bradford Golf Club, Hawksworth Lane Guiseley) dated 17 January 2020.

7.2 Letter of Objection submitted on behalf of The Bradford Golf Club, dated 5 February 2020. **(Exempt under Access to Information Rule 10.4(2))**

7.3 The Tree Officer's comments in respect of the letter of Objection.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.