

**CITY OF LEEDS TREE PRESERVATION ORDER (NO.4) 2022  
( LAND NORTH OF BURRAS LANE, OTLEY LS21)**

Date: 16 August 2022

Report of: City Solicitor

Report to: Chief Planning Officer

Will the decision be open for call in?

Yes No

Does the report contain confidential or exempt information?

Yes No Access to Information  
Procedure Rule number: Access to  
Information Rule 10.4(2))

Appendix number: Background  
Document 15

**What is this report about?**

**Including how it contributes to the city's and council's ambitions**

- A Tree Preservation Order (“the Order”) was made in respect of the above site on 1 March 2022 on a provisional basis.
- 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.
- Four objections to the Order were submitted to the Order; one from a Tree Care Consultancy on behalf of a company interested in developing land to the east of Burras Drive and west of Ash Grove, and three from individual property owners whose gardens were also included within the scope of the provisional Order.
- The Chief Planning Officer is requested to determine whether or not the Order should be confirmed, or alternatively confirmed subject to modification, in light of the objections.
- The protection of trees improving the resilience of the city's infrastructure and the natural environment, reducing flooding and other risks from future climate change, thus supporting the Council's key Climate Emergency pillar.

## Recommendations

- a) Having carefully considered the issue raised by the individual objectors, on balance it is considered that the Tree Preservation Order is warranted on the grounds of amenity and expediency; subject to modification of Order Map, to reduce the footprint of the Area of trees covered by the Order to exclude garden land which is considered on balance to be not essential be included within it.
- b) The remaining grounds of objection have been considered by the Landscape Officer, and for the reasons given in their comments, it is considered that the retained protection of the remainder remaining Area of trees within a confirmed Order, is warranted on the grounds of amenity value of the trees and expediency.
- c) That the Order be confirmed, subject to modification of the Order Map

## Why is the proposal being put forward?

- 1 To set out the background to the making of the provisional Tree Preservation Order and to note the fact that four objections to the Order has been submitted to the Council
- 2 To seek a determination from the Chief Planning Officer that the Order be confirmed, subject to modification of the Order Map, forming background document hereto.

## What impact will this proposal have?

**Wards Affected:** Otley & Yeadon

Have ward members been consulted?      Yes      No

- 3 It will assist in protecting the distinctive green character of the city and combat climate change by protecting the trees from unauthorised tree works or felling.

## What consultation and engagement has taken place?

- 4 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.
- 5 A minimum statutory objection period of 28 days applies in respect of any Order made

## What are the resource implications?

- 6 There are no resource implications

## What are the legal implications?

- 7 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).

- 8 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.
- 9 The amenity of the tree(s) is considered on balance to justify the making confirmation of a Tree Preservation Order and to outweigh the rights of the property owner(s) to manage trees without local authority control

### **What are the key risks and how are they being managed?**

- 10 There are no key risks

### **Does this proposal support the council's 3 Key Pillars?**

Inclusive Growth       Health and Wellbeing       Climate Emergency

- 11 In light of the Climate 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

### **Options, timescales and measuring success**

#### **a) What other options were considered?**

- 12 None

#### **b) How will success be measured?**

- 13 The trees identified for retention within the Order, make a significant contribution to the "green" character of the street and to the local quality of the surroundings.

#### **c) What is the timetable for implementation?**

- 14 The Tree Preservation Order will be confirmed subject to modification of the Order Map, as soon as possible, should the Chief Planning Officer determine that the Order should be confirmed on this basis.

### **Appendices**

- 15 None

### **Background papers**

- 16 City of Leeds Tree Preservation Order (No.4) 2022 (Land North of Burras Lane, Otley LS21 Adel LS16 6RG) dated 1 March 2022.
- 17 Objection of owners of 'Burras Court' West Chevin Road 30 3 22 (**Exempt under Access to Information Rule 10.4(2)**)

- 18 Objection of Helen Smith 8 4 22 (**Exempt under Access to Information Rule 10.4(2)**)
- 19 Objection of owners of 'Invermay' Ash Grove 14 4 22 (**Exempt under Access to Information Rule 10.4(2)**)
- 20 Objection of Developer 21 04 22 (**Exempt under Access to Information Rule 10.4(2)**)
- 21 The Landscape Officers comments in respect of the Objections.
- 22 Modified Order Map