

CITY OF LEEDS TREE PRESERVATION ORDER (NO.21) 2023

TPO 2023 21 (28 ELMETE AVENUE ROUNDHAY LEEDS LS8 2QN)

Date: 16th November 2023

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

Brief summary

- A Conservation Area notification under s.211 of the Town and Country Planning Act 1990 (Ref: 23/02661/TR) was received by the Council. The notification outlined that T1 Horse Chestnut would be “Re-pollard[ed] back to as previously undertaken”.
- Council Tree Officer visited site 30 May 2023. The proposal was considered to be detrimental to the amenity value of the tree, if undertaken.
- A Tree Preservation Order (“the Order”) was made in respect of the above site on 8 June 2023 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.
- Objections to the Order were submitted by adjoining landowners.
- 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 objection.

Recommendations

- a) Having carefully considered the issue raised by the tree owner, on balance it is considered that the Tree Preservation Order is warranted on the grounds of amenity and expediency.
- b) That the Order be confirmed, as originally served.

What is this report about?

- 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.

What impact will this proposal have?

- 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.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 4 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

What consultation and engagement has taken place?

Wards affected: Roundhay

Have ward members been consulted? Yes No

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

What are the resource implications?

- 7 There are no resource implications

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

- 8 There are no key risks

What are the legal implications?

- 9 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).
- 10 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.

- 11 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

Options, timescales and measuring success

What other options were considered?

- 12 None

How will success be measured?

- 13 The tree 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.

What is the timetable and who will be responsible for implementation?

- 14 The Tree Preservation Order will be confirmed, as soon as possible, and by 21 September 2023 at the latest, should the Chief Planning Officer determine that the Order should be confirmed on this basis.

Appendices

- Objection of Mr and Mrs Robinson, Mr and Mrs Bligh and Mr and Mrs Clynes dated 01 July 2023 **(Exempt under Access to Information Rule 10.4(2))**
- Response of the Tree Officer to the objections
- A copy of the Order

Background papers

- N/A