

REPORT TO: Exeter Board
Date of Meeting: 17th July 2014
Report of: ADCD
Title: Protection of Trees

Is this a Key Decision*?

No

** One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.*

Is this an Executive or Council Function?

1. What is the report about?

This report explains the background to local planning authority control on works to trees. A report on this issue has been requested by Cllr. Hannaford, who considers the current policy on regulation and maintenance of trees in the city is not good enough for a built up urban environment and needs to be reviewed.

2. Recommendations:

That the report be noted.

3. Control of Works:

3.1 Local planning authority powers in relation to trees relate to Tree Preservation Orders and trees in Conservation Areas.

3.2 Local Planning Authorities have power under Section 198 of the Town and Country Planning Act 1990 to make a Tree Preservation Order (TPO) where it appears to them to be:

“expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”

3.3 A Tree Preservation Order may protect individual trees, groups/areas of trees or woodlands. In order to determine whether it is expedient to make a TPO, the Local Planning Authority should be able to demonstrate that the amenity value of the tree(s) has been assessed in a consistent way, taking in the following criteria:

Visibility
Individual impact
Wider impact

3.4 The Council applies a consistent scoring system that requires trees to achieve 15 points to justify imposition of a TPO. When a TPO is made it needs to be confirmed within 6 months or it lapses. Any objections to the confirmation of a TPO are reported to the City Council Planning Committee.

3.5 The Town and Country Planning Act 1990 also makes special provision for trees located within Conservation Areas. Under section 211 of the 1990 Act, landowners must provide the Local Planning Authority with six weeks prior notification of their intention to carry out works to trees within a Conservation Area, in order that the LPA may assess whether a TPO should be made in respect of the tree.

3.6 In addition to these specific controls, trees are a material consideration in planning decisions so any loss of trees and any replacement planting will be assessed during negotiation and determination of planning applications

4. Current Position:

- 4.1 There are presently 477 TPO's in force in the city, these protect approximately 2,220 individual trees, there are 32 area orders, 240 group orders and 51 woodland orders. There are currently 20 designated Conservation Areas within the City covering about 10,000 properties where the notification procedure applies.
- 4.2 On average, the Council determines between 70-90 TPO applications and processes between 140-160 notifications for works to trees located in a Conservation Area per annum.
- 4.3 If officers, or members of the public, consider that a tree has amenity value and is under threat then they can request a TPO to be applied. The intention of the system, however, is not to protect all trees only those with significant public amenity value.
- 4.4 TPO's cannot be applied to orchards, trees below a certain dimension of trunk and those that are dead or dangerous.

5. Resource Issues:

- 5.1 The City Council previously had two officers in the planning service who dealt with tree issues. It now relies on an officer from Teignbridge, one day a fortnight, to provide a specialist arboricultural advice. Other work on tree issues is now covered by planning officers.
- 5.2 The general thrust of Government has been to reduce regulation. Every TPO application and Conservation Area Notification takes about 5-6 hours of officer time to process, costing on average about £200 - £300 each. No application fees can be charged for this work which probably costs about £50,000 - £60,000 per annum.
- 5.3 The Council could make more TPO's by applying the criteria less stringently, however, this would have an ongoing and increasing resources implication. Creating more future TPO applications.
- 5.4 Council's do not apply TPO's to their own or other Councils' property because public authorities are deemed to act responsibly.
- 5.5 While the Council receives many enquiries seeking new TPO's every year, it also receives many complaints from property owners that their inability to undertake works to protected trees poses them a risk and leads to a loss of amenity due to debris and loss of light etc.

Assistant Director City Development

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

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