

Title of Report: Item 12 – Update on Tree Preservation Orders for March – October 2020	Officer Presenting: Principal Planning Officer
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1 Purpose of Report / Recommendations

- 1.1 The purpose of this Paper is to advise Members on Tree Preservation Order (TPOs) activity since the start of the COVID 19 restrictions in March 2020. From that time, the serving and confirming of TPO's has been operating under the Amended Delegated Scheme.

2 Background

- 2.1 Agreement was received at the Special Meeting of the Planning Committee on 24th March 2020 (Chairperson's Business, Minute SP4/20), for an Amended Delegated Scheme for a temporary period, due to the Coronavirus; this Amended Scheme would empower the Head of Planning, and nominated senior officers, to proceed to take all decisions regarding the making of Provisional and Full / Confirmed Tree Preservation Orders. In accordance with Regulation 9 of the Planning (Development Management) Regulations (NI) 2015, the Department of Infrastructure then agreed the Amended Scheme of Delegation on 31st March 2020.
- 2.2 The associated requirements for publication of the Scheme (Regulation 10) were also complied with, so the Amended Scheme became operational. Subsequent reviews of the Amended Delegated Scheme at the Planning Committee on 1st July (P76/20) and 3rd September 2020 (P104/20) have agreed to continue the Amended Scheme until a further review in January 2021. Accordingly, the decisions to proceed to issue and confirm Tree Preservation Orders are being considered under the Delegated Scheme (as Amended).
- 2.3 During the period that the Amended scheme has been operational, 6 Tree Preservation Orders have been made and / or Confirmed. Four are located in Derry City and two in Strabane Town. Details of each are provided below, for Members' information:

3 Key Issues

- 3.1 **32 – 36 Derry Rd, Strabane.** A Provisional TPO was served on the above sites on 31st July 2019 and subsequently re-served on the 31st January 2020. Houses at 34 and 36 Derry Rd, Strabane had been recently demolished along with the felling of much of their surrounding mature trees. A large period residence remains at No. 32 Derry Rd; trees in its grounds were considered to be at risk and also of meeting the other criteria for TPO protection. The Provisional TPO was served before any possible felling could occur at this site.
- 3.2 The woodland areas, hedgerow trees and mature leafy roadside vegetation provide an attractive treed character on this approach road into Strabane town. No representations were received during the statutory 28-day objection / representation period in response to either of the two Provisional TPO's. The procured arboricultural survey plotted and tagged 160 trees / tree groups on the site. 33 trees were excluded from the Confirmed TPO due to their health and condition / species or location. This TPO was Confirmed with Modifications on 3rd June 2020 as a result of a paper presented to the virtual Planning Committee on 24 March 2020.
- 3.3 **Lands to the West of No 1 Prehen Wood, Derry.** A Provisional TPO was served on the Prehen site on 22nd October 2019. It was served due to officer concerns, as a result of emails from the new owners of No 1 Prehen Woods, who indicated their desire to extend the curtilage of their garden into the woodland to the west. This site contains several semi-mature deciduous species surrounded by younger self-seeding tree scrub. Their emails indicated the apparent willingness of the site developer to facilitate this curtilage extension. The greater part of the Prehen Woods are protected by a confirmed TPO (TPO/1999/0004) and are a significant public asset. The statutory period for this pTPO finished on 19th November 2019. No representations were received. This TPO was confirmed with Modifications under the Delegated Scheme, by Officers on 17th April 2020.

- 3.4 **141 Lower Main St, Strabane.** A Provisional TPO was served on 141 Lower Main Street on the 9th December 2019 to protect a mature deciduous tree in the rear of the property. The single Sycamore tree was provisionally protected as a result of a request from a local Councillor who raised local concerns that the tree was to be imminently felled. This single tree is the only tree present in this rear residential square at this part of Lower Main Street, Strabane. The statutory period for this pTPO at Lower Main Street finished on 6th January 2020. No representations were received during the period. This TPO was confirmed under the Delegated Scheme, by Officers on 3rd June 2020.
- 3.5 **Adjacent to No 6 Limavady Rd, Derry.** The detached period property sits on a prominent roadside location at the A2 Limavady Rd / Deanfield road junction. The property was well screened with mature Leylandii on the roadside boundaries and a mix of privet hedging and over mature evergreen garden shrubs elsewhere. Two very visually prominent and mature Copper Beeches are located on the pavement section along the A2 Limavady Rd. Significant branches from both trees encroach into the site. The site was being advertised 'For Sale' via on site billboards. The trees are located on the roadside pavement and would be the property of DfI Roads.
- 3.6 It was considered that that while the site itself was not worthy of protection, the adjacent Copper Beeches were worthy of protection due to their size, visual significance in all seasons and in short and long range views along the Limavady Rd. The statutory period for this site ended on 31st March 2020. No representations were received during the period. A paper detailing the Provisional serving of this TPO was prepared for the 1st April 2020 Planning Committee which was subsequently cancelled due to the COVID pandemic. This TPO was confirmed under the Delegated Scheme by Officers on 25th August 2020.
- 3.7 **Waterfoot Park, Caw, Derry.** A prominent Beech and a Horse Chestnut were Provisionally protected on the 22nd June 2020. They are located on a grass verge immediately adjacent to a site subject to a current planning application which has been contentious for surrounding residents. The trees are prominent in local views, particularly from varying angles at the Caw roundabout and at the entrance to the Waterfoot Hotel and adjacent housing. Tree removal from the site itself has generated significant correspondence. Several site inspections based on previously submitted housing layouts had initially concluded that the trees on or adjacent to the site did not meet the criteria for TPO protection for several reasons. Either because they were outside of the development site and were not 'under threat' from development or alternatively they were of a quality or species that would not merit TPO protection e.g. Leylandii conifer type

- 3.8 However, an amended housing scheme was then received and it was then considered that these two prominent trees, located immediately adjacent but outside the development site, could be at risk due to their dominance / proximity and also from development activity which could damage their root plates and future stability and viability. A tree survey has recently been undertaken and, subject to the consideration of its findings, the TPO on both trees is due to be Confirmed under the Delegated Scheme in the coming weeks, before the expiry of their 6-month Provisional protection on 22nd December 2020. No representations were received during the statutory 28 representation / objection period.
- 3.9 **25 Deanfield, Limvady Rd, Derry.** Three very-visible and mature deciduous trees were Provisionally protected on 30th June 2020. They consist of two tall Copper Beech (16ms) and a slightly smaller Sycamore (15ms) on the roadside curtilage of a small bungalow which was the subject of an application for extensive renovations. No mention was made of these prominent trees in the submitted plans. It is recognised however that the three trees, while impressive in the streetscape are considerably overbearing in terms of their size on surrounding properties.
- 3.10 1 Representation was received during the statutory 28-day period. While not objecting to the making of the Provisional TPO, the resident sought appropriate remedial works to bring the trees back into a scale suitable for the narrow streetscape and to negate insurance issues on their house. A tree survey was undertaken on 12th October and indicated that while the two Copper Beech are suitable for Confirming, the Sycamore has a significant decay pocket at its main fork which may require its future felling.
- 3.11 Officers will consider the suitability of further protection on this tree due to this Health and Condition Report. Tree works are recommended for one of the trees, including a crown reduction of 3-4 metres. The contents of the Tree Report will be shared with the Agent to alert them to its findings. Those trees considered necessary will be Confirmed under the Delegated Scheme in the coming weeks before the expiry of their 6-month Provisional protection on 30th December 2020.

4 Financial, Equality, Legal, HR, Improvement, Rural Needs and other Implications

- 4.1 There are not considered to be any financial, equality, HR, Improvement, Rural Needs or other implications arising out of this paper.

5 Recommendations

- 5.1 Members are requested to note the contents of this Paper.

