

Title of Report: Item 8: TPO – Professional Planning Officer Report: Consideration of Confirmation of Provisional Tree Preservation Order (pTPO) at: The former Church Site at Beechwood Park, & Clonmeen Drive, Strathfoyle, Derry	Officer Presenting: Senior Planning Officer
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1 Purpose of Report / Recommendations

- 1.1 To seek Members' agreement on a consideration not to confirm a Provisional TPO (pTPO) at the following address: The former Church site at Beechwood Park & Clonmeen Drive, Strathfoyle, Derry.

2 Background

- 2.1 The land in question is an overgrown site / small field which formerly contained a 'portacabin' style church building, located on the western edge of Strathfoyle. The building was removed many years ago and the remaining hardstand, car parking areas and associated grassed / treed areas have become overgrown. There are approximately 10 main trees on this site, mostly mature Sycamore and younger Birch and ornamental species. As such, the site would be considered, in Planning terms, as a 'brownfield' (i.e. previously developed) site.
- 2.2 There is housing development on 3 sides and a recreation area / play area situated immediately adjacent to the west side of the pTPO site. The site accesses onto Beechwood Park as well as fronting onto Clonmeen Drive and backing onto Greenfield Park (see Context maps and photos at Appendix 11).
- 2.3 Unannounced tree felling began on the site on Thursday 4th February 2021, when a small number of, at that point unprotected, mature Sycamore and Beech trees were felled. Representatives from Enagh Youth Forum (EYF) subsequently arrived on site and halted any further felling to the remaining trees. Local political representatives, EYF and the residents requested Council to put in place an emergency pTPO to protect the remaining trees on site.

- 2.4 A Provisional TPO was served on the site by Planning Officers in response to the above on 9th February 2021. During the 28-day Representation period that followed the serving of the Provisional TPO (pTPO), 12 emails in support of the pTPO serving were received in the following days. One objection to the pTPO was received from the land owners, via their solicitors, outlining the history of the site and their future intentions to realise the development potential of the site, in order to re-invest in their projects, by selling the site for a much-needed housing development. Their submission also included a Tree Survey for the site, dated March 2021.

3 Key Issues

- 3.1 The surrounding area is a residential housing estate with pockets of small areas of green space dotted through it. The site sits on the western edge of the housing estate, close to the pitch and play areas. Outside of the site, local trees in the area are mostly ornamental species commensurate in age with the various building stages of the residential development. The trees on the site, particularly those visually prominent, mature Sycamore add a leafy character within the immediate locality.
- 3.2 The March 2021 TPO Survey (M Large Tree Services Ltd, see Appendix 12), submitted by the landowner detailed a Health and Condition assessment of 15 specific tree / tree groups on the site as assessed against the BS 5837(2012) categorisation criteria. Officers have noted that a number of specific trees / tree groups appeared outside of the site boundaries. These being ornamental species numbered 13 – 15 (to the east) and Cypress type hedge group numbered 5 (immediately adjacent to the northern boundary). Of the trees on / adjacent to the site: six were recorded as Category B (moderate), five were recorded as Category C (at least ten years' life left) and four were recorded as Category U (unsuitable for retention). Overall, taking the 12 trees specifically on the site, 8 (67%) are either unsuitable for retention or have, at most, an estimated 10 years remaining life left.
- 3.3 In line with normal procedures, the Council commissioned an independent review of the M Large Tree Survey – see Appendix 13. Arboriculturist Mr A Boe reviewed this report and site visited the site and produced a report in May 2021, which concurred with the findings of the M Large Report. It only differed in the identification of two trees which has no material bearing on the overall status or quality of the original Tree Survey.
- 3.4 Details of each tree, species, location and assessed health and condition can therefore be found in the M Large Tree Survey (March 2021) attached in Appendix 12.

- 3.5 Following the serving of a Provisional TPO, the Council has 6 months to either a) Confirm the TPO, b) Confirm with Modifications or c) Allow the pTPO to Lapse. In making this decision, the merits of the site are assessed against the following TPO criteria: Fundamental Health and Condition; Potential Threat; Visibility; Individual Impact; Wider Impact; Historical Importance; & Rarity. In this case, the trees are not considered to be either historically important – the oldest may be approximately 100 years of age, or rare. Sycamore and Birch are very common species and those on site are not considered to be prime specimens of their type in terms of their canopy shape or health. Therefore, the pertinent considerations in this case are:
- The fundamental Health & Condition of the trees;
 - Are the trees significant and prominent in public views i.e. of significant public amenity value?; and
 - Are they perceived to be under threat?
- 3.6 In terms of a TPO consideration, visually these trees, particularly the mature Sycamore, are easily viewable and locally prominent – at the junction of Clonmeen Drive and Beechwood Park, as well as backing on to Greenfield Park and the public playing areas. They are substantial trees and contribute significantly to the local leafy character.
- 3.7 Visually the trees and the site are of a local amenity value as they offer a natural buffer between Clonmeen Drive and the newly installed Strathfoyle Children’s Play Park, which will soon connect to the Strathfoyle Greenway.
- 3.8 However, the serving of the pTPO triggered the requirement for a Tree Health & Condition Report. It has determined that there are significant issues with the majority of the trees on the site, which is a material consideration when considering the progression of the Provisional TPO. Examination of those trees felled in early February also indicated the presence of internal rot and substantial hollow cavities.
- 3.9 Two larger trees (nos 7 Sycamore & 10 Birch) are recommended to be felled due to their condition. Two smaller trees adjacent trees (11 & 12 – ornamental species) are similarly condemned. The removal will call into question the long-term retention viability of the two adjacent large (16-metre tall) Sycamores (Category C - nos 6 & 9) which are now fully exposed after the recent felling of neighbouring trees. Two other Category C trees located on the S and W boundaries respectively, are recommended to be felled or have basal decay and wounding.

- 3.10 Those remaining trees, categorised as Category B, are of a species type and condition that would not normally be considered for TPO confirmation. Group 5 are conifers located off the site (but immediately adjacent) in question, so cannot be considered for confirmation. In any case, it would not be arboricultural best-practice to TPO such species. Trees nos 8, 13, & 15 (Rowan and Cherries) would not normally be considered due to their ornamental species type and relatively short lifespan. The two Cherries are located in a maintained grass area beyond the post and wire fence that surrounds the site.
- 3.11 This leaves trees 2 & 4. Tree 2, while visually significant, at 14-metres tall and prominent next to the adjacent road, has an unbalanced crown with deadwood and significant sucker and epicormic growth at its base. The tree is also immediately adjacent to the children's play area. This is indicative of a tree experiencing internal distress and attempting to re-shape itself on account of a loss of vigour in fully circulating sap to all parts of the upper canopy. The Tree Report recommends that this tree requires significant remedial works to the height and width of this tree to safely reshape it. Similarly, Tree 4 is a twin-stemmed conifer which has suffered a main fracture on one of the stems.
- 3.12 To conclude, while the trees on the site are currently visually significant, they are not in great health/condition and the removal of a number of trees prior to the TPO being served has potentially de-stabilised and affected the long term viability of two of the largest remaining trees on site – 6 & 9. The recommended removal of Trees 7, 10, 11 & 12 will exacerbate this issue and call into question any ability to retain Tree 6 & 9.
- 3.13 Those ornamental species of trees remaining are not normally the subject of tree preservation orders – 3, 8, 13 & 15. Tree 1 is recommended to be felled. Tree 2 while visually tall is clearly showing signs of distress and requires significant canopy re-shaping to restore its balance and encourage its long-term remaining vigour. The visual effect of such remedial works would also call into question the benefit of confirming a TPO on this tree.
- 3.14 Tree 4 is a mis-shapen conifer. Whilst 13 metres tall it is, in itself, not a quality example of the type and of sufficient merit to warrant ongoing protection. The group of 7 conifers tagged as Tree Group 5 are located off the site and are a screening hedge, of a species that would not normally be covered by a TPO.
- 3.15 Therefore, many of these trees are likely to fall or need to be felled and/or significantly reduced, in the short to medium term. Hence, they will have quite limited public amenity value, so they are not considered to be appropriate to be protected under a Confirmed Tree Preservation Order. The representations in support of the TPO, as well as the representation against (see Para 5.2 also), have all been considered but none of the information is such as to otherwise justify the TPO Confirmation.

4 Financial, Equality, Legal, HR, Improvement, Data Protection, Rural Needs, Climate Change and other Implications

- 4.1 There are no financial, equality, legal, HR, Improvement, Data Protection, Rural needs, Climate change or other implications arising directly from this report. However, Members are advised that if they agree with the recommendation to let the pTPO lapse, and trees are subsequently felled, that local residents may still get exercised over the felling - even though both reports clearly indicate the certain large trees are required to be felled due to health, disease and limited long-term retention possibility.

5 Recommendations

5.1 It is therefore the professional consideration of Planning Officers, based on a review of the M Large & A Boe Tree Reports, and the representations received, that due to the cumulative impacts of the following:

- Survey recommendations;
- Species types;
- Long term viability exacerbated by prior felling & the further recommended felling; &
- Tree boundary location

that the Provisional TPO be allowed to lapse and expire on 9th August 2021.

5.2 It is considered that while the trees, either individually or collectively, do not possess sufficient merit to be protected by a TPO for the reason set out above, it is hoped that those peripheral trees along the boundary, specifically those trees numbered 2 & 4 could still be retained, unprotected, as part of any future development on the site. The site owner's solicitor has indicated their intention not to fell further trees on the site, though this may or may not be honoured by the site owner and any potential developer. In any case, it is considered that any future Planning application should be able to secure a better long term tree-planting and landscaping scenario for the site and locality through the application process, as opposed to protecting and retaining trees that have little long-term viability left in them.

Background Papers

Appendix 11 – Map and Photos of Site

Appendix 12 – March 2021 Tree Survey Report (for land owner, by M Large)

Appendix 13 – May 2021 Arboricultural Report (Verification by A Boe)