

Appendices 1, 2, 3,
4, 5, 6 and 7.



NORTHAMPTON
BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE REPORT

Report Title	Tree Preservation Order No. TPO 235, Boughton Green Road, former Park Campus
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AGENDA STATUS: PUBLIC

Committee Meeting Date:
20 March 2018

Policy Document: Not applicable

Directorate:
**Regeneration, Enterprise and
Planning**

Accountable Cabinet Member:
Councillor Tim Hadland

1. Purpose

1.1 To set out the background to and the reasons for making the Tree Preservation Order, provide an outline of Government advice and seek to answer the objections raised to the Order.

2. Recommendations

2.1 That Tree Preservation Order No. 235 be confirmed.

3. Issues and Choices

3.1 Report Background

3.1.1 As part of a routine review of our existing Tree Preservation Orders TPO 204 University of Northampton, Park Campus, Boughton Green Road was found to be unsound. The description of the Groups in Schedule 1 of that Order would have provided totally inadequate tree protection: for example the description of G1 was "Ash, Silver Birch, Oak, Larch, Sycamore, Pine & Horse Chestnut". Provided that one each of those species remained standing within the extent of the G1 as mapped, then the Council would have been powerless to take any enforcement action for unauthorised felling.

- 3.1.2 A series of site visits were made and Tree Preservation Order 235 was served on 24 January 2018. The Order comprises nine groups of trees and one woodland on the site of the University of Northampton Park Campus, Boughton Green Road: the TPO shows the location of the tree groups and the woodland (see Appendix 1).
- 3.1.3 Consideration was given to the master plan for the site when preparing the Order so as to not compromise the development opportunity; for example all of the individual trees protected under Order 204 have been excluded.
- 3.1.4 The Tree Preservation Order was served on the University, Persimmon Homes Midlands and nine others (Appendix 2).
- 3.1.5 A letter from Persimmon Homes Midlands objecting to the Order was received on 13 February (Appendix 3) and a second objection from the University of Northampton was received on 27 February (Appendix 4).
- 3.1.6 Persimmon were concerned that the inclusion of so many of the existing trees, and so the scale of the Order, might prevent development.
- 3.1.7 The University objected to the new Order on the grounds that the established landscape character of the site had been already been secured through the approved Design Code for the site and the existing Order 204. Their letter of objection included a detailed report from an arboricultural consultant on behalf of LUC.
- 3.1.8 The Order remains unconfirmed because of the objections made by both Persimmon Homes Midlands and the University of Northampton.
- 3.1.9 Persimmon Homes Midlands and the University of Northampton have been written to (Appendix 5 and 6) but their objections have not been withdrawn.

3.2 Issues

3.2.1 Government Advice

- 3.2.2 Local planning authorities can make a Tree Preservation Order if 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'.
- 3.2.3 Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified.
- 3.2.4 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.
- 3.2.5 When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way.
- 3.2.6 It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

3.2.7 The Trees

- 3.2.8 A large number of trees are included in the Order; 373 spread across nine groups, and a further 375 in the woodland. The species mix includes both conifers and broadleaves. As noted above consideration was given to the master plan when drafting Order 235.
- 3.2.9 The trees appeared to be in good overall condition and had been subject to routine and thorough management by the University.

3.2.10 The trees have been assessed using TEMPO (Tree Evaluation Method for Preservation Orders). TEMPO is an evaluation assessment to determine a tree's suitability for protection by a Tree Preservation Order. The TEMPO system is open, to a degree, to the interpretation and judgement of the assessor. However, it is recognised in the industry as a defensible method of assessment and is used by many Local Planning Authorities.

3.2.11 The TEMPO system includes an amenity assessment by determining the tree's suitability for a TPO by considering condition, retention span, relative public visibility and other factors. It then considers the expediency and finally provides a decision guide based on the numerical score. The assessment of the tree collections arrived at a score of 20 which definitely merits a TPO (Appendix 7).

3.2.12 Response to objections

3.2.13 In reply to Persimmon, a number of broad observations were made, including the Council's concern that the previous Order 204 was unsound, that a presumption in favour of protection had been adopted, and that planning permission would overrule the TPO.

3.2.14 In reply to the University similar points were made, and some of the arguments from LUC concerning their opinion of the validity of the TPO were challenged. Their conclusion was that "there are inadequate grounds for the proposed TPO in its current form", but we were not persuaded by their arguments.

3.2.15 The Order was made because it was felt that the trees had considerable public amenity as they provide a green backdrop to the current and proposed built form, and because they were visible to the public from within and outside the site.

3.2.16 A Tree Preservation Order is not be seen as a restriction to appropriate or suitable tree maintenance.

3.2.17 The positive case for trees

3.2.18 A Forestry Commission publication from 2010 "The case for trees in development and the urban environment" rehearses the many advantages that trees provide. The foreword states "trees increase economic as well as personal well-being, with property values boosted by their presence" and provide measureable health benefits, as well as economic, environmental and social benefits ([https://www.forestry.gov.uk/pdf/eng-casefortrees.pdf/\\$file/eng-casefortrees.pdf](https://www.forestry.gov.uk/pdf/eng-casefortrees.pdf/$file/eng-casefortrees.pdf)).

3.3 Conclusion

3.3.1 It is concluded that the trees make an immense contribution to the local landscape and contribute to the overall amenity of the area.

3.3.2 The objections have been considered but it is concluded that the protection of the trees is necessary to preserve their amenity and to avoid the possibly extensive removals that could be undertaken without statutory protection. Accordingly, it is recommended that the Committee confirm Tree Preservation Order No. 235.

3.4 Choices (Options)

3.4.1 Option 1 - Confirm the Tree Preservation Order.

3.4.2 Option 2 - Allow provisional Tree Preservation Order to lapse without confirmation.

4. Implications (including financial implications)

4.1 Policy

4.1.1 The report does not set new policy and does not have any implication on any existing policies.

4.2 Resources and Risk

4.2.1 The trees are under private ownership and is therefore the responsibility of the land owner.

4.2.2 The only financial implications are the serving of the Tree Preservation Order (already served), the confirming of the order (if approved) and officer time dealing with any applications for work to the tree.

4.3 Legal

4.3.1 The trees remain the legal responsibility of the tree owner. The only legal implications are the Council's statutory responsibilities to administer any application for work to the trees.

4.4 Equality

4.4.1 It is not anticipated that including the tree in the Tree Preservation Order will have any direct impact on equalities, community safety, or economic issues or a perceptible impact on the social well-being, leisure and culture, or health issues.

4.5 Consultees (Internal and External)

4.5.1 No additional consultees

4.6 Other Implications

4.6.1 With regard to sustainability, the protection of the tree by Tree Preservation Order should prevent unnecessary pruning or premature removal and thereby ensure its environmental benefits continue for as long as possible.

5. Background Papers

5.1.1 Tree Preservation Order No. 235 Boughton Green Road, former Park Campus.

5.2 Tree Evaluation Method for Preservation Orders (TEMPO) Survey data sheet and decision guide.

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