

Tree Preservation Orders – Ilminster Canal
Planning, Highways & Transport Committee 15 April 2016

RECOMMENDED that requesting Tree Preservation Orders for trees adjacent to the Canal is not pursued.

Introduction

1. The Committee, at its meeting on 8 September 2015, requested that once a new Senior Open Spaces Warden was appointed they consider whether or not there was any merit in applying for Tree Preservation Orders (TPO) for any trees adjacent to the Canal.

Work Undertaken

2. The Deputy Clerk and the Senior Open Spaces Warden have researched both the reasons for applying for TPOs and whether or not there are any trees in the Canal area which would meet TPO criteria.
3. *“A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:*

- *cutting down*
- *topping*
- *lopping*
- *uprooting*
- *wilful damage*
- *wilful destruction*

of trees without the local planning authority’s written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State’s view, cutting roots is also a prohibited activity and requires the authority’s consent.”
(Planning Practice Guidance S1 para 1)

4. *“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, taking into account the following criteria:*

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- *size and form;*
- *future potential as an amenity;*
- *rarity, cultural or historic value;*
- *contribution to, and relationship with, the landscape; and*
- *contribution to the character or appearance of a conservation area.*

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.” (Planning Practice Guidance S1 para 8)

5. TPOs are often made to protect established trees from potential threats, for example, wanton destruction; there is no such threat to the trees alongside the canal.
6. The Senior Open Spaces Warden has walked along both sides of the Canal and looked at the trees in the context of whether or not a TPO could be of benefit; he is of the opinion that it would be difficult to specify any particular tree or group of trees that would benefit from being the subject of a TPO.
7. When trees are the subject of a TPO work can only be done to them with the consent of the local planning authority unless the work is required urgently to remove an immediate risk of serious harm. This means that to carry out even routine maintenance, formal, written application would need to be submitted to South Somerset District Council for decision.

Background Papers

<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>

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