

**Planning Committee:** 10 October 2017

**Item Number: 13**

**Application No:** TPO 534

**Town/Parish Council:** Kenilworth  
**Case Officer:** Rajinder Lalli

**Registration Date:** N/A  
**Expiry Date:** N/A

North Side of Rouncil Lane, Kenilworth  
Confirmation of Provisional Tree Preservation Order relating to Group of Oak, Ash  
and Sycamore Trees

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This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed.

### **RECOMMENDATION**

Planning Committee is recommended to authorise officers to confirm TPO 534 without modification.

### **BACKGROUND**

A notification was received that several trees were to be felled along Rouncil Lane on the 14<sup>th</sup> August 2017.

The trees in question formed part of a group of approximately 160 trees along Rouncil Lane in the open countryside comprising a belt some 15 metres deep. Whilst they were not located within a Conservation Area, their potential amenity value was noted and an assessment of whether they merited protection by means of a Tree Preservation Order was undertaken.

A Provisional Tree Preservation Order was made 21<sup>st</sup> August 2017.

### **OBJECTIONS**

The Council have received 3 emails objecting to the confirming of the Order. In summary the objections are:-

1. The owner and tenant are constrained by the terms of their insurance policy to ensure the trees are adequately maintained
2. The Provisional TPO was issued as the Council was ill informed that the whole belt of trees was being removed. A report had already been commissioned for the maintenance of the trees
3. There are trees overhanging Rouncil Lane which require maintenance

4. The work proposed is thinning of the belt of trees as the trees are beginning to decline. The trees will be surveyed to ensure there is no wildlife habitat within them before removal.
5. An application has been made to the Forestry Commission for the removal of 50 Oaks.

### **KEY ISSUES**

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the trees are of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the trees outweighs any private inconvenience experienced by individuals because of the trees.

### **ASSESSMENT**

The extensive belt of trees is located to the North Side of Rouncil Lane between Rouncil Farm and Rounds Hill Farm, Kenilworth.

The belt of mature oak trees, which is up to 15 m deep in places, contains the occasional ash tree and some hawthorn that provide lower level screening as an understorey. The trees form a more or less even-aged shelterbelt, suggesting a common planting date, and their girth suggests that they are comfortably in excess of 100 years old.

Within the wider landscape, the continuous shelterbelt at the roadside included within the Order provides a tree screen as the boundary to agricultural fields providing significant public amenity as well as significant habitat. Trees that border another adjacent field are more widely spaced, but they are equally important in the landscape and as part of the habitat.

The shelterbelt mirrors the planting on the other side of the road and helps to form a visual and wildlife corridor along this length of Rouncil Lane, and provides extensive mature tree cover on either side of the highway. It is visually a tremendously important line of tree planting and helps to soften the local environment.

The amenity and arboricultural benefits provided to the local environment by large, mature trees, especially locally native trees such as this line of oaks, are disproportionately higher than the benefits offered by small, young trees. The benefits include shade, landscape value, wildlife habitat, air cooling, control of storm water run-off and so on. As such the trees are considered to be of significant amenity value in the local landscape.

In response to the objections raised, the effect of the TPO is to bring future work to the trees under the Council's control. It will not prevent appropriate work to be carried out to maintain or remove the trees. The owners are still able to make an application to fell trees but will need to provide professional justification to warrant any such work.

Further, the Council understands that an application for a Felling Licence has been made to the Forestry Commission but this has not yet been approved.

Whilst the Council accepts that work is required to maintain the belt of trees, none of the objections have provided any information to suggest that the trees do not provide significant amenity value or that the effects of making the TPO are sufficient to outweigh those impacts.

### **SUMMARY/CONCLUSION**

It is not considered that the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the trees make to their surrounding area and therefore it is considered to be expedient to confirm this TPO.