

Report of	Meeting	Date
Director Public Protection, Streetscene and Community	Development Control Committee	10 March 2015

Tree Preservation Order No.9 (Coppull) 2014

PURPOSE OF REPORT

1. The purpose of this report is to decide whether to confirm the above Tree Preservation Order (TPO) in light of the objections received.

RECOMMENDATION(S)

2. That Tree Preservation Order No.9 (Coppull) 2014 is confirmed.

EXECUTIVE SUMMARY OF REPORT

3. This reports sets out the purpose of protecting the trees and the site owners' objections to the suggested preservation order.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

5. An application was received to the develop land at Coppull Enterprise Centre in 2014. A tree survey accompanied the planning application and in order to protect the trees which benefit the character and amenity of the area a Tree Preservation Order was placed on the trees.
6. Tatton Estates have objected to the proposed TPO on the following grounds:
 - Concerned that the TPO also includes groups of trees, labelled G1 & G2 on the plan that extends to cover the vast majority of the Southern and Western banks of the

pond. This restricts the future use of these areas and impinges on certain legal easements relating to combined sewers that cross the land for the benefit of Miller Homes and United Utilities.

- Tatton Estates are under a legal obligation to keep these easements clear to facilitate access for inspection and maintenance and Miller Homes will also need to construct a new drain to connect into the combined sewer as part of the proposed development.
 - Object to the TPO extending to include the groups of trees marked G1 & G2 on the plan for those reasons outlined above.
 - These trees are classed as "moderate quality (category B) in terms of their contribution as arboricultural and landscape features in the locality".
 - The TPO is to provide visual screening along the Southern boundary-happy to accept a revised plan that included those trees within groups G1 & G2 that are located on or immediately adjacent to the Southern boundary only.
7. In response to these concerns it is important to note that the requirement for Miller Homes to construct a new drain was taken into account as part of the TPO and accordingly the TPO does not include Tree T14 or part of G4 where the new drain will be located. As such the protected trees will not be affected by the works to install the new drain.
8. It is considered appropriate to protect the trees identified as they are of high/ moderate quality and the type of trees which it is preferable to retain.
9. It is also important to note that although there may be a legal requirement to provide easements clear statutory undertakers also have certain rights to undertake works to protected trees in accordance with The Town and Country Planning (Tree Preservation)(England) Regulations 2012 without the need to apply to the local authority which include:
 by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—
 (aa) in the interests of the safe operation of the undertaking;
 (bb) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker;
 (cc) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995(c);
10. Notwithstanding the above rights however it is not considered that the trees to be protected will hinder the operation of drains/ sewers within the area, the trees offer a valuable amenity resource in the area and act as an effective buffer to the adjacent neighbours. As such it is recommended that the TPO is confirmed.

IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

Jamie Carson
Director Public Protection, Streetscene and Community

Background Papers			
Document	Date	File	Place of Inspection
Tree Preservation Order No.9 (Coppull) 2014		Tree Preservation Order No.9 (Coppull) 2014	Civic Offices, Union Street

Report Author	Ext	Date	Doc ID
N Hopkins	5214	27 th February 2015	***