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**REPORT TO:** Area No.2 Development Control Committee

**DATE:** 21 June 2005

**REPORTING OFFICER:** Director of Technical Services  
*[Mrs K Williams – Planner]*

**SUBJECT:** Tree Preservation Order 65/2004  
(04/00065/TPORDR)

**WARD/S AFFECTED:** **Boroughbridge**

**FORWARD PLAN REF:** N/A

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## **1.0 PURPOSE OF REPORT**

- 1.1 To request the non - confirmation of provisional Tree Preservation Order (TPO) 65/2004.

## **2.0 RECOMMENDATION/S**

- 2.1 That the committee find it expedient in the interests of amenity to not confirm the TPO on the Yew trees within the churchyard at the Church of St Andrews, Low Road, Aldborough. A new provisional TPO in place of this provisional TPO shall be placed upon the trees for the reasons outlined in the report.

## **3.0 THE REPORT**

- 3.1 A provisional TPO was made on 23 December 2004 following the Council's Arboricultural officer's assessment regarding the health of the trees and an officer assessment regarding the amenity of the trees following a section 211 notice (Notice of intent to carry out tree work within a conservation area), which sought to fell 4 Yew trees and crown thin 10 Yew Trees.
- 3.2 However this provisional TPO grouped the Yew trees in group of trees G1 and only specifies that 10 Yew trees are protected by the provisional TPO. This does not provide the full level of protection for the 14 trees or clarity regarding which trees are protected by the provisional TPO and which of the remaining 4 Yew trees are not protected.
- 3.3 As this TPO does not specify which trees should be protected, and does not include all the trees subject to proposed works on the Section 211 Notice it is considered appropriate to not confirm this provisional order and create a new provisional order, reference 05/00017/TPORDR, Provisional TPO No. 17/2005, a report will be written in due course provided the circumstances do not change requesting that the above new provisional TPO be confirmed following the expiry date for the receipt of representations.
- 3.4 This new provisional TPO will specify exactly which trees should be retained and includes all the 14 Yew trees subject to the original Section 211 Notice. This allows increased protection of the trees and will create less confusion in the future regarding which trees are within the TPO.
- 3.5 The applicants will have more flexibility regarding future tree works, as the new provisional order specifies which trees need a Tree Preservation Order application and which ones require conservation area consent (section 211 Notice). The applicants/owners will, as they have been with this current provisional TPO, be able to make applications to undertake works to the trees at any time.

- 3.6 The reasoning why a provisional TPO was placed on the Yew trees is as follows:

#### Level of Threat

A section 211 Notice was received under reference number 04/05896/TCON to crown thin 10 Yew trees, and fell four Yew trees within the churchyard of St Andrews Church in Aldborough. The reasons stated for the proposed works were that the Yew trees to be crown thinned were too large for the churchyard and the trees to be felled would thin the trees out. The Arborist has commented that the works outlined in the application do not appear to be as the result of arboricultural advice, as crown thinning of Yew trees is not a recognised arboricultural technique and the trees noted for removal are some of the better specimens on site.

- 3.7 Health and Life Expectancy

The Yew trees are medium sized within groups and were considered to have a high level of visibility. The Yew trees are well balanced and vigorous. They have a life expectancy in excess of 500 years and it is rare to see this many tight crowned examples, that fact that there are a large number adds to the uniqueness of the site and makes TPO protection more important.

- 3.8 Amenity Value

Felling the trees would spoil the amenity of the conservation area. They are prominent in the village and an important feature. They contribute to the character of the conservation area, and would also provide additional greenery in winter. As stated above crown thinning is not a recognised arboricultural practice for Yew Trees, potentially this could reduce the life expectancy of the trees, resulting in their premature loss.

- 3.9 The health and amenity assessment of the 14 Yews trees identifies that it is essential that all 14 Yew trees are protected, and a new provisional TPO with a different reference has been created.

## 4.0 REPRESENTATIONS

- 4.1 1 letter was received, it states there is no objection to the proposal, but it does state the following:

“I have no objection to the proposal. My only comment would be that Group G1 contains 10 Yew trees and one ‘cupressus’

[ I am unsure exactly what it is]. The ‘cupressus’ is not noted in the order and in my view is incongruous within an English Churchyard and perhaps should be cut down?”

4.2 The Cupressus was not specified on the S211 Notice, it is not mentioned or recorded in the Provisional TPO and is a different issue to the confirmation of this Tree Preservation Order. Therefore if it is wished to fell this tree, the above contributor (who does not own the land) needs to submit a S211 notice to fell the tree as it is within a conservation area. However, the creation of the new order specifies that the cupressus is not within the provisional Tree Preservation Order.

## 5.0 CONCLUSION

5.1 Although the Yew Trees are healthy specimens, of considerable amenity value and the confirmation of the TPO is usually considered the most appropriate measure to ensure their protection, by not confirming this TPO and creating a new provisional TPO, will ensure that all 14 Yew trees subject to the original Section 211 Notice are protected. This new provisional TPO will provide greater clarity of which trees are within the order and greater protection for all the healthy specimens on the site.

## Background Papers

None

**OFFICER CONTACT:** Please contact Mrs K Williams if you require any further information on the contents of this report. The officer can be contacted at Dept of Technical Services telephone on 01423 556949 or by Email – [td68@harrogate.gov.uk](mailto:td68@harrogate.gov.uk)

## SUSTAINABILITY ASSESSMENT/POLICY CONSIDERATIONS

		Implications are		
		Positive	Neutral	Negative
A	Economy		✓	
B	Environment	✓		
C	Social Equity			
i)	General		✓	
ii)	Customer Care / People with Disabilities		✓	
iii)	Health Implications		✓	
D	Crime and Disorder Implications		✓	

If all comments lie within the shaded areas, the proposal is sustainable.

**TREE PRESERVATION ORDER****TPO NO 6.64.TCON****Church Of St Andrews, Low Road, Aldborough Harrogate District North Yorkshire****FIRST SCHEDULE****TREES SPECIFIED INDIVIDUALLY**

(encircled in black on the map)

Ref on Map	Description	Situation
YEW	T1	440535 466460
YEW	T2	440536 466453
YEW	T3	440535 466452
YEW	T4	440545 466446
Yew	T5	440550 466454
Yew	T6	440549 466436
Yew	T7	440554 466440
Yew	T8	440554 466432
Yew	T9	440555 466429
Yew	T10	440562 466451
Yew	T11	440567 466450
Yew	T12	440560 466432
Yew	T13	440567 466433
Yew	T14	440568 466435

**GROUPS OF TREES**

(within a broken black line on the map)

Ref on Map	Description (including number of trees)	Situation
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**WOODLANDS**

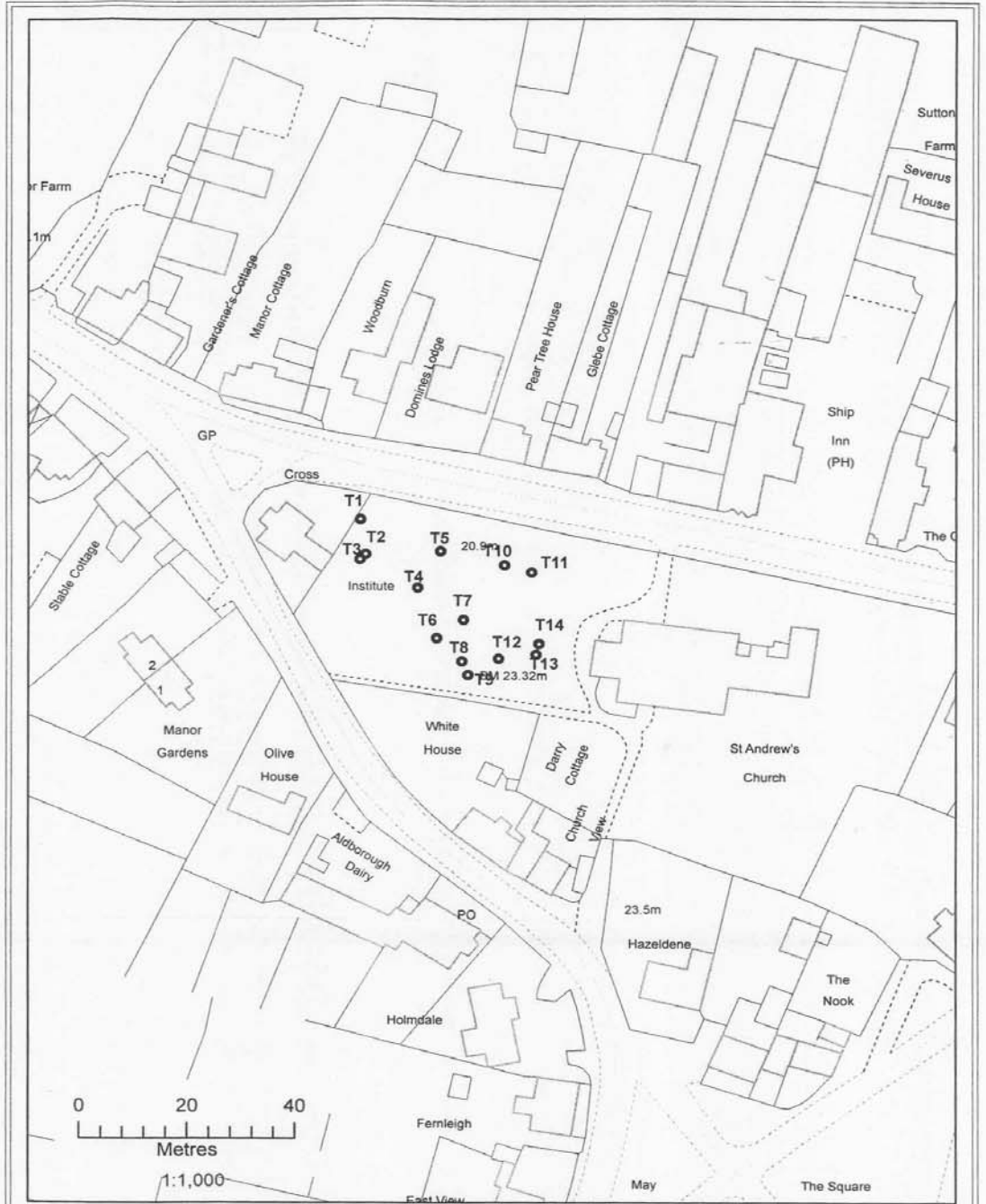
(within a continuous black line on the map)

Ref on Map	Description	Situation
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**TREES SPECIFIED BY REFERENCE TO AN AREA**

(within a dotted black line on the map)

Ref on Map	Description	Situation
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**TPO No 65, 2004. ST. ANDREW'S CHURCH, ALDBOROUGH**

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