

PLANNING COMMITTEE – 30 May 2019**PART 1**

Report of the Head of Planning

PART 1

Any other reports to be considered in the public session

1.1 REFERENCE NO - TPO No.6 of 2018	
APPLICATION PROPOSAL This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No. 6 of 2018 for which objections have been received	
ADDRESS Blean Wood, Dunkirk, Kent	
RECOMMENDATION To Confirm without modification Tree Preservation Order No. 6 of 2018	
REASON FOR REFERRAL TO COMMITTEE One objection from local landowner	
TPO Served (Date): 30 th November 2018	TPO Expiry Date 30 th May 2019

1.0 INTRODUCTION

1.01 Tree Preservation Order (TPO) No. 6 of 2018 was made on the following grounds:

- (1) Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policy DM 29 states that the Borough Council will seek to ensure the protection of important trees in the local landscape. The wood contributes significantly to the sylvan amenity of the area and is currently only partly protected by TPO 4 of 1974. Therefore, in order to secure the entire woodlands long-term retention, it is considered expedient to revoke the current TPO and to replace it with a new order that encompasses the entire wood.

A copy of TPO No. 6 of 2018 is attached as an appendix to this report.

1.02 Blean Wood is designated as ancient woodland consisting mainly of mixed deciduous species of standards over traditional coppice, and as such is considered to be an important sylvan asset to the local area.

2.0 OBJECTIONS

2.01 Two objections to the TPO were received, one from Mount Ephraim Estate and the other from the owner of Little Miss Acres Farm, Butlers Hill, Dargate. Following consultation with the Council's Tree Consultant, Mount Ephraim Estate have since revoked their objection, leaving only the one objection from the owner of Little Miss Acres Farm, the full text of which is replicated below.

A summary of the grounds of the objection are as follows:

- It is privately owned land and imposing such an order significantly devalues the land;

- It is unfair that such an order can be placed on the land without consultation with the land owners; and
- The order will prohibit management of the wood and having to apply every time increases workload and costs.

3.0 APPRAISAL

3.01 In response to the objections raised in this case, I would say;

- The objection is not supported by any evidence to suggest its imposition could or will devalue the objector's land.
- Consultation with landowners prior to the serving of a TPO is rarely undertaken, as to do so, could lead to pre-emptive felling before the TPO served. However, the TPO legislation does allow the affected landowners to object or make comment on the order with 28 days of its serving. This provides all affected parties the opportunity to voice their concerns and objections before the TPO is confirmed.
- Under the current TPO legislation, the serving of an order is not to prevent or impede the landowner from carrying out appropriate land management that is in the interests of sound arboricultural management. Applications to coppice and manage woodland are actively supported by the Council and when appropriate the Council can provide free pre-application advice. All tree applications submitted to the Council are currently free of charge, so there are no added financial costs to the applicant.

3.02 Having considered the objections raised above, on balance, they are not considered to be robust enough to question the validity of the TPO.

4.0 RECOMMENDATION

4.01 That the Planning Committee confirm, without modification, Tree Preservation Order No.6 of 2018

FULL TEXT OF LETTER OF OBJECTION

Dear Whom It May Concern.

I write with reference to Tree Preservation Order No. 6 of Blean Wood, north of Dawes Road. I wish to object to the proposed preservation order on the grounds that this is privately owned land and imposing such an order significantly devalues this land. Having only purchased an area of this woodland two years ago with no preservation order on it, I believe it unfair that such an order can be placed without consultation with the land owners. If it were council owned land then I would not have a problem. Such an imposition should be accompanied with compensation to the land owners.

I own some of the adjoining agricultural land and the trees at the boundary require maintaining to prevent too much overhang causing loss of production from the land but also to be able to maintain the drainage ditches and boundary fencing.

The woodland itself is overgrown and needs managing effectively for its long term health. To have to apply to do this increases workload and costs involved. Why is there a preservation order being placed on every species of tree in this mixed wood?

Coppicing, topping and lopping should be permitted to protect its health and allow new growth and replanting to take place.

I hope my comments are taken into consideration before implementing such an unfair enforcement order.