
Delegated report Officer: Helen Branson

Application ref. DMOT/2022/1414

The pollarding of Ash tree covered by South Derbyshire District Council Tree Preservation Order no. 54 at 2 Anderby Gardens, Church Gresley, Swadlincote, DE11 9QY

Valid date: 24/10/2022

Consults expired: 02/12/2022

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

None.

Responses to consultations and publicity

SDDC Biodiversity Officer

Insufficient justification for the proposed pollarding works has been provided.

The Application Form states that the justification for the proposed pollarding is due to 'weakness caused by co-dominant stems'. Whilst a photograph of the co-dominant union has been submitted, the Application Form does not set out the specific underlying reason(s) for the 'weakness' as a co-dominant union alone does not necessarily indicate that a hazard feature is present. The submitted photograph does not assist in solving this any further. There are specific hazard features which can occur in co-dominant unions which can make them 'weak', however, these have not been explained or identified in this case.

The Applicant should provide more robust evidence to why the co-dominant union is 'weak' and therefore the proposed pollarding works to ash tree TPO Order No 54 must be undertaken.

Relevant policy, guidance and/or legislation

South Derbyshire Local Plan – Part 1

- S1 Sustainable Growth Strategy
- BNE3 Biodiversity
- BNE4 Landscape Character and Local Distinctiveness
- INF8 National Forest

South Derbyshire Local Plan – Part 2

- BNE7 Trees, Woodland and Hedgerows

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

The relevant legislation is:

- The Town and Country Planning (Tree Preservation) Regulations 2012

Planning considerations

In taking account of the submitted documents and individual site circumstances, the main issues central to the determination of this application is whether the proposed works are appropriate, given the protected status of the trees.

Planning assessment

The proposal is to pollard an Ash tree protected by South Derbyshire District Council Tree Preservation Order no. 54.

Two good quality photographs have been provided by the Applicant of the ash tree in question, however insufficient justification for the proposed pollarding works has been provided.

The Application Form states that the justification for the proposed pollarding is due to 'weakness caused by co-dominant stems'. Whilst a photograph of the co-dominant union has been submitted, the Application Form does not set out the specific underlying reason(s) for the 'weakness' as a co-dominant union alone does not necessarily indicate that a hazard feature is present. There are specific hazard features which can occur in co-dominant unions which can make them 'weak', however, these have not been explained or identified in this case.

It is considered that more robust evidence is needed to justify why the co-dominant union is 'weak' and therefore why the proposed pollarding works to ash tree TPO Order No 54 must be undertaken. Additional justification/evidence has been requested from the applicant but to-date has not been provided. It is therefore considered that at this time the proposed works applied for are not considered to be acceptable and the applicant is advised to submit a new application when they have acquired this evidence to demonstrate why the works are justified.

Recommendation

Refuse

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	13/12/2022
Report agreed:	19/12/2022
Authorised officer:	Sarah Beeby
