

<b>Report on</b>	<b>Proposed Full Tree Preservation Order TPO/2019/0002/LA09</b>
<b>Date of Meeting</b>	<b>4<sup>th</sup> February 2020</b>
<b>Reporting Officer</b>	<b>Michael McGibbon – Senior Planning Officer</b>
<b>Contact Officer</b>	<b>Chris Boomer – Planning Manager</b>

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	The purpose of this report is to provide information on a request received by the Planning Department for a Tree Preservation Order on Lands Formerly Maghera High School, Tobermore Road, Maghera. Our reference: TPO/2019/0002/LA09.
<b>2.0</b>	<b>Background</b>
2.1	The Planning Department of Mid Ulster District Council received correspondence, from various objectors to submitted planning applications LA09/2019/0024/O and LA09/2019/0025/F. A site visit completed on 04.02.2019, followed by an assessment of the case for a provisional Tree Preservation Order was considered on 03.04.2019 and on 21.05.2019. At that time, it was considered that the existing trees on site were not in immediate danger of active felling as the site was in the ownership of the Council.
2.2	Since May 2019, additional information was submitted related to the existing trees on the identified site, hence the request for a Full Tree Preservation Order was further considered by the Planning Department on 23.01.2020.
<b>3.0</b>	<b>Main Report</b>
3.1	There are two live planning applications associated with the proposed TPO site, namely, LA09/2019/0024/O and LA09/2019/0025/F. Both of which have been presented to the Planning Committee tonight, 04.02.2020, for consideration.
3.2	<p>Additional information was received, namely;</p> <ul style="list-style-type: none"> <li>• A Tree Survey and Report for Lands at Maghera High School, Maghera by Dr Phillip Blackstock, dated October 2015, updated February &amp; April 2019 commissioned by Teague and Sally;</li> <li>• Tree Survey Report Sheet 12.12.2019 by Dr Phillip Blackstock;</li> <li>• a Tree Survey Report Sheet (Revision A) Date 18.12.2019 (received 20.12.2019) by Dr. Phillip Blackstock;</li> </ul>

- LA09/2019/0024/O Plan 04/1 received 19.12.2019; and,
- LA09/2019/0025/F Plan 12/2 received 19.12.2019; and,
- Arboriculturalist Tree Constraints Plan, prepared by Dr. Phillip Blackstock, dated 05.02.2019.

3.4 The Planning Department acknowledge that appropriate planning conditions specific to existing trees and landscaping will be a matter for the Development Management Team. However, several existing trees on the site merit additional protection under a separate Full TPO.

**TPO Procedure:**

3.5 Under s.122(1) of the Planning Act (NI) 2011 a Council **may** serve a Tree Preservation Orders where it **appears expedient in the interests of amenity**, with respect to such trees, groups of trees or woodlands as may be specified in the Order.

3.6 Under s.122(3) of the Planning Act (NI) 2011 a Tree Preservation Order shall not take effect until it is confirmed by the Council and the Council may confirm any such Order either with or without modifications as it considers expedient. Under s.122(4) of the Planning Act (NI) 2011 and the Planning Trees (NI) Regulations 2015, the Council must give notice to the owners and occupiers of land affected by the Order and to such other persons, if any, as may be specified in the Regulations. Members are minded to note that Articles 3(2) and 4 of the Planning Trees (NI) Regulations 2015 a period of at least 28 days after the date of the notice, (date served), by which any objection or representation must be received by the Council.

**Further Consideration:**

3.7 The Planning Department has re-considered the Full TPO request in light of the submitted additional information.  
The following criteria was used when assessing the merits of a potential TPO;

Potential Threat: Given the submission of recent planning applications - LA09/2019/0024/O and LA09/2019/0025/F there is an acknowledged potential threat to the trees due to development pressure.

Visibility: The existing mature trees of this site provide an important landscaped setting along protected routes into the town of Maghera. The existing mature trees, particularly the boundary trees, provide high quality amenity to the setting of the town.

Individual Impact & Wider Impact: The existing mature trees along the Tobermore Road boundary are prominent and provide high quality visual amenity value to the setting of the site. Important long distance views of trees from various vantage points throughout the town.

Historical Importance: Trees associated with Largantogher House circa 1830s.

	Rarity: N/A
3.8	The above assessment demonstrates the case for a Full Tree Preservation Order, based on all available evidence. The additional protection via a Full Tree Preservation Order will protect and conserve the existing mature natural boundaries along the roadside, adjoining Tobermore Road; and, will assist in the protection of this mature landscape, as designated under Local Landscape Policy Area MA13, Magherafelt Area Plan 2015.
3.9	<p>Having full regard to the submitted tree survey report and associated sheets; and plans, it is considered appropriate to serve a Full Tree Preservation Order and associated Map A, (Appendix A), to provide additional protection to the identified trees and groups of trees. The following trees will therefore be subject to a Full Tree Preservation Order:</p> <p><b>T.1, T.8, T.9, T.17, T.19, T.20, T.30, T.31, T.34, T.37, T.50, T.51, T.53, T.57, T.58, T.60, T.63, T.64, T.65, T.66, T.68, T.69, T.70, T.71, T.73, T.76, T.77, T.81, T.83, T.84, T.85, T.86, T.87, T.88, T.89, T.92, T.93, T.94, T.97, T.98, T.102, T.103, T.104, T.106, T.108, T.110, T.111, T.120, T.123, T.126, T.130, T.131, T.132, T.142, T.147, T.150, T.151, T.154, T.155, T.156, T.157, T.164, T.169, T.170 and T.172.</b></p>
3.10	<p>Members should note that the Tree Preservation Order will not protect all the trees on the site as some will be excluded from the Order, as follows:</p> <p><u>Specific trees excluded:</u> (s.122 (5)) Dead or potentially dangerous trees (condition poor/ fell or monitor for death / stabilise / existing damage or wound or public roadside/ paths) will not be considered for protection.</p> <p>T.121 and T.159 are dead.</p> <p>T.44, T.109, T.140, T.153, T.158, T.162, T.163 and T.173 recommended for felling. T.10, T.14, T.22, T.28, T.36, T.38, T.42, T.47, T.54, T.101, T.105, T.124, T.144, T.161, T.165, T.167 and T.171 identified as <i>poor</i> condition.</p> <p>T.15, T.18, T.21, T.23, T.25, T.26, T.95, T.96, T.100, T.105, T.107, T.127 and T.141 <i>fair</i> condition but recommended monitor for death / stabilise dead wood or located over a roadway /roadside path.</p> <p>T.2, T.3, T.11, T.12, T.29, T.32, T.35, T.48, T.52, T.56, T.59, T.61, T.62, T.67, T.72, T.74, T.75, T.78, T.79, T.80, T.82, T.90, T.91, T.99, T.119, T.125, T.128, T.135, T.137, T.138, T.143, T.145, T.146, T.148, T.149, T.152 T.160, T.168 and T.174 <i>fair</i> condition over mature/ mature trees (Age) some with small basal cavity or other physical damage / wound or originally a hedgerow/ potential for 'ash-die back' disease.</p>

	<p>Environment and Conservation Team are mindful that there are two live planning applications on this site. Based on planning application Plans 04/1 and 12/2, as discussed above, it is anticipated that several identified existing tree(s) will be removed to accommodate the proposed defined plots.</p> <p>To accommodate required Road Service standards for the access to the site T.5, T.136 and T.139 may be removed, as may T.39, T.40, T.41, T.43, T.45, T.46, T.49 and T.50.</p> <p>Plot 1: T.4, T.6, T.7 and T.13 may be removed. Plot 2: T.133 and T.134 may be removed removed.</p> <p>Plot 3: T16 may be removed.</p> <p>Plot 4: T.112, T113, T.114, T.115, T.116, T.117, T.118 T.122 and T.129 may be removed.</p> <p>Plot 5: T.24 may be removed.</p> <p>Plot 6: T.27 and T.33 may be removed. Plot 7: T.55 may beremoved</p> <p>The loss of these trees will not damage the overall high quality visual amenity value of the former Maghera high school site, nor will it cause detrimental harm to the Local Landscape Policy Area MA13 (Magherafelt Area Plan 2015). The additional protection of a Full Tree Preservation Order on along the existing mature natural boundaries of the wider site will assist in the continued protection of the LLPA MA13 designation and setting of Maghera settlement limit</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None identified
	Human: None identified
	Risk Management: None identified
<b>4.2</b>	<b><u>Screening &amp; Impact Assessments</u></b>
	Equality & Good Relations Implications: None identified

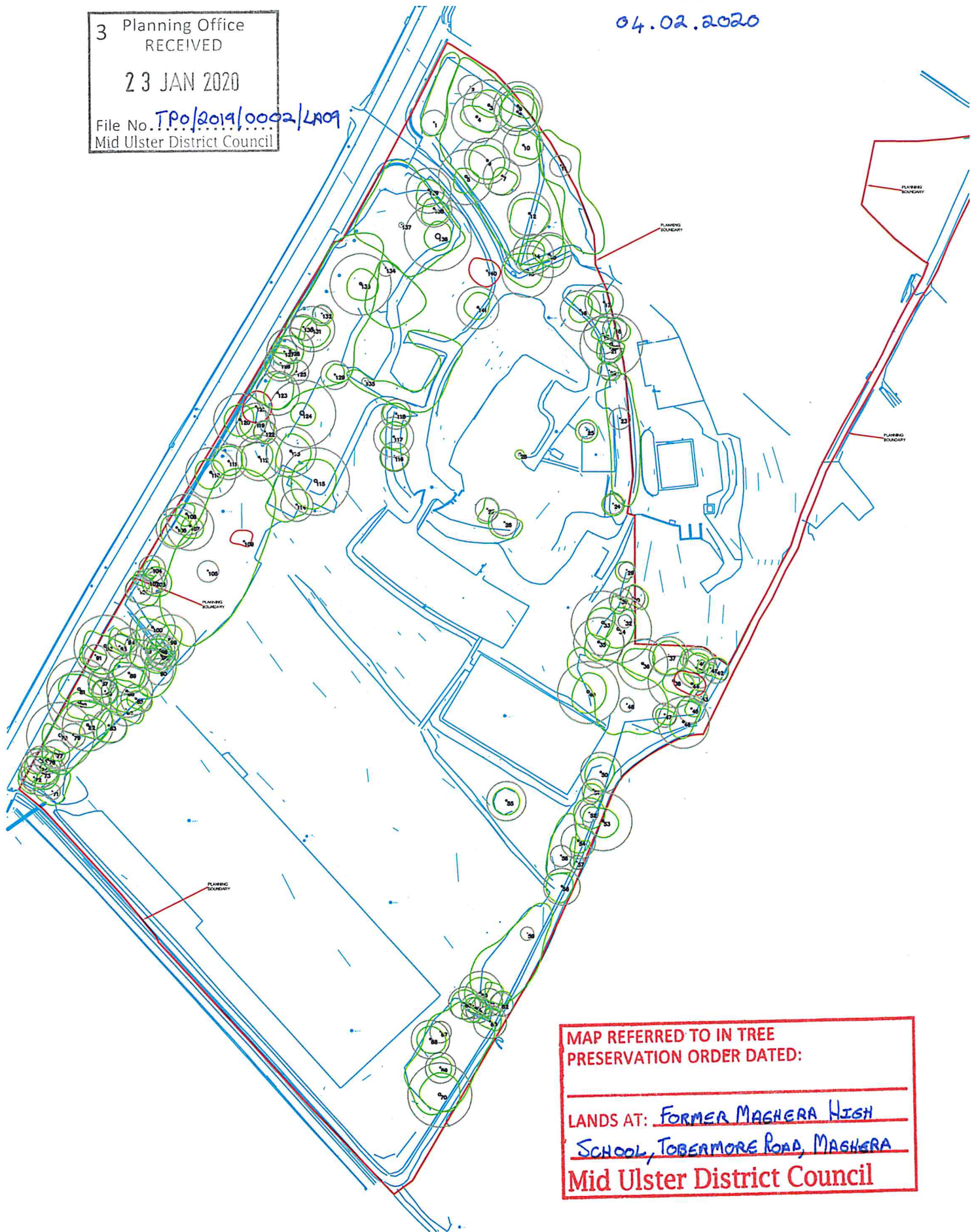
	Rural Needs Implications: None identified
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	To note the contents of this report and agree that a Full Tree Preservation Order and associated Map A, (Appendix A), be served on Lands at Former Maghera High School, Tobermore Road, Maghera, and, that we formally notify relevant landowners as per s.122 of the Planning Act (NI) 2011 and associated The Planning (Trees) Regulations (NI) 2015.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Appendix A – Draft Tree Preservation Order Map A

DRAFT FOR PLANNING COMMITTEE  
04.02.2020

3 Planning Office  
RECEIVED




23 JAN 2020

File No. TPO/2019/0002/LA09  
Mid Ulster District Council



MAP REFERRED TO IN TREE  
PRESERVATION ORDER DATED:

LANDS AT: FORMER MAGHERA HIGH  
SCHOOL, TOBERMORE ROAD, MAGHERA  
Mid Ulster District Council

<b>Dr. Philip Blackstock</b> Independent Arboricultural Consultant 26 Tullynahinvin Road Portlennone, Co. Antrim BT44 8EL Mobile: +44 (0) 7767 393 075 email: <a href="mailto:philip.blackstock@btinternet.co.uk">philip.blackstock@btinternet.co.uk</a> Website: <a href="http://www.philipblackstock.com">www.philipblackstock.com</a>	Site: Lands at Former High School, Maghera	<b>KEY</b>  Position, number and actual crown spread of tree  Position, number and actual crown spread of tree to be felled  Area of Tree Protection Zone (if described as a perfect circle)
Title: <b>TREE CONSTRAINTS PLAN</b> Plan indicating position, actual crown spread of trees and notional tree protection zones (based on a map produced by the client)	Client: Teague and Sally Scale: 1:1500 Drawn By: Philip Date: 05.02.2019	