



Title of Report:	TPO Confirmation – Lands at and adjacent to 43 and 45 Carthall Road, Coleraine (LA01/2024/0002/TPO)
Committee Report Submitted To:	PLANNING COMMITTEE
Date of Meeting:	22nd January 2025
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Our elected members work collaboratively and make decisions on an evidence led basis and in line with its policies.
Lead Officer	Principal Planning Officer

Budgetary Considerations:	
Cost of Proposal	TPO Survey £527 (excl VAT)
Included in Current Year Estimates	Within Budget
Capital/Revenue	
Code	34000 5301
Staffing Costs	Within budget/working hours

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. Not applicable in this case.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

- 1.1 To present the TPO confirmation with modification for Lands at and adjacent to 43 and 45 Carthall Road, Coleraine.

2.0 Background

- 2.1 Under Sections 122 and 123 of the Planning Act (NI) 2011 and the provisions of the Planning (Trees) Regulations (Northern Ireland) 2015 the Council may make Tree Preservation Orders (TPOs) to afford statutory protection to selected trees or woodlands if their removal is likely to have a significant impact on the local environment and its enjoyment by the public.

- 2.2 Trees can have a high amenity value and can make an important contribution to the environment, creating a varied, interesting and attractive landscape. They can help define the character of an area and create a sense of place acting as landmark features in urban and rural areas. They also have nature conservation, historic and recreational value. Trees in the Northern Ireland landscape are limited, therefore, where they do exist their contribution is valued.

- 2.3 The Council may make a TPO for the purpose of protecting trees if they are considered to be of special value in terms of amenity, history or rarity, which may or may not be under threat. Therefore, to be considered for a TPO, trees must be of high amenity value and in reasonable condition. The following criteria are used when assessing the merits of a potential TPO:

- **Potential Threat:** Priority will be given to the protection of those trees deemed to be at immediate risk from active felling or damage from development on site. All other requests will be assessed and prioritised accordingly.
- **Visibility:** The extent to which the trees or woodlands can be seen by the general public will inform the assessment of whether the impact on the local environment is significant.
- **Individual Impact:** The mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The tree's particular importance will be assessed by reference to its size and form. Its future potential as an amenity should also be assessed, taking into account any special factors such as its screening value or contribution to the character or appearance of an area. In relation to a group of trees or woodland, an assessment will be made of the collective impact.
- **Wider Impact:** The significance of the trees in their local surroundings will also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.
- **Historical Importance:** Certain trees, because of their age, association with the setting of listed buildings, or the contribution they make to the special character of a conservation area, may require consideration for TPO protection.

- **Rarity:** There may be occasions where a tree(s) may be considered for TPO protection solely on the grounds of its rarity. The priority of the consideration will reflect the rarity of the species.
- 2.4 All types of tree can be protected. The Order can cover anything from a single tree to woodlands. Normally, unless a Woodland TPO is proposed, only trees over 3.5m in height are considered for a TPO. Hedges, bushes and shrubs will not be protected.
- 2.5 In terms of the process and timescales, a Provisional TPO is normally served first, with the final confirmation within six months, or it can be allowed to lapse if it is considered, as a result of a detailed assessment, that the trees are not considered worthy of protection.

3.0 Site Context

- 3.1 The site is located on northern side of Carthall Road. The site contains two mature trees along its roadside with nine other trees located within the site. No. 43 Carthall Road includes a single dwelling and associated garage whereas No. 45 Carthall Road was formerly an old farm dwelling with agricultural outbuildings, which have since been demolished. There are no units on this site. The lands are located across from a provisional TPO site (TPO 93 – Lands at 44 and 46 Carthall Road) and west of two confirmed TPO sites (TPO 53 – Lands at No's 29 to 41 Carthall Road and TPO 09 – Carthall House).
- 3.2 The Northern Area Plan (NAP) 2016 currently defines No. 45 Carthall Road as a Housing Zoning CEH 48 within the Settlement Development Limit of Coleraine, with Key Site Requirement 1 advising that the development shall be within the range of 15 to 25 dwellings per hectare, to ensure the character of the area is maintained. This zoning was first proposed 20 years ago, in the Draft NAP, published in 2004, and the trees have grown in the intervening time period.
- 3.3 The trees on site include an established and significant level of mixed trees, including Beech, Sycamore, Ash and Apple.
- 3.4 The roadside trees (Tree Nos. 1 and 11) are considered to contribute to the visual amenity of the area being visually significant as they tie in with other protected roadside trees along Carthall Road, which helps create the appearance of a corridor on approach from the countryside into the Coleraine Development Settlement Limit.

Reason for consideration of a TPO

- 3.5 On 17th July 2024, a letter was submitted by a member of the public which confirmed that at least one large tree had been felled and that there was concern that three mature trees (Tree Nos. 7, 8 and 9) within the site would also be felled.

- 3.6 Planning officials considered that a level of protection was required for the trees, based on the contribution to their local environment and character of the area by providing an attractive landscape feature and treed corridor on approach from the rural setting into Coleraine and when travelling out of the town along Carthall Road.
- 3.7 As such, a Provisional TPO was served on site on 15th August 2024 (see Appendix 1). This notice took effect immediately and provided protection for all trees on the site for a period of six months (until 15th February 2025). In line with legislation a copy of the Provisional TPO documentation was also posted to inform interested parties and adjoining neighbours on 15th August 2024. Copies of the Order were also attached to protected trees in obvious locations within the site on 15th August 2024. It is established practice to place a provisional TPO on all of the site.
- 3.8 The consultation process allowed comments/representations to be submitted within 28 days from the date of Notice of the Provisional TPO (up to 12th September 2024).
- 3.9 One objection was received from the landowner of 43 and 45 Carthall Road outlining concerns regarding the health of the trees and the potential impact on critical infrastructure (see Appendix 2) . The objection outlined how three sycamores (Tree Nos. 7, 8 and 9) are situated above two major NI Water pipes and a major electricity cable. The Council sought arboriculturist comment on this, and further information regarding this matter is provided in paragraph 3.15.
- 3.10 Within this period, an arboriculturist (Stephen Warren of M.Large Tree Services Ltd), carried out a detailed assessment of the trees. This has resulted in a detailed survey of all trees on site (see Appendix 3) which helps identify the current physical condition of each individual tree, allowing for consideration of what level of protection is required. Comments were also provided regarding any potential impacts on critical infrastructure as raised by the objector.

Detailed Assessment of Trees

- 3.11 The site was surveyed on 25th October 2024 (see Appendix 3). A total of eleven individual trees were surveyed.
- 3.12 The report includes specific observations and recommendations for all individual trees. The report advises that the majority of the trees are classified as Category C (trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm), due to their health and condition, with the exception of Tree No's. 1 (beech), 10 (apple) and 11 (double stemmed beech). The arboriculturist has recommended remedial works to Tree No. 11 due to its potential impacts on the adjacent road.
- 3.13 On assessment of the report and in terms of recommendations for the confirmation of the TPO, it is important to consider that only three trees on site

are considered to be in fair condition. However, Tree No. 10 (apple) is not considered suitable for TPO protection due to its limited amenity value and location along the rear boundary of No. 45 Carthall Road.

- 3.14 Tree No's 1 (beech) and 11 (beech) are considered appropriate for TPO protection as they are considered to have visual public amenity value and link with other TPO sites along Carthall Road to reinforce the tree lined visual corridor on approach into/out of Coleraine.
- 3.15 The initial letter submitted by a member of the public had raised concerns around the felling of Tree No's. 7, 8 and 9 (all sycamore). These are also the trees referred to in the objection letter which the objector felt could impact on critical infrastructure. In response to the objector's concern, the arboriculturist has outlined how roots cannot penetrate a solid surface, so should not be a direct hazard to water pipes and electricity cables unless there is an existing problem with the infrastructure. Notwithstanding this advice, tree no's. 7,8 and 9 are not considered worthy for TPO protection due to their health and condition, as outlined in the arboriculturist report (Appendix 3).
- 3.16 With regard to the potential impact on Housing Zoning CEH 48, the trees that are recommended for TPO protection are located along the site's roadside frontage, and should not create a conflict with the implementation of any development on the Zoning, for which there is currently no related planning history.

Summary

- 3.17 The site contains two trees that are considered worthy and suitable for TPO protection. These trees have high public amenity value, being located in a prominent location along the Carthall Road frontage, and contribute to the character of the area. The trees, when assessed with other TPO sites along Carthall Road, help provide a visual corridor on approach into/out of Coleraine and area considered worthy of TPO protection.
- 3.18 TPO to be Confirmed with modification to include all trees within the site with the exception of Trees 2, 3, 4, 5, 6, 7, 8, 9, and 10.
- 3.19 **Financial Implications**
- 3.20 No financial implications for the Council.

4.0 Options

- 4.1 **Option 1:** Resolve to confirm the TPO with modifications as detailed above.
Option 2: Resolve not to confirm the TPO.

5.0 Recommendation

5.1 **IT IS RECOMMENDED** that Members agree to either Option 1 or 2 above.

Appendices:

Appendix 1: Provisional TPO Notice and Map

Appendix 2: Representation received

Appendix 3: Tree Survey Report (Inc Survey Table & Map)



**Causeway
Coast & Glens
Borough Council**

**THE PLANNING ACT (NORTHERN IRELAND) 2011
THE PLANNING (TREES) REGULATIONS (NORTHERN
IRELAND) 2015**

TREE PRESERVATION ORDER

Lands at and adjacent to No's 43 and 45 Carthall Road, Coleraine

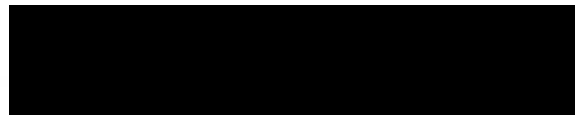
Causeway Coast and Glens Borough Council (in this Order called "the Council") in exercise of the powers conferred upon it by sections 122, 123 and 183(1) of the Planning Act (Northern Ireland) 2011(a) makes the following order:

No person shall, except with the consent of the Council and in accordance with the conditions, if any, imposed on such consent, cut down, uproot, top, lop, wilfully damage or wilfully destroy or cause or permit the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of any tree specified in Schedule 1 or comprised in a group of trees or in a woodland specified in that Schedule. the position of which trees, groups of trees or woodlands is defined in the manner indicated in Schedule 1 on the annexed maps which maps shall for the purpose of such definition prevail where any ambiguity arises between them and the specification in Schedule 1.

The Council directs that section 123 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on **15th August 2024**.

The Order is subject to the provisions of Schedule 2 and to the exemptions specified in Schedule 3.

Authorised by the Council to sign in that behalf on



Authorised Officer

On behalf of: Causeway Coast and Glens Borough Council Planning Manager

SCHEDULE 1

All those trees contained within the area outlined in red on the attached Map A.

SCHEDULE 2

Application of provisions of the Planning Act (Northern Ireland) 2011

1.-(1) The provisions of sections 40, 58, 59, 60, 68, of the 2011 Act specified in column 1 of Part 1 of Schedule 4 of this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column 2.

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part 2 of that Schedule.

Compensation

2. Subject to the provisions of this Order any person who has suffered loss or damage in consequence of—

- (a) any refusal of consent to cut down, uproot, top or lop a tree which is the subject of a tree preservation order; or
- (b) the granting of any such consent subject to conditions,

shall if they make a claim to the council within the time and in the manner prescribed by paragraph 5 be entitled subject to such exceptions as may be prescribed to recover from the council compensation in respect of such loss or damage.

3. No claim may be made under this Order if the amount in respect of which the claim would otherwise have been made is less than £500.

4. No compensation shall be payable to a person:

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reasons as set out in paragraph (5)(1) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when the consent was refused or was granted subject to conditions; or
- (c) for loss or damage reasonably foreseeable by that person and attributable to his or her failure to take reasonable steps to avert the loss or damage or to mitigate its extent.

5.-(1) A claim for compensation shall be in writing, stating the reasons for that claim and shall be made by serving it on the council.

(2) The time within which any such claim shall be made shall be a period of six months from the date of the decision of the council, or where an appeal has been made to the planning appeals commission against the decision of the council from the date of the decision of the commission on the appeal.

6. The Lands Tribunal shall determine any question of disputed compensation.

NOTE: Any person who, in contravention of the provisions of this Order cuts down, uproots or wilfully destroys a tree, or wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it is guilty of an offence under section 126 (penalties for contravention of tree preservation orders) of the Planning Act (Northern Ireland) 2011 and liable on summary conviction to a fine not exceeding £100,000; and on conviction on indictment, to a fine. In determining the amount of fine to be imposed on a person convicted of such an offence the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to that person in consequence of the offence.

Any person who contravenes the provisions of this Order otherwise than as mentioned above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

SCHEDULE 3

This Order shall not apply to require the consent of the council to:

1. The cutting down, uprooting, topping or lopping of a tree exempted from the provisions of this Order by section 122(5) of the Planning Act (Northern Ireland) 2011 namely a tree which is dead or has become dangerous, or the cutting down, uprooting, topping or lopping of which is in compliance with obligations imposed by or under any statutory provision or so far as may be necessary for the prevention or abatement of a nuisance.
2. The cutting down, uprooting, topping or lopping of a tree—
 - (a) in pursuance of the power conferred on the operator by virtue of section 106 of the Communications Act 2003(a) and paragraph 19 of Schedule 2 to the Telecommunications Act 1984(b);
 - (b) by a statutory undertaker (defined as such by Section 250 of the Planning Act (Northern Ireland) 2011), where the land on which the tree is situated is operational land (as defined in the Planning (General Permitted Development) Order (Northern Ireland) 2015(c)) of the statutory undertaker and the work is necessary—
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker, to carry out development permitted by or under the Planning (General Permitted Development) Order (Northern Ireland) 2015;
 - (c) where required for the purpose of carrying out development authorised by planning permission granted (other than an outline planning permission) on an application made under Part 3 of the Planning Act (Northern Ireland) 2011;
 - (d) which is a fruit tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
 - (e) where required to enable the implementation of an order made under Articles 4(1), 5(1), 6, 14(1), 15(1), 18(1) and 68(1) of the Roads (Northern Ireland) Order 1993(d) or
 - (f) where that work is urgently necessary for national security purposes.
3. The pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit

(a) 2003 c. 21

(b) 1984 c 12

(c) S R. 2015 no.70

(d) 1993 No. 3160 (N.1 15)

**SCHEDULE 4
PART 1**

Adaptation of sections 40, 58, 59, 60 and 68 of the Planning Act (Northern Ireland)
2011

Column 1: Provision of the 2011 Act Column 2: Adaptation or Modification

Section 40	Substitute this section with- "Application for consent to cut down, uproot, top or lop trees 40.(1) An application for consent made to the council shall be in writing containing a statement of reasons for making the application, and specifying, by reference if necessary to a map, the trees or woodland to which the application relates and the operations for which consent is required. (2) The council may grant consent to an application either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree or trees) as the council may think fit, or may refuse consent."
Section 58(1)	Omit "-" and "(a)" For the words "planning permission to develop land" substitute "consent under a tree preservation order". Omit paragraphs (b) and (c). For the words "permission, consent, agreement or approval" substitute "consent".
Section 58(2)	Omit.
Section 58(3)	For the number "(3)" substitute "(2)".
Section 58(4)	For the number "(4)" substitute "(3)".
Section 58(5)	Omit the words ",subject to subsections (5) to (7),". Substitute this subsection with— "(4) Where an appeal is brought under this section, the commission must afford both the appellant and the council the opportunity of— (a) appearing before and being heard by the commission; or (b) submitting to the commission a written statement within such period and in respect of such matters as the commission may specify to them by notice in writing."
Section 58(6)	For the number "(6)" substitute "(5)".
Section 58(7)	Omit.
Section 59(1)	Omit the words "or as the case may be, the Department".
Section 60	After the words "section 58(1)" insert the words "as applied and modified by the Planning (Trees) Regulations (Northern Ireland) 2015".

Omit the words "either—", "(a)", and "; or" in paragraph

(a).

Omit paragraph (b).

Omit paragraph (c).

For subparagraphs "(i)" and "(ii)" substitute "(a)" and

"(b)" and for the words "permission, consent, agreement

or approval" substitute "consent".

Section 68

In the title omit the words "planning permission" and substitute "consent under a tree preservation order". Substitute the section with the following-

"(1) If it appears to a council that it is expedient to revoke or modify any consent under a tree preservation order, the council may, subject to subsections (3), (4) and (5) by order revoke or modify the consent to such extent as it considers expedient.

(2) Without prejudice to the generality of subsection (1), a council may have regard to any material change in circumstances that has occurred since the consent was granted.

(3) The power conferred by this section to revoke or modify consent under a tree preservation order may be exercised at any time before the operations for which consent has been given have been completed, but any such revocation or modification shall not affect so much of those operations as has been carried out.

(4) Where the council makes an order under this section it must serve a notice on-

(a) the person who applied for the consent;

(b) the owner and occupier of the land affected; and

(c) any other person who, in its opinion, would be affected by the order.

(5) An order under this section shall take effect on the day after that on which the council complies with the requirements of subsection (4)."

PART 2

Sections 40, 58, 59, 60 & 68 of the Planning Act (Northern Ireland) 2011 as adapted or modified

Application for consent to cut down, uproot, top or lop trees

40.-(1) An application for consent made to the council shall be in writing containing a statement of reasons for making the application, and specifying, by reference if necessary to a map, the trees or woodland to which the application relates and the operations for which consent is required.

(2) The council may grant consent to an application either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree or trees) as the council may think fit, or may refuse consent.

Appeals

58.-(1) Where an application is made to a council for consent under a tree preservation order then if that consent is refused or is granted subject to conditions, the applicant may by notice in writing appeal to the planning appeals commission.

(2) Any notice under this section must be served on the planning appeals commission within 4 months from the date of notification of the decision to which it relates or such other period as may be specified by development order.

(3) Where an appeal is brought under this section from a decision of a council, the planning appeals commission may allow or dismiss the appeal or may reverse or vary any part of the decision whether the appeal relates to that part thereof or not and may deal with the application as if it had been made to it in the first instance.

(4) Where an appeal is brought under this section, the commission must afford both the appellant and the council the opportunity of—

- (a) appearing before and being heard by the commission; or
- (b) submitting to the commission a written statement within such period and in respect of such matters as the commission may specify to them by notice in writing.

(5) If at any time before or during the determination of an appeal under this section it appears to the planning appeals commission that the appellant is responsible for undue delay in the progress of the appeal, it may—

- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and
- (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.

Matters which may be raised in an appeal under section 58

59.-(1) In an appeal under section 58, a party to the proceedings is not to raise any matter which was not before the council at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the planning appeals commission—

- (a) that the matter could not have been raised before that time, or
- (b) that its not being raised before that time was a consequence of exceptional circumstances.

- (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to-
- (a) the provisions of the local development plan, or
 - (11) any other material consideration.

Appeal against failure to take planning decision

60. Where any such application as is mentioned in section 58(1) as applied and modified by the Planning (Trees) Regulations (Northern Ireland) 2015 is made to a council, then unless within such period as may be specified by a development order, or within such extended period as may be agreed upon in writing between the applicant and the council, the council gives notice to the applicant of its decision on the application, section 58 shall apply in relation to the application-

- (a) as if the consent to which it relates had been refused by the council; and
- (b) as if notification of the council's decision had been received by the applicant at the end of the period so specified, or at the end of the said extended period, as the case may be.

Revocation or modification of consent under a tree preservation order by council

68.-(1) If it appears to a council that it is expedient to revoke or modify any consent under a tree preservation order, the council may, subject to subsections (3), (4) and (5) by order revoke or modify the consent to such extent as it considers expedient.

(2) Without prejudice to the generality of subsection (1), a council may have regard to any material change in circumstances that has occurred since the consent was granted.

(3) The power conferred by this section to revoke or modify consent under a tree preservation order may be exercised at any time before the operations for which consent has been given have been completed, but any such revocation or modification shall not affect so much of those operations as has been carried out.

(4) Where the council makes an order under this section it must serve a notice on-

- (a) the person who applied for the consent;
- (b) the owner and occupier of the land affected; and
- (c) any other person who, in its opinion, would be affected by the order.

(5) An order made under this section shall take effect on the day after that on which the council complies with the requirements of subsection (4)

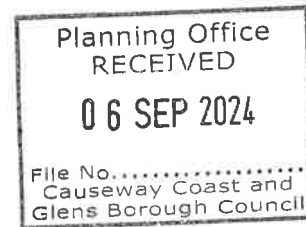
04 September 2024

Denise Dickson

Head of Planning

Causeway Coast and Glens Borough Council

Dear Denise,



REF: LA01/2024/0002/TPO

With regards to your letter REF: LA01/2024/0002/TPO outlining the enforcement of a Temporary Tree Preservation Order at 43/45 Carthall Road Coleraine, we wish to make an objection.

Health of the Trees

Firstly, the health of the trees located on 43/45 Carthall Road Coleraine needs to be considered. We used the services of a tree surgeon to remove a large sycamore at 45 Carthall Road, due to the fact it was diseased and precariously leaning. We were advised that the remaining three sycamore trees at 45 Carthall Road are infected with Dieback and extensive Brownspot. The Cooper Beech tree at 43 Carthall Road is infected with extensive Brownspot, and the Beech tree on the Roadside at number 45 is also infected with extensive Brownspot.

In the second paragraph of your letter, you state that “the reason for making the Order is that the trees have an amenity value”, we believe this is outweighed by the ill health and potential for spread of infection from these trees.

Furthermore, in regard to this rationale, we believe that this needs to be balanced with the requirement to protect critical NI Water infrastructure, that is impacted by this Temporary Tree Preservation Order.

Critical Infrastructure

At 45 Carthall Road, Coleraine, the three diseased Sycamore trees are situated above two major NI Water pipes which flow into and from the covered NI Water Reservoir behind numbers 43 and 45. There is also a major electricity cable along the same path supplying the reservoir. Whilst we were going through the purchase process of 45 Carthall Road Coleraine in April 2024, our solicitor outlined the legal requirement for NI Water to have access to this infrastructure to maintain/repair it as necessary.

It is our understanding that this NI Water Reservoir is a major source of water supply for Coleraine town and services multiple residential and commercial premises, and as such should be considered as critical infrastructure.

The diseased Sycamore trees have not been attended for many years, and are now exposed, due to the removal of surrounding buildings, as such we have major concerns over the risk they pose, to the aforementioned critical infrastructure, to the property at 43 Carthall Road and indeed the potential risk to life that they pose for its residents.

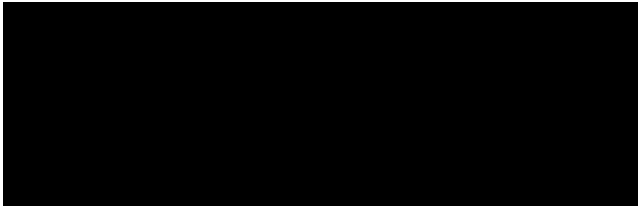
In addition, the risk of future disruption to this critical infrastructure by the trees and route network, if water supply is disrupted, could pose an Article 2 European Convention of Human Rights risk to vulnerable people within Coleraine.

Furthermore, in light of this risk, the application of Tree Preservation Orders to these trees places an unbearable liability on the individual landowner, which cannot be accepted.

Unlike other circumstances, the position of these trees in relation to the infrastructure is extraordinary, therefore the application of a Tree Preservation Order impacts on the landowners Article 1, Protection of Property, Human Rights Act 1998, as it is clearly not in the public interest, and is neither proportionate nor necessary.

I hope this information is useful and in light of this I request the Temporary Tree Preservation order is revoked.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Mark McEwan & Anna Shiels

TREE SURVEY REPORT

FOR:

43-45 CARTHALL ROAD, COLERAINE

M. LARGE TREE SERVICES LTD.

"Coolewell", Church Rd, Newtownabbey, BT36 6DH

Tel (02890) 342838 Fax (02890) 837377 E-mail sales@mlarge.com

Web www.mlarge.com

M. LARGE TREE SERVICES LTD

TREE SURVEY AND REPORT

SITE:

43-45 CARTHALL ROAD, COLERAINE

CLIENT:

Causeway Coast and Glens Borough Council

TERMS OF REFERENCE:

- **To survey and produce a report on the health and condition of trees growing on the above site.**
- **To make recommendations for tree works to ensure site safety and good arboricultural management.**
- **To provide a photographic record of the trees on the site.**

SURVEY DATE (S)

25th October 2024

SURVEYED BY

Stephen Warren BSc (Hons)

TREE SURVEY AND REPORT FOR:
43-45 CARTHALL ROAD, COLERAINE

A total of eleven individual trees have been surveyed on the site, with species including beech, sycamore, and ash. Although the removal of any tree is not considered necessary based on their current health and condition, the majority are classed as category C (see table 1). There are structural defects (cavities) and physical wounding to almost all the trees on the site.

Tree 6 shows a slight loss of vigour, and may be affected by *Hymenoscyphus*, or Ash Dieback. Regardless of any remedial action taken on this tree, it should be monitored for further deterioration in health.

Tree 11 is growing close to a main road, and will require regular maintenance to ensure overhanging lateral branch growth does not affect traffic. The smaller stem of this tree has noticeably poor foliage, compared to that on the larger. Although no evidence of decay or disease is visible, the tree should also be monitored for any change in vigour.

The roots of tree 11 may also be affected by the hard surfaces of the main road. This surface may act as a barrier to root development, and may affect the health of the tree. In addition, damage may be caused by the weight of vehicles to any roots that have grown under the road. Root growth may even cause damage to the pavement or road, potentially creating a risk to the public or vehicles. In all cases, regular monitoring is required to identify potential problems as early as possible.

With the exception of trees 1 and 10, there is a significant build-up of deadwood throughout the trees. Although this is a natural occurrence, and does not reflect the overall health of an individual tree, there is considered to be a minor risk of damage to persons or property beneath the crown caused by falling deadwood. It should therefore be kept to a minimum, and crown cleaning has been recommended. This consists of the removal of all unwanted material from the crown of the tree and may be regarded as the basic safety prune. It should include the removal of all dead, dying, broken or diseased material from the tree.

Crown reduction has been recommended where it is considered necessary to reduce mechanical stress on individual branches or stems, making the tree more suited to its immediate environment. Any reduction should retain the main structure of the crown and a significant proportion of the foliage, leaving a similar, but smaller outline. Pruning cuts should be as small as possible and in general not exceed 10cm diameter.

The term “reduce endweight to balance crown” is used where a tree has more branching in one direction, causing it to become unbalanced. Whilst an unbalanced crown is not necessarily an immediate problem, uneven weighting in a tree can increase the likelihood of wind-throw. The shortest “extent” of each crown-spread should be taken as a guide and the remaining branches pruned close to that length.

All measurements for reduction recommended in this report are approximate, and the maximum to which branches/stems should be cut. Pruning must be made at appropriate branching points, rather than removing exactly the specified length. Please note, a general reduction of 5m (tree 7) is a reduction of 5m from the height and 5m from the *total* width of the tree. Where necessary, more detailed measurements are given.

Trees 2 to 6 are growing on a small banking. This is unlikely to affect the physiological health of the trees, but it will restrict the development of the root systems. As a tree derives its stability from the *spread* of its roots, rather than the depth, these trees may become more susceptible to windthrow if they are allowed to grow excessively large. It is recommended that their current size should be regarded as the maximum to which they should be allowed to grow.

Specific observations and recommendations for each tree are recorded in the attached survey schedule. All tree works carried out should follow *British Standard (BS) 3998: 2010: Tree works recommendations*.

OBJECTIONS RAISED TOWARDS POTENTIAL TPO

An objection has been made against the imposition of a full TPO for the trees on this site. The objection calls into question the health of the trees, and the impact they have on the water and electricity supplies. It is the opinion of this office that the objections (as stated) should not influence the suitability of the trees for protection under a TPO, but there are more significant factors affecting the trees that do.

The brownspot referred to in the objection is a fungal infection of the leaves, remaining dormant in the fallen leaves over winter, and re-infecting the tree the following spring. Over successive years, the vigour and overall health of a tree can decline, but clearing dead leaves during autumn and winter can prevent this.

The restriction to the root systems is likely to become a much larger concern for trees 2 to 6, and number 11. As numbers 2 to 6 are growing on a banking, the risk of windthrow should be regarded as a higher risk than any potential infection. It is important, therefore that these trees are maintained at an appropriate size.

Despite its relatively healthy condition, consideration should be given to the practicality of protecting this tree 11 under TPO legislation due to its proximity to the road. This tree will require constant monitoring, and regular maintenance. Please note, the recommendation given in the schedule refers *only* to the physiological and structural condition of the tree, not the future management requirements.

With regards to the underground water pipes and electricity cables, the trees are unlikely to affect either of these. Roots cannot penetrate a solid surface, so should not be a direct hazard unless there is an existing problem with the infrastructure. In addition, the depth of the roots is likely to be less than that of the utilities, as tree roots rarely extend deeper than 1.5m (approximately).

However, should any maintenance work be required, access to the utilities will be hampered by the trees. Although damage *from* the trees is unlikely (as described above), damage *to* the roots is potentially unavoidable if access is required. For this reason, a TPO on these trees may not be considered practicable.

PHOTOGRAPHIC RECORD



6

Photograph 1: Trees 2 to 6 (left to right). Note the banking upon which the trees are growing.



Photograph 2: An overview of trees 2 to 6 (right to left).



Photograph 3: Decayed cavities in the main stem of tree 9.



Photograph 4: An overview of tree 11. Note the clear difference in vigour between the foliage on the smaller stem (left) and the larger.

KEY TO SURVEY SHEETS

- 1) TREE NO:
REFERENCE TAG NUMBER ON TREE.
- 2) TREE SPECIES.
- 3) AGE:
y: YOUNG.
sm: SEMI MATURE.
m: MATURE.
om: OVER MATURE.
- 4) CONDITION*:
GOOD: A SUPERIOR TREE WITH NO VISIBLE FAULTS.
FAIR: A HEALTHY TREE WITH ONLY MINOR DEFECTS.
POOR: SEVERAL OR SEVERE DEFICIENCIES HEALTH.
DEAD: DEAD OR DEATH IMMINENT. FAILURE IRREVERSIBLE.
- 5) HT: TREE HEIGHT IN METERS.
- 6) DBH: DIAMETER AT BREAST HEIGHT (1.3m).
- 7) CROWN SPREAD:
THE DISTANCE IN METRES FROM THE CENTRE OF THE TREE TO THE NORTH, SOUTH, EAST, AND WEST.
- 8) OBSERVATIONS:
COMMENTS REGARDING THE GENERAL HEALTH AND CONDITION OF THE TREE.
- 9) RECOMMENDATIONS:
ACTION TO BE TAKEN ON THE BASIS OF OBSERVATIONS.
- 10) BS5837 TREE CATEGORIZATION RATING (SEE TABLE 1).
- 11) TPO RECOMMENDATION.

****Please note:***

The condition of a tree is based on its physiological health when inspected, and does not include any external environmental factors (such as restrictions to root growth) or predicted development of issues (such as spread of existing decay). Therefore, a direct correlation between the condition of a tree and its category SHOULD NOT BE ASSUMED. A tree may in theory be described as in "good" condition, but still have a low Categorisation Rating (10).

Table 1 Adapted from BS 5837: 2012 (p.9)

Category and definition	Criteria (including subcategories where appropriate)		
Trees unsuitable for retention			
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality <p><i>NOTE</i> Category U trees can have existing or potential conservation value which it might be desirable to preserve;</p>		
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation
Trees to be considered for retention			
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value

No		Species	Age	Cdtn	Ht (m)	DBH (cm)	RPR (m)	RPA (m ²)	Crown Spread (m)				Observations	Recommendations	Cat	TPO
									N	S	E	W				
T	1	Beech	m	Fair	12	53	6.36	127	5	4	5	5	<p>This single stemmed tree is forking at into multiple stems at approximately 60cm. The tree has a healthy crown that has previously been reduced. There is minor epicormic growth at points of branch removal.</p> <p>It is growing at the base of a wall, and is overhanging a pavement.</p>	No action is required at this time.	B	Yes
T	2	Beech	m	Fair	18	85	10.20	327	3	6	7	7	<p>This single stemmed tree has a healthy but unbalanced and partially suppressed crown that contains minor deadwood. It is growing on a banking, and has a restricted root system as a result.</p> <p>There is minor wounding to the buttress and the lower part of the stem. ivy has been cut from around the base. Lateral branches overhang a house.</p>	<p>Cut ivy.</p> <p>Crown clean.</p> <p>Reduce endweight to balance crown.</p> <p>Reduce height by 6m.</p>	C	No

No		Species	Age	Cdtn	Ht (m)	DBH (cm)	RPR (m)	RPA (m ²)	Crown Spread (m)				Observations	Recommendations	Cat	TPO
									N	S	E	W				
T	3	Beech	m	Fair	18	58	6.96	152	2	4	6	2	<p>This single stemmed tree has a healthy, but slightly unbalanced and partially suppressed crown. It is top-heavy due to competition for light with adjacent trees. There is also a slight bend in the main stem for the same reason.</p> <p>The tree has a large decayed wound close to the base, from where a large secondary stem has been removed.</p> <p>It is growing on a banking, and has a restricted root system as a result.</p>	<p>Crown clean.</p> <p>Reduce endweight to balance crown.</p> <p>Reduce height by 3m.</p>	C	No
T	4	Beech	m	Fair	18	81	9.72	297	8	7	3	6	<p>This single stemmed tree has a healthy but unbalanced and partially suppressed crown that contains minor deadwood. There are inclusions at several fork unions throughout the crown.</p> <p>It is growing on a banking, and has a restricted root system as a result. Metal brackets (possibly used for climbing the tree) have been attached to the main stem.</p>	<p>Crown clean.</p> <p>Reduce endweight to balance crown.</p> <p>Reduce height by 6m.</p>	C	No

No		Species	Age	Cdtn	Ht (m)	DBH (cm)	RPR (m)	RPA (m ²)	Crown Spread (m)				Observations	Recommendations	Cat	TPO
								N	S	E	W					
T	5	Sycamore	m	Fair	16	49	5.88	109	4	8	5	5	<p>This single stemmed tree has a healthy but unbalanced and partially suppressed crown that contains deadwood and hung-up broken branches. there is minor wounding at points of branch loss.</p> <p>The tree is growing at the edge of an access lane, and has previously been crown-lifted.</p>	<p>Crown clean.</p> <p>Reduce endweight to balance crown.</p> <p>Reduce height by 4m.</p>	C	No
T	6	Ash	m	Poor	18	67	8.04	203	4	4	2	6	<p>This single stemmed tree is forking at 1.5m, and has a large inclusion at the fork union. The smaller stem has previously been pruned back, and has a large decayed wound where it has been cut.</p> <p>In general, the tree shows a slight loss of vigour, but the smaller stem is particularly poor. It is likely that the tree is affected by <i>Hymenoscyphus</i>.</p>	<p>Monitor vigour.</p> <p>Crown clean.</p> <p>Reduce endweight to balance crown.</p> <p>Reduce height by 6m.</p>	C	No

No		Species	Age	Cdtn	Ht (m)	DBH (cm)	RPR (m)	RPA (m ²)	Crown Spread (m)				Observations	Recommendations	Cat	TPO
									N	S	E	W				
T	7	Sycamore	m	Poor	17	59	7.08	157	5	5	5	4	<p>This single stemmed tree has a healthy, partially suppressed crown. However, there is significant decayed wounding at points of branch loss, and decay at the base of the tree.</p> <p>It is forking at 2m, and has a large inclusion at this union. There is deadwood throughout the crown.</p>	<p>Crown clean.</p> <p>Crown reduce by 5m.</p>	C	No
T	8	Sycamore	m	Poor	17	50	6.00	113	3	3	4	4	<p>This single stemmed tree has a healthy, partially suppressed crown. There is decayed wounding to the lower part of the stem, with decay and epicormic growth at the base.</p> <p>There is deadwood, broken branches, and wounding at points of branch loss throughout the crown. There is also an inclusion at the main fork union.</p>	<p>Crown clean.</p> <p>Reduce endweight to 3m.</p> <p>Reduce height by 5m.</p>	C	No

No		Species	Age	Cdtn	Ht (m)	DBH (cm)	RPR (m)	RPA (m ²)	Crown Spread (m)				Observations	Recommendations	Cat	TPO
									N	S	E	W				
T	9	Sycamore	m	Poor	17	54	6.48	132	4	5	4	5	<p>This single stemmed tree has a healthy, but slightly unbalanced and partially suppressed crown. It is forking into multiple stems at 2.2m.</p> <p>There is a large decayed cavity in the main stem, with suspected internal decay as a result. The tree has inclusions at several fork unions.</p>	<p>Crown clean.</p> <p>Crown reduce by 5m.</p>	C	No
T	10	Apple	y	Fair	4	to 10	2.08	14	1	1	1	1	<p>This multi-stemmed tree has a healthy, partially suppressed crown. It is growing on the boundary of the site.</p> <p>There is a similar tree growing close to the base, but it is not yet large enough to be included as part of either TPO or BS5837 legislation.</p>	<p>No action is required at this time.</p>	B	Yes

No		Species	Age	Cdtn	Ht (m)	DBH (cm)	RPR (m)	RPA (m ²)	Crown Spread (m)				Observations	Recommendations	Cat	TPO
									N	S	E	W				
T	11	Beech	m	Fair	17	62 & 42	8.99	254	5	5	6	5	<p>This twin-stemmed tree has a healthy crown. It is growing close to the edge of a road. Lateral branches have previously been pruned back, but still overhang the road. The location will have a significant impact on the management of this tree.</p> <p>The tree has inclusions at several fork unions, and minor deadwood throughout its crown. There is epicormic growth at the base, and minor decayed wounding at points of branch loss.</p> <p>The smaller stem shows a loss of vigour, with poor foliage, but there is no visible evidence of external decay or disease.</p> <p>Rubble from a demolished house has been dumped close to the base of the tree. This will affect the root system, and should be removed.</p>	<p>Crown clean.</p> <p>Reduce height by 5m.</p> <p>Reduce endweight to 4m.</p>	B	Yes



Key:

- 15 Tree Location, category and reference number.
- Tree Category (see table 1 from BS 5837: 2012; p.9)
- B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.
 - C Trees of low quality with an expected remaining life expectancy of at least 10 years.
 - U Trees which cannot realistically be retained for more than 10 years, or which should be felled to maintain site safety.
- Crown-spread
 - Woodland / Group

Lands at: 43 & 45 Carthall Road, Coleraine

for: Causeway Coast & Glens Borough Council

Tree crown spreads drawn by SW

<i>Drawn by</i>	CSS	<i>Date</i>	October 2024
<i>Scale</i>	1/500	<i>Dwg. No.</i>	82128

M.LARGE Tree Services Limited

Colewell, Church Road,
Newtownabbey
BT36 6DH

TEL: 028 903 42838 FAX: 028 903 837377

www.mlarge.com