

<b>Title of Report:</b>	<b>TPO Confirmation – Lands adjacent to 18 New Row, Kilrea (LA01/2025/0003/TPO)</b>
<b>Committee Report Submitted To:</b>	<b>PLANNING COMMITTEE</b>
<b>Date of Meeting:</b>	<b>24<sup>th</sup> September 2025</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
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

<b>Budgetary Considerations:</b>	
Cost of Proposal	TPO Survey £350 (excl.VAT)
Included in Current Year Estimates	Within Budget
Capital/Revenue	
Code	34000 5301
Staffing Costs	Within budget/working hours

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. <b>Not applicable in this case.</b>		
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 adjacent to 18 New Row, Kilrea.

## **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 detailed assessment, that the trees are not considered worthy of protection.

### **3.0 Site Context**

- 3.1 The site is located to the south of Kilrea's Town Centre and is adjacent to No. 18 New Row and a former telephone exchange. There is currently a planning application (LA01/2024/0320/F) under consideration for a proposed new dwelling on the site of the existing telephone exchange building. The site is also located north of the Marian Hall. The site under consideration for a TPO comprises 26 individual trees and 1 tree group (7 sycamores). The 26 individual trees comprise 7 sycamores, 14 common beech and 5 oaks.
- 3.2 The Northern Area Plan 2016 identifies the lands adjacent to 18 New Row as being within the Settlement Development Limits of Kilrea. Additionally, the Northern Area Plan 2016 identifies the site as being within Designation KAL 06 – Horse Fair Green LLPA.
- 3.3 Designation KAL 06 – Horse Fair Green LLPA outlines that this area includes a large group of mature trees on sloping ground to the northwest of the site and that this LLPA will be retained free from any further development. There have been no planning applications (current or historical) submitted at this location.

#### Reason for Consideration of a TPO

- 3.4 Following a review of TPO55 the Council's Planning Department 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 along New Row, Kilrea.
- 3.5 A Provisional TPO was served on site on 11<sup>th</sup> August 2025 (see Appendix 1). This notice took effect immediately and provided protection for all trees on the site for a period of six months (until 9<sup>th</sup> February 2026). In line with legislation, a copy of the Provisional TPO documentation was also posted to inform interested parties and adjoining neighbours on 11<sup>th</sup> August 2025. Copies of the Order were also attached to protected trees in obvious locations within the site on 11<sup>th</sup> August 2025.

- 3.6 The consultation process allowed comments/representations to be submitted within 28 days from the date of Notice of the Provisional TPO (up to 8<sup>th</sup> September 2025). No objections were received.
- 3.7 Within this period a qualified Arboriculturist was appointed to carry out a detailed assessment of the trees, identifying the current physical condition of each individual tree, allowing for consideration of whether a tree is suitable for protection.

#### Detailed Assessment of Trees

- 3.8 The site was surveyed on 9<sup>th</sup> June 2025 (see Appendix 2). A total of 26 individual trees and one tree group (7 trees) have been surveyed. The report includes specific observations and recommendations for all trees.
- 3.9 On assessment of the report and in terms of recommendations for the confirmation of the TPO, it is important to note that the majority of trees are considered to be in a fair condition and suitable for TPO protection. Tree No's 6, 8, 22 (all common beech) 23 (oak) and group 27 (all sycamore) are not deemed suitable for protection due to their poor condition or low amenity value. The remaining trees are considered appropriate for TPO protection as they are in healthy condition and are considered to have visual public amenity value for road users along New Row, Kilrea.
- 3.10 There were no objection letters received regarding the serving of a TPO on lands adjacent to 18 New Row, Kilrea.

#### Summary

- 3.11 The site contains 26 individual trees and one group of trees. The group of trees along with Tree No's. 6, 8, 22 and 23 are not considered to be worthy or suitable for TPO protection. The remaining 22 trees are considered worthy due to their high public amenity value, being located in a prominent location along New Row, and contribute to the character of the area.
- 3.12 TPO to be Confirmed with modification to include all trees within the site with the exception of Trees 6, 8, 22, 23 and 27 (tree group).

#### **3.13 Financial Implications**

- 3.14 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:** Tree Survey Report (Inc Survey Table & Map).