



Saltash Town Council
The Guildhall
12 Lower Fore Street
Saltash
PL12 6JX

Your ref:
My ref: PA22/02069/PREAPP
Date: 2 February 2023

Dear Saltash Town Council

Pre-application enquiry reference PA22/02069/PREAPP
Proposal Request for new Tree Preservation Order(s) (TPO) namely a young Darley Oak
Location Land At Jubilee Green Old Ferry Road Saltash Cornwall
Applicant Saltash Town Council

I refer to your enquiry received on 14 December 2022 concerning the above and would inform you that this letter is written on the basis of the information supplied with your enquiry and the submitted drawings.

I refer to your enquiry concerning the above and would inform you that this letter is written on the basis of the information supplied with your enquiry, Council records, a site visit and reference to Internet based mapping systems.

The Site

The tree that is being requested to be protected by a Tree Preservation Order is situated on a parcel of land at Jubilee Green, Old Ferry Road, Saltash and is situated behind a plaque that reads "The Queen's Green Canopy".

The Tree

The tree in question is a young Darley Oak.

Reason for requesting TPO/perceived threat

The application form submitted states that the reason for requesting the TPO is:

"The sapling was planted on Thursday 31st March 2022, by The Mayor and Mayoress of Saltash as part of the celebrations to mark the Queen's Platinum Jubilee. A plaque has been placed in front of the sapling which is protected by a netted cage. The sapling is highly valued as one of only a few given out every year from the 1000 year old Cornish Darley Oak, situated on the edge of Bodmin Moor. This is the only mature Darley Oak in the country and is the subject of a TPO. Once matured, this sapling will be a valuable addition to the number of young Darley Oaks throughout the region. Saltash Town Council wishes to ensure that the sapling and plaque can be preserved as part of the history of Saltash. It is hoped that as the tree grows it will provide immense

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pleasure and be a source of pride to both residents and visitors to the historic town of Saltash."

Within the application form under the threats section, the applicant has stated that the perceived threats to the tree are:

"The sapling could be threatened by vandalism or accidental damage.

Any future rejuvenation of the area could put the tree at risk should it not be considered a significant addition to any new development proposals such as housing or tourist facilities."

Amenity

The tree is visible from the nearest public highway (Old Ferry Road) and in the wider setting. It is also noted that given the species of this tree it could be of potential amenity in the future. However at present, due to the size and form of the tree it is felt to be of a relatively low amenity value, through which other surrounding trees on this parcel of land and in the further surrounding area help to maintain the character and appearance of the setting.

Conclusion

As tree preservation orders are a legal document and a permanent land charge they are onerous on the landowner and so the Council only serves them when appropriate. There are currently some 1600 TPO's in Cornwall which protect many thousands of trees and I trust that you will understand that the Council will only create a TPO where it is essential to do so and in the face of clear evidence of likely harm to the visual amenity of the locality.

Consideration of ecology or bio-diversity within the site is not a key issue for deciding if a preservation order is required. This is because protected species and habitats are covered by legislation other than the Town and Country Planning Act which gives the power to impose a tree preservation order. Where there is evidence of harm to protected species then this should be notified to the police and to Natural England.

From the information submitted there is no clear evidence of likely harm to the tree and with reference to the risk to the tree presented through any new development proposals, if an application is submitted for development on this land, the removal or works to any trees would be considered in the determination of the application.

Following on from this, it is noted that the tree is owned and administered by Cornwall Council. As such this means any works to the tree would require consent from the owners (Cornwall Council) and therefore this tree is controlled through this.

Therefore, in this occasion the Council has determined not to serve a TPO, as it is not felt that is essential to do so, as there is no clear evidence of likely harm to the visual amenity of the locality and it is not felt at present that the removal of this tree would have a significant impact on the local environment and its enjoyment by the public.

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You should note that this letter does not constitute a formal Certificate of Lawfulness of a proposed development in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended). It is only an officer's opinion that is based upon the information available and is given without prejudice to any formal decision of the Council (as local planning authority). Should you require a formal determination of lawfulness you may apply on forms available from this office but a fee will be payable.

Yours sincerely

Georgia Rowe

**Development Officer
Development Management Service
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