

## **HARBERTON PARISH COUNCIL**

Minutes of the Extraordinary meeting of Harberton Parish Council held at 7.30pm on Tuesday 15<sup>th</sup> December 2020. This was a virtual meeting (video and telephone conference call) of the Parish Council held on the digital platform Zoom.

### **In Attendance**

#### **Harbertonford Councillors**

Cllr Beamish: Present by phone  
Cllr Bowley: Present by video link  
Cllr Hambly: Present by video link  
Cllr Janes: Present by phone  
Cllr McDonnell: Present by phone  
Cllr Waite: Not present

#### **Harberton Councillors**

Cllr Camp: Apologies  
Cllr Croft: Present by video link  
Cllr Davidson: Present by video link  
Cllr Hockings: Present by phone  
Cllr Phillips: Present by video link  
Cllr Williams: Present by video link

#### **Others**

D.Cllr McKay: Present by video link  
C.Cllr Hodgson: Present by video link  
Clerk Ms Radford: Present by video link  
Members of the Public: 2

### **Public Session**

- i) The owner of the land attended the meeting to comment that the TPO appears to have been served as a result of a planning application that was considered by the Parish Council in November. The Member of the Public (MoP) commented that they did not want to remove any trees on the road, the trees provide shelter to the farmyard and as residents, the site is more attractive with them in place. However, Highways made it clear that plans did not have the required visibility spay required. Alternative options were considered before submitting the revised plans, but all would require compromises on visibility or loss of other trees. The MoP commented that the TPO covers a beech tree with fungal rot that was due to be removed before Christmas. Another of the trees now protected is regrowth of a stump, unlikely to safely grow into a mature tree. The MoP commented that the planning application with amendments was submitted in good faith that the Local Authority would make a decision on the merits of the whole application. The TPO delay jeopardises funding from which the applicant hoped to benefit. It was commented that 5 new trees have already been planted elsewhere on site to preserve the setting once the existing trees fulfil their lifespan. New hedging is also due for planting. Parish Councillors asked if Highways would be satisfied with measures in place, such as use of mirrors or traffic slow signs. The MoP responded that they have not been able to contact Highways. Councillors discussed alternative designs, such as change in location, or creating an entrance and exit on either side of the oak in question. It was noted that the applicant does not own the land on the opposite side of the road and so cannot widen the lane. It was commented that the location of a stream creates challenges. There was discussion about the viability of transplanting the oak from its current location to a more suitable position elsewhere.
- ii) One of the Harbertonford Tree Wardens, Sue Deakin, attended the meeting commenting that she felt sympathy for the landowner in this case as parking provision is just for 4 vehicles, there is already an access in place and that the situation has arisen following comment from Highways on original plans. Serving a TPO does not appear to be in balance. The Tree Warden proposed that Highways be approached to look at the application again and consider revising their response.

### **Agenda**

1. **Apologies** were received as above
2. **Declaration of Interests**
  - 2.1 Register of Interests: Cllrs were reminded of the need to update their register of interests.
  - 2.2 It was noted that Cllr Camp had an interest in the only item on the agenda, as the TPO relates to trees on his property. Cllr Camp had given apologies as noted above.
3. **Tree Protection Order (TPO)** Consideration of Parish Council response to the following TPO: South Hams District Council No. 1023 Tree Preservation Order 2020 at Daynes Farm Harberton

After discussion **it was RESOLVED** to make the following comment: In the unusual circumstances of this case the Parish Council reluctantly and with great regret opposes the TPO in view of the feasibility of a transplant of the oak tree and the applicant's stated intention of planting other trees on the site

The situation has arisen because of the result of questionable advice by Devon Highways.

**It was resolved** to instruct the Clerk ask to contact Highways on the Parish Council's behalf and request an officer undertake a site visit to revisit their decision.