

DECISION

Report to planning committee

COMMITTEE: Planning Committee

TITLE: Town & Country Planning Act 1990
Town & Country Planning (Trees)
Regulations 1999
Tree Preservation Order No.152 (2013)
Tree Preservation Order No 152 (2013)
The former Diglake (Audley) Colliery site,
Bignall Hill, Newcastle under Lyme,
Staffordshire

SUBMITTED BY: Head of Operations

1 Purpose

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 30th October 2013, and to seek approval for the Order to be confirmed as amended.

2 Background

- 2.1 During October 2013 your officers received telephone calls from a number of local residents expressing concern that tree felling was underway in an area of woodland on the old Diglake Quarry site.
- 2.2 Your officers inspected the site and a Tree Preservation Order was made on 30th October 2013. The order is to safeguard the long-term visual amenity that the woodland on the site provides following concern for its future through a threat of felling.
- 2.3 The woodland is clearly visible from public footpaths Audley 80, Audley 92 and Audley 113
- 2.4 The woodland acts as a backdrop feature when viewed from Bignall End Road and from the playground and playing fields on the adjacent public open space. The woodland is also visible from the publicly accessible Wedgwood's Monument (Red Street).
- 2.5 The Forestry Commission National Office is dealing with the matter of the felling and will notify the borough council of any outcome.
- 2.6 Following the publicity process, three representation letters were received. One was in full support of the Tree Preservation Order, the other two raised the following issues of concern:

- a. Concern about a future need to prune trees to gain access for high sided vehicles along Binder Lane to a neighbouring property.
- b. Concern about a future need to have to apply to complete woodland management works to trees that are within a section of woodland that is adjacent to the affected woodland which has not been affected by the tree felling.

- 2.7 Following the representations your officer made a site visit to assess the matters raised.
- 2.8 In response to issue (a), the affected trees that overhang the driveway are within the ownership of land on which the felling occurred. As a result it is not considered appropriate to adjust the boundary of the area affected by the order.
- 2.9 It would be possible for either the owner of the woodland or the owner of the affected property to continue to prune the affected trees up the current height of 5 meters to high sided vehicle access; however an application to the local authority would need to be completed in the first instance.
- 2.10 In response to issue (b), the affected trees are within a section of woodland that is outside the ownership of the land upon which the tree felling is occurring. A site visit showed that these trees have had only minimal but appropriate works carried out in the past and this section of woodland is not under any threat from felling.
- 2.11 Your officer considers that it would be appropriate to amend the order to remove the section of woodland that is affected by issue (b) from the confirmed order.
- 2.12 Your officers are of the opinion that in order to protect the long-term well being of the woodland, it should be protected by a confirmed Tree Preservation Order.

Recommendation

That Tree Preservation Order No 152 (2013) is confirmed as amended and that the owners of the trees are informed accordingly.