

## **Confirmation of Tree Preservation Order**

Woodland at, Old Butt Lane, Kidsgrove

### **Tree Preservation Order No 196 (2018)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

### **The Provisional Order**

The Provisional Tree Preservation Order protects trees at Woodland at Old Butt Lane.

The provisional Tree Preservation Order was served using delegated powers on 03/07/2018. The consultation period ended on 31/08/2018.

Approval is sought for the order to be confirmed as made.

**The 6 month period for this Order expires on 2<sup>nd</sup> February 2018**

### **RECOMMENDATION**

That Tree Preservation Order No 196 (2018), Woodland at Old Butt Lane be confirmed as made and that the owners of the site be informed accordingly.

### **Reasons for Recommendation**

#### **Background**

The Tree Preservation Order affects an area of woodland at the end of Old Butt Lane in Kidsgrove.

Concern about the future of trees on the site has been raised by local residents.

The site is an area of early mature woodland which is presently unmanaged.

The woodland is clearly visible from Old Butt Lane and from West Avenue (as backdrop trees).

The woodland also adjoins public footpaths 'Kidsgrove 217' and Kidsgrove 'Road south west from Butt Lane Farm'. Its removal would have a significant visual impact upon these routes.

The site is bordered by public footpaths, light industrial land, and residential properties.

The woodland acts as a screen between the quiet residential areas on Old Butt Lane and heavily developed areas on West Avenue.

The woodland will also screen the residential properties from the adjacent ICL development site.

The woodland ecology will also benefit from its direct link to Shipley Wood (adjacent TPOd woodland).

It is considered that the woodland has a high amenity value and its loss would have a negative impact upon the visual amenity, not only of the site but also to the locality.

In order to protect the long-term wellbeing of the woodland it should be protected by a Tree Preservation Order.

### **Representations**

Following the consultation period ten representations were received.

9 representations that supported the order have been received, one of which is from Cllr Dymond and one from Cllr Robinson, the matters raised are summarised as follows:

- Concern about the loss of the woodland
- Historic knowledge of the site.
- Wildlife habitat and use of the site by mammals (badgers foxes bats rabbits hedgehogs stoats and at one time a pine martin) and Birds (woodpeckers spotted/green, owls, creepers, nut hatches, thrushes, sparrow hawks and buzzards)
- Trees act as a screen between residential properties and industrial units
- Woodland buffers noise, vibration, pollution dust and visual pollution
- Health benefits of greenery and woodland
- Local amenity value of the woodland
- Concern about local tree loss due to development
- Footpath routes would be spoiled by the loss of the trees
- Concern about loss of butterfly and moth colonies
- Concern about future development on the site

One representation objected to the order, the matters raised are summarised as follows:

- The group of trees have little amenity value
- Views of the trees are restricted by existing and future industrial units
- Trees are poor quality
- Trees have limited public amenity benefit being only visible from private views
- The placing of the TPO would affect the sites development potential
- The TPO would affect the ability to meet the councils employment and housing needs
- The Borough Council has not completed an ecological survey.
- No existing designation on the site.

### **Amenity**

The trees are clearly visible from public footpaths and Old Butt Lane, and can be seen as Backdrop trees from West Avenue. The woodland acts as visual buffer between the quiet residential area of Old Butt Lane and developed industrial land beyond.

### **Ecology**

The Borough Council would not have any involvement in assessing the ecological quality of the site; any ecological assessment would need to be completed by the developer/owner. The objective of the Tree Preservation Order is to protect the amenity that the woodland provides to the locality and ecological Assessment is not a part of the assessment criteria.

The woodland has become established over time and is identifiable as woodland when viewed from surrounding roads and footpaths. Trees within the woodland are a variety of species, age and quality, all of which if left would continue their cycle of growth, decay and regeneration. The importance of woodland trees to the site is collective and the self-set

shrubby trees (some of which may be of low individual quality) are an important part of its future regeneration. A lack of existing designation on the site plays no part in its assessment.

The woodland appears to have been unmanaged for many years. The Tree Preservation order would not prevent woodland management or the removal of trees in poor health, but would give the council the ability to control the works. Indeed the site would certainly benefit from management with the aim of encouraging regeneration and improvement of woodland or associated habitat for key species or communities.

### **Development**

The Tree Preservation Order will protect the amenity value attributed to this woodland site. It will not prevent the development of the site; however it will ensure that unauthorised removal of trees cannot take place and that the likely impact and justification for any development is fully assessed in any future planning application.

The Tree Preservation Order is considered expedient due to works that were ongoing at the time when the Tree Preservation Order was served, and in the interest of amenity.

### **Issues**

The making of the Order will not prevent the owner from carrying out good management of the woodland, nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction.

In order to protect the long term well-being of the remaining woodland trees on this site they should be protected by a confirmed Tree Preservation Order.

### **Date report prepared**

30<sup>th</sup> November 2018