

**PROPOSED:** Provisional Tree Preservation Order 8\_2013 Woodland to the north of 1 Linden Close, Barnack.  
**REFERRED BY:** Director of Growth and Regeneration  
**REASON:** Objections have been raised to the provisional TPO  
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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

Officers have served a provisional Tree Preservation Order (TPO) 8\_2013 Woodland to the north of 1 Linden Close, Barnack, following a request from a local resident who was concerned about the potential loss of the woodland. Following the public consultation period, objections have been raised.

The main considerations are:

- **Is the woodland worthy of inclusion into a TPO in terms of public visual amenity value, condition and health?**
- **Are the proposals reasonable and justified having regard to any representations received?**

An objection has been raised in respect of the Tree Preservation Order and Committee are asked to determine the application accordingly in accordance with para 2.5.1.2 (f) of the Council's Constitution.

The Director of Growth & Regeneration recommends that the TPO is **CONFIRMED**.

## **2 DESCRIPTION OF SITE AND SURROUNDINGS**

The woodland is located in Barnack on a piece of land between Linden Close and Paynes Field adjacent to Uffington Rd. There are a number of structurally poor TPO trees to the north on Uffington Rd and a number of mature TPO trees to the south of the site.

The woodland contains a mix of naturally regenerated good, reasonable and poor quality trees with all age ranges represented in the block with an upper age in the region of 5-10 years. The block provides public visual amenity value when viewed from Uffington Road and without doubt contributes to the overall landscape as viewed on approach to the village on Uffington Road, from Pilsgate Road and similarly from the Public Right of Way (PROW).

The woodland is therefore considered to be worthy of protection by way of a Tree Preservation Order.

## **3 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

PCC Wildlife Officer made the following comments:-

*I consider that this group of trees provide a locally valuable wildlife habitat for birds and other associated woodland species including priority UK BAP species such as reptiles, amphibians, hedgehogs and bats. This feature is also of value as a green infrastructure corridor in the local landscape.*

### **EXTERNAL**

Mrs M. Joy Lee (woodland owner) made the following comments during the consultation period via written correspondence and email on the provisional Tree Preservation Order:-

1. The area is of former agricultural use up until modern machinery made the management impossible.
2. The owner has letters dating back to 1989 suggesting that the site was suitable for development.
3. The site is not a woodland but has subsequently been colonised.
4. No trees have been planted and the site is covered with over grown scrub.
5. The site is of no significance in terms of wildlife.
6. The trees are immature, a poor mix, provide no amenity value are and a blot on the landscape.
7. The amenity assessment score only just meets the minimum requirement for inclusion into a TPO.
8. In response to the Wildlife Officer's comments - Lizards need water to produce and there is no water on site, gardens would provide opportunities for this along with more nesting sites for birds.

Mr Charles Richardson of Richardson Chartered Surveyors (Agent) made the following comments during the consultation on the provisional Tree Preservation Order:-

1. The parcel of woodland is natural regrowth in the region of 4-5 years old.
2. When the City Council applied to develop the adjacent land in 2007, they acknowledged that this area was open countryside.
3. A Walnut in the same location has historically been protected with a TPO, why at that point in time was this woodland not considered worthy of inclusion into that TPO?
4. Hawkeye (PCC spatial mapping program) shows the site clear of any significant trees in 2010.
5. There is no historic value.
6. There is no special wildlife value nor rare trees.
7. They have no visible landscape function.
8. As an unthinned mature crop, there will be light loss for properties and safety concerns.
9. To the north there are trees protected by a TPO and to the south of the site there are trees which provide a pleasing backdrop.
10. The future growth of these trees would obscure the TPO Walnut and mature trees to the south. As self-set trees, they would become whippy with no visual value and prone to splitting and wind blow.
11. It is considered that thee trees will become a nuisance to neighbours due the fact that they are self sets and subject to windblow.

Barnack Parish Council made the following comments:-

"The Council is against the Order because the trees within the woodland are not significant and the site is not likely to be managed as the owner does not live locally."

## **NEIGHBOURS**

Emails of support for the TPO were received from and are summarised as:-

18 Barnack residents.

7 from surrounding villages.

21 non-locals includes Peterborough/Stamford and further afield.

## **COUNCILLORS**

None

## **4 REASONING**

### **a) Introduction**

A Tree Preservation Order (TPO) is a legal order made by local planning authorities to preserve important trees, groups of trees or woodlands that have a public amenity. A request for a TPO was submitted surrounding concerns for the loss of the tree linked to the threat of development. An initial site assessment was made of the tree on site as per "Tree Preservation Orders : A Guide to the Law and Good Practice".

Under Section 201 of the Town & Country Planning Act, a TPO was served on the 6<sup>th</sup> December 2013 (Appendix 1).

Under the DETR guidance, people affected by the order have a right to object or make comments on any of the trees or woodlands covered before the Local Planning Authority (LPA) decide whether the order should be made permanent (Confirmed), the following advice is provided to LPA's regarding objections:-

***If objections or representations are duly made, the LPA cannot confirm the TPO unless they have first considered them. To consider objections and representations properly it may be necessary for the LPA to carry out a further site visit, which would in any case be appropriate if the LPA had not yet assessed fully the amenity value of the trees or woodlands concerned. Any objection or representation made on technical grounds (for example, that a tree is diseased or dangerous) should be considered by an arboriculturist, preferably with experience of the TPO system.***

***Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side's point of view. This in turn can help clarify the main issues which will have to be considered by the LPA before they decide whether to confirm the TPO. Alternatively, discussions can lead to the withdrawal of objections.***

The owner objected to the serving of the TPO on the 27<sup>th</sup> Dec 2013 and as per the above best practice, discussions were entered into via telephone and email.

### **Officer Response to the objection to the Provisional TPO**

The area in question was open countryside historically, but has since then become wooded through neglect and subsequent colonisation through pioneer species. The Walnut directly south of Payne's Field was protected as part of TPO 15 in 2006 prior to the sale of Peterborough City Council land, this is standard procedure whereby trees are worthy of retention. At that point in time, there was no perceived threat on the area subject to this current provisional TPO, presumably due to the trees being young.

The site was identified in 2005 as being allocated for development but has since been removed following the 2012 Local Plan revision.

In terms of suitability for planning purposes, this TPO has not been served to prevent any development, but purely to protect the habitat that has now come into being. If planning permission were applied for to develop the site, the appropriateness of keeping the woodland in part or in full would be dealt with as part of the proper consideration of the proposal.

In terms of the TPO Amenity Assessment, DETR guidance suggests that .. *Local Planning Authorities may make TPOs if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area .....TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.*

The PCC adopted scoring sheet is prepared to demonstrate the site has been considered in line with a structured, systematic approach, there is a certain amount of subjectivity in this process and scores can be interpreted in different ways depending on who carries out the survey. The assessment was scored erring on the side of caution giving lowest possible scores. The survey itself was carried out in November 2013, in reality if carried out in summer, the health condition section of the assessment for these trees may well have increased many of the ratings to 3 which would have greatly increased the final overall score.

The comments made about the wildlife value from the owner and the Agent are an assumption, there will without doubt be associated species of flora and fauna that develop along with any thicket stage copse. Added to this, there was a colony of Common Lizards on the adjacent development site which may well have migrated into this copse. Equally, the copse will offer habitat for bird species and add to the local network of green corridors generally which will in turn, support the migration of various species.

Peterborough City Council's Wildlife Officer made the following comments - *I consider that this group of trees provide a locally valuable wildlife habitat for birds and other associated woodland species including priority UK BAP species such as reptiles, amphibians, hedgehogs and bats. This feature is also of value as a green infrastructure corridor in the local landscape.*

It is contested that a number of small gardens would provide more nesting sites than this woodland block as suggested by the owner. Purely on numbers of trees alone, this block would provide a greater opportunity for nesting sites than a small number of gardens with typical domestic landscaping.

The species mix does not justify the clearance of the site, mono-culture plantings still support a range of flora and fauna that would not be found in domestic gardens.

It has been suggested that self set trees become whippy and are prone to splitting and wind blow. This is a sweeping statement and largely depends on management and future growth. It is highly unlikely in that sheltered position that wind blow would become an issue. If thinned then these issues should never arise. If not thinned or managed, natural self-selection will come into being with the remaining stems being the more robust specimens.

It is not disputed that the trees are of a young age, they will however achieve maturity if the woodland remains and the site can be managed accordingly moving forward for the benefit of the village inhabitants in terms of landscape value but also in terms of biodiversity. The woodland itself could be thinned in future to identify a number of "final crop" trees, this could reduce any light/proximity concerns and if appropriate support a proposed planning layout. The TPO trees to the south of the site are approaching biological senility and in all likelihood, some will need to be felled over the coming decades. This TPO will provide future cover, wildlife and landscape value in place of those trees that will inevitably be lost.

## **5 CONCLUSIONS**

It is the opinion of the Case Officer that the TPO should be Confirmed for the following reasons:-

- The woodland offers public visual amenity value and it is considered that the loss would be of detriment to the greater public and the landscape in this location.
- The City Council should seek to protect any trees that are considered to be under threat and worthy of retention in line with the formally adopted Trees and Woodlands Strategy.
- The woodland could provide 50 yrs + visual amenity value based on its current condition.

## **6 RECOMMENDATION**

The Director of Growth and Regeneration recommends that this provisional TPO is CONFIRMED.



**TREE PRESERVATION ORDER 08/2013**  
 Opposite 20 Uffington Road

Scale 1:1000 Date 12/11/2013 Department Serco GIS Support Name GIS Team



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