

PLANNING COMMITTEE

4th December 2017

TREE PRESERVATION ORDER (NO. 7)2017 – Trees on land adjoining Harris Brush Works and Saxon Business Park, Hanbury Road, Bromsgrove.

Relevant Portfolio Holder	Peter Whittaker
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Stoke Prior
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation with modification of Tree Preservation Order (No.7) 2017 relating to trees on land adjoining Harris Brush Works and Saxon Business Park, Hanbury Road, Bromsgrove.

2. RECOMMENDATIONS

- 2.1 It is recommended that provisional Tree Preservation Order (No.7) 2017 relating to trees on land adjoining Harris Brush Works and Saxon Business Park, Hanbury Road, Bromsgrove Is confirmed with modification from the provisional order as raised and shown in appendix (1) to that as shown on the plan and described in the schedule of trees in appendix (2).

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications relating to the confirmation of the TPO.

Legal Implications

- 3.2 Town and Country Planning (Trees) Regulations 2012 covers this procedure.

Service / Operational Implications

Back Ground:

- 3.3 The provisional order was raised on the 11th July 2017 due to the land containing the woodland blocks of the order being offered for sale. The woodlands and group of trees within the order add greatly to the general landscape character of the area offering a high level of visual amenity and habitat value to users of the site and passers-by. Therefore it was felt prudent

to raise an order on the site due to the uncertainty in regard to the new owner's potential management of the trees that a change of ownership could bring.

- 3.4** The site is subject to an active Forestry Commission (FC) approved felling licence that expires in 2023 as shown in appendix (3). The Council would look to support positive proactive management of the woodland as already agreed by the FC and therefore would have no objection to this work being carried out should the new owner wish to do so. The owner has also highlighted through his agent that he intends to apply to the Forestry Commission for a Woodland Planning Grant to help develop a 20 year Woodland Management Plan taking guidance from United Kingdom Woodland Assurance Scheme (UKWAS) as verified in appendix (4) the email from the owners Forestry Consultant. This is all very positive information that confirms that the new owner has a responsible intension towards the welfare of the woodlands. The best practice guidance on making tree preservation orders commonly known as "The Blue Book" highlights in paragraphs 2.8 – 2.11 shown in appendix (5) " There are limitations to the making of TPOs on land in which the Forestry Commission have an 'interest'. The act states that the Forestry Commission have an 'interest' in the land if, in respect of it: (1) there is an existing forestry dedication covenant in force, or (2) they have made a grant or loan under section 1 of the Forestry Act 1997. If (1) or (2) applies the Forestry Commission must give their consent before a TPO may be made." Therefore as there was a felling licence in place which confirmed a Forestry Commission interest in the site I contact the FC to see if they had any object to the raising and of the order by phone which they confirmed verbally they did not which was later confirmed in writing by the email appendix (6).

The Following two objections have been received in respect of the provisional TPO having been raised.

- 1.** Email received from the owners Forestry Consultant on behalf of the owner of woodland blocks W1, W2 and W3 of the order shown in appendix (4)

My comments in relation to this objection are as follows:

Semi mature - Mature woodlands do ideally require proactive management to ensure the longevity of the woodland is assured and that they mature containing high quality trees. Therefore due to the semi mature age class of the woodlands within this order I would be in favour of a proactive management plan being adopted and implemented. There is a current felling licence in place which the owner was unaware of when informed of such on a site meeting on the 9th November. It is possible to fell 5 cubic metres of timber per calendar quarter without requiring an FC felling

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licence. Therefore the TPO would provide a more robust level of protection as TPO approval would be required for such a level of work. The TPO would also create another line of consultation between the FC and the Council should any works be applied for but would not be expected to prevent positive proactive management applied for and agreed through the FC.

2. Letter received from the owner of woodland block W4 & W5 dated 25th July 2017 see appendix (7)

My comments in relation to the issues raised are shown in the response sent 17th November 2017 see appendix (8).

- 3.5 Policy Implications- None
HR Implications- None
Council Objective 4- Environment, Priority C04 Planning
- 3.6 Climate Change / Carbon/ Biodiversity- The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

Customer / Equalities and Diversity Implications

- 3.7 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.
- 3.8 Equalities and Diversity implications- None

4. RISK MANAGEMENT

- 4.1 There are no significant risks associated with the details included in this report.

5. APPENDICES

List Appendices.

- Appendix (1) Plan & Schedule of Provisional Order
- Appendix (2) Plan & Schedule of Modified Order
- Appendix (3) Active Forestry Commission Felling Licence.
- Appendix (4) Email of Objection from owners of W1,W2 & W3 Forestry Consultant
- Appendix (5) Extract from the Tree Preservation Order Best Practice Guide

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Appendix (6) Email Response of Support Forestry Commission
Appendix (7) Letter of Objection from the owner of woodland blocks W4 & W5
Appendix (8) Letter of Response to owner of woodland blocks W4 & W5

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

7.1 Conclusion and recommendations:

The woodlands and trees covered by this order are all highly prominent and of very good quality. They offer a high degree of visual amenity and habitat value to the area and particularly users of the Hanbury Road, local footpath network and workers at the local industrial areas while adding greatly to the character of area in general.

Therefore I would recommend to the committee that the order is confirmed and made permanent with the modifications as shown in appendix (2) of this report.

AUTHOR OF REPORT

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