



TREE PRESERVATION ORDER OBJECTION

Bollington – Mill Lane Path to the East of Ingersley Vale Tree
Preservation Order 2017

Author: C. Salisbury
Date: 7 December 2017
Ref: TPO/TBG



1. Introduction

- 1.1 My name is **Carl Anthony Salisbury**. I am an Arboricultural consultant for Mulberry Tree Management Consultants acting on behalf of Mr Bowman.
- 1.2 I hold a **Higher National Diploma in Arboriculture**, I am an Associate Member of the Institute of Chartered Foresters and a Professional member of the Arboricultural Association.
- 1.3 The following information is a formal objection to the Bollington – Mill Lane Path to the East of Ingersley Vale Tree Preservation Order 2017.
- 1.4 This report contains a description of the tree, its surroundings and an appraisal of the objection.

2. Site and Surroundings

- 2.1 The site is situated on an unadopted road to the rear of a former bowling club.
- 2.2 The property is surrounded by wooded open space with considerable mature tree cover.
- 2.3 The tree is located within the grounds of the former bowling club away from the highway.

3. Appraisal

- 3.1 The Oak tree form part of a larger group within the grounds of the property and surrounding area. The tree stands approximately 15 metres in height and was in sound condition at the time of the inspection.
- 3.2 The tree survey which supported the planning application graded the trees as having only moderate value. BS5837:2012 advises that moderate value trees are those that might be included in category A (High Quality) but are downgraded because of impaired condition, such that they are unlikely to be suitable for retention beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.
- 3.3 This assessment was further supported by the Councils Tree officer in their memorandum dated the 18 July 2017 and contained within Appendix One of this objection.

3.4 To assist in the process of determining whether trees should be subject of an Order the government has provided guidance on *Tree Preservation Orders and Trees within Conservation Areas* this guidance offers advises on what might a local authority take into account when assessing amenity value and lists the following key criteria to assess the value of a tree: -

(1) **Visibility:** The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

(2) **Individual, Collective and wider Impact:** Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

(3) **Other Factors:** Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order..

3.5 It is clear from the criteria listed above that the most important value of a tree is the impact it has to the public as a whole. This is further supported by a statement in the section entitled *What does 'amenity' mean in practice?* This states that 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public.

3.6 Taking the above guidance into account a full visual amenity assessment of the trees has been undertaken and it was determined that due to the location of the tree and the presence of a large number of trees within the surrounding area its loss would not have a significant impact on the local environment.

4 Conclusion

- 4.1 Taking all the points detailed above into account we feel that the Council has completely ignored Government advice in protecting a tree that does not fulfill the criteria outlined to identify trees worthy of a Tree Preservation Order. On that basis we object to the Order and respectfully suggest that it cannot be confirmed.
- 4.2 In addition to the above information our client has asked us to add that the Council's Tree Officer has agreed that the tree only has moderate value.
- 4.3 The recent planning application ensures the retention of the tree for the long-term.
- 4.4 In summary therefore, we object to the Order in that the Order seeks to protect a tree that is unworthy of protection and is contrary to Government advice. For these reasons, detailed above we formally object to the Bollington – Mill Lane Path to the East of Ingersley Vale Tree Preservation Order 2017 and we trust that you will consider these objections before deciding to confirm the Order.

Tree Officers Comments

Appendix One

Heritage & Design - Forestry

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

Telephone: **0300 123 5014**
E-Mail: **planning@cheshireeast.gov.uk**

Dear Sir/Madam

Date: **18-Jul-2017**

TOWN AND COUNTRY PLANNING ACT AND ORDERS PLANNING CONSULTATION

Application No: **17/3500M**
Application Type: **Reserved Matters**
Proposal: **Reserved matters application following outline approval
15/2354M - Details of Appearance of the proposed 11no. 2.5
storey townhouses and 1no. 2 storey detached house. Details
of Landscape layout and materials.**

Location: **BOWLING GREEN, INGERSLEY VALE, BOLLINGTON,
CHESHIRE**

National Grid Ref: **394082 377573**

I would be grateful for your observations on the above proposal. The application form and plan(s) are available for viewing online by using the link below and selecting Application Details then View documents.

<http://planning.cheshireeast.gov.uk/>

Under the terms of current legislation, the Council is permitted a period of eight weeks in which to determine this application. For your views to be considered I need to receive them by **08-Aug-2017** on the attached Internal Consultee Reply Form which should be emailed to planning@cheshireeast.gov.uk.

Once a decision has been made on the application, the decision will be posted on the Planning pages of our website www.cheshireeast.gov.uk where you will also be able to view a copy of the Decision Notice.

Yours faithfully



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Head of Planning (Regulatory)

Internal Consultee Reply Form

Consultation on Planning Reference Number **17/3500M**

Proposal: **Reserved matters application following outline approval 15/2354M - Details of Appearance of the proposed 11no. 2.5 storey townhouses and 1no. 2 storey detached house. Details of Landscape layout and materials.**

Location: **BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE**

Applicant: **Chris Bowman, Ingersley Crescent Ltd**

Views of Heritage & Design - Forestry in response to consultation dated 18-Jul-2017.

The application is supported by updated Arboricultural Implications Assessment, Arboricultural Method Statement, and Tree Survey by Mulberry dated 24th August 2017

The Arboricultural Impact Assessment and Tree Protection Plan identifies the removal of the north west corner aspect of G3, the loss of these trees which have been categorised as low value category C specimens was accepted as part of the outline approval (15/2354m); none of the trees individually and collectively are considered worthy of formal protection. This is an amendment to the previous submissions

The Root Protection Area's (RPA) of T1, T2, and G2 have all been modified to reflect pre-existing site conditions namely the retaining wall to the bowling green which has established an asymmetrical rooting pattern. The retaining wall is depicted for retention acts as a root barrier preventing root migration into the development site towards plots 2 to 11. The linear group of Cypress identified as G2 individually and collectively are considered to be inconsequential low value specimens, with both T1 and T2 noted as moderate value category B specimens I would concur with these designations, with the Ash T2 presenting signs of reduced vigour and vitality. The elevated positions of these trees in relation to the adjacent plots located to the west will establish issues of ongoing maintenance to reflect matters of light attenuation; the trees are visible from a number of public vantage points but on balance, and review the majority are not considered worthy of formal protection, because of their moderately low categorisations.

There is a hard standing incursion within the RPA of the retained trees



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associated with G3; special construction measures are proposed for this area which accord with the requirements of current best practice BS5837:2012, but this will be dependent on highways accepting non-adoptable implementation. The construction detail provided is indicative only; site specific details can be obtained by condition. The affected trees are not considered worthy of formal protection under a Tree Preservation Order.

Should you be minded to approve the application the following conditions should be attached to any subsequent approval.

None Standard

No Development shall take place until details of an Engineer designed no dig hard surface construction for the driveway where there is a Root Protection Area incursion has been submitted to the Local Planning Authority. These details shall also include the proposed details of the materials for the final wearing surface.

Reason: To ensure the continued well being of trees in the interests of the amenity of the area and to accord with Section 7.4 of BS 5837:2012 Trees in Relation to design, demolition and construction – Recommendations

None Standard

All arboricultural works shall be carried out in accordance with Mulberry Tree Management Arboricultural Implications Assessment ref TRE/TBGIV/Rev B dated 24th August 2017, and Tree Protection Plan BGIV/MS/01 Rev A dated 24th August 2017

Reason To the continued well being of the trees in the interests of the amenity of the locality.

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