

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	6 OCTOBER 2022	5
FYLDE COUNCIL TREE PRESERVATION ORDER 22/0001: LAND WEST SIDE OF FLEETWOOD ROAD, WESHAM, PRESTON PR4 3HD			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Planning Committee are asked to confirm this Tree Preservation Order (TPO) following consideration of the comments received during the consultation on the Order. The Council's constitution requires that when an objection is received the decision on whether or not to confirm the Order is to be made by the Planning Committee.

RECOMMENDATION

1. That Members confirm the Tree Preservation Order, without modification, so that it becomes permanently effective.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	√

REPORT

1. Legislative background to tree protection.

1.1 Statutory Duty regarding Trees.

The Town and Country Planning Act 1990 prescribes a “*General duty of planning authorities as respects trees*”.

Section 197 defines a duty in respect of trees:

Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the local planning authority—

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

The council is therefore obliged by statutory legislation to consider the preservation of trees in planning applications and to use planning conditions to secure new tree planting in development.

1.2 Tree Preservation Orders.

Section 198 (1) of the TCPA 1990 empowers local planning authorities to make Tree Preservation Orders, (TPOs).

If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

1.3 Changes to TPO procedures from 6th April 2012.

In 2012 the government introduced what it described as “a consolidated and streamlined tree preservation order system.” One of the notable changes was the removal of sections 199 and 201 of the Town and Country Planning Act. This meant that ALL tree preservation orders take immediate effect from the day the Order is made and no prior consultation is allowed for.

2. Background to making the Tree Preservation Order.

2.1 The potential threat to trees due to development and inappropriate management

The trees are situated immediately west of the Fleetwood Road A585, which is the main route north south through Fylde, and which provides access from the south part of Fylde to junction 3 of the M55.

The trees have been placed under a provisional preservation order as it appears to the authority and tree officer that it is expedient in the interests of amenity to make provision for the preservation of the trees outlined in TPO 22/0001 (appendix 1). The removal of these trees would have a significant impact on the local environment and its enjoyment by the public.

The Fylde is in the Northwest region of the country and has the lowest tree canopy cover in the country. The Council aspires to increase tree cover in Fylde and this will be outlined in the Council’s Tree Strategy. This increase in tree cover will include new planting and enhancing existing areas of planting including landscaped buffers to screen new development adjacent to existing settlements. Strategic Policy ENV1 Landscape of the Fylde Local Plan to 2032 (incorporating Partial Review) sets out the requirements in detail.

The trees are highly visible when driving or walking along the A585 both north and south. Driving north from Kirkham there is development to the west until you reach T1/A1. At that point the landscape becomes rural with trees (A2) to the west and open countryside views to the east. Heading south from Junction 4, A1 is highly visible from the road. G1 is set back slightly from the road but provides an attractive linear feature which will be prominent even in the winter because the pines are evergreen. A2 screens the recent development at Mill Farm so it is only seen once you have passed these trees. This is particularly important and reduces the impact of the stadium on the surrounding rural landscape.

On inspection of the trees it was found that there are four different compositions of tree groups and one individual tree. Due to three groups having a mix of understory, it was decided to use Individual, Area and Group classifications for the order.

Individual classification: if a tree merits protection in its own right

Group Classification: when there is a distinct group of tree species that warrant a preservation order

Area classification: intended as a stop-gap: the effect is to prevent any work to the trees until either more is known about the reality of a threat or a more refined Order can be issued that itemises the trees as individuals or groups.

Following the Government's guidelines on Tree Preservation Orders and classifications and in accordance with the policies of The Fylde Local Plan to 2032 (incorporating Partial Review), it was deemed by the Tree Officer appropriate to place the trees under protection. This decision is justified by the need to safeguard the amenity value of the trees given their value as features in the landscape and as part of a landscape buffer for the Mill Farm site, the trees are threatened by potential development of the site.

The Order was served on all interested parties including the present owner at the time of making the order.

2.2 Objection Period.

A statutory twenty-eight-day objection period applies to new TPOs.

All persons notified of the TPO were required to make any representations or objections before 5th May 2022.

3. Objection.

An objection was made in the format of a pdf letter submitted to Fylde Council Planning by PWA planning. The objection was dated 6th May 2022 and sent by email. A copy is attached as Appendix 2.

3.1 Summary of Objection.

The objection mainly concerns future planning implications and justification of the TPO due to varying quality of tree species

The following points have been pulled out of the objection letter and covered in this response:

- a) The Impact of the Tree Preservation Order on planning permission
- b) The Location is subject to Full Planning Permission application 21/0620
- c) Development improves the area
- d) The Development supports sustainable growth
- e) Justification of suitability of trees for a TPO as per Arboriculture Impact Assessment (AIA) and Method Statement (revision A) dated 2021, due to different categorisation of quality

4. Response to the Objection.

a) The impact of Tree Preservation Orders and Planning:

Tree Preservation Orders do not supersede planning permission, but the Council will consider the risk to protected trees when determining a planning application. Once a detailed planning permission is granted, any felling may be carried out which is directly required to enable the development to go ahead.

b) Subject to Full Planning Permission application 21/0620:

This planning application has been withdrawn.

c) Development improves the area:

There has been an increase in development, and this brings in an increased volume of vehicles and visitors can use the amenities including a

- Supermarket
- Petrol Station
- multiple fast-food restaurants
- multiply artificial sports pitches, a football stadium
- storage and distribution warehouse

Making of a tree preservation order does not take into account the increased development of amenities. A TPO is placed on trees based on amenity value of trees or if it is expedient in the interest of amenity.

The development that has taken place over recent years in the area has increased hard standings, vehicles and visitors to this location. There are few established trees or copses of trees on the development site that can help absorb the increase in pollution and particulate matter, as well as providing natural biodiversity habitat. There has been an increase in visitors and development, it is expedient therefore, to protect what is

present now and enhance it.

On page three, paragraph two of PWA letter of objection states that the TPO if made permanent could represent a barrier to any future development in this location. In determining planning applications, the Council should be seeking to protect and enhance the landscape in accordance with Strategic Policy ENV1 Landscape (see appendix 3) irrespective of the presence of any TPOs.

d) The development supports sustainable growth:

The NPPF sets out the three interdependent overarching objectives that are interdependent and need to be pursued in mutually supportive ways in order to achieve sustainable development and the planning system seeks to balance these economic, social and environmental objectives. It is important to note that the serving of a TPO would not hinder any future works, planning applications should be submitted with a detailed and suitable development and landscaping scheme in line with what has been mentioned in the objections by PWA consultancy along with following best practices and recommendations as per:

- BS8545:2014 Trees from nursery to independence in the landscape recommendation
- BS5837: 2010 Trees in relation to design, demolition, and construction recommendations
- Construction code of practice for sustainable use of soils on construction sites (DEFRA)

e) Justification of suitability of trees for a TPO as per Arboriculture Impact Assessment (AIA) and Method Statement (revision A) dated 2021, due to different categorisation of quality:

On the last paragraph of Page 3 and page 4 of the objection letter from PWA consultancy, reference is made to trees that have been surveyed within the AIA report that have different quality categorisation ranging from, low to high, and those of a lesser quality should not be afforded the same protection measures as those with high quality categorisation.

The making of a TPO is normally assessed on Amenity or Expediency. Amenity is assessed on the following criteria:

- Visibility
- Individual impact
- Wider impact

The trees are highly visible in the rural landscape from the A585 and are particularly important in screening the stadium when approaching from the north. Some of the trees within the areas are of varying quality. This is to be expected in an area of unmanaged land, and trees outcompete each other to be able to establish successfully to fulfil their natural life cycle. The location is not quite a woodland setting classification and area categorisation was deemed the most appropriate at the time when making the provisional order. It is also recommended that trees within the area orders are reassessed a few years after making the order to see if natural selection of trees has changed the requirement for an area order and to place the trees under a different classification of either Group or individual. Until that time, it is deemed that the order should stay as it is and be confirmed.

5. Conclusion

These trees have a high amenity value. They are highly visible from the A585, moving north they contribute to rural views and give an impression of leaving Kirkham and entering the countryside. Moving south they provide a landscaped buffer for Mill Farm in line with Strategic Policy ENV1.

They are potentially threatened by proposed development and protection of these trees by a Tree Preservation Order will ensure that they are conserved, maintained, and enhanced, if development takes place in accordance with ENV1 (b). This will ensure that the landscape buffer they currently provide is maintained and this will provide many other benefits. From

- biodiversity
- carbon sequestration
- reducing run off from rain and flood attenuation
- softening the landscape and creating value to the area
- more attractive place to work, live and visit.

As these trees grow so will their visibility and amenity value. They provide shelter and a source of food for wildlife and if the trees are removed, the animals/ insects and fungi that are species specific to these trees will be lost.

Alongside the development plan policies, the council's corporate plan also looks to maintain the tree canopy cover and so retain, wherever reasonably practicable, the borough's tree stock, not only for the local area in which they sit, but for the wider benefit of the Fylde area.

IMPLICATIONS	
Finance	There are no financial implications arising from this report
Legal	The legal implications are contained within the body of the report
Community Safety	There are no direct community safety implications arising from this report.
Human Rights and Equalities	The tree preservation order that is the subject of this report has been prepared and considered in accordance with relevant legislation. There are no direct human rights and equalities implications arising from this report.
Sustainability and Environmental Impact	The provision and retention of trees is a key component in ensuring a healthy and sustainable environment and is in line with the draft Tree & Woodland Strategy for Fylde Borough and the Fylde Local Plan to 2032 (incorporating Partial Review)
Health & Safety and Risk Management	There is no risk at this moment

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
TPO 2021 No 1		Town Hall, St Annes

Attached Documents

Appendix 1 – Tree Preservation Order 22/0001 Land West Side of Fleetwood Road Wesham Preston PR4 3HD

Appendix 2 – Objection

Appendix 3 - HYPE [Strategic Policy ENV1 Landscape](#)