
Ref 2022/0941

Applicant: Barnsley Council – Parks for People

Proposal: Removal of 20no trees, removal of overhanging branches from 13no trees which overhang, footpaths, driveways and parking areas, the pollarding of 8no trees, the crown lift of 2no trees to give 2.5m clearance above footpaths, the coppicing of 1no tree, the creation of 1no monolith habitat pole and the pruning to give signage clearance of 2no trees. Totalling works to 40 individual trees and 7 groups of trees within TPOs, 1/1953, 48/2009 and 1/2018 for the purposes of health and safety works.

Site address: Worsbrough Mill Museum, Worsbrough Mill, Park Road, Worsbrough, Barnsley, S70 5LJ

No objections have been received.

Description

The trees are located within three distinct areas of woodland that are located in Worsbrough Country Park in locations to the south and east of the grade II* listed Worsbrough Mill and the reservoir. The trees are protected by woodland Tree Preservation Orders 1/1953, 48/2009 and 1/2018.

Area 1 is located to the south of the reservoir and comprises a wet woodland. Area 2 is located to the south of the access drive to the mill. Area 3 is located to the east and comprises a large area of woodland, with informal footpaths. The locations of the three woodland areas forming part of this application are circled in red below with the location of Worsbrough Mill shown with the yellow star marker:-

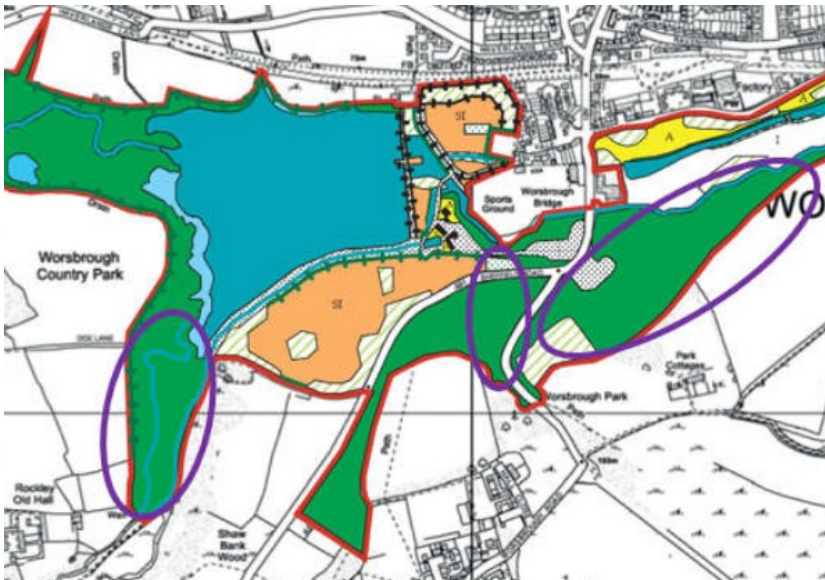


Proposed Development

The Council's Parks for People service is seeking permission for the removal of 20no trees, removal of branches from 13no trees which overhang, footpaths, driveways and parking areas, the pollarding of 8no trees, the crown lift of 2no trees to give 2.5m clearance above footpaths, the coppicing of 1no tree, the creation of 1no monolith habitat pole and the pruning to give signage clearance of 2no trees. This would total works to 40 individual trees and 7 groups of trees within TPOs, 1/1953, 48/2009 and 1/2018 for the purposes of health and safety.

There are also works proposed to 64 individual trees and 9 tree groups consisting of the removal of 14 dead trees or tree groups and the removal of deadwood from 59 individual tree or tree groups. These works do not require consent and do not form part of this application.

The boundary of the country park is highlighted in red below, with the extent of the works limited to the areas circled in purple:-



Policy Context

The statute law on TPO's is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities may make a TPO 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'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g., road or footpath for a TPO to be made but the courts have decided that trees should be protected for "pleasure, protection and shade they provide." Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is: - 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

The guidance states that 'Local Planning Authorities (LPA) must include in their plans land use and development policies designed to secure the conservation of natural beauty and amenity of

the land. Plans should not, however, include policies which are unrelated to the development or use of land. They should not therefore include the LPA's policies for deciding applications for consent under a TPO; but they should include policies on measures that the LPA will take, when dealing with applications to develop land, to protect trees and other natural features and provide for new tree planting and landscaping.'

In deciding an application, LPAs are not required to have regard to the development plan. Section 54A of the Act, 88 therefore, does not apply to the LPA's decision, which means that there is no general duty on the LPA to indicate otherwise.

Consultations

Forestry Officer – No objections subject to conditions.

Biodiversity – No objections subject to conditions

Representations

The application has been advertised by the way of multiple site notices. No representations have been received.

Assessment

Principle of Development

In line with good practice, the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The application is based on a tree survey undertaken on behalf of the Council pertaining to the health and safety of the trees in and around Worsbrough Mill in the associated Country Park. Ultimately, the works proposed are those deemed necessary to ensure the safety of users of the woodland and tree covered areas within the survey. This unfortunately required the removal of 20 individual trees and tree groups along with the pruning of 27 trees and tree groups. The pruning works proposed vary from light pruning works over roads and accesses etc. to pollarding or coppicing for some trees with more significant defects.

The works identified will affect a large number of trees, which could be considered extensive, however, the survey covers a large area, and the trees affected constitute only a small percentage of those in the survey area and as such the works proposed should not unduly impact on the amenity of the area. Regrettably, when tree surveys are undertaken infrequently and when dealing with large areas it is inevitable a significant amount of works will be required.

The number of trees subject to removal is significant, and the reasons for the removal do not negate the requirement for replacement planting. It is common practice that felled trees will be replaced, usually within 2m of the tree which is to be removed. It is understood that this direct one for one replacement is unlikely to be feasible given the reasons for the work and the location of the trees, however the obligation for at least one for one replacement remains. Therefore, it is considered that a suitably worded condition will be included requiring a replacement planting scheme, so that the replacement trees can be accommodated within the Worsbrough Mill Country Park, within suitable, and sustainable locations.

The tree officer has been consulted on the application and given the evident requirement for the works proposed, there is no objection to the proposal from an arboricultural perspective subject to the imposition of the conditions listed below.

Recommendation

Approve subject to the following conditions:

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