

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Part Parcel 0025 Hillend Twyning
<b>Application No:</b>	TPO 410
<b>Ward:</b>	Tewkesbury North and Twyning
<b>Parish:</b>	Twyning
<b>Report by:</b>	Mrs Gaynor Baldwin
<b>Appendices:</b>	1 - TPO 410 2 - TEMPO Assessment
<b>Recommendation:</b>	To confirm the TPO without modification

### 1.0 INTRODUCTION AND BACKGROUND

- 1.1** This Tree preservation Order relates to an area of trees situated to the north of Twyning village within open countryside and is shown as W1 within the Tree Preservation Order.
- 1.2** The reason for the Tree Preservation Order - A woodland TPO is suitable due to the high public amenity, landscape, and wildlife value this woodland presently gives and for its future potential as it matures. The area of land is being considered for residential development therefore there is an imminent threat of its removal.
- 1.3** This report summarises the reasons and circumstances for making Tree Preservation Order (TPO) No. 410, (**Appendix 1**), provides a summary of representations of support, the objection to the making confirmation of the TPO and explains why officers consider that the TPO should be confirmed.
- 1.4** A TPO was made to protect and safeguard this woodland area as it was considered that the trees were under imminent threat of being felled due to an outline planning application being received for up to 55 dwellings. A woodland TPO is suitable due to the high public amenity, landscape, and wildlife value both presently and for future potential.
- 1.5** A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out at a site visit in May 2021 and when calculated gave a total score of 14 - 16, the decision guide of the method states that if the score is above 12-15 the trees are 'TPO defensible' and if 16+ that the trees 'definitely merits a TPO'. TEMPO attached as **Appendix 2**.
- 1.6** The majority of these trees are young mixed species comprising of oak, birch, ash, willow, cherry, hawthorn and hazel and the woodland order incorporates the mature trees to the west. There are signs of ash dieback in areas however most of the other tree species appear to be in good health visually with no significant defects that would create cause for concern and have a

healthy leaf foliage and covering. The trees have high amenity value to the public with public footpaths crossing the land for people to enjoy the benefits that a woodland can bring.

- 1.7 The Government's Planning Practice Guidance sets out that local planning authorities can make a Tree Preservation Order 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'.
- 1.8 Once made, a TPO provides protection for a period of 6 months, during which time the local planning authority is required to 'confirm' the TPO to ensure it continues to have effect and protect the trees subject to it.

## 2.0 PUBLICITY AND REPRESENTATIONS

- 2.1 The Tree Preservation Order was served on the land by being displayed, giving the required twenty-eight days to make any representations. 112 emails of support from residents, Parish Council support and Tree Warden support are summarised below:

### Parish Council:

- Twyning Parish Council, along with local residents, community groups, local Councillors, our MP and environmental interest groups wholeheartedly support the existing Tree Preservation Order No. 410 (2021) to be made permanent.
- The development of this land would represent an unnecessary, harmful encroachment into the open countryside which will permanently remove over 2000 woodland assets, native hedgerows and a unique, diverse ecosystem.
- Destruction of the woodland and by association the removal of habitat is likely to be contrary to the Wildlife and Countryside Act 1981 and the Wild Animals Protection Act 1996. Destruction of this community woodland would cause significant and demonstrable harm to the character and appearance of the rural landscape and the irreversibly remove the health benefits and amenity value for families and residents in Twyning
- We urge Officers at Tewkesbury Borough Council to formalise the long-term protection of Twyning Wood's amenity and biodiversity and join the significant local support for a permanent Tree Preservation Order for our Community Wood.

### Local Residents:

- Maintain the amenity for future generations.
- In line with government guidelines on green issues
- well-developed wood that has been in place for almost a decade. It provides refuge to a large variety of wildlife, as well as giving the people of the village a place to explore, unwind, and generally be away from it all.
- would be awful if this wonderful asset were lost in order to line the pockets of the few at detriment to the many
- It was a wonderful gift to the environment in 2012 by the late Mr Brookes to plant so many native trees. Very much in keeping with the worlds concerns today. Residents of Twyning have watched them grow into mature trees providing home and shelter to wildlife, bird life and insects alike for nearly a decade.
- They meet the need for more planted woodland to help not only carbon emissions but help protect our ever dwindling wildlife
- The area including the trees are a popular walking area for the local community.
- it seems ludicrous with all the global effort to improve the environment and reduce global warming that anyone is considering allowing these trees to be destroyed.

- valuable natural resource providing a habitat for a variety of species: the woodland also comprises a vital community asset - helping preserve the rural character of the village
- has important mental health benefits
- it should be made permanent so the woodland can be enjoyed by our children and our children's children.
- The area is used by all generations in the village from toddlers, the scout movement, dog walkers, and because of its vicinity & relative easy access by the older generation too.
- Queens Green Canopy initiative to commemorate the upcoming jubilee, can you imagine the absurdity of us standing by and letting a maturing woodland only planted around the last Jubilee year to be cut down.
- vital that they remain as the village's only publicly accessible woodland space
- It is a place of peace and tranquillity for villagers and visitors and a much needed and valued area of beauty and escapism in these times of uncertainty, A place for wildlife to thrive and for children to learn and enjoy. We should be looking to reduce carbon emissions as the Government keeps pledging and not building houses on every bit of green space left!
- conserve trees, to slow down global warming and reduce climate change.
- When running Cubs we used the area as part of our nature badge. In addition this supports the governments commitment to plant more trees to off set carbon limits.
- This area should therefore be protected for the benefit of the Environment and as a community resource.

**2.2** One representation was submitted **objecting** to the TPO which is summarised as follows:

- TBC have provided insufficient evidence or information to substantiate the perceived high value status of the trees covered by the TPO. No details have been provided regarding the assessing of the amenity value of the trees.
- The TPO lacks purpose of protecting trees from new development. Pre-development removal or clearance of trees is prohibited under the Forestry Act therefore TPO serves no purpose in protecting trees from the proposed development. A TPO would be better suited following agreed tree implications and as part of the planning process, to protect those being retained during construction.
- The order seeks to protect young, planted trees in a juvenile state that lack arboricultural quality and value and could be readily replaced due to their age. The young woodland includes areas of ash with dieback which affects its quality and long term potential. Appreciate trees have some future potential but note that replacement trees would also meet the same potential in terms of visual amenity as those being removed.
- TPO was placed due to the perceived imminent threat to trees following an application for future development on site. An arboricultural report was submitted showing the likely layout of development. It identified that there will be trees retained and the removals will be contained to internal parts of the site.
- The order is premature and poorly informed. The scenario of development not occurring on site will place management ramifications on the woodland owner such as repeated TPO work applications.
- The TPO order does not reflect the different types of tree cover on the site including hedgerows, newly planted trees, regenerative trees, mature woodland groups of trees and individual trees.
- The implications of the proposed development towards trees can be appropriately dealt with through the planning process.

### 3.0 ANALYSIS

- 3.1 The trees form part of a young woodland area that has high public amenity value due to the public rights of way that cross through the woodland, the public amenity value is further enhanced as the woodland can be seen from numerous points around the village. As the trees mature this amenity will increase along with the wildlife and landscape value this woodland will bring. This area is well used by local residents including local clubs for recreational and educational purposes making it an important community asset.  
**(Photographs will be displayed at committee)**
- 3.2 A woodland TPO has been used as the individual/group or area category would not be appropriate in this instance. As stated within the Government guidance the woodland category should be used when the woodland category's purpose is to safeguard a woodland as a whole. Whilst some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order.
- 3.3 A Tree Evaluation Method for Preservation Orders (TEMPO) analysis has been carried out on the trees, giving a score between 14-16 which would imply that a TPO is justified for these trees.
- 3.4 The objector states that a TPO serves no purpose as permission for a felling license would be required from the Forestry Commission under the Forestry Act 1967 to carry out any removal or clearance. This is only the case if a certain volume of timber is to be removed from a woodland per calendar quarter. If the trees are not protected by the TPO then felling, subject to certain exceptions can legally take place without any permission as long as it is under the amount that would require a felling licence.
- 3.6 The objector states that the trees are young, in a juvenile state and could be readily replaced due to their age and there are also areas of ash dieback. Without a TPO in place there is no duty on the landowner to replant new trees if they were removed. A small section of the woodland is comprised of ash trees, the removal of these trees would not impact on the overall amenity value of the woodland as a whole.
- 3.7 The making of this TPO would not prevent appropriate woodland management.
- 3.8 The objector states that the TPO order does not reflect the different types of tree cover on the site. There is no requirement when making a woodland TPO to identify these different types of tree cover as they all form part of the characteristics of a woodland.
- 3.9 If development is granted consent, the TPO will ensure adequate tree cover is retained and also help to secure new tree planting.

### 4.0 CONCLUSION AND RECOMMENDATION

- 4.1 The report has shown that the removal of this woodland would have a detrimental impact on the surrounding area with loss of amenity and habitat. It is therefore recommended that TPO 410 is **CONFIRMED**.