



REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE
DATE: 28 SEPTEMBER 2004
SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER- LAND WEST OF BALDINGSTONE HOUSE
REPORT FROM: BOROUGH PLANNING AND ECONOMIC DEVELOPMENT OFFICER
CONTACT OFFICER: K D HOTHAM, LANDSCAPE PRACTICE MANAGER

TYPE OF DECISION:

REPORT STATUS: FOR PUBLICATION

PURPOSE/SUMMARY:

The confirmation of the Metropolitan Borough of Bury (Land West of Baldingstone House) Tree Preservation Order 2004 as required under section 201 of the Town and Country Planning Act 1990

OPTIONS AND RECOMMENDED OPTION:

The order may be confirmed by the Council, or allowed to lapse after its initial six months provisional period. It is recommended that the order be confirmed to maintain the Council's policy under the LA21 Strategy.

IMPLICATIONS -

Financial Implications and Risk Considerations

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? Yes x No

Are there any legal implications? Yes x No

Considered by Monitoring Officer: Yes Comments

Statement by Director of Finance and E-Government:

Staffing/ICT/Property:

Wards Affected:

North Manor

Scrutiny Interest:

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Panel	Executive	Committee	Council

1.0 BACKGROUND

On the 14th July 2004 the Council made the Metropolitan Borough of Bury (Land West of Baldingstone House) Tree Preservation Order 2004. This order requires confirmation within six months by the Council to secure its permanence.

2.0 ISSUES

Objections to the making of the tree preservation order have been raised by Matthews and Goodman, Property Advisers, on behalf of Mr L Smith on whom the order was served. The main grounds for the objection appear to relate to the original provisional area order. The trees have now been surveyed and plotted in more detail as indicated on the attached plan and schedule. The trees include none that are dead, dying or dangerous and are clearly visible from many public footpaths, highways and other areas of the Borough.

Other objections relate to the ownership of the land, its location within the Green Belt, the amenity value of the trees and the agricultural potential of the land.

The ownership of the land has been traced and the tree preservation order served on all interested parties, including Mr Smith whose name is registered.

Green Belt status does not offer protection to trees against felling, and legal action has already been taken by the Forestry Commission against Mr Smith for felling a large number of the trees without a felling licence. These trees provide a substantial amenity and further losses would have a seriously detrimental affect on the local landscape. The retention of the remaining trees would not restrict the surrounding land from agricultural use, merely require their protection by fencing from grazing livestock.

3.0 CONCLUSION

It is evident by Mr Smith's earlier actions that the trees are under threat from felling, and that their retention is essential to maintain the landscape character of this area of the Borough. It is therefore recommended that the Council confirm the tree preservation order to secure its permanent status.

**BRIAN DANIEL
BOROUGH PLANNING & ECONOMIC DEVELOPMENT OFFICER**

List of Background Papers:-

Tree Preservation Order – Land West of Baldingstone House - file ref. TP265
Letter from Matthews and Goodman dated 9th.August '04

Contact Details:-

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Environment & Development Services
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FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY (Encircled in black on map)

	DESCRIPTION	SITUATION
T1	HAWTHORN	North end of site
T2	HAWTHORN	North end of site
T3	HAWTHORN	North end of site
T4	HAWTHORN	North end of site
T5	HAWTHORN	North end of site
T6	HAWTHORN	North end of site
T7	OAK	North end of site
T8	OAK	North end of site
T9	OAK	North end of site
T10	OAK	North end of site
T11	OAK	North end of site
T12	OAK	North end of site
T13	OAK	North end of site
T14	OAK	North end of site
T15	OAK	North end of site
T16	OAK	North end of site
T17	OAK	North end of site
T18	OAK	Central area of site
T19	OAK	Central area of site
T20	OAK	Central area of site
T21	OAK	Central area of site
T22	HAWTHORN	Central area of site
T23	HAWTHORN	Central area of site
T24	HAWTHORN	Central area of site
T25	HAWTHORN	Central area of site
T26	HAWTHORN	Central area of site
T27	HAWTHORN	Central area of site
T28	HAWTHORN	Central area of site
T29	HAWTHORN	Central area of site
T30	HAWTHORN	Central area of site
T31	OAK	Central area of site
T32	OAK	Central area of site
T33	WILLOW	Central area of site
T34	OAK	Central area of site
T35	OAK	Central area of site

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FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY (Encircled in black on map)

	DESCRIPTION	SITUATION
T36	WILLOW	Central area of site
T37	OAK	Central area of site
T38	SYCAMORE	Central area of site
T39	SYCAMORE	Central area of site
T40	SORBUS	Central area of site
T41	OAK	Central area of site
T42	OAK	Central area of site
T43	OAK	Central area of site
T44	OAK	Central area of site
T45	OAK	Central area of site
T46	OAK	Central area of site
T47	OAK	Central area of site
T48	OAK	Central area of site
T49	OAK	Central area of site
T50	OAK	Southern area of site
T51	OAK	Southern area of site
T52	SILVER BIRCH	Southern area of site
T53	SILVER BIRCH	Southern area of site
T54	OAK	Southern area of site
T55	OAK	Southern area of site
T56	OAK	Southern area of site
T57	OAK	Southern area of site
T58	SYCAMORE	Southern area of site
T59	BEECH	Southern area of site
T60	WILLOW	Southern area of site
T61	OAK	Southern area of site
T62	PRUNUS	Southern area of site
T63	OAK	Southern area of site
T64	ASH	Southern area of site
T65	OAK	Southern area of site
T66	SYCAMORE	Southern area of site
T67	OAK	Southern area of site
T68	OAK	East of site
T69	SYCAMORE	East of site
T70	OAK	East of site

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FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY (Encircled in black on map)

	DESCRIPTION	SITUATION
T71	OAK	East of site
T72	OAK	East of site
T73	WILLOW	East of site
T74	OAK	East of site
T75	OAK	East of site
T76	SYCAMORE	East of site
T77	BEECH	East of Baldingstones House
T78	SYCAMORE	East of Baldingstones House
T79	BEECH	East of Baldingstones House
T80	WILLOW	East of Baldingstones House
T81	WILLOW	East of Baldingstones House
T82	OAK	East of Baldingstones House
T83	ASH	East of Baldingstones House
T84	SYCAMORE	East of Baldingstones House
T85	ASH	East of Baldingstones House
T86	SYCAMORE	West of Baldingstones House
T87	PRUNUS	West of Baldingstones House
T88	SYCAMORE	West of Baldingstones House
T89	SYCAMORE	West of Baldingstones House
T90	SYCAMORE	West of Baldingstones House
T91	SYCAMORE	West of Baldingstones House
T92	SYCAMORE	West of Baldingstones House
T93	BEECH	West of Baldingstones House
T94	COPPER BEECH	West of Baldingstones House
T95	SYCAMORE	West of Baldingstones House
T96	SYCAMORE	West of Baldingstones House
T97	SYCAMORE	West of Baldingstones House
T98	BEECH	West of Baldingstones House
T99	SYCAMORE	West of Baldingstones House
T100	SYCAMORE	West of Baldingstones House
T101	BEECH	West of Baldingstones House
T102	BEECH	West of Baldingstones House
T103	BEECH	West of Baldingstones House
T104	SYCAMORE	West of Baldingstones House
T105	BEECH	East of Baldingstones House

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