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**MEETING:** PLANNING CONTROL COMMITTEE  
**DATE:** 22<sup>ND</sup> JANUARY 2008  
**SUBJECT:** TPO 315 – FERNHILL WASTE FACILITY  
**REPORT FROM:** LANDSCAPE PRACTICE  
**CONTACT OFFICER:** C KALUPA – LANDSCAPE ARCHITECT

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**TYPE OF DECISION:** COUNCIL - NON KEY DECISION

**FREEDOM OF INFORMATION/ STATUS:** This paper is within the public domain

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**SUMMARY:**

To consider options available regarding:

Bury MBC, Tree Preservation Order 315  
Fernhill Waste Facility

**OPTIONS AND RECOMMENDED OPTION (with reasons):**

Options available are:

Confirm the Order  
Not to Confirm the Order  
To confirm the Order with modifications

The Landscape Practice at Bury MBC recommends confirming the Order with modifications

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**IMPLICATIONS -**

**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? Yes  No

**Financial Implications and Risk Considerations**

Director of Finance and E-Government to advise re risk management

**Statement by Director of Finance and E-Government:**

No

**Equality/Diversity implications**

Yes  No

**Considered by Monitoring Officer:**

Yes  Comments

Are there any legal implications?

Yes  No  (see paragraph)

**Staffing/ICT/Property:**

No

**Wards Affected:**

Moorside

**Scrutiny Interest:**

None

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**TRACKING/PROCESS**

**DIRECTOR:**

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

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**1.0 BACKGROUND**

On the 27<sup>th</sup> July 2007 the Council made Metropolitan Borough of Bury, Fernhill Waste Facility Tree Preservation Order 2007 under section 201 of the Town and Country Planning Act. This requires the Order to be confirmed within six months to assure permanence.

The Tree Preservation Order was initiated in response to a pre application enquiry by Wardell Armstrong LLP on behalf of Greater Manchester Waste Limited and Viridor Waste Management.

**2.0 ISSUES**

During the consultation period 1 letter was received objecting to the Order (figure 1 and 2)

The objections were:

- The trees are generally not in good condition
- Their amenity value to the neighbourhood is limited
- Their classification as individual trees is inappropriate
- There are inconsistencies and inaccuracies in the Order

In response, The Landscape Practice would like to make the following points:

Tree condition:

According to the objector's Arboricultural Report, most of the trees in the Tree Preservation Order have a fair or good rating. There are some trees which have been classified as poor and which would not warrant an individual tree entry. The Landscape Practice would recommend that the itemised order based on individual trees (figure 1 and 2) be changed to a group order (figure 3 and 4). Government Guidelines state that the Group category should, in general terms, be used for trees whose overall impact and quality merit protection but not necessarily as individual specimens. Therefore there is justification to protect trees within the group which may be in poor condition but still contribute to the impact of the group as a whole.

Amenity value:

The objector has stated that the amenity value to the neighbourhood is limited. In response, Bury MBC Landscape Practice would like to emphasise that the trees can be seen from a residential area as well as open space land (former allotments) and from the playing fields of a neighbouring school. Furthermore, the trees also screen the current waste transfer activities from a number of residential properties on Victor Avenue which overlook the site. The trees serve an important function with regard to amenity value which would be retained if the proposed waste transfer facility were to expand.

Tree classification:

After careful consideration The Landscape Practice would like to amend the Order from one showing individual trees to a group order in order to reflect the status of the group composition of the trees on site.

Inconsistencies in the Order:

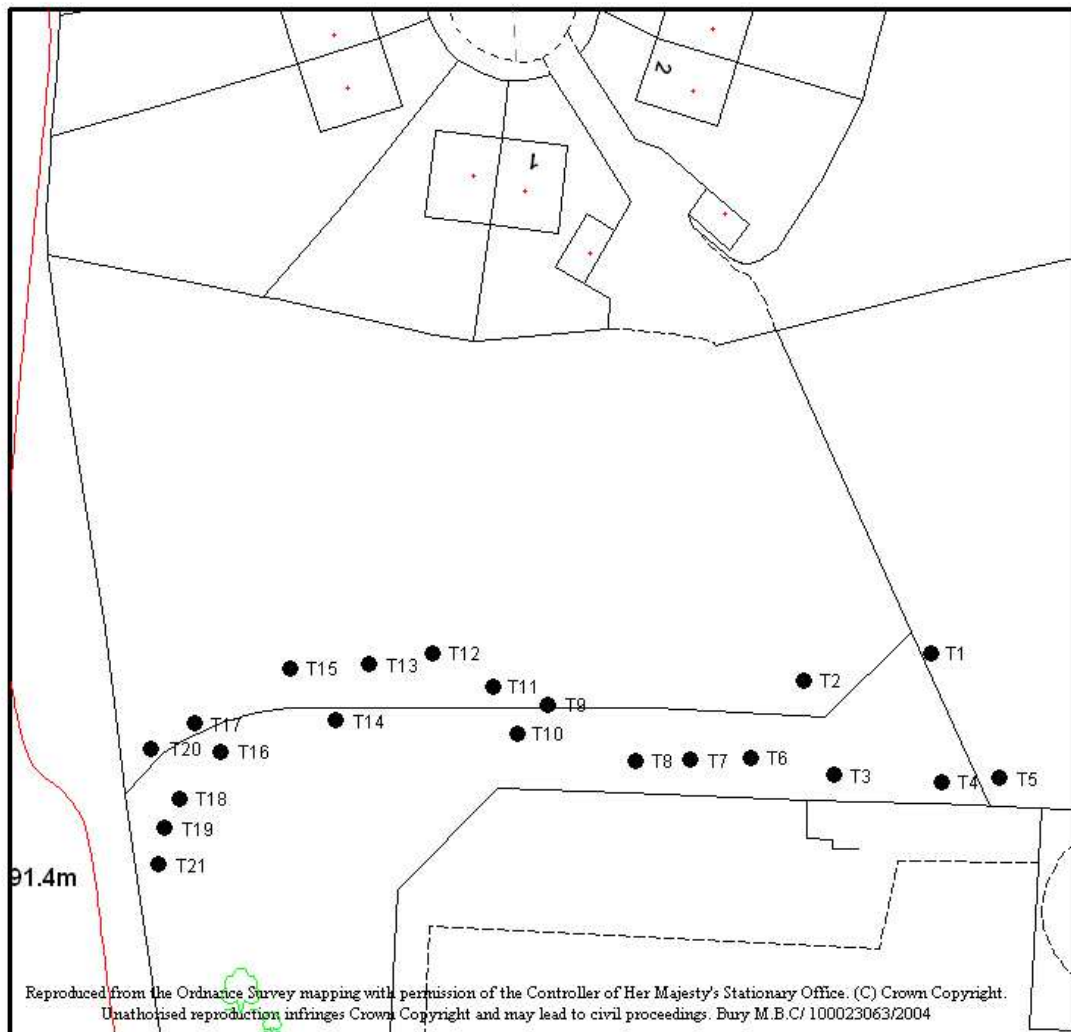
The Landscape Practice would like to amend the Tree Preservation Order to create a group order. A group order would remove any doubt with regard to inconsistencies and inaccuracies.

Consultation

A consultation period of 6 months forms part of the Tree Preservation Order making process.

Figure 1 – plan of original order

# METROPOLITAN BOROUGH OF BURY (FERNHILL WASTE MANAGEMENT FACILITY) TREE PRESERVATION ORDER 2007



FILE TP. (315)



SCALE. (1:500)

Environment and  
Development Services

Planning Division,  
Craig House, 5 Bank Street, Bury,  
BL9 ODN. Tel : 0161 253 5267

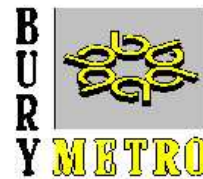


Figure 2 – schedule of original order

## FIRST SCHEDULE

(page 1 of 1)

### TREES SPECIFIED INDIVIDUALLY

(Encircled in black on map)

NO. ON MAP	DESCRIPTION	SITUATION
T1	birch	between facility and Victor Avenue, Bury
T2	rowan	between facility and Victor Avenue, Bury
T3	ash	between facility and Victor Avenue, Bury
T4	birch	between facility and Victor Avenue, Bury
T5	sycamore	between facility and Victor Avenue, Bury
T6	willow (multi-stem)	between facility and Victor Avenue, Bury
T7	ash	between facility and Victor Avenue, Bury
T8	sycamore	between facility and Victor Avenue, Bury
T9	alder	between facility and Victor Avenue, Bury
T10	poplar (multi-stem)	between facility and Victor Avenue, Bury
T11	willow (multi-stem)	between facility and Victor Avenue, Bury
T12	willow (multi-stem)	between facility and Victor Avenue, Bury
T13	hawthorn	between facility and Victor Avenue, Bury
T14	willow	between facility and Victor Avenue, Bury
T15	birch	between facility and Victor Avenue, Bury
T16	poplar	between facility and Victor Avenue, Bury
T17	poplar	between facility and Victor Avenue, Bury
T18	willow	between facility and Victor Avenue, Bury
T19	birch	between facility and Victor Avenue, Bury
T20	hawthorn	between facility and Victor Avenue, Bury
T21	poplar	between facility and Victor Avenue, Bury

### TREES SPECIFIED INDIVIDUALLY

(Encircled in black on map)

NO. ON MAP	DESCRIPTION	SITUATION
NONE	NONE	NONE

### TREES SPECIFIED BY REFERENCE TO AN AREA

(Within a dotted line on map)

NO. ON MAP	DESCRIPTION	SITUATION
NONE	NONE	NONE

### GROUPS OF TREES

(Within a broken black line on map)

NO. ON MAP	DESCRIPTION	SITUATION
NONE	NONE	NONE

TREE PRESERVATION ORDER (Fernhill Waste Management Facility)

FILE TP (315)

Figure 3 – plan of Group Order

# METROPOLITAN BOROUGH OF BURY (FERNHILL WASTE MANAGEMENT FACILITY) TREE PRESERVATION ORDER 2007



FILE TP. (315)



SCALE. (1:500)

Environment and  
Development Services

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Craig House, 5 Bank Street, Bury,  
BL9 0DN. Tel : 0161 253 5267



Figure 4 – schedule of Group Order

**FIRST SCHEDULE**  
(page 1 of 1)

**TREES SPECIFIED INDIVIDUALLY**

(Encircled in black on map)

NO. ON MAP	DESCRIPTION	SITUATION

**TREES SPECIFIED INDIVIDUALLY**

(Encircled in black on map)

NO. ON MAP	DESCRIPTION	SITUATION
NONE	NONE	NONE

**TREES SPECIFIED BY REFERENCE TO AN AREA**

(Within a dotted line on map)

NO. ON MAP	DESCRIPTION	SITUATION
NONE	NONE	NONE

**GROUPS OF TREES**

(Within a broken black line on map)

NO. ON MAP	DESCRIPTION	SITUATION
G1	birch, rowan, ash, sycamore, alder, poplar, willow (multi-stem), hawthorn	between facility and Victor Avenue, Bury

**TREE PRESERVATION ORDER (Fernhill Waste Management Facility)**

**FILE TP (315)**

## **CONCLUSION**

The Tree Preservation Order was initiated in response to a legitimate concern for the future of the trees. After considering the objection, the Landscape Practice was of the opinion that the Order should be changed in order to reflect the group composition of the trees on site. On this basis the Landscape Practice recommends that Tree Preservation Order 315 be confirmed with modifications (as shown in figures 3 and 4).

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### **List of Background Papers:-**

1 letter objecting to the Tree Preservation Order (*available on request*)  
Tree Preservation Order 315: Fernhill Waste Facility (*ref. TP313*)  
Petition from local residents against the original Pre Application proposals for the Fernhill Waste Transfer site

### **Contact Details:-**

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Craig House  
Bank Street  
Bury  
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