



Classification Open / Closed	Item No. 8
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Meeting:	Planning Control Committee
Meeting date:	24 February 2026
Title of report:	Tree Preservation Order Confirmation
Report by:	Head of Development Management
Decision Type:	Council
Ward(s) to which report relates	Ramsbottom

Introduction

This report sets out the issues relating to the current temporary tree preservation order Tree Preservation Order (No. 367) 2025 at the former Ramsbottom ambulance station.

Background

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'.

On 6th October 2025, the Council imposed a temporary Tree Preservation Order to protect a Maple tree at the former Ramsbottom ambulance station. The tree is an imposing Maple tree which has significant presence in the area and can be seen from a distance from the adjoining cemetery and the immediate vicinity from the public realm.

The tree is under threat of being damaged by ad hoc works and thus in terms of visual amenity causing harm. It should also be noted that there is an undetermined

planning application (72695) for the construction of residential properties which seeks removal of this tree.

The Order prohibits the felling, lopping, topping, uprooting or otherwise wilful damaging of trees without the prior permission of the Council.

The Council has six months in which to confirm the temporary Order. If the TPO is not confirmed within six months, the Order will lapse, the tree would no longer be protected and could be removed. If the Order is confirmed, it will take effect on a permanent basis and the tree will continue to be protected.

The Council cannot confirm an Order unless it has first considered any duly made objections or other representations.

Consultation

Site notices were erected at the site on 09/10/2025.

The owner of the site, the North West Ambulance Service (NWAS) was notified of the making of the order on 10/10/2025, as was Mr Gary McDonald as an interested party at the time.

One objection was received giving the following reasons;

- The tree is a semi-mature Sycamore standing at approximately 10-12m in height
- From Cemetery Road (the primary public vantage point), the tree is almost entirely obscured by multiple buildings on the former ambulance station site
- Only the uppermost 2-3m of the crown is visible when standing at the cemetery entrance
- When positioned on Cemetery Road itself, the tree is typically obscured by the protected Oak tree at the front of the site
- From Hazel Street, visibility is confined to the end of a narrow, seldom used back alley with limited public access
- The tree is visible from the very low use muddy public back alley
- It is a common, semi-mature Sycamore specimen without special characteristics
- No evidence of historical, cultural, or rarity value
- Unremarkable form and structure typical of the species at this age
- No identified ecological significance
- The mature Oak at the front of the site (already protected by a TPO) provides substantial visual amenity from Cemetery Road
- Numerous mature trees exist within the adjacent cemetery, contributing significantly to the character of the conservation area
- This semi-mature Sycamore contributes minimally to the overall tree canopy or landscape character compared to these established specimen

Sycamore (*Acer pseudoplatanus*) has specific growth characteristics that render it fundamentally unsuitable for the confined space in which it is growing:

Ultimate Size Potential

- Mature height: 25-30m in this setting
- Mature spread: 15-20m
- The tree is currently only 10-12m in height, it has significant further growth potential Species-Specific Issues
- Prolific self-seeding: Sycamore is renowned for aggressive natural regeneration, creating ongoing maintenance burdens on adjacent residential properties
- Dense shade casting: Mature specimens create heavy shade inappropriate for residential garden settings
- Fast growth rate: Rapid development will accelerate conflicts with adjacent property

Confined Location - The tree is positioned approximately 6 metres from the gable end and rear garden boundary of 20 Hazel Street a wholly inadequate separation distance for a tree with ultimate dimensions of 25-30m height and 15-20m spread.

This spatial constraint makes long-term retention fundamentally incompatible with reasonable residential amenity

FORESEEABLE FUTURE NUISANCE TO ADJACENT RESIDENTIAL PROPERTY

Government guidance acknowledges that protection may be inappropriate where trees will cause foreseeable problems. The guidance states that authorities should consider "the proximity of trees to buildings" as a key factor, noting concerns about "trees casting excessive shade or otherwise unreasonably interfering with residents' prospects of reasonably enjoying their property."

Inevitable Conflicts Within 20-40 Years

As the tree matures toward its ultimate size, the following impacts on 20 Hazel Street are foreseeable and unavoidable:

- Excessive overshadowing of the house and rear garden, particularly given the tree's position to the south/southeast
- Physical encroachment of the crown over the residential property
- Leaf fall and debris creating maintenance burden Loss of light and outlook affecting reasonable enjoyment of property
- Self-seeded saplings requiring regular removal from the residential garden

TPO Will Prevent Reasonable Management Once the TPO is confirmed, the property owner at 20 Hazel Street will be unable to carry out reasonable tree works without consent, creating:

- Delays and costs associated with TPO applications
- Potential refusal of reasonable management works
- Inability to address nuisance effectively

We submit that imposing long-term protection on a tree that will inevitably conflict with residential amenity is neither reasonable nor in the public interest, particularly given the tree's minimal amenity value

The TPO legislation requires that it must be "expedient in the interests of amenity" to make provision for preservation. Government guidance notes that "it may not be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management" and that risk of removal must be considered.

We question whether making this Order is expedient:

- No evidence of immediate threat: No indication the tree is at risk of inappropriate removal
- Lack of justification: The TPO notification letter provides only generic justification without specific assessment of this individual tree's amenity value
- Disproportionate intervention: The proactive TPO appears to be a precautionary measure without demonstrated need
- The Council has not demonstrated that protection is necessary or expedient

The TPO will impose ongoing regulatory burdens disproportionate to the minimal amenity value provided:

- Consent requirements for all routine maintenance and reasonable management works
- Administrative delays and costs for tree work applications
- Restriction of reasonable works to address foreseeable nuisance to adjacent residents Government guidance emphasizes that TPOs should be used to protect "selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public."
- This tree's removal would have negligible impact on public amenity. The restrictions imposed by the TPO are therefore wholly disproportionate

Consideration of the Objections

Quality, Character and amenity value - Following a site visit and assessment by the Council's Planning and Trees and Woodland's Officer, the Council does not agree with the assessment presented by the objectors. The following assessment has been made in relation to the tree:

The tree in question is a Maple which is located to the rear of the former Ramsbottom ambulance station, Cemetery Road, Ramsbottom. The objector has

referred to the tree as a Sycamore but the Council's trees and woodlands officer has confirmed that the tree is a Maple and they advised that the Maple and Sycamore are both part of the Acer tree family, which is why the objector may have referred to it as a Sycamore.

The tree appears to be in reasonable health and condition with no signs of die back, cavities or fungal growth.

The assessment of the Council's Tree's and Woodland's Officer concluded that it be recommended the tree for protection by a TPO and as such this was progressed.

The tree is very prominent within the street scene as it is located at the head of the cul-de-sac on Hazel Street and is visible from within the cemetery, the public access path to the north of the ambulance station and from Cemetery Road. As such it contributes to the visual amenity of the area.

Government guidance states that Orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Removal of the tree would have a negative impact on the local environment by removal of an element of soft landscaping.

The TPO is not being used as a means to control development but to retain the tree and area's amenity value of which it significantly contributes. The maple tree is under direct threat through Planning Application 72695 - Demolition of former Ramsbottom Ambulance Station and erection of 3 no. dwellings with associated parking, private gardens and landscaping. This application seeks to remove the maple tree, to allow construction of a dwelling. The applicant considers within their supporting Planning Statement that the retention of the maple would materially constrain the developable area of the site and compromise their ability to deliver a scheme of appropriate density, layout and viability. Whilst acknowledged that the retention of the tree would necessitate an amended proposed layout in order to protect the tree and roots, the proposal is for 3 detached, 5 bedroom dwellings. Given the location of the tree, on the boundary of the site rather than centrally, it is considered more than feasible to amend the layouts or house types proposed and still meet density requirements on the site without the removal of the maple tree. The Planning Statement also confirms that the Local Planning Authority raised concern in relation to the removal of the maple at pre-application stage and that design revisions were requested at this stage that have not been acted upon.

In their report the objector has stated, 'from Hazel Street, visibility is confined to the end of a narrow, seldom-used back alley with limited public access'. In actual fact there is access to the footpath from both Hazel Street and Cemetery Road, and the footpath is not overgrown and whilst on the site visit the planning officer observed several members of the public using the footpath, in the short time they were on site.

The objectors, and landowner can still carry out works to the trees, including felling if deemed necessary, with the submission of an application to the LPA, along with a tree report and any other relevant information is provided. As such it is not

considered that the TPO would necessarily restrict appropriate tree maintenance but in fact would promote appropriate maintenance. Tree applications are currently fee exempt and as such it is unclear what additional costs the objector foresees in order to maintain the tree as maintenance of a tree would be required even if the tree is not protected. The objector also implies that the Council may refuse reasonable management works which is unfounded, and TPO applications can be appealed in any event.

The tree owner's liabilities and responsibilities would remain the same regardless of any TPO that is imposed and as such damage to property etc would remain private matters. No evidence has been provided in relation to any current damage or tree resentment for the neighbouring properties.

Recommendation

That the current temporary preservation order issued on the tree within the curtilage of the site as identified in Appendix 1 is confirmed so that the Order takes effect on a permanent basis.

List of Background Papers: -

Temporary Tree Preservation Order dated 6th October 2025.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.
No impact.	

*Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
N/A	. N/A

Consultation: Council's arboriculturist. Their comments are included within the report.

Legal Implications:

Tree Preservation Orders (TPOs) can be made where it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands. TPOs initially take effect on a provisional basis for a period of six months. Authorities can confirm Orders, either without modification or with modification, so that they take effect on a permanent basis. They may also decide not to confirm the Order, which will stop its effect. Authorities cannot confirm an Order unless they have first considered any duly made objections or other representations.

There is no right of appeal against a TPO. Orders may be challenged in the High Court on a point of law within six weeks of being confirmed.

Financial Implications:

To be completed by the Council's Section 151 Officer

Report Author and Contact Details:

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Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
TPO	Tree Preservation Order



IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

The Metropolitan Borough of Bury (Former Manchester Advertiser, Morning Leader, News, Manchester Evening News) Trade Protection Order (No. 167) 2021

To: The owners and any occupants of the former Manchester Advertiser Station, Garswood Road, Salford, M6 6JL

THIS IS A FORMAL NOTICE to let you know that on the 27 October 2021 the Council made the above Trade Protection Order.

A copy of the Order is enclosed in sealed bags. It prohibits anyone from cutting down, topping or topping the trees shown in the Order Schedule in a way on the map, without the Council's consent.

The Council have made the Order because it is considered expedient to protect the trees due to the importance of the grounds here and its contribution to the setting of the area. The trees are therefore of high amenity value to the area and are therefore worthy of protection.

The Order took effect, as a provisional step, on the 27 October 2021. It will continue in force on 15th June 2022. A further 6 months will then be granted by the Council, after which the Order will expire.

The Council will consider whether the Order should be confirmed, that is to say whether it should have effect permanently. Before the decision is made, the people affected by the Order have the right to make objections or other representations about the Order to the Council.

If you would like to make any objections or other comments, please email your written views to the Council by 27 November 2021. These could also be made to your MP, Cllr Paul Atkinson, Council, Bury, M6 6JL. Email: pa100471@buremp.co.uk

All such objections or representations are carefully considered before a decision is made by the Council on the Order is made.

Your comments will comply with Regulation 2 of the Trade and Consumer Protection (Trade Protection Orders) Regulations 2017. A copy of Regulation 2 is set out below.

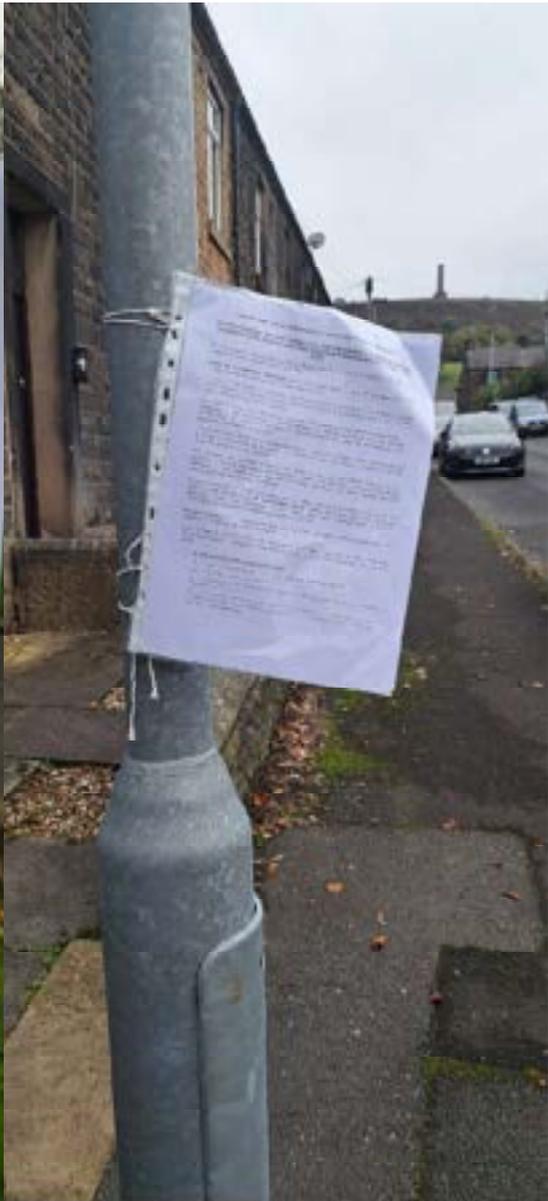
6. Objections and representations

(1) Any objection or representation shall be made to the Council.

(2) Any objection or representation shall be made to the Council by the person who is the owner of the land to which the Order relates.

(3) Any objection or representation shall be made to the Council by the person who is the owner of the land to which the Order relates.

(4) Any objection or representation shall be made to the Council by the person who is the owner of the land to which the Order relates.









TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 2/4/25 Surveyor: LESLIE BAAVANDWOOD

Tree details
 TPO Ref (if applicable): _____ Tree/Group No: _____ Species: _____
 Owner (if known): _____ Location: OLD FARM LANE MAPLE
STATTON WAREHAM

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes

5

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

4

CRACK IN SIDE WALL AT REAR OF TREE

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

2

Good Palm

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

3

FORESEEABLE THREAT WHEN LAND IS SOLD

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

18

Decision:

YES

TREE PRESERVATION ORDER
Town and Country Planning Act 1990
The Metropolitan Borough of Bury
(Former Ramsbottom Ambulance Station, Cemetery Road, Ramsbottom BL0 9PU)
Tree Preservation Order (No. 367) 2025

The Metropolitan Borough of Bury (Bury Council) in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Metropolitan Borough of Bury (Former Ramsbottom Ambulance Station, Cemetery Road, Ramsbottom BL0 9PU) Tree Preservation Order (No. 367) 2025

Interpretation

2.—(1) In this Order “the authority” means Bury Council

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 6th day of October 2025

The Common Seal of the Metropolitan Borough of Bury was affixed to this Order in the presence of—

M Townsend

Mark Townsend 06 Oct 2025 13:29:54 BST (UTC +1)

.....

Authorised by the Council to sign in that behalf

708/25



Seal ID: 33620

CONFIRMATION OF ORDER

This Order was confirmed by the Metropolitan Borough of Bury without modification on the
day of 20

OR

This Order was confirmed by the Metropolitan Borough of Bury, subject to the modifications
indicated by , on the day of 20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Metropolitan Borough of Bury on the
day of 20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Metropolitan Borough of Bury on the day of
20 by a variation order under reference number a copy of which is
attached

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Metropolitan Borough of Bury on the day of
20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

SCHEDULE**SPECIFICATION OF TREES****Trees specified individually**
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Maple	At the rear of the former Ambulance Station, Cemetery Road, Ramsbottom

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None.		

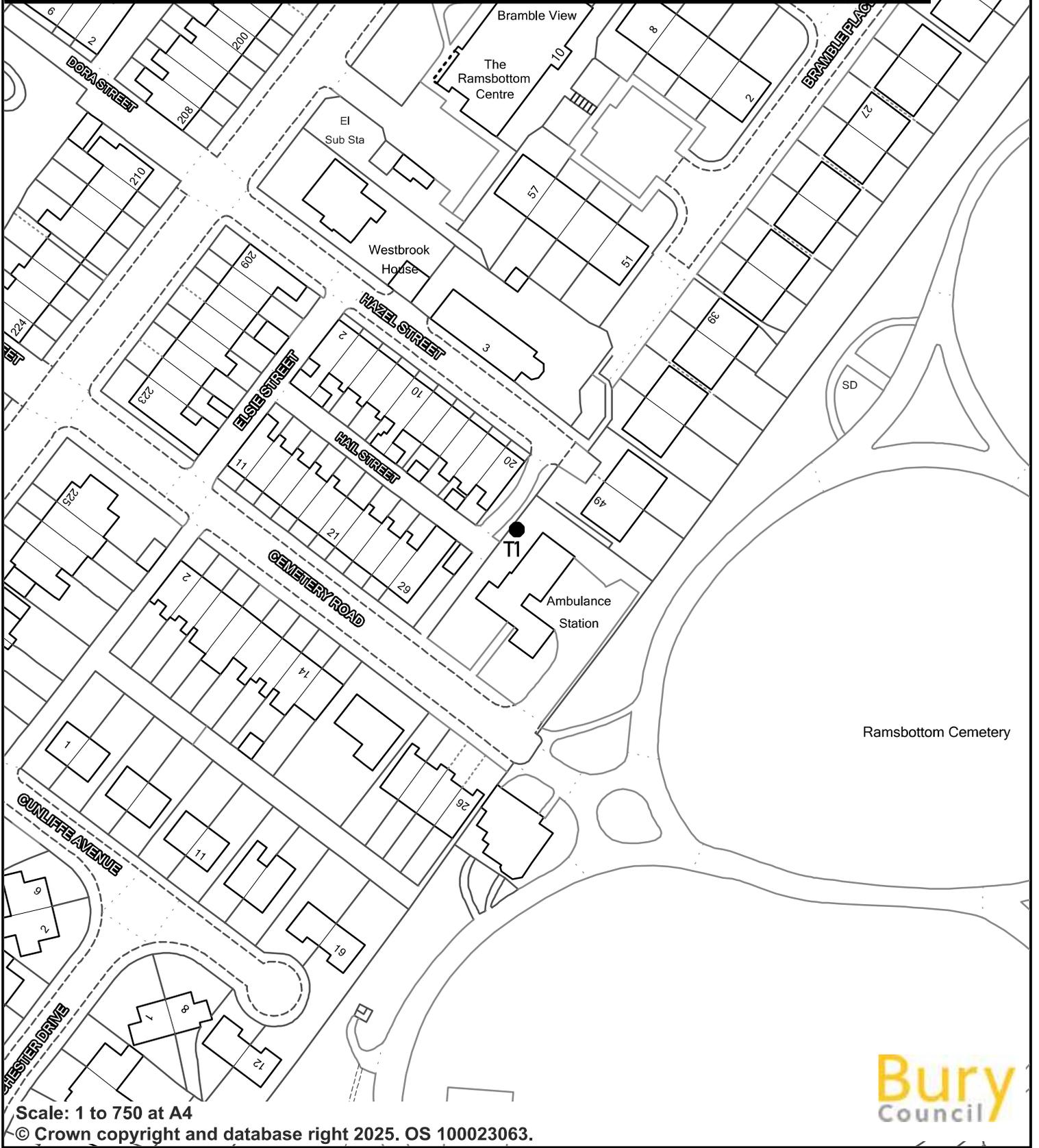
Groups of Trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None.		

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None.		

Map referred to in the Metropolitan Borough of Bury (Former Ramsbottom Ambulance Station, Cemetery Road, Ramsbottom) Tree Preservation Order (No. 367) 2025



Scale: 1 to 750 at A4
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THE COMMON SEAL of THE
 METROPOLITAN BOROUGH OF BURY
 was hereunto affixed on the
 6th day of October 2025
 in the presence of:-

M Townsend

Mark Townsend 06 Oct 2025 13:29:54 BST (UTC +1)

Authorised Signatory

709/25



Seal ID: 33621