



Classification	Item No.
Open / Closed	7

Meeting:	Planning Control Committee
Meeting date:	24 March 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 a planning application (72695), which sought the removal of this tree has recently been refused.

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 dated the 29th October 2025 was received in relation to the following:

- 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

A further objection dated 19th February 2026 was received in relation to the following:

- The tree has been misidentified by the Council: it is a Sycamore (*Acer pseudoplatanus*), not a generic "Maple."
- The Council failed to specify which Maple species they believe it to be, making their identification unclear and unverifiable.

- The Council failed to properly consider the objection, because it was based on Sycamore characteristics (size, self-seeding, canopy density, impacts on amenity) which differ from other Maples.
- Government TPO guidance requires LPAs to consider technical objections, such as species identification and tree characteristics, which the objector feels was not done and that this failure breaches procedural requirements of the 2012 TPO Regulations concerning errors and uncertainties in Orders.
- TEMPO assessment issues:
 - The assessment mentions a crack in a stone wall that does not exist beside the Sycamore; the crack is near a different tree (an Oak).
 - The Oak had previously been misidentified as a Maple, and the Council had to issue a correction in October 2025.
 - Dates in the TEMPO assessment raise concerns that the wrong assessment may have been used.
- Repeated misidentifications (in both TPO 366 and 367) undermine confidence in the Council's processes.
- The author formally requests that the Council revoke TPO No. 367 (2025) under section 201 of the Town and Country Planning Act 1990, due to incorrect species identification and procedural failures.

Consideration of the Objections

Quality, Character and amenity value - Following a site visit and assessment by the Council's Senior Arboricultural & Sports Pitch Officer and by a Planning 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 Senior Arboricultural & Sports Pitch 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 Latin name for the tree is *Acer pseudoplatanus* this translates to Sycamore Maple.

Paragraph 022 Reference ID: 36-022-20140306 of the Tree Preservation Orders and trees in conservation Area guidance (Ministry of Housing, Communities and Local Government, Ministry of Housing, Communities & Local Government (2018 to 2021) and Department for Levelling Up, Housing and Communities) requires the Officer to gather sufficient information to enable an accurate order to be drawn up, and confirms that the Officer should at least identify the genus of the species which has been undertaken. The legislation does not require authorities to describe the trees in the Order with full scientific names or plot them on the map with pinpoint accuracy.

Whilst acknowledged that the objector has made further comments on the point of the species of tree and provided photographs in support of this the plan attached to the TPO also clearly identifies the tree to be protected and the genus of the tree has been noted. As such it is considered that it is clear what tree the order seeks to protect.

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

The initial assessment of the Council's Senior Arboricultural & Sports Pitch Officer concluded that it be recommended the tree for protection by a TPO and as such this was progressed by the Local Planning Authority.

Visits undertaken by the Planning Officer, and a Senior Planning Officer to the site note that the tree is very prominent within the street scene as it is located at the head of the cul-de-sac on Hazel Street/Bramble Place and is visible from within the cemetery, the public access path to the north of the ambulance station and from Cemetery Road. The tree clearly makes a contribution to the visual amenities of the area, not only as a single tree but also in connection with the protected oak tree (TPO 368) to the front of the site, the trees within the Cemetery (some of which are also protected TPO 336), and the TPO trees within the Bramble Place development to the rear of the site (also TPO 336).

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. 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.

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. It is considered that the removal of the tree would have a negative impact on the local environment by removal of an element of soft landscaping and the "greening" that the group of trees identified above contributes to. It should also be noted that the tree is also under immediate threat as can be evidenced by planning application 72695 which seeks removal of the tree.

It should be acknowledged that 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 however the planning application that has been submitted and threatens the retention of the tree is a material factor that needs to be address. Planning Application 72695 - Demolition of former Ramsbottom Ambulance Station and erection of 3 no. dwellings with associated parking, private gardens and landscaping sought to remove the 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 policy set density requirements on the site without the removal of the identified tree. It should also be noted that the Arboricultural Impact Assessment that supports this application identified this tree as A category tree in terms of condition with *"good form and vitality. No significant risk features observed"*. In terms of retention this assessment states that the tree is a B2 tree, the B relating to moderate quality and the 2 relating the landscape value. The 2 indicates that the tree has landscape value, often as part of a group of for its screening/amenity function supporting the Council's assessment above. This is the same category of tree as the Oak tree to the front of the site that the applicant seeks to retain. Given that both trees within the site are given the same value in relation to landscape value and quality within the planning application it is unclear why T9 should be removed other than to facilitate the development. The Planning Statement that supports this planning application 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 to enable the retention of the tree that have not been acted upon.

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.

It is acknowledged that the incorrect Tempo sheet was attached to the previous Planning Control Committee in error. The report was therefore withdrawn from the 24th February 2026 meeting to allow for this error to be rectified. It should be noted however that whilst the Tempo sheet is a record of noted by the Senior Arboricultural & Sports Pitch Officer visit to the site to assess the tree, it is not the only consideration when assessing whether or not a tree should be protected.

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	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
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

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

Term	Meaning
TPO	Tree Preservation Order

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.		

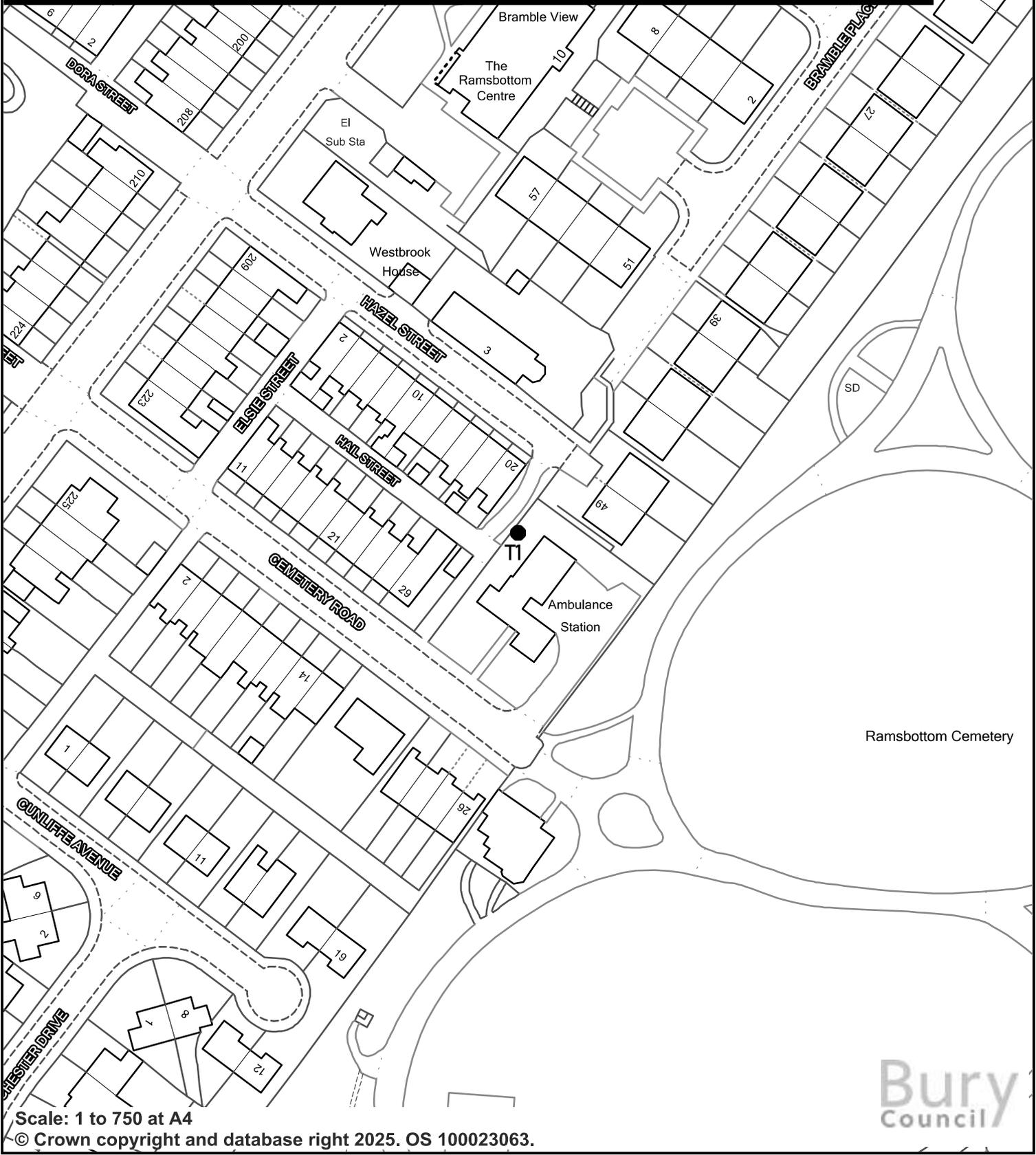
Groups of Trees
(within a broken black line on the map)

<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