

Planning Services  
Development Management  
Town Hall  
Chesterfield  
Derbyshire  
S40 1LP

9<sup>th</sup> October 2020

Dear Andrew Bussey,

**Tree Preservation Order 351 Langhurst Road (2020)**

I refer to your part objection to Tree Preservation Order 351 Langhurst Road (2020) on the 17<sup>th</sup> September 2020 on behalf of your client Mr J Stockton.

You object to the Order in its current form on the following points to which I have responded:

**The main area of the site comprises dense, self-seeded pioneer species including Goat Willow, Common Ash, Downy Birch and Hawthorn which have grown on an area which was originally used on as a dumping ground for pottery waste and furnace ash. It should be noted that Birch sp. was noted included on the TPO Schedule.**

Firstly, in response to your comment 'It should be noted that Birch sp. was noted included on the TPO Schedule'. I believe this is a typing error and you mean Birch species was not included in the 1<sup>st</sup> Schedule but are present on site.

Tree Preservation Orders (TPO) are served if the Local Planning Authority believe there is a risk of the trees being cut down or pruned in ways which would have a significant impact on the amenity of the area. Any tree, that one would normally call a tree can be protected by a Tree Preservation Order and in this situation, the LPA believes that the trees as a whole unit at Langhurst Road are at risk generally from development pressures and would have been felled. The protection of trees by a precautionary TPO is therefore considered expedient so that the Council has control over any future proposals to fell or prune the trees.

Whether trees are self-seeded, planted or pioneering species is not a valid reason why the Order should not be confirmed. Furthermore, many mature woodlands that exist today were established by natural succession rather than being planted containing localised native tree stock which is by far the preferred option for a natural woodland.

Finally, Birch trees as well as apple, Laburnum, Lombardy Poplar, Cherry, Holly and Elder are also not included in the 1<sup>st</sup> Schedule even though they are present on the site because a woodland Order covers all the trees within the woodland area and it is not necessary for the purposes of a woodland TPO to record the number of trees and all species of tree, and a general description should be sufficient.

**The trees located within the former dumping ground/builders' yard were found to be of a poor individual form in general, being either of a multiple stemmed nature or of a poor and slender form. Additionally, as the majority of trees are located on what is made and loose ground, many trees were noted to have rising root plates, this is a sign that the trees have reached their full growth potential for their locations and are likely to collapse or fail in the near future.**

The land may have been used as a waste tip for pottery waste and ash, but it would have also been used for various other uses in the past and it is clear the trees have taken advantage of the poor ground conditions. I have visited the site on many occasions and walked through the whole area and found no evidence to suggest that where there is made-up ground it is detrimental to the tree's health or long-term growth or stability. There are some trees within the woodland that are of a poor condition but that is a natural occurrence in a woodland setting. There is also one dead Birch tree on the woodland edge that does require removing but this could be removed at any time by giving the Council 5 working days' notice of removal. The current situation is that the land is covered by trees which are of various sizes, species and age. It may be the case that some of the trees are no more than 50 years in age but there are also trees that are younger and older creating a multi aged small woodland. There is also evidence to suggest that natural regeneration is occurring in the woodland with Ash, Sycamore, Hawthorn, Hazel, Holly and Yew emerging which will succeed and take advantage when other trees are lost.

A woodland Preservation Order safeguards the woodland as a whole unit rather than individual trees. Trees which are planted or grow naturally within the woodland area after the TPO is made are also protected by the TPO so that the natural regeneration is continued. It may be the case that some of the trees within the woodland are poor in condition and multi stemmed but for the purpose of a Tree Preservation Order, it is the contribution the woodland makes as a local amenity adjacent to the River Corridor, public footpath and roadway why the preservation order was served.

There is no doubt that if I walked through the woodland, I could find many trees that could be felled due to their condition and form if assessed individually but this would be the case for many individual trees within any woodland. It is their overall visual impact and contribution to the local area that has been considered. Furthermore, if any individual trees become unsafe then the Tree Preservation Order application process can be used to remove any tree that could become or is a danger to the general public.

There is no evidence to suggest that the trees on the site are coming to the end of their lifespan due to the nature of the ground. It is accepted that there are some trees of poor quality and condition, but this is a natural occurrence in a woodland setting as each tree competes for nutrients, water and light. Natural succession will occur, and it is inevitable that the more dominant species will take over and natural regeneration replace lost species.

**Those trees which are located on the former dumping ground/builders' yard are not considered worthy of protected status under the remit of a Woodland Tree Preservation Order.**

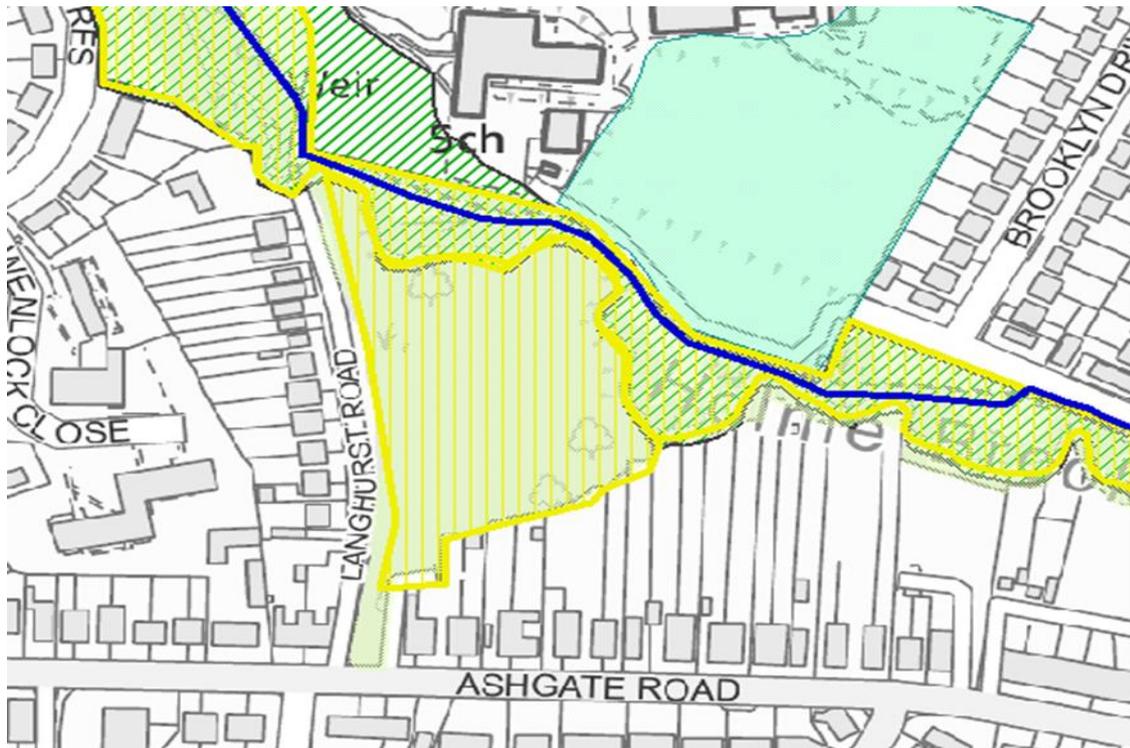
An assessment/evaluation was made of the woodland using the Tree Evaluation Method for Preservation Orders (TEMPO) which is attached to this response. It is clear from the assessment that the woodland is highly suitable for a Preservation Order.

As previously mentioned, the woodland has been considered for a Tree Preservation Order as a whole unit and not as individual trees.

**In light of the fact that there are trees of note located adjacent to Holme Brook, our client has accepted that these trees are worthy of protected status and would like the Woodland Order to be amended to include these trees, as well as a 5 metre buffer from the top of the riverside bank into the site. This would retain the amenity value of the riverside woodland and retain the wildlife corridor that this group of trees provides. It should be noted that our client has intention for a future development within the confines of the former dumping ground/builders' yard. During our site meeting, our client confirmed that new tree planting would form a substantial part of the development proposals. Additionally, our client also stated that he is more than happy to introduce new tree stock into the riverside woodland in order to enhance its amenity value and to provide a more varied species diversity.**

The trees located along the River corridor are included in the Tree Preservation Order and are therefore already protected. The remainder of trees within the preservation order are a continuation of the River corridor habitat and provide a green wedge which is identified in the Council new Local Plan 2018-2035.

Any formal planning application submitted would, under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, need to be determined in accordance with the current adopted development plan, unless material considerations indicate otherwise. The development plan for the borough is the Chesterfield Borough Local Plan 2018-2035. The Local Plan clearly identifies the site as open space and as part of a Green Wedge on the policies map (the yellow stripes, below).



Chesterfield Borough Local Plan 2018-2035

Under policy CLP15 development proposals should not harm the character and function of the Green Wedge, the purpose of which is to:

- maintain open areas between parts of settlements within the urban area of Chesterfield to prevent them from merging;
- provide a 'Green Lung', penetrating from open countryside into an urban area;
- support recreational purposes which allow access from urban areas to the countryside and, where appropriate, contains informal and formal outdoor recreational facilities;
- maintain the existing or influence the form and direction of urban development.

Development of this site would contradict the purposes of the Green Wedge and conflict with the Local Plan.

At the present time no planning application has been submitted to the Council to develop the land but if one is received, the proposals and layout will be considered through the normal planning process and a decision made on the information provided and the affects the development will have on the protected trees within the woodland Order and Local Plan.

I hope this answers your points raised in objecting to the Order and if I can be of further assistance please do not hesitate to contact me.

Regards

Steve Perry  
Tree Officer (Planning)