

PLANNING COMMITTEE	
Date	15 August 2018
Title	TPO 06/2018 – W1 Woodland Group

1. PURPOSE

The purpose of this report is to advise members of the current situation in respect of confirmation of a Tree Preservation Order (TPO) at Manea Pit, Park Road, Manea and to determine an appropriate course of action.

2. SUMMARY

Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to this Committee where objections to the Order are received.

In February 2018 an Emergency TPO was imposed on the woodland area around Manea Pit following proposed works to install a fence around the pit. The Order was required to ensure that during the erection of the fence that adequate protection to the trees could be afforded.

18 letters of support from local residents have been received summarised as follows:

- *Without the TPO indiscriminate felling of trees could have an adverse impact on the character of the area;*
- *This is a major significant area for the community which needs some protection;*
- *The Management Plan for Manea Pit needs to be properly managed through the TPO;*
- *The protection of the wooded area will ensure the character of the Pit will remain;*
- *Object to the erection of an otter fence around the pit which will lead to the exclusion of the public to the area;*
- *The area should remain unchanged and the imposition of the TPO will assist in this respect;*
- *The TPO should be confirmed as soon as possible to stop any further destruction of the area and wildlife;*
- *Manea Pit is considered to be a Nature Reserve as shown on the Local Plan Policies Map and the TPO will complement the preservation of this area;*

An objection was lodged by the Manea Parish Council for the following reasons:

- *There is no need or justification for this TPO; such an approach is not an “expedient” course of action by the Local Planning Authority;*
- *The majority of the trees in the immediate vicinity of Manea Pit are of no particular*

amenity value and, in the opinion of the Parish Council, would not be deemed as worthy of preservation if sited as individual specimens in a residential location:

- Manea PC has no intention of undertaking (or causing) the cutting down, topping, lopping, uprooting, wilfully damaging or destructing any trees within the pit area; the council has managed this site for in excess of 10 years and during that time no such activity has taken place, except for taking necessary (public safety) action to deal with trees which had become dangerous through either falling or having weakened branches as a result of, say, wind damage:*
- The Council is of the opinion that the only reason for the implementation of this TPO is to appease villagers who have sought to convince the Local Planning Authority that the Parish Council intends to fell trees to facilitate the installation of an “otter proof” fence around Manea Pit. They have tried a number of methods of attempting to prevent such an installation and they feel that the implementation of a TPO would achieve that end. Under the proposed installation of an “otter proof” fence no works to trees would be undertaken or damage to root systems caused:*
- Manea Parish Council, which leases Manea Pit from the Environment Agency, has produced a Manea Pit Management Plan (which it needs to do to meet the requirements of the lease); this plan includes the management of trees; a copy of the Manea Pit Management Plan is enclosed with this letter:*
- Implementation of this TPO would only have the effect of making more difficult, because of the need to obtain permissions from the Local Planning Authority, the undertaking, by another local authority in the District, of safety works to the trees within the pit area.*

The Manea Pit area is an important local nature resource and the confirmation of this TPO on the woodland area will seek to ensure proper management of the area to retain the integrity of this community facility.

3. RECOMMENDATION

It is therefore recommended that members confirm the TPO in respect of the woodland at Manea Pit, Park Road, Manea.

Forward Plan Reference No. (if applicable)	Not applicable
Portfolio Holder(s)	Not applicable
Report Originator	Sheila Black, Principal Planning Officer
Contact Officer(s)	David Rowen, Development Manager
Background Paper(s)	N/A

1. BACKGROUND

- 1.1 A number of complaints were received by the Local Planning Authority about the proposed erection of an 'otter fence' around Manea Pit and the possible damage to trees during the undertaking of the works.
- 1.2 The Arboricultural Officer placed an emergency TPO on the woodland to ensure that any works carried out would not cause any damage that may affect the long-term health of the trees/woodland e.g. root damage, soil compaction etc.
- 1.3 A woodland TPO covers all species, ages and sizes including regeneration whereas a Tree Preservation Order is mainly for one tree or for a group of trees. A woodland order is designed to protect the undifferentiated mass of trees/species in the specified area and to protect future tree growth.
- 1.4 During the processing of the TPO both letters of support and an objection from the Parish Council was received resulting in the confirmation of the woodland TPO to be presented to the Planning Committee.

2. ASSESSMENT

- 2.1 The Order, which encompasses the woodland area around Manea Pit, is detailed on the accompanying plan.
- 2.2 Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to Committee where objections to an Order are received.
- 2.3 The placement of a TPO does not prevent tree works or even removal, but gives the Local Planning Authority control over 'inappropriate' works.
- 2.4 The Parish Council has objected to the placing of the woodland TPO at Manea Pit as they consider it is unjustified and they consider that the majority of the trees hold no particular amenity value.
- 2.5 The Parish Council has stated that they have no intention of undertaking (or causing) the cutting down, topping, lopping, uprooting or wilfully damaging or destructing the trees around the Pit area. They consider that the Local Planning Authority is imposing the TPO due to fears expressed by local villagers about the potential damage when erecting the 'otter' fence.
- 2.6 The Parish Council also considers that the imposition of the TPO will require applications for any works on trees etc. and make it difficult to meet the requirements of the Management Plan.

3. ARBORICULTURAL OFFICER'S ASSESSMENT

- 3.1 It is considered that the site is an important area for both wildlife and amenity value and the woodland TPO has been imposed to ensure the long-term health of the woodland and to ensure that any works are carried out with due regard for the health of the trees.
- 3.2 Following discussions with Manea Parish Council a joint site visit was carried out and it was apparent that the erection of the fence would have minimal disturbance on the

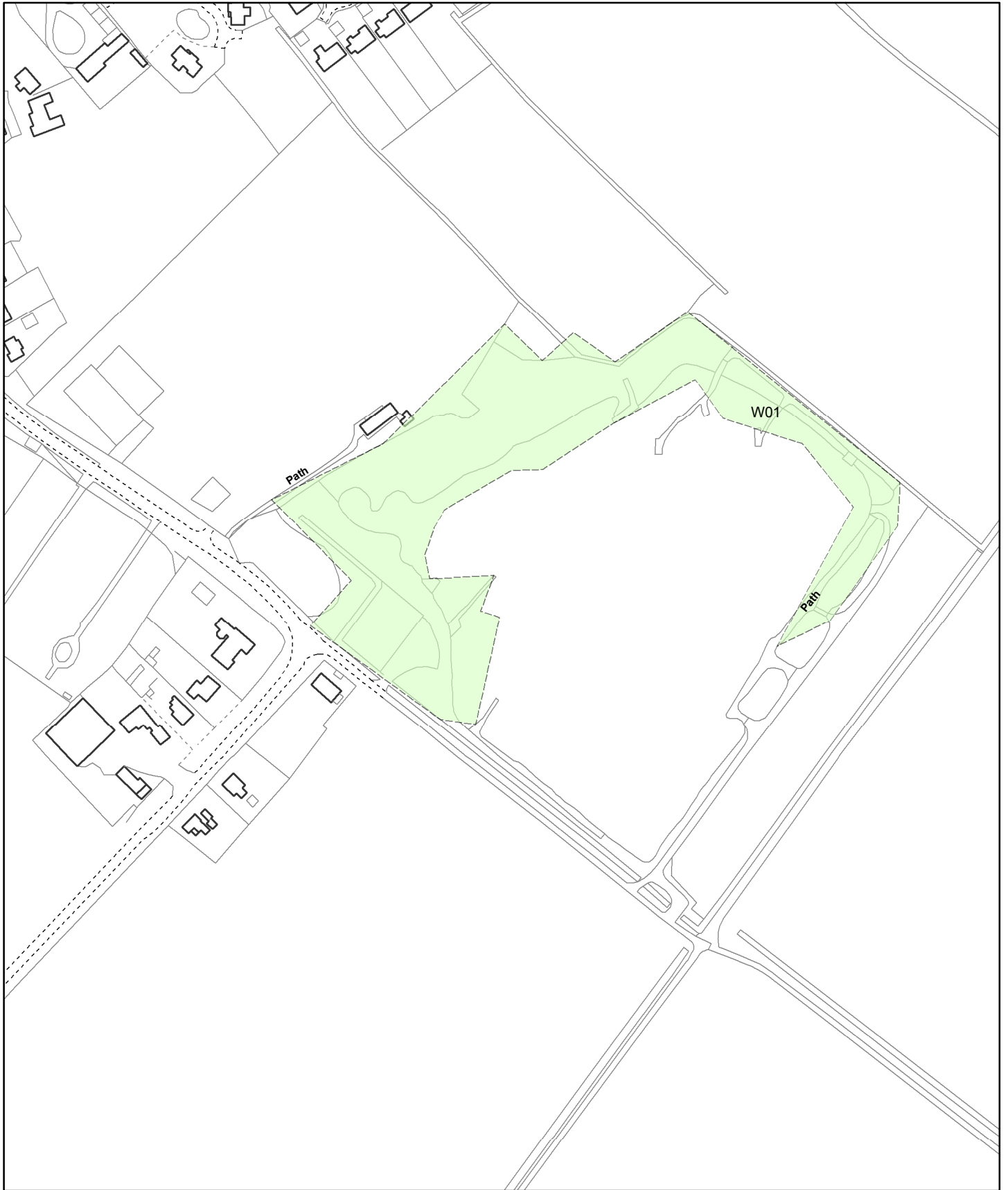
trees and the undergrowth in general as the fencing would not be buried in the ground.

- 3.3 The fence contractor was informed of the need to be aware of the tree protection measures and that any holes for the fence should be excavated by hand to ensure large roots were not damaged and machinery should not be driven over the root areas.
- 3.4 Unfortunately the agreed protection measures did not appear to be followed which resulted in a further inspection of the area, however no significant damage could be observed.
- 3.5 In light of the above actions it is considered that the placing of a woodland TPO is the correct decision to ensure that the correct advice and guidance is obtained regarding protection of the tree population at Manea Pit.
- 3.6 As a woodland TPO covers all vegetation within the woodland including natural regeneration, the ability of the Parish Council to carry out maintenance within the Pit would be severely hampered and require a written application for any works. To this end, works within a woodland covered by a TPO is usually dealt with by a management plan, normally over 5 years, that states clearly the objectives, and what works will be required to achieve those objectives.
- 3.7 Manea Parish Council has provided such a document, 'Manea Pit Management Plan 2016' that lays out the management objectives for the site.
- 3.8 Within the Management Plan there are specific references to the management of the woodland including, but no limited to:
 - To maintain and enhance the woodland and scrub, open water, reed-beds, aquatic vegetation;
 - To create and thereafter maintain the traditional orchard, hedgerow and wildlife meadow;
 - To enhance the willow, submerged and emergent aquatic vegetation.
- 3.9 The above objectives imply management input including pruning, planting etc. In addition the recreational and education use objectives is inviting the public onto the site and therefore, inherent in that, is the need to carry out regular safety checks and deal with any threat and this may include the removal of deadwood/broken branches over paths, removal of dangerous trees etc.
- 3.10 Whilst the management plan is acceptable as a general guide an Appendix should be provided noting the tree works that may be required over the term of the management plan to enable the formal acceptance of the Plan as part of a TPO submission to cover works during that period. The Arboricultural Officer will liaise with the Parish Council to ensure all aspects of work to the woodland/scrub are covered within the Management Plan with reference to the stated objectives.

4. CONCLUSION

- 4.1 Due consideration has been given to the objection from the Parish Council however with an agreed Management Plan in place the imposition of the woodland TPO will not result in a particular burden on the Parish Council in its duty to maintain the woodland area.

4.2 It is therefore recommended that the woodland TPO is confirmed and the Arboricultural Officer will continue working with the Parish Council to achieve a satisfactory Management Plan which will eventually become part of the woodland TPO.



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TPO 06/2018
TPO At Manea Pit
Park Road Manea
W01 Various Trees
Scale = 1:2,500





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