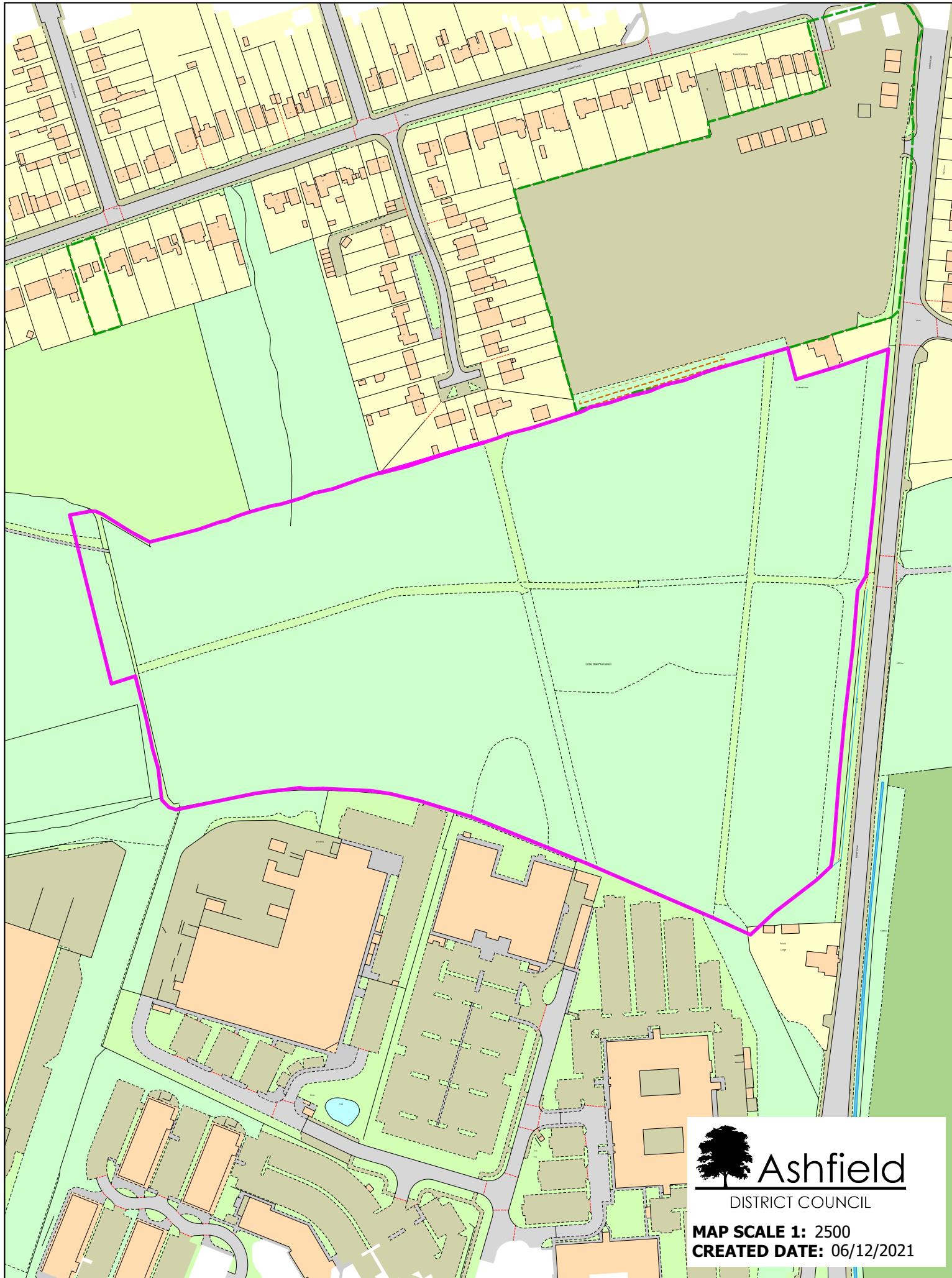


V/2021/0682



Ashfield

DISTRICT COUNCIL

MAP SCALE 1: 2500
CREATED DATE: 06/12/2021

<u>COMMITTEE DATE</u>	15/12/2021	<u>WARD</u>	Annesley & Kirkby Woodhouse
<u>APP REF</u>	V/2021/0682		
<u>APPLICANT</u>	Ashfield District Council		
<u>PROPOSAL</u>	Application for Tree Works: Works to Trees Subject to Tree Preservation Order TPO Ref No. 283. Crown lift Trees Along Boundary, Remove Holly Shrub and two Oak trees		
<u>LOCATION</u>	Woodlands Little Oak Plantation, Derby Road, Annesley Woodhouse, Nottingham		
<u>WEB-LINK</u>	https://www.google.com/maps/@53.0760225,-1.245374,496m/data=!3m1!1e3		

BACKGROUND PAPERS A, B, C & K.

App Registered: 08/09/2021 **Expiry Date: 02/11/2021**

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee in the interest of transparency as Ashfield District Council is the applicant.

The Application:

Little Oak Plantation is covered by a woodland Tree Preservation Order (TPO). The woodland is also classified as an ancient woodland, it forms a Local Wildlife Site, and is included on the Council's Local Heritage List as a nominated site.

This application seeks consent to undertake pruning and limited felling to various trees within the woodland. Also submitted with the application are drawings which detail proposed works relating to the footpath network, and the installation of new access gates and fences to help prevent access into the woodland by unauthorised vehicles. These aspects do not require planning permission, but form part-and-parcel of the Council's future plans for the woodland and these tree works would assist in achieving these plans. The decision on this application is only in respect of the works to the trees.

The section of woodland subject to this application is within the ownership of Taylor Wimpey Development Ltd, and is not owned by Ashfield District Council. Written confirmation has been provided from Taylor Wimpey, stating that they are happy for the Council to enter the land to undertake the works.

Consultations:

A site notice has been posted together with individual notifications to surrounding residents.

The following responses have been received:

Resident comments:

5 letters of objection have been submitted, raising the following:

- The plantation is within the Green Belt, covered by a TPO, is an ancient woodland and local wildlife site, and has a public rights of way network.
- Works could permanently damage the historic site.
- Footpath widening will damage the natural flora and fauna.
- Bridleway widening is unnecessary.
 - Cyclists can currently pass one another.
 - Forestry commission can move equipment along it.
- Watercourse could be affected by gravel footpath works.
- Vehicles using the improved bridleway could cause further damage to the woodland.
- Crown rising would expose the plantation to adverse weather conditions.
- Lack of community consultation.
- Ecological impact.
- Lack of maintenance by the Council.
- Not enough information submitted on plans for footpath works.
- Source of funding questioned.
- The cycle path route differs in the latest draft Local Plan.
- An alternative to connect to Newstead train station should be explored.

1 letter of support has been submitted by a resident, making the following points:

- Removal of several fallen dead trees already in the wood.

An additional representation was submitted which raised questions as to the location of the proposed works.

Ashfield District Council Tree Officer:

The Tree Officer is satisfied that the works as detailed will have a minimal impact upon the public visual amenity of the area and are necessary to ensure the safe use of the footpath system.

A condition should be attached requiring the proposed works to be undertaken in accordance with BS3998 2010.

Nottinghamshire County Council Rights of Way:

No objection. General informatics advised.

Relevant Planning History:

V/2016/0595 - Crown Raise 14 Oak Trees, 16 Sycamore Trees, 2 Maples and 1 Elm Tree and Make Safe 1 Dead Sycamore Tree - TPOCC.

V/2018/0295 - Crown Lift a Mixed Group of Trees on Factory Side to 7m, Remove Dead Wood and Remove 1 Dead Tree - TPOCC.

Comment:**Natural and Historic Environment:**

Little Oak Plantation is classified as an Ancient Woodland, which is an area which has had continuous tree cover of native trees and plants since at least 1600 A.D., and having neither been cleared or extensively replanted since then. The woodland is also a nominated site on the Council's Local Heritage List.

The tree works are split into two sections. Firstly is the area marked T1 on the submitted plan, which is along the western boundary of the woodland. Permission is being sought to raise the crown of the TPO trees along this boundary up to a height of 4m. Secondly is the area marked P1 on the submitted plan, which is the removal of two oak trees includes various other works which do not require consent such as, vegetation clearance, and the removal of fallen trees.

The proposed pruning works are considered to constitute good practice arboricultural management to ensure the longevity and structural integrity of the trees are maintained.

The limited and localised removal of trees along the bridleway has to be considered against the recreational value the woodland holds, and the further potential of the site to provide wider public benefits such as a contribution to the communities

physical and mental health. It is recognised that the planning system should aim to achieve healthy and inclusive places which promote social interaction and enable and support healthy lifestyles. Public Rights of Way should also be protected and enhanced through the planning system to provide better facilities for their users, which includes the creation of clear and legible pedestrian and cycle routes (NPPF, Paragraphs 92 & 100).

The Council's overall project aim is to install new footpaths in and around the plantation for community use. Although the Council's installation of new footpaths/fences/gates does not require planning permission, it is considered that these works to the trees would enable this project to be delivered and would not cause harm to the special character of the woodland or the woodland character of the area.

Ecology:

A joint Preliminary Ecological Appraisal & Preliminary Roost Assessment have been provided as part of the application. The report identifies that the pruning and felling of trees will have a positive impact upon woodland ground fauna, surrounding trees and the woodland understorey by clearing space for growth and reducing shading. The works could however potentially have a negative impact upon bat roosting and bird nesting habitat without appropriate mitigation.

The report also identifies that vegetation clearance could have a negative impact upon foraging and commuting habitat for reptiles, mammals and birds without mitigation. No rare/notable plant species were observed on site during the survey.

The report considered that as the proposed works would be limited to a relatively small area of the woodland, that they would not lead to a significant loss of habitat, nor impact any habitats within the wider landscape.

The report proposes mitigation measures including the provision of bat boxes and leaving sections of dead/felled trees within the woodland (where this would not block or impede footpaths/bridleways) understorey to provide shelter and habitat, and adopting precautionary working methods relating to equipment and seasonal working.

A condition is recommended that the proposed tree works are undertaken in accordance with the recommendation/mitigation measures as outlined within the submitted Preliminary Ecological Appraisal & Preliminary Roost Assessment.

Amenity:

The small-scale and localised pruning and removal of the trees within the identified sections of the woodland are considered not to adversely affect the character or amenity of the locality.

Conclusion:

The pruning works to the trees are considered to constitute good practice arboricultural management and will help the Council to implement wider strategies to enhance local footpath infrastructure to improve the communities physical and mental health.

The limited removal of select trees within the woodland is considered not to cause substantial harm to the significance of the ancient woodland nor the nominated local heritage asset.

It is therefore recommended that consent be granted subject to the below conditions:

Recommendation: Grant TPO consent, subject to conditions.

Conditions:

1. This consent shall authorise the carrying out of the approved tree works within 2 years of the date of this permission.
2. The agreed works, other than felling, shall be carried out in accordance with the appropriate recommendation of BS3998; 2010 (Tree Work) and in general shall in no way prejudice the health, balance and natural appearance of the tree(s).
3. The felling shall be carried out in a manner that will avoid damage to trees to be retained.
4. This consent shall authorise the felling of the identified tree(s) only.
5. The hereby approved works shall be carried out in accordance with the details and recommendations contained within the submitted Preliminary Ecological Appraisal & Preliminary Roost Assessment, Dated November 2021.

Reasons:

1. To define the time scale of the permission and to allow further assessment in the event of the works not being carried out.
2. To safeguard the visual amenity of the area.
3. To safeguard the visual amenity of the area.
4. To safeguard the visual amenity of the area.
5. To reduce the impact of the works on habitats and species.

Informatics:

1. There should be no disturbance to the surface of the bridleway without prior authorisation from the Rights of Way team.
2. The safety of the public using the path should be observed at all times. A Temporary Closure of the Bridleway may be granted to facilitate public safety during the works subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks notice is required to process the closure and an alternative route on should be provided if possible.
3. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
4. If a structure is to be built adjacent to the public bridleway, the width of the right of way is not to be encroached upon.
5. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
6. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption.

<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffoldinghoarding-and-advertising-boards>

If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks notice is required), email countryside.access@nottscgov.uk

7. If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit (<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit>) and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic