



REPORT OF: THE DIRECTOR OF GROWTH & DEVELOPMENT
TO: PLANNING AND HIGHWAYS COMMITTEE
ON: 19th DECEMBER 2019
ORIGINATING SECTION: DEVELOPMENT MANAGEMENT SERVICE
WARDS AFFECTED: WEST PENNINE
COUNCILLORS: COLIN RIGBY
JEAN RIGBY
JULIE SLATER

TITLE OF REPORT:

**Edgworth Cricket & Recreational Club
Tree Preservation Order 2019 (ref: N29)**

1. PURPOSE OF THE REPORT

- 1.1 To request that the Committee endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving the Edgworth Cricket and Recreational Club Tree Preservation Order 2019.
- 1.2 To request that the Committee confirm Edgworth Cricket and Recreational Club Tree Preservation Order 2019 (ref: N29) without modification.

2. BACKGROUND

- 2.1 The Council made the Order following a request from local ward Councillor Jean Rigby to the Council's Environment Department in September 2019, to assess whether the trees within the site were considered for protection. Councillor Rigby confirms that the request was put forward in consultation with the Chair of the North Turton Parish Council.
- 2.2 The land which is highlighted in red on the google street image below accommodates Edgworth Cricket and Bowling Club either side of the Barlow Institute on Bolton Road in Edgworth.



Image 1: Google image view of

Edgworth Cricket & Recreation Ground.

2.3 As a result of this request, a Tree Evaluation Method for Preservation Orders (TEMPO) was carried out by the Council's Arborist on the 2nd October 2019. It was considered that there were two distinct areas around the site which were worthy of Group Tree Preservation Orders (TPO). These were:

- 1) G1 around the perimeter of the cricket ground; and
- 2) G2 around the perimeter of the bowling green, and to the east of the Barlow Institute . As such, following this assessment, it was considered that a Tree Preservation Order (TPO) should be made. In addition, an individual sycamore tree to the east of the cricket club house is also considered to be worthy of protection (ref: T1).

Refer to Images 2 and 3 below.

2.4 The TEMPO assessment illustrated that the Group TPOs (G1 and G2) scored highly in terms of amenity value, public visibility and suitability for a TPO. The individual trees listed in the Group Orders are considered to be important for their cohesion and amenity value to the local area.

2.5 A copy of the TPO and Schedule is attached to this report.



Image 2: Google street view image of group of trees around perimeter of cricket ground facing Bolton Road.



Image 3: Google street view image of group of trees around perimeter of bowling green facing Bolton Road.

2.6 The Council's Planning Manager (Development Management) wrote to the current freeholders (North Turton Parish Council), and the current leaseholders (Edgworth Cricket and recreation Club and Edgworth Bowling Club on the 17th October 2019. , explaining that a formal notice under the Town & Country Planning Act 1990, Town & Country Planning (Tree Preservation) Regulations 1999 as amended by the Town & Country Planning

(Trees)(Amendment)(England) Regulations 2012 has been made. Comments were invited relating to the serving of the notice.

- 2.7 In addition, the ward councillors were informed in writing on the 17th October 2019, that a notice had been served on the land.

3. DETAIL

- 3.1 Following the serving of the Order letters of objection were received from North Turton Parish Council on the 6th November 2019, from the Chair of the Bowling Club on the 8th November 2019, and the Chair of the Barlow Trustees on the 14th November 2019. The objections are as follows:

3.2 North Turton Parish Council:

The Parish Council has considered the provisional Tree Preservation Order, as Custodian Trustee of the land in question, and has listened to concerns from members of the Edgworth Bowling Club.

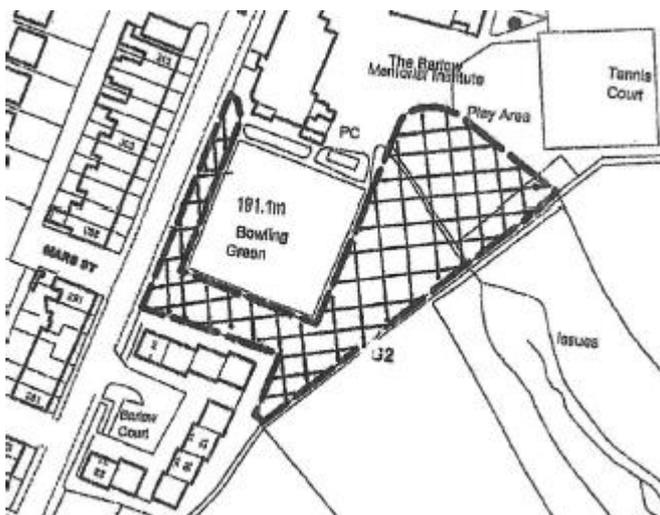
The Parish Council asks that the four ash trees be removed from the Order as it is understood that at least some of these are suffering from disease.

In addition, the Bowling Club is concerned about overshadowing and the health and safety implications of slippery moss forming on the footpath beneath the line of trees on the eastern side of the green, as well as leaves falling onto this section of footpath, and for this reason they had plans to remove this line of trees.

It is requested that they also be excluded from the Order.

3.3 Chair of the Bowling Club:

I am writing on behalf of the Edgworth Bowling Club who wishes to formally object to the TPO. In particular, we wish to object to the Order covering the trees surrounding the Bowling Green in the area cross hatched on the attached plan.



Of most concern are the trees to the south and east of the bowling green. Edgworth Bowling Club would like to make the following representations.

Edgworth Bowling Club understands that the TPO was made at the request of Councillor Jean Rigby on behalf of North Turton Parish Council (NTPC). Councillor Rigby did not have the authority to represent NTPC who have not passed any resolution to request the Council issue any TPO. This was confirmed at the Parish Council meeting on the 4th November 2019. Furthermore, NTPC had no objections to the representations made by the Bowling Club at the meeting on the 4th November which are referred to in this letter.

By way of background Edgworth Bowling Club has over 120 members, is Clubmark accredited and has been in existence for over 100 years. As well as providing competitive and social bowling for the inhabitants of Edgworth the Club, has for the last 15 years, provided weekly bowling lessons for the children of Edgworth Primary School as part of the school curriculum.

The green also provides an attractive amenity to the landscape of Edgworth. Many walking groups regularly enjoy lunch on the seats surrounding the green.

Over recent years the trees, as they have grown uncontrollably, are now seriously affecting this valuable amenity. As the trees have grown they are now seriously reducing the light to the pathways and green making both very slippery resulting in a health and safety hazard to our elderly members and the schoolchildren. The shedding of leaves increases this hazard. The roots of these trees and leaf shedding are also beginning to affect the pathways. In addition, the condition of the south of the green is adversely affected by the lack of light to the green, inhibiting growth and root zone. Moreover the shedding of leaves results in the green becoming diseased preventing growth. This latter issue results in the green being covered in leaves to a depth of 6-12 inches and removal is costly. Because of these issues our Landlord, the Trustees of the Barlow Institute Charity, contacted and met the tree officer of the Council on site. As owners of the land on which the trees are sited the Trustees have a responsibility for ensuring the safety of the public and its tenant, the Bowling Club.

The trustees wanted to ascertain from the Council's tree officer whether the trees could be crowned or thinned so as to mitigate the problems caused by the severe reduction in light and the falling of leaves referred to above. Rather than crowning or thinning the trees the tree officer recommended removal of the trees and planting of new replacements. The implementation of a TPO is in conflict of the Council's own officers recommendations.

The Bowling Club is actively considering building a new enlarged clubhouse as the existing one is past its best and is not big enough for its purposes. Detailed plans have been prepared with a view to submitting a planning application in the near future and the club would be happy to discuss these with the Council. The new clubhouse will require the removal of a fir/spruce tree which is covered by the proposed TPO. Removal of this tree has been discussed with the Council's tree officer who had no objection to its removal providing a new tree was planted in lieu. The condition of the green will continue to deteriorate through lack of light and disease if the trees are allowed to continue growing uncontrollably. No green will result in the loss of a valuable amenity to the public, the Barlow Charity and the children of Edgworth Primary School. The Club are happy to meet the Council to discuss its objection to the TPO to see if a solution to all parties can be reached.

3.4 Chair of the Barlow Trustees:

Whilst in principle having no objections to a TPO being placed on the above Charity owned land we are somewhat dismayed at how this has come about without the knowledge of the Trustees who are responsible for Managing the Barlow Estate.

Therefore we wish to make you aware of the following concerns about what is proposed, how it has come about and ask you to review it as matter of urgency.

1) The request for a TPO was not made on behalf of NTPC as claimed. This matter was only discussed and confirmed at the NTPC meeting on Monday 4th November. None of the other Parish Councillors were aware of the application before then or why it had been requested. Is it therefore legal given that the TPO was not requested by NTPC?

2) At no stage have the Barlow Trustees been officially informed or even consulted which is appalling.

3) We do not understand why the TPO proposed is a 'blanket' rather than selective order . Whilst we appreciate that a TPO can be made on any size or species of tree we are concerned that the blanket approach does not lead to good tree management nor help to maintain and enhance the amenity. Further we are advised that Sycamore provides little or no amenity value and is generally known as a weed tree which can cause a lot of damage. Whilst Ash is subject to serious dieback disease which can affect trees of any age.

4) The proposed TPO is removing the right to look after paths on parts of the estate which could cause serious Health and Safety issues particularly, for example, for children, seniors and members of the public who use the Bowling Club.

5) If the TPO ,as stated, is being enforced at the request of NTPC, as Custodian Trustee, if it goes ahead please confirm our understanding that legally NTPC will be responsible for ensuring that it is correctly observed and incurring any financial costs which this may involve.

6) To conclude, a number of the Trustees would like to meet up with yourself and/or one of your officers to discuss the matter and our concerns in more detail.

We believe that for it to go ahead as currently proposed will have a considerable detrimental effect on the estate which clearly cannot be right or justified and hopefully not the intention.

3.5 Response to the comments received:

With regards to the submitted request and making of the TPO, a TPO can be made by the Council, or following the receipt of a request from a member of the

public, local councillor, or parish council, etc. The issue relating to the nomination request for the TPO at Edgworth Cricket Club and Recreation Ground has been queried by the all the consultees. The Council's Environment Department received the request from Councillor Jean Rigby on her behalf. Councillor Rigby stated that she was approached by the Chairman of the Parish Council to find out if it was possible to have a TPO on the trees around the Barlow Estate. As a result, Cllr Rigby met with the Council's Arborist Mr Daniel Thomson and asked the question. Members are also advised that the Council's Arboricultural Team were in fact also considering putting a TPO on the trees around the Barlow Estate due to their amenity value. A TEMPO assessment was subsequently undertaken where it was found that the trees had amenity value within a group, i.e. The Group TPOs (refer to paragraph 2.3 above).

- 3.6 As such, Members are advised that the nomination request put forward is acceptable.
- 3.7 Following the TEMPO assessment carried out, the blanket TPO was placed in order to cover a large area ie. around the cricket ground and adjacent to the bowling green. A selective order fits a smaller area. The Group Orders would allow greater control over the protection of the trees. The imposition of a TPO on the said areas does not prevent any works happening to the trees located within the Group Orders, it allows for an assessment to be carried out on whether the works are acceptable, and if it means the felling of a tree, appropriate mitigation measures to be imposed relating to the planting of a similar species elsewhere within the grounds. The comments raised by the Chair of the Bowling Club in relation to the felling of trees are noted.
- 3.8 Concerns have been raised on health and safety grounds in particular the right to look after paths on part of the estate, and light affecting the green. Members are advised that any trees or branches that are dead or dangerous do not need permission to be removed even if they are covered by a TPO. It is advised that the local authority are notified about proposed tree works relating to these issues in advance so this can be audited and the TPO details are updated.
- 3.9 As previously stated, the Group TPOs do not prevent any works to the individual trees within the group orders. A formal application would need to be submitted relating to any tree works i.e. pruning, thinning, lopping and felling. In some circumstances depending on the amenity value and condition of the species in questions, the application may need to be supported by a statement from a qualified arborist. The application will be assessed on its own merits, and if any felling of a tree is supported, appropriate mitigation measures would be imposed e.g. replacement planting of a similar species in an agreed location. With regards to the application there is no fee payable by the applicant.
- 3.10 The Bowling Club have made reference to their proposals to erect a new clubhouse in the location of where G2 TPO is located. The local planning authority would welcome formal pre-application discussions to take place through the adopted pre-application advisory service to assess the scheme appropriately with the Council's Arborist before any formal planning application is submitted.

4. RECOMMENDATIONS

4.1 That the actions of the Arborist and Planning Manager (Development Management) in making and serving the Edgworth Cricket and Recreation Ground Tree Preservation Order 2019 be endorsed.

4.2 That the Edgworth Cricket and Recreation Ground Tree Preservation Order 2019 (ref: N29) is confirmed without modification.

Contact Officer: Gavin Prescott, Planning Manager (Development Manager)
Date Prepared: 5th December 2019