

Barrow Borough Council
Planning Committee
13th July, 2021

Tree Preservation Order No. 2 2021: Land East of Roose Gate, West of Rampside Road near Barrow-in-Furness

Report from: Development Services Manager (Planning & Enforcement)

Report Author: J Hipkiss

Wards: Roosecote

1.0 Summary and Conclusions

1.1 Following representations to Members a TPO was drafted and served under Delegated powers, to protect this wooded area from further clearance work.

2.0 Recommendation

2.1 That the report be received.

3.0 Background and Proposals

3.1 This report relates to an area of land from Old Rampside Road, which runs along the rear of properties on Redshaw Ave from the old bridge westwards towards Salthouse Mills. Formerly a mineral railway line, this is a densely overgrown and wooded area enclosed by steep banks at its eastern end, whereas towards the Mills it is more open in nature.

3.2 The land has recently gone on sale through a local estate agent as a development opportunity.

3.3 On the weekend of 26/27th June, local Members were contacted by residents who were concerned about alleged tree clearance works that had commenced. The land has since been visited by an Officer and he observed some undergrowth removal together with damage to various trees possibly caused by the use of a mini excavator.

3.4 The land owner has stated that the works are aimed at undergrowth clearance, specifically Japanese knotweed, rather than seeking to remove any significant

number of trees, and that they are surveying for nesting birds and other species prior to works being carried out. They have also stated that due to its isolated nature, the area is prone to fly tipping and the unauthorised felling and removal of trees.

- 3.5 Following inspection the Order was made on 28 June 2021 and served on interested parties. The Order does not prevent the continuation of the undergrowth removal work but requires a greater level of care by the workforce to avoid any damage to the protected trees.

4.0 Consultation

- 4.1 The TPO was authorised and drafted during Monday 28th, through the Delegated powers of the DSM (Planning & Enforcement) as set out in Part 3(2) of the Constitution, in consultation with the Head of Legal and Governance. Service was then carried out by a Principal Planning Officer after it was made later that day.
- 4.2 Whilst the Order is now in place, there remains a 28 day period for representations to be submitted. If any representations are submitted the Authority must consider these, and assess whether or not to modify the Order, or to confirm it as originally made. An Order must be confirmed within 6 months of being served.

5.0 Alternative Options

- 5.1 Had the Order not been served under Delegated powers, then the unprotected trees could have been removed, as could also have happened if the matter had to await the next meeting.

6.0 Contribution to Council Plan Priorities

- 6.1 Priority 2 Place; The new TPO will aid the enhancement of greener spaces thus ensuring that our environment is enhanced, protected and celebrated.

7.0 Implications

- 7.1 *Financial, Resources and Procurement;*

There will be some resource implications should representations be received and need to be considered by Officers.

- 7.2 *Legal*

The Order has been served under the Town and Country Planning (Tree Preservation) (England) Regulations 2021. There is a required 28 day period for objections before the Order may be modified or confirmed. The Council shall not confirm an order which they have made unless they have first considered objections and representations duly made in respect of it and not withdrawn.

The Council may confirm an Order with or without modifications. Once confirmed the validity of an Order cannot be challenged except by application to the High Court for the Order to be quashed on a legality.

8.0 Equality and Diversity

8.1 Have you completed an Equality Impact Analysis? N/A

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Tree Preservation Order No.2 2021.