



1 April 2022

Mrs Laura Strong
Democratic Services
Charnwood Borough Council
Southfield Road
Loughborough
LE11 2TX

For The Attention Of Mrs L Strong

Dear Mrs Strong

Tree Preservation Order 2022 : The Pumphouse, Coates Road, Barrow Upon Soar

Further to the Formal Notice issued to our Clients on the 4th March 2022, advising of the Councils intention to place a Tree Preservation Order on trees within their property. We wish to lodge our objections on the following grounds.

- (1) The letter identifies the trees as making “a significant contribution to the visual amenity.” As you are no doubt aware, ‘amenity’ is not defined in law and it is for the Authority to exercise judgement when deciding if it is within their power to make the order.

Guidance indicates that orders should only be made to protect trees and woodlands if their removal would have a ‘significant’ impact on the local environment and its enjoyment by the public. The Authority should therefore be able to demonstrate that the protection order will bring public benefit in the present or the future.

These trees are in a remote rural setting outside of any settlement boundary. They are read as part of the Soar Valley landscape zone and do not stand out as being particularly better examples than any other seen from the Coates Road, in this regard, it is difficult to appreciate and Public Benefit gained from the Order as opposed to any other tree cluster in the same zone.

In this regard we object to the order as there has been no case presented that the trees are under threat of removal, nor is a case presented that the removal of the trees would have a ‘significant’ impact on the local environment. Furthermore, the case has not been presented that there would be a ‘public benefit’ from the order or a measure of the benefit gained.

- (2) Within the governments guidance, it advises that Authorities should 'develop ways of assessing the amenity value of trees in a structured and consistent way' taking account of specific criteria :

Visibility : The extent to which the trees or woodlands can be seen by the public.

Individual, collective and wider impact - This section is quite clear that Public Visibility is not sufficient to warrant an order. The Authority is advised to assess the particular importance of Individual trees, groups of trees and woodlands by way of their characteristics. Not restricted to but including :

- Size and form.
- Future potential as an amenity.
- Rarity, cultural or historic value.
- Contribution to, and relationship with the landscape, and
- Contribution to the character or appearance of a Conservation Area.

There has been no clear assessment or factual documentation provided to make the case for the TPO, in this regard, we object on the basis that the order is unfounded.

- (3) In the absence of any assessment from Charnwood, it is not possible to comment on the way in which the Trees have been assessed, but we can of course offer our own opinion in this regard.

The trees were planted as part of the Construction of the Pump House. The Pump house was constructed by the National Coal Board in 1985 to provide emergency water to Asfordby Mine. As part of the construction of this building within a rural, field setting, a planting scheme was provided to screen the building from view. This included a cluster of Aspen and Ash trees which are the subject of this order. This is not a 'substantial area of woodland cover' as is indicated by Charnwood, it is a small plot of tree screening as was intended at the time of planting.

In terms of the assessment, the trees can be seen from an under-utilised footpath which cuts the corner of the site, but as above, this does not automatically necessitate a TPO. The trees are not rare and have no cultural or historic value. The trees are alien to the Soar Valley location and prevent views of the river and the fluvial basin. They are not within a Conservation Area and offer no contribution to the character of any nearby Conservation Areas or Historic Assets.

- (4) In the absence of an assessment from a qualified consultant, it is not possible to assess the condition and quality of the trees. The trees are planted close together and have reached their full maturity, a number are in poor condition and will require further work. The long term safety of the trees intended to be covered by this order has not been considered in this reactive application.
- (5) Charnwood also make the suggestion that the Trees in question are under threat of development placing the trees at risk. This is simply untrue. In this instance, Charnwood have been approached by the owner of the land to explore new uses for the buildings within their ownership. Plans, and a full scheme have been submitted and comments have been received from Charnwood which are being discussed. In this respect, the Council are aware of the intentions within which the trees are retained as part of the setting of the site. There has been no threat or pressure to remove the trees which are seen as a benefit to the property.

The owner has in this instance correctly engaged with the Local Authority to discuss the future of the site and has acknowledged that the Trees are integral to the assessment of the setting of the site in respect of its future conversion. For this reason, a TPO is not necessary as the impact of any works to the trees will be assessed through the pre-application process and as part of any future Planning application.

To conclude, we object to the Tree Preservation Order made at Pump House on the following Grounds :

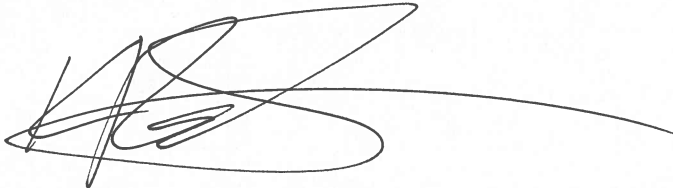
- (1) The trees are not under any threat of removal, this is demonstrated within the pre-application and open discussions between the site owner and Charnwood Borough Council.
- (2) The trees have not been correctly assessed in accordance with current guidance on making Tree Preservation Orders.
 - The trees are not rare.
 - The trees are of no cultural or historic value.
 - The trees in this instance disrupt the relationships of the surrounding landscape, interrupting the natural form of the Soar Valley.
 - The trees do not contribute to the setting of a Conservation Area
 - The trees have not been individually assessed as to their value in this regard.

- (3) The trees were planted to screen an industrial structure and do not require protection to continue to do so.
- (4) The trees have reached maturity and do require some management to ensure safety of public users of the footpath. This will be done in communication with Charnwood Borough Council in any event due to the impact on the access to the footpath. A TPO is not required to ensure this dialogue.

Taking into account the above points, we find the Order to be a heavy handed response to a non-existent threat which is unfounded and unnecessary in this instance. For these reasons, the Order cannot demonstrate any substantial Public Benefit from protecting trees which are not under threat and of little Public Benefit or Value.

We urge the authority to reconsider its position in this regard and continue to discuss a future for the site with the owner where the trees can be managed and assured through the Planning Process.

Yours sincerely
For and on behalf of
Guy St John Taylor Associates



Keith Rodgers
Managing Director