

<b>REPORT TO:</b>	Planning Committee
<b>REPORT NO.</b>	COPR/43/19
<b>DATE:</b>	2 <sup>nd</sup> September 2019
<b>REPORTING OFFICER:</b>	Chief Officer Planning and Regulatory
<b>CONTACT OFFICER:</b>	Jon Brewin (Tel 298763)
<b>SUBJECT:</b>	Tree Preservation Order 293/2019 'Llwyneinion Woods, Rhosllanerchrugog, Wrexham'.
<b>WARD:</b>	Esclusham

## **PURPOSE OF THE REPORT**

For the Planning Committee to consider written representations made in respect of Tree Preservation Order (TPO) WCBC 293 / 2019 – 'Llwyneinion Woods, Rhosllanerchrugog, Wrexham' and to determine whether or not to confirm the TPO and make permanent with, or without, modification.

## **INFORMATION**

- 1 The objective of the Tree Preservation Order is to extend the existing statutory protection of Llwyneinion Woods which is to be considered at risk from inappropriate management / usage, felling, pruning or vehicular damage. The making of TPO 293/2019 was required in order to extend and complete the protection of the woodland only protected in part by the confirmed, yet limited, previously served Tree Preservation Order WMBC 181/1996.
- 2 Under Objective 3(6) within the Council's agreed '*Tree & Woodland Strategy 2016-2026*', the Council states the requirement to protect trees and woodlands through the implementation and use of Local Planning Policy, Tree Preservation Orders and Planning Conditions where amenity is a consideration or the trees are under threat.

- 3 A TEMPO assessment was undertaken on the woodland with guidance scores of 20/25 indicating sufficient amenity value to warrant the extension of the statutory protection over the woodland. Subsequently TPO 293/2019 was made and served to all 'interested parties' on the 1<sup>st</sup> of April 2019. A laminated site notice was posted on the fencing adjacent to the site entrance and copies of the order were posted to all 'interested parties'. Despite undertaking a Land Registry search and undertaking additional enquiries, the ownership of the woodland is still in question and unconfirmed. To address our responsibilities in serving the TPO a further three laminated site notices notifying the 'owner / occupier' of the TPO have been placed adjacent to the site entrance in the last 5 months

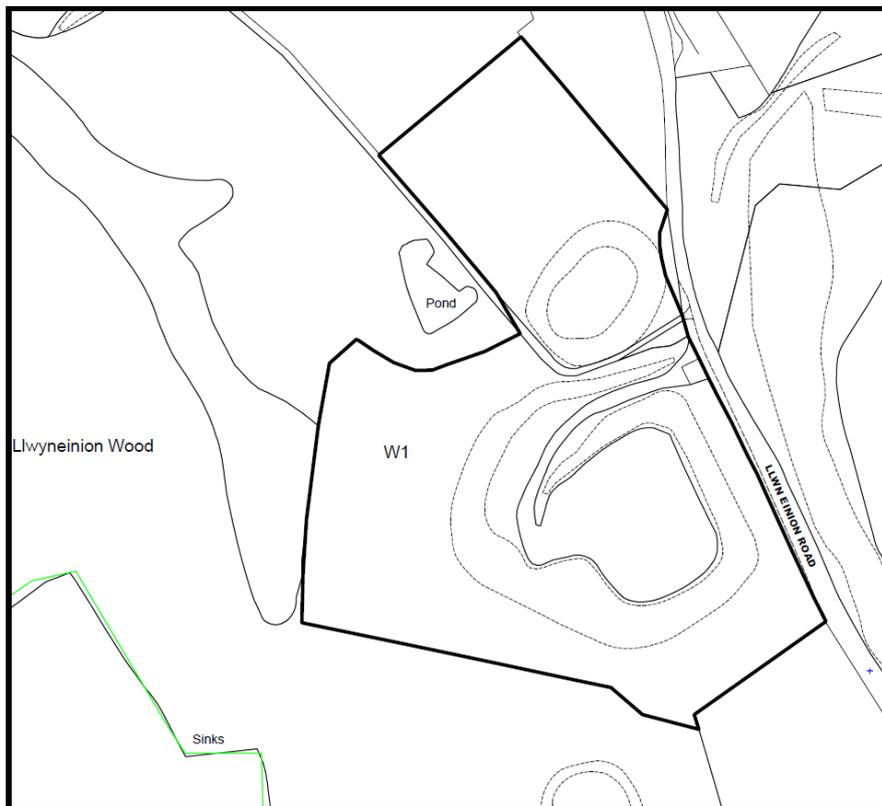


Figure 1: Location plan taken from TPO 293/2019 itself outlining the previously unprotected portion of woodland (the map is cropped in size for formatting purposes).

- 4 Llwynneinion Woods is a designated Ancient Semi-Natural Woodland (ASNW) partially protected under TPO 181/1995 for its amenity value in 1995. The woodland has been a popular area appreciated by walkers and local residents alike but has also had a recent history of anti-social behaviour including fly-tipping and, more recently usage of the site by 4x4 vehicles. It was the latter and most recent activity of vehicular use and concerns regarding the impact upon the woodland that prompted a review of the statutory protection in place and the need to extend protection of the woodland through the making and serving of a new, separate order TPO 293/2019.

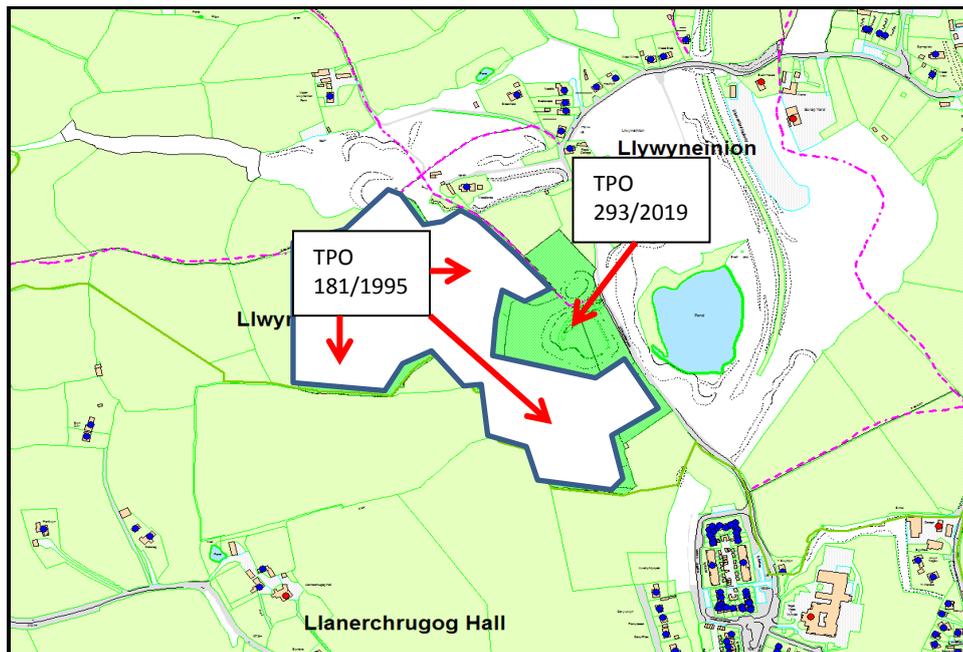


Figure 2: Map showing the boundary of Llwyneinion Woods with the blue outline demonstrating the boundary of TPO 181/1995 and the 'green' shaded area indicating the boundary and area of the woodland now subject to TPO 293/2019.



Figure 3: Aerial photo of the site with Llwyneinion Woods to the left of Llwyneinion Road and the northern outskirts of Rhosllanerchrugog visible to the bottom of the photo.

## 5 Written Representations

One letter of support for the TPO was received from Esclusham Community Council who stated their support of the TPO and that they would have no objection to the confirmation of the order, when appropriate.

One partial objection was received stating an objection to a single section of separate woodland whilst supportive of the TPO in general and its extended cover of the remainder.

The main points of the submitted objection are summarised below along with the Officer's response to the individual points raised.

### **Objection to W1 (segment of):**

The main point of the partial objection is centred round a small segment of privately owned woodland located between Llwyneinion Wood and Llwyneinion Road to the east. The objection states that the map accompanying the TPO, which identifies the boundaries of the order, is 'incorrect' as it is shown to extend across from Llwyneinion wood to incorporate a parcel of woodland which sits to the south of an existing paddock area, currently used for grazing by the objector's horses.

The objector wishes to see the boundary of the woodland amended so as not to include this particular section of woodland adjacent to the paddock area (see Figure 4 below)

The segment of woodland is separated from Llwyneinion Woods by the fenced-off public footpath which crosses Llwyneinion Wood from east to west. The segment of woodland occupies approximately 1.2 acres of deeply uneven, undulating land.

The objection states that the parcel of woodland contains a high percentage of sycamore trees which present a risk to the grazing horses. *Atypical Myopathy* is a disease affecting horses, brought about through the consumption of sycamore seeds as they graze. The disease can be fatal and results in muscle damage affecting the ability of the horse to stand or breath; the heart muscle may also be affected.

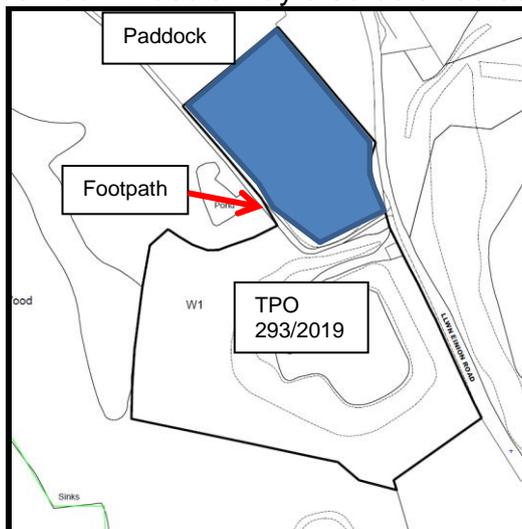


Figure 4: Segment of woodland adjacent to a paddock area to the north. The objection insists that the TPO be modified to exclude the area in blue from TPO 293/2019 allowing the area to be altered into grazing land for horses.

## 6 Officer Response:

Whilst potentially fatal, horses may recover if the symptoms of *Atypical Myopathy* are identified and treated early on. Risk management of the land, including applications for work on protected trees and swift effective response to symptoms are to be recommended.

A site visit was undertaken between the arboricultural officer (Planning) and the objector / horse owner during which concerns regarding the risk of *Atypical Myopathy* were discussed. The decision to leave the boundary of the TPO unchanged was taken by the officer when, during the discussions, it became clear that the objector planned to purchase the land and to remove all the mature sycamore trees from within the woodland segment leaving only the understory of hawthorn and hazel. Once cleared, the area would then be accessed for safe grazing by horses.

Sections of the understory which then remained would also be assessed for any hazardous branches or roots which may present a risk of danger (trip hazards etc) to the grazing horses. Any such hazards would then also be removed. Concerns were raised by the officer that such extensive clearance works would completely change the appearance and balance of the woodland ecosystem which would gradually diminish, along with any amenity value, through the repeated continued usage of the land.

Whilst it may be outside the 'official' boundary of what is known as Llwyneinion Woods, this parcel of land has obviously had a physical and ecological connection to Llwyneinion Wood throughout its existence. Only through the physical presence of a boundary fence and footpath has a division now occurred between the two. The desecration of the woodland would be significant in terms of affecting the amenity of the overall woodland to all users of the public footpath and Llwyneinion Road and would have a detrimental impact upon local biodiversity and ecology.

The option of managing the woodland over a period of time to reduce the risk of *Atypical Myopathy* was discussed with the objector, along with the possibility of considering a 'phased' removal / replacement of certain sycamore trees located to the periphery of the woodland adjacent to the current paddock area, however, this proposal has not received any subsequent support.

The objector currently rents the land from the landowner and may now decide not to proceed with an offer to buy the land due to the risks presented to the horses by the disease.

## **Summary**

- 7 No objection has been received from the persons currently using the site for 4x4 activities. The one partial objection to the TPO is not considered sufficient in justification to affect the confirmation of the TPO with modification as it would result in a substantial loss of amenity and ecological services to the community. Any risks presented to grazing horses may be addressed through other options such as monitoring of health, phased and agreed tree works, relocation of grazing.

## **8 RECOMMENDATION**

It is the Officer's considered opinion that Tree Preservation Order 293/2019 'Llwyneinion Wood, Rhosllanerchrugog, Wrexham' should be confirmed without modification.

## **BACKGROUND PAPERS**

- Objection 1: Mrs A. Baines
- TEMPO Tree Evaluation Method for Preservation Orders