

Planning application no.	21/00011/TPO	
Site	Pumping Station, Goldthorn Hill, Wolverhampton, WV2 3JA	
Proposal	Confirmation Report for The Wolverhampton City Council (Goldthorn Hill Pumping Station) Tree Preservation Order 2021	
Ward	Blakenhall;	
Applicant	N/A	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	James Dunn	Tree Officer
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1.0 Summary recommendation

- 1.1 Confirm the Wolverhampton City Council (Goldthorn Hill Pumping Station) Tree Preservation Order 2021 without modification.

2.0 Application site

- 2.1 This Tree preservation Order (TPO) as served protects a small linear strip of woodland that is located within the grounds of the Goldthorn Hill Pumping Station, running along the boundary with the property at 152 Goldthorn Hill. The protected area runs from the front boundary with Goldthorn Hill to the rear boundary with the electrical substation and extends between 13 and 15 metres into the site.

3.0 Application details

- 3.1 The area of linear woodland subject to the order was identified for inclusion following an assessment of the amenity that it provides to the area. The trees, whilst not of the greatest individual size and quality, are collectively visually prominent from both the public highways of Goldthorn Hill and Upper Villiers Street and make a positive contribution to the amenity and landscape value of these areas. In particular the trees form a notable focal point when approaching along Upper Villiers Street from the north,

being a significant contingent of the visible vegetation along this substantially developed road.

- 3.2 With appropriate care and management these trees will serve to provide significant amenity to the area for a number of years to come.
- 3.3 The order has been served as a precautionary measure as future intentions to fell and prune trees are not always known in advance.

4.0 Relevant policy documents

- 4.1 Wolverhampton Unitary Development Plan (UDP) – Policy N7: The Urban Forest

5.0 Publicity

- 5.1 At the time of service, and in line with the statutory requirements, a copy of the order and associated documentation was served on the site owners and all owners of adjacent land that have a right to undertake works to the trees.
- 5.2 In response to the service of the order an objection was submitted on behalf of Western Power Distribution the owner and operator of the electrical sub-station and associated apparatus on the land immediately adjacent to the area of protected trees.
- 5.3 The objection was based on the potential for the trees to obstruct and disrupt the line of sight communication between the telecommunications mast (which provides telecommunication links between numerous other electrical plant operated by Western Power Distribution in relation to the safety and operational procedures of the wider electricity distribution network), and other parts of the local electric distribution network, and that Western Power Distribution “must have control over their height for the public benefit and the protection of the electricity distribution network”.
- 5.4 In relation of the function of the telecommunication apparatus the objection describes it as “essential to the security, protection and enhancement of the regional electricity distribution network across the West Midlands and in this particular area of Goldthorn Hill as well as the surrounding districts of Parkfields, Pennfields, Blakenhall, Upper Penn, Bradmore, Finchfield, Lanesfield, Conder Hill and Spring Hill. The continued supply of power is vital for viable communities and the economy of this area of the West Midlands. Failure to provide this service will mean that residents, communities and businesses are denied their basic right to continued viability for a sustainable community. In addition, the equipment is also host to the apparatus of the electronic communications providers of EE and Three.”
- 5.5 The objection further states that “Under the Electricity Safety, Quality and Continuity Regulations 2002 there must be stable and diverse connections between electricity substations and the relevant regional control centres which, in the West Midlands case, is located at Castle Donington. In the event of malfunction of electricity distribution equipment, a fault must be recognised and the system remotely shut down within 19

milliseconds or else major permanent damage will occur or put simplistically electrical explosion and fire.”

- 5.6 The objector also notes that Western Power Distribution has statutory rights under various legislation to prune or remove trees that interfere with the electronic communications network.

6.0 Consultees

- 6.1 None.

7.0 Legal implications

- 7.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for preservation of trees, they may make an order to that effect. Before confirming the Order, the local planning authority must consider any objections and representations duly made. [KR/11032022/C]

8.0 Appraisal

- 8.1 There is clearly a need for Western Power Distribution to be able to deliver, maintain and protect their electrical distribution network, and there is no dispute in relation to the possibility that the trees, in time, could have an impact on the telecommunications equipment. The objection is silent on whether there is any current or imminent interference.
- 8.2 However, such instances appear to have been foreseen when the relevant regulation and legislation has been drafted in that under the exceptions set out within 14(1)(a)(iii) or 14(1)(e) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012; should the trees require pruning or removal in order to ensure the continued safe operation of the apparatus, Western Power Distribution have statutory rights as both a Telecommunication and an Licenced Electricity Distributor would be able to undertake any reasonably necessary works to ensure, or restore, the safe operation of the associate apparatus without any need for permission, or even referral to the Local Planning Authority.
- 8.3 Following discussion with the objector, it was agreed that in law the TPO would not present any obstacle to the Western Power Distribution undertaking the reasonably necessary works to the trees should a need ever arise, but the objector stressed that whilst the TPO would not prevent them from doing works, it could cause an administrative burden in dealing with any enquiries in relation to them working on protected trees.
- 8.4 Ultimately given the statutory powers that are given to the objector, there is, in practice, no significant difference to the objectors ability to use their powers to undertake works as necessary for the good operation of their apparatus, as a result of the TPO, and that whilst the TPO may result in increased enquiries requiring some administrative effort to process, this is not considered sufficient ground to prevent the confirmation of the order

which would protect the amenity that the trees provide of the area from any other pressures, such as redevelopment of the adjacent site, or other desire from the land owner to undertake works.

9.0 Conclusion

9.1 The trees subject to this order provide sufficient public amenity to justify their inclusion within the Tree Preservation Order. Whilst the points raised in objection the order are noted, they are not sufficient to prevent the confirmation of the order especially that given the statutory powers at the objector's disposal, the presence of a TPO would not prevent the resolution of the issues that are central to the objection.

10.0 Detail recommendation

10.1 Confirm the order without modification.

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
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NONE

Trees specified by reference to an area (within a dotted black line on map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
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NONE

Groups of trees (within a broken black line on the map)

<i>Reference on Map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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NONE

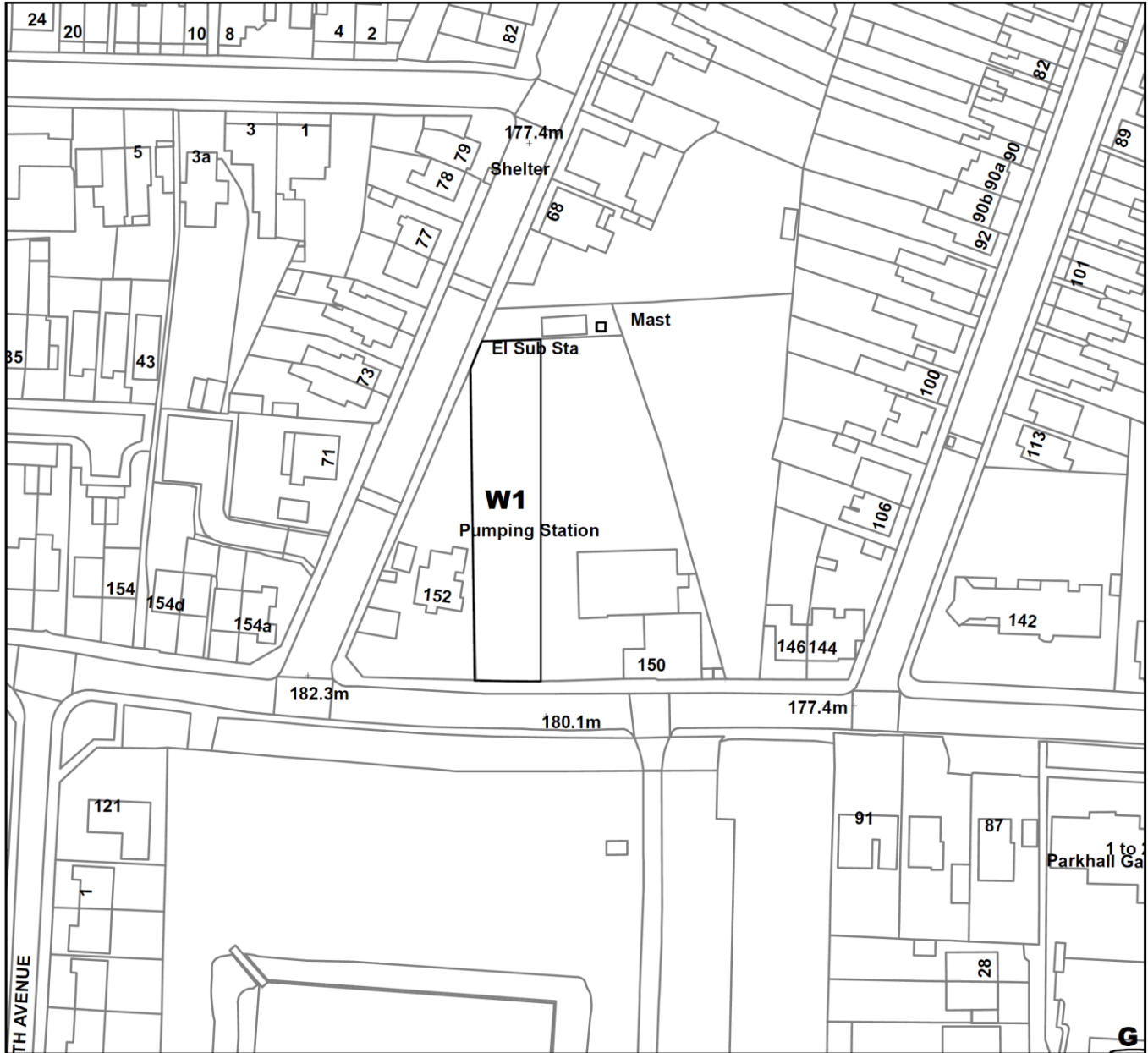
Woodlands (within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
W1	Linear Woodland of mainly deciduous species	Goldthorn Hill Pumping Station, Goldthorn Hill, Wolverhampton

The Wolverhampton City Council

CITY OF WOLVERHAMPTON COUNCIL

(Goldthorn Hill Pumping Station) Tree Preservation Order 2021



Scale: 1:1,250

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Department	Department
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