

PLANNING DEVELOPMENT CONTROL COMMITTEE

20 August 2008

CONFIRMATION OF TREE PRESERVATION ORDERS 1917 and 1918

REPORT OF HEAD OF PLANNING CONTROL

Contact Officer : Kevin Cloud (Tel 01962 848317)

RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider confirmation of Tree Preservation Order 1917 and 1918, to which objections have been made.

RECOMMENDATION:

That, having taken into consideration the representations received, that Tree Preservation Orders 1917 and 1918 are confirmed subject to minor boundary amendment.

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DETAIL:

1. TPO 1917 Land at Oakwood Copse, Otterbourne

TPO 1918 Land at Sparrowgrove, Otterbourne.

1.1 Following a request from an elected member of the Council, emergency Tree Preservation Orders (TPOs) were made and served on 26 February 2008, to protect two locally important woodlands. If not confirmed, these TPOs will expire on the 25 August 2008.

1.2 Formal Objections

1.3 There have been objections on the following grounds:

- Part of the land is in private gardens;
- The TPO adds complexity to the local community bid to purchase the woods.
- The TPO prevents removal of trees which will smother footpaths.

1.4 Officer Comments

1.5 The Department of Communities and Local Government provides a guidance document entitled *Tree Preservation Orders: a guide to the law and good practice* [good practice guide]. This document is aimed at providing guidance directly to local planning authorities (LPAs) and suggests ways in which such local authorities can work in line with good administrative practice.

1.6 The good practice guide states that "*the boundary of the woodland should be indicated on the map as accurately as possible, making use of any natural landscape features or property boundaries in a way that will avoid any future uncertainty if trees close to the boundary are removed. Use of the woodland classification is unlikely to be appropriate in gardens*".

1.7 The Orders were served using the Council's aerial photography to survey the sites. It is clear that the emergency TPOs require some amendment to correct the boundary issues to exclude private gardens. If Members are minded to confirm the TPOs, the boundaries can be evidenced on the ground and altered prior to confirmation.

1.8 The arboricultural officer served the TPOs following a request from an elected member of the Council and discussion with the Head of Planning Control. The Council supports the formation of a community group to manage the woodland. It is regrettable that some members of the group feel that this has added to complexity of forming the group, however the serving of the TPOs is considered justified in order to protect the wooded areas until their future is secured.

- 1.9 The woodlands are currently subject of an existing management plan, approved and grant funded by the Forestry Commission. We are informed by the Forestry Commission that the grant funding will cease upon transfer of land to the new owner and for this reason they are supportive of the TPO. The newly formed Sparrowgrove and Oakwood Copse Conservation Group (SOCCG) have made good progress but have not yet issued a management plan for the woodland.
- 1.10 Maintenance of growth over pathways may be handled in the interim period by an application to the Council. Once a management plan is in place, a single application could be made for a programme of works contained within the management plan. Dead, dying or dangerous trees would be exempt from any need for an application.
- 1.11 At a point in the future, provided that the key stakeholders are supportive of the finalised management plan and the progress of the SOCCG, the Tree Preservation Orders could be revoked by the Council.
- 1.12 If the SOCCG are given grant funding or a felling license from the Forestry Commission is issued (the latter will be required, under the Forestry Act 1967, if large trees are to be felled as part of the management plan) then these would override the TPOs.
- 1.13 Conclusion
- 1.14 Winchester City Council has followed the relevant guidance contained within *Tree Preservation Orders: a guide to the law and good practice*. Therefore the grounds for making the order are sound.
- 1.15 The presence of a TPO does not place an unacceptable hindrance on the progress of the SOCCG or work in line with the management plan (once published and approved).
- 1.16 An application may be made at any time and will be judged on its merits by the local planning authority. Such an application could make reference to a programme of work and would require one consent for all work within the programme (e.g yearly schedule).
- 1.17 The SOCCG has yet to publish its management proposals or commence active management of the woodland in line with a published management plan.
- 1.18 The Forestry Commission supports the TPOs.
- 1.19 For the above reasons it is recommended that TPO 1917 and TPO 1918 are confirmed subject to minor modifications to the boundaries.

OTHER CONSIDERATIONS:

1 CORPORATE STRATEGY (RELEVANCE TO):

Looking after the built and natural environment is a key objective.

2 RESOURCE IMPLICATIONS:

None

BACKGROUND DOCUMENTS:

Tree Preservation Order 1917

Tree Preservation Order 1918

Tree Evaluation Method for Preservation Orders (TEMPO)

Tree Preservation Orders: a guide to the law and good practice

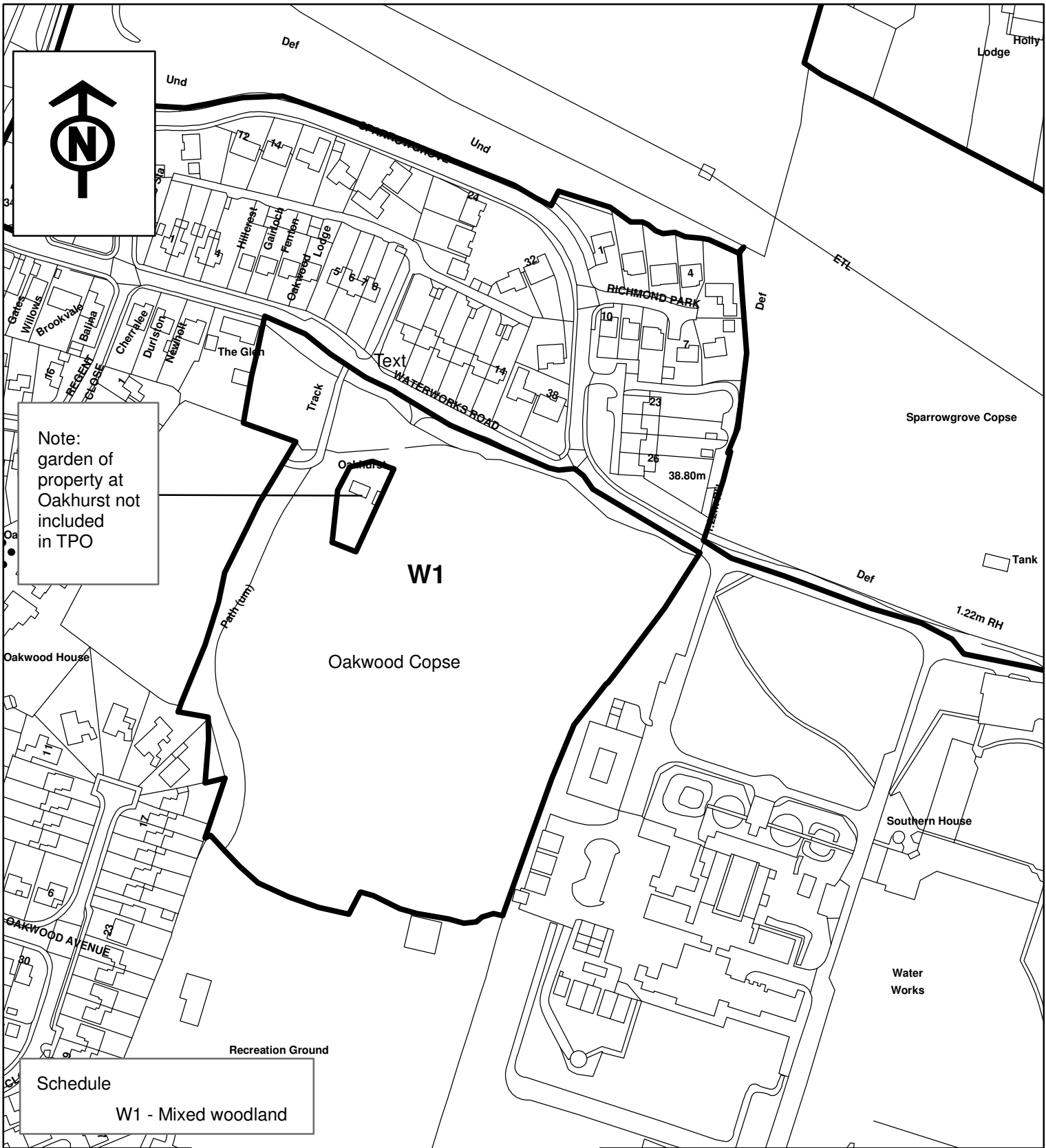
Winchester City Council Tree Strategy consultation draft 2007. Policy TPO 1

Correspondence from objectors is available

APPENDICES:

Map of TPO 1917

Map of TPO 1918



- A1 •• Area
- G1 □ Group
- W1 □ Woodland
- T1 ◐ Tree

TOWN AND COUNTRY PLANNING ACT 1990
 Section 198 - 201

TREE PRESERVATION ORDER No: 1917

Location: land at Oakwood Copse, Otterbourne



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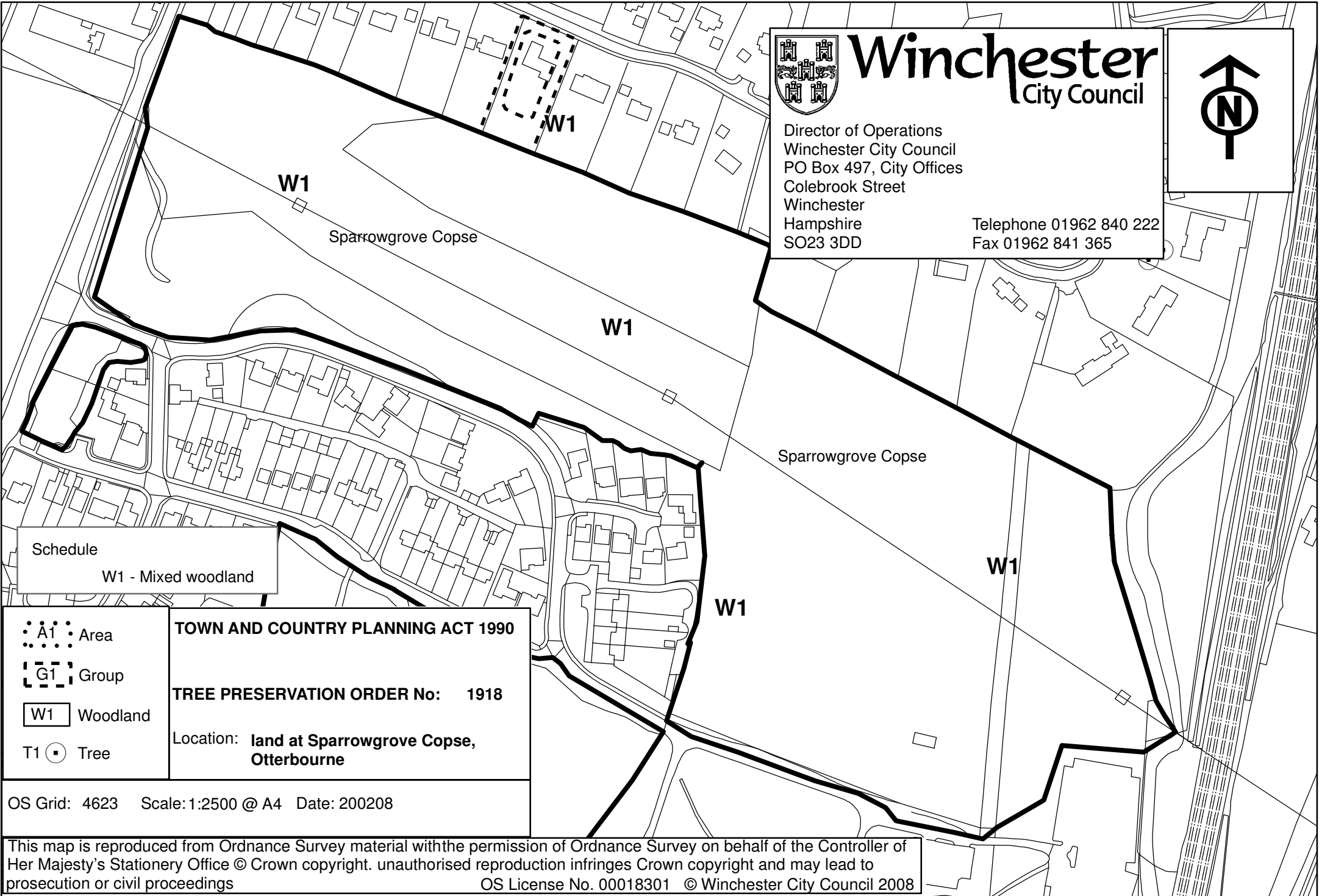


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Schedule
W1 - Mixed woodland

<ul style="list-style-type: none"> ⋯ A1 ⋯ Area ⌈ G1 ⌋ Group W1 Woodland T1 Tree 	<p>TOWN AND COUNTRY PLANNING ACT 1990</p> <p>TREE PRESERVATION ORDER No: 1918</p> <p>Location: land at Sparrowgrove Copse, Otterbourne</p>
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OS Grid: 4623 Scale: 1:2500 @ A4 Date: 200208