

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2298 -
LAND AT BIGGS COPSE, BOTLEY ROAD, SHEDFIELD

1 SEPTEMBER 2021

REPORT OF CABINET MEMBER: COUNCILLOR RUSSELL GORDON-SMITH,
CABINET MEMBER FOR BUILT ENVIRONMENT

Contact Officer: Ivan Gurdler Tel No: 01962 848403 Email
igurdler@winchester.gov.uk

WARD(S): WHITELEY AND SHEDFIELD

PURPOSE

To consider confirmation of Tree Preservation Order 2298 to which one letter of objection has been received.

RECOMMENDATIONS:

That having taken into consideration the representations received, Tree Preservation Order 2298 be confirmed.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Forestry Strategy (1998), SW Regional Forestry Framework (2005) and national and regional Biodiversity Action Plans
- 1.3 Mature trees such as this woodland at Biggs Copse, play a key role in helping to tackle the climate emergency and create a greener district. They directly remove carbon dioxide from the atmosphere and convert this to stored carbon. Additionally they are important for biodiversity both in their own right and as a habitat for other species. Therefore, the protection of this woodland will contribute towards the council's objectives to reduce the effects of global warming and carbon emissions as well as supporting the Biodiversity Action Plan.
- 1.4 The climate crisis remains a significant, long term challenge in the coming years and decades, and there is a growing ecological crisis too. Winchester City Council has committed to tackle these emergencies by producing a carbon neutrality action plan, biodiversity action plan and a tree management plan to ensure the district is handed across to future generations in a better condition than it is currently. One way to achieve the council's objectives as set out in these policies is to safeguard trees that are identified as worthy of protection.
- 1.5 Living Well
- 1.6 The protection of these trees supports the priority of "Living Well" by helping to enhance the street view and open spaces through their high amenity and aesthetic value, thereby supporting good mental and physical health for residents of all ages.

2 FINANCIAL IMPLICATIONS

- 2.1 There are no financial implications for the City Council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to a protected tree and where that application is refused.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 This report is in line with the council's legal procedures in relation to making and confirming TPO's.

4 WORKFORCE IMPLICATIONS

4.1 There are sufficient resources to respond to any works arising from the confirmation of this TPO.

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None

6 CONSULTATION AND COMMUNICATION

6.1 On serving of the Tree Preservation Order (TPO), the landowner and immediate neighbours were notified and allowed 28 days to object.

6.2 One letter of objection was received to this TPO.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 Trees contribute a key role in helping to tackle the climate emergency and creating a greener district. They not only directly remove carbon dioxide from the atmosphere and provide us with oxygen but also deliver many other benefits including:-

- Providing visual public amenity, softening or complementing the effect of the built environment
- Displaying seasonal changes and providing opportunities for biodiversity
- Making places more comfortable in noticeable ways by contributing to screening and shade, reducing wind speed and turbulence, reduce flooding by intercepting snow and rainfall, and reducing sun glare.

7.2 Trees are also a key element of the green infrastructure network, contributing to urban cooling and providing micro climate effects which help reduce energy demands on buildings. They therefore represent a key resource that can significantly contribute to climate change adaptation.

8 EQUALITY IMPACT ASSESSMENT

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

10.1 None

Risk	Mitigation	Opportunities
Financial Exposure	N/A	N/A
Exposure to challenge	The serving of the TPO is in accordance with the required legislation	The confirmation of this TPO is considered by the LPA planning committee.
Innovation	N/A	N/A
Reputation	The loss of reputation if the council fails to safeguard trees worthy of protection in light of the climate emergency and Biodiversity Action Plan	Officers to ensure they appropriately assess whether a tree is worthy of protection and provide clear evidence to members to justify the decision using the TEMPO methodology.
Achievement of outcome	N/A	N/A
Property	N/A	N/A
Community Support	N/A	N/A
Timescales	N/A	N/A
Project capacity	N/A	N/A
Other		

11 SUPPORTING INFORMATION:

- 11.1 Biggs Copse is a Site of Importance for Nature Conservation (SINC) and is consequently of high biodiversity value. In addition it is listed in the Ancient Woodland Inventory because the site has been continuously wooded since at least 1600. It is therefore an irreplaceable habitat and provides a number of ecosystem services such as biodiversity, cultural and landscape provision.
- 11.2 The woodland is mostly formed of large, mature oak and beech trees which form a tall closed canopy with a holly and hazel understorey and a rich ground flora consistent with ancient woodland.
- 11.3 A provisional TPO (TPO 2285) was initially served for this site dated 2 October 2020 and this was delivered via Recorded Delivery. No objections were received and the order was confirmed. However, the landowner stated that he had not received the provisional TPO and was not aware of the TPO until he received the confirmation letter. Therefore a further provisional TPO was served on 15 April 2021 (TPO 2298).
- 11.4 As one objection has been received in relation to TPO 2298, the confirmation of the TPO comes to committee for consideration.
- 11.5 Biggs Copse is clearly visible from Botley Road giving it high visual public amenity value.

- 11.6 A Tree Evaluation Method for Preservation Orders (TEMPO) has been carried out to evaluate the woodland suitability for a TPO. The woodland scored a total of 21 points which signifies it 'definitely merits' protection by a TPO.
- 11.7 The woodland is deemed to be under threat for a number of reasons.
- a) A large log cabin and trenching works were started within Biggs Copse which has had a negative impact on the copse. The site was visited by the Principal Tree Officer on 21 August 2020 and it was noted that construction vehicles were parked near to the log cabin within the woodland. Trenching works extended across the woodland from the adjacent lane to the log cabin. Severed tree roots were visible within the trenches where the trench had been excavated with a mechanical digger. A hard surface floor had been laid within the log cabin. The soil level around the log cabin had been raised and fresh digger track marks were visible in the newly laid soil where the digger had tracked across the woodland. A temporary stop notice was served on 26 August 2020 by a WCC Planning Enforcement Officer.
 - b) On 22nd February 2021 a complaint was received from a local resident that the copse was being damaged by horses. The Principal Tree Officer visited the site on 24 February 2021 and observed horses roaming free within the woodland causing damage to tree roots and the woodland floor. In addition it was noted that the soil within the woodland had been disturbed, thereby exposing tree roots to air and sunlight which will cause trees to die.
 - c) At a site visit undertaken by the Principal Tree Officer in July 2021, it was noted that significant amounts of horse manure had been tipped onto Biggs Copse, thereby raising the soil levels and temperature, as well as altering the soil nutrient composition and compacting the soil. This is all extremely harmful to tree health and is likely to result in the loss of trees.
 - d) Therefore, the compounding factors of soil compaction, root severance, and root disturbance will have a detrimental effect on the long term health of the trees and demonstrate that Biggs Copse is under threat.

12 SUMMARY OF OBJECTION:

- 12.1 The map attached to the TPO does not follow the prescribed form of the TPO legend which states that the woodland outline is a black continuous line but the outline of this TPO is red.
- 12.2 It is not expedient to serve the TPO as the trees are protected under the Felling Licence requirements of the Forestry Act.
- 12.3 The LPA cannot serve more than one temporary TPO with immediate effect on the same group of trees

12.4 The TPO is not expedient as the trees are not located within a Conservation Area.

13 ARBORICULTURAL OFFICER'S RESPONSE:

13.1 The outline on the legend has been identified as red. Whilst the objector is correct in that the legend is usually black, in this instance, it was deemed prudent to change the outline to red to clarify the area covered by the TPO. This makes no difference to the validity of the provisional TPO, as the legislation only requires that the Local Planning Authority (LPA) clearly identified the area covered by the TPO.

13.2 With regard to whether it is expedient to serve the TPO, as the trees are protected by the Forestry Act, this is irrelevant. The TPO legislation overrides the Felling Licence. In addition a Felling Licence does not sufficiently protect a woodland of this quality as it still permits some felling of trees. This woodland is of such amenity value that it warrants protection through the TPO legislation.

13.3 It is acceptable for a Local Planning Authority to make more than one provisional TPO on a site. It is not common, as usually the original provisional TPO is sufficient. However, in this instance, as the owner claimed not to have received the original TPO, it is deemed appropriate and necessary to make a second provisional order.

13.4 The issue regarding the Conservation Area relates to an administrative error in that the letter sent to the owners did make mention of the trees being in a Conservation Area, when in fact they are not. However, this does not negate the need nor the validity of serving the TPO to protect Biggs Copse which is of high amenity value as well as being ancient woodland and designated a SINC.

14 RECOMMENDATION:

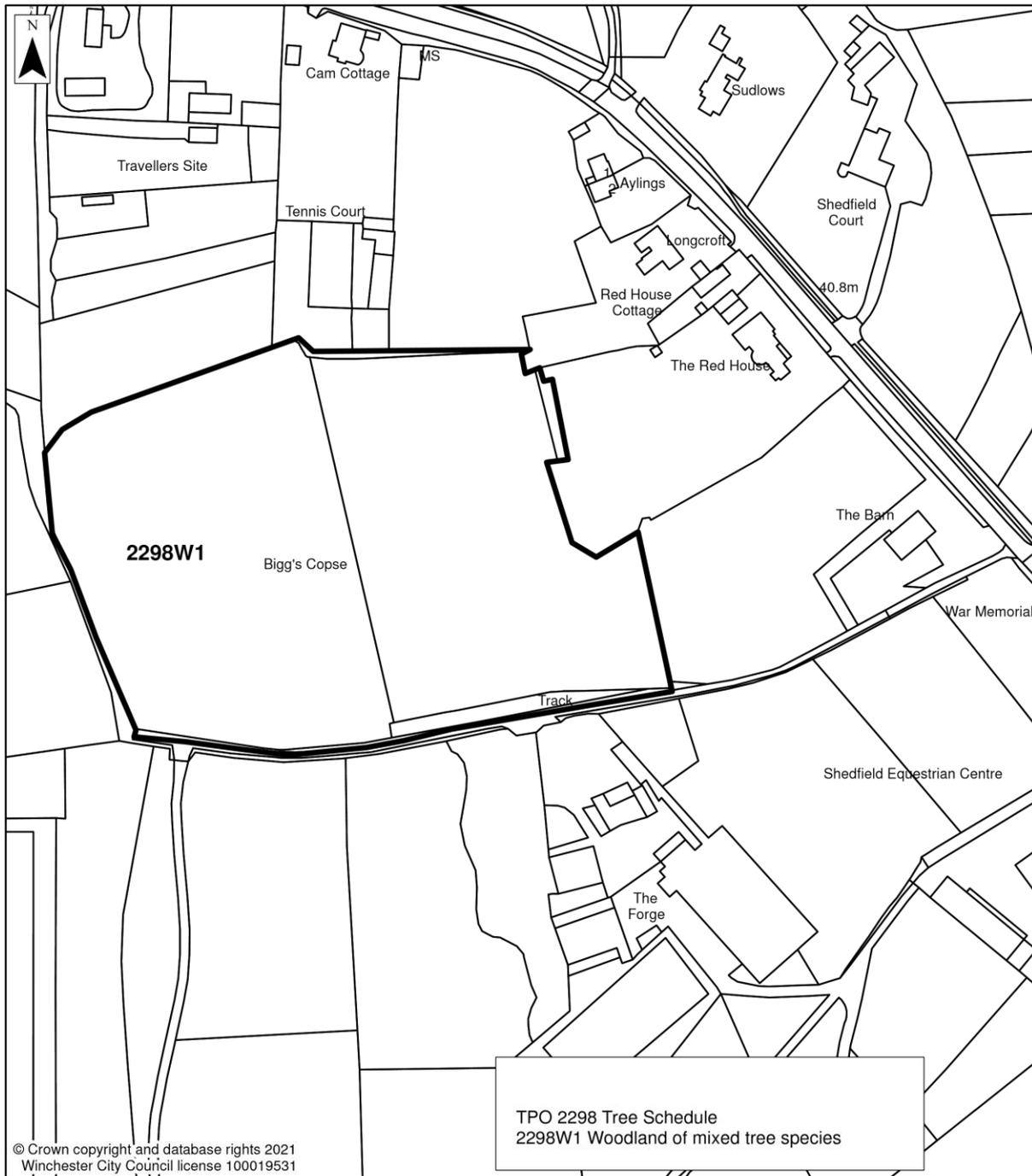
14.1 That TPO 2298 is confirmed with modification – namely a new map with a continuous black line to show the protected woodland, the area of which is unaffected by the modification.

BACKGROUND DOCUMENTS:

- a) Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.
- b) Tree Evaluation Method for Preservation Orders- (TEMPO)

APPENDICES:

Appendix 1 TPO map



TPO 2298 Tree Schedule
2298W1 Woodland of mixed tree species

Legend

- A1 Area
- G1 Group
- W1 Woodland
- T1 Tree

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2298

Location: Land at Biggs Copse
Botley Road
Shedfield
Hants



Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

OS Grid: 428253

Scale @A4: 1:2,000

Date: 01/06/2021

Telephone 01962 840 222

