

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2318 –
LAND AT IVY COTTAGE SHOE LANE UPHAM SOUTHAMPTON SO32 1JJ

19 OCTOBER 2022

REPORT OF CABINET MEMBER: Cllr Jackie Porter - Cabinet Member for Place and
Local Plan

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WARD(S): UPPER MEON VALLEY

PURPOSE

That having taken into consideration the representations received, Tree Preservation Order 2318 relating to land at Ivy Cottage, Shoe Lane, Upham, Southampton, Hampshire SO32 1JJ be confirmed.

RECOMMENDATIONS:

1. That having taken into consideration the representation received, that Tree Preservation Order 2318 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 Beech and Wild Cherry 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 these trees will contribute towards the Council's objective 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 and ensure the district is handed across to future generations in a better state than it is now. One way to achieve this is to safeguard trees 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 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 Tree Preservation Orders (TPOs).

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 TPO, the landowner and immediate neighbours were notified and allowed 28 days to object.

6.2 Two letters of objection were received to this TPO – see section 12.

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 PUBLIC SECTOR EQUALITY DUTY

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

| Risk | Mitigation | Opportunities |
|------------------------|--|--|
| Financial Exposure | N/A | N/A |
| Exposure to challenge | Making 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 | | |
| Community Support | | |
| Timescales | | |
| Project capacity | | |
| Other | | |

11 SUPPORTING INFORMATION:

- 11.1 In March 2022, the Council received a section 211 notice to heavily reduce a mature Beech tree at a height of 105 feet to a height of 75-80ft and a mature Wild Cherry at a height of 92 feet to a height of 60-65ft. This would equate to a reduction of approximately 7-9 metres for both trees.
- 11.2 Both of these trees have a high public visual amenity value, and these works would have been highly detrimental to the health and amenity value of these trees as a result of creating large pruning wounds and removing a large proportion of their crowns. This would result in a detrimental impact on the character of the Upham conservation area.
- 11.3 A Tree Evaluation Method for Preservation Orders (TEMPO) was carried out to evaluate the suitability of the trees for a TPO. The Beech tree (T1) scored a total of 20 points which signifies that it definitely merits a TPO. The Wild Cherry (T2) scored a total of 15 points which signifies that protection from a TPO is defensible.

- 11.4 As a result, a TPO was made on 31st May 2022 to protect both of these trees. As there have been two objections, this order is being brought before the committee and will expire on 1st December 2022 if not confirmed.

12 SUMMARY OF OBJECTION

- 12.1 The trees are tall and in urgent need of reduction.
- 12.2 The top of Shoe Lane is at the top of the hill and takes the full force of any gale from any direction.
- 12.3 Trees in question could cause severe harm should either tree or any branch fall on to the playing area or properties nearby.

13 ARBORICULTURAL OFFICER'S RESPONSE

- 13.1 No arboricultural justification has been provided for such a drastic reduction which would have a negative impact on the health and natural appearance of these trees which have a high amenity value.
- 13.2 No arboricultural evidence has been provided which confirms that the trees are unsafe or have any major structural defects.
- 13.3 If residents have concerns about the safety of these trees, independent advice should be sought from an independent arboricultural consultant. Recommendations can then be considered in any subsequent tree works application.

14 RECOMMENDATION

- 14.1 That TPO 2318 be confirmed.

BACKGROUND DOCUMENTS:-

Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.

Tree Evaluation Method for Preservation Orders- (TEMPO)

APPENDICES:

Appendix 1 – Map

Appendix 1

