

REPORT TITLE: CONFIRMATION OF TPO 2261 - LAND AT FIELD PENNY  
ERVILLS ROAD WORLDS END

14 NOVEMBER 2019

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for Built  
Environment and Well Being.

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WARD(S): DENMEAD

PURPOSE

To consider confirmation of Tree Preservation Order 2261 to which one letter of objection and four letters of support has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2261 is confirmed.

## IMPLICATIONS:

### 1 COUNCIL STRATEGY OUTCOME

- 1.1 The confirmation of this Tree Preservation Order (TPO) will contribute to the High Quality Environment outcome of the Community Strategy by maintaining the environmental quality and character of the area.

### 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 the protected tree and where that application is refused.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None

### 4 WORKFORCE IMPLICATIONS

- 4.1 None

### 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 At the time that TPO 2261 was served there was one letter of objection and four letters of support.

### 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Trees have a significant impact on our surroundings, the quality of our lives and where we live. They form an important and integral part of the countryside and in every town and village throughout the District. Trees support the natural beauty of our countryside and diversity of our natural wildlife.

### 8 EQUALITY IMPACT ASSESSEMENT

- 8.1 None

### 9 DATA PROTECTION IMPACT ASSESSMENT

- 10 None Required

11 RISK

## 11.1 None

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i>	N/A	N/A
<i>Community Support</i>	N/A	N/A
<i>Timescales</i>	N/A	N/A
<i>Project capacity</i>	N/A	N/A
<i>Financial / VfM</i>	N/A	N/A
<i>Legal</i>	N/A	N/A
<i>Innovation</i>	N/A	N/A
<i>Reputation</i>	N/A	N/A
<i>Other</i>	N/A	N/A

12 SUPPORTING INFORMATION:

- 12.1 This matter comes to Planning Committee because one objection to the making of TPO 2261 has been received and has not been withdrawn.
- 12.2 TPO 2261 was served at Field Penny Ervills Road Worlds End on 24<sup>th</sup> June 2019 following concerns raised by the Worlds End Residents Association about a proposal to re surface a farm track at Meadows Farm adjacent to a mature Oak tree growing in the rear garden of a neighbouring property called Field Penny.
- 12.3 The Oak is a mature specimen tree that is a predominate feature in the local landscape of which can be viewed from the public highway, and the farm track which is a public rights of way that runs from Portchester Castle to King Alfred's Statue in Winchester and passes under the canopy of the tree. The tree is of good health and vitality with an expected future life expectancy in excess of 150 years.
- 12.4 Due to the predominate location of the tree it is considered by the Arboricultural Officer that the Oak tree has high public visual amenity value.
- 12.5 The protection of the trees by a Tree Preservation Order is in accordance with Government guidance which states that "orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public." Any tree removal at this property for development purposes would have a detrimental impact on the visual public amenity value that trees currently provide.
- 12.6 The Secretary of State's view is that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works would have on amenity, the stronger the reasons needed before consent is granted.

### 13 OTHER OPTIONS CONSIDERED AND REJECTED

13.1 At the time that TPO 2261 was served, the Council received 1 letter of objection and 4 letters of support:

#### 14 **Summary of objections and support.**

14.1 It is unreasonable to place a TPO on the Oak tree as the owner of Meadows farm claims that his tractor and high sided vehicles encounter low branches of the tree of which have been unintentionally removed and be found laying on the track.

14.2 Placing of the TPO on the Oak tree has an impact on the occupants of Meadow farm as the TPO will prevent future maintenance being undertaken to the tree.

14.3 The owner of the tree has written to support the TPO and has commented he would *“very much like this tree to be provided with the permanent tree protection order as it is a massive tree”*.

14.4 The Worlds End Residents Association has written to support the TPO have commented *“this beautiful Oak tree must be protected as it is an important part of the rural landscape for residents, walkers and drivers and is threatened by the proposed development at Meadows Farm”*

14.5 Further letters of support have been received which state : *“ I completely support the application of a Tree Preservation Order on this Oak Tree”*

14.6 *“There is local concern that the tree is under threat by development and it is important that it is protected for the wildlife that inhabit it and the visual pleasure it provides”*.

#### 15. **Arboricultural Officers Response**

15.1 The main trigger points to the making of a Tree Preservation Order are that the tree must have amenity value and must be under threat. In this case the proposed re surfacing and making wider of the existing farm track with concrete will have a detrimental affect on the tree roots of the Oak and will therefore cause significant harm to the health and vitality of the tree, and its amenity value.

Government guidance states:

- (i) “It is expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.”
- (ii) “But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may be expedient to make an Order if the authority believes there is a risk of trees being

felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”

- 15.2 Under the UK planning system local authorities have a statutory duty to consider the protection of trees assessing planning applications. The confirmation of this TPO will satisfy this duty.
- 15.3. The confirmation of this TPO will not hinder or stop further maintenance of the tree from being undertaken to the tree.

#### Other Background Documents:-

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

#### Tree Evaluation Method for Preservation Orders- (TEMPO)

TEMPO is designed as a field guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma.

TEMPO is based on the accumulated scores derived in Parts 1 & 2 of the survey sheet and identifies four outcomes, as follows:

- Any 0 points you cannot apply TPO
- 1-6 points TPO indefensible
- 7-10 points Does not merit TPO
- 11-14 points Possibly merits TPO
- 15+ points Definitely merits TPO

Trees scoring 15 points or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise.

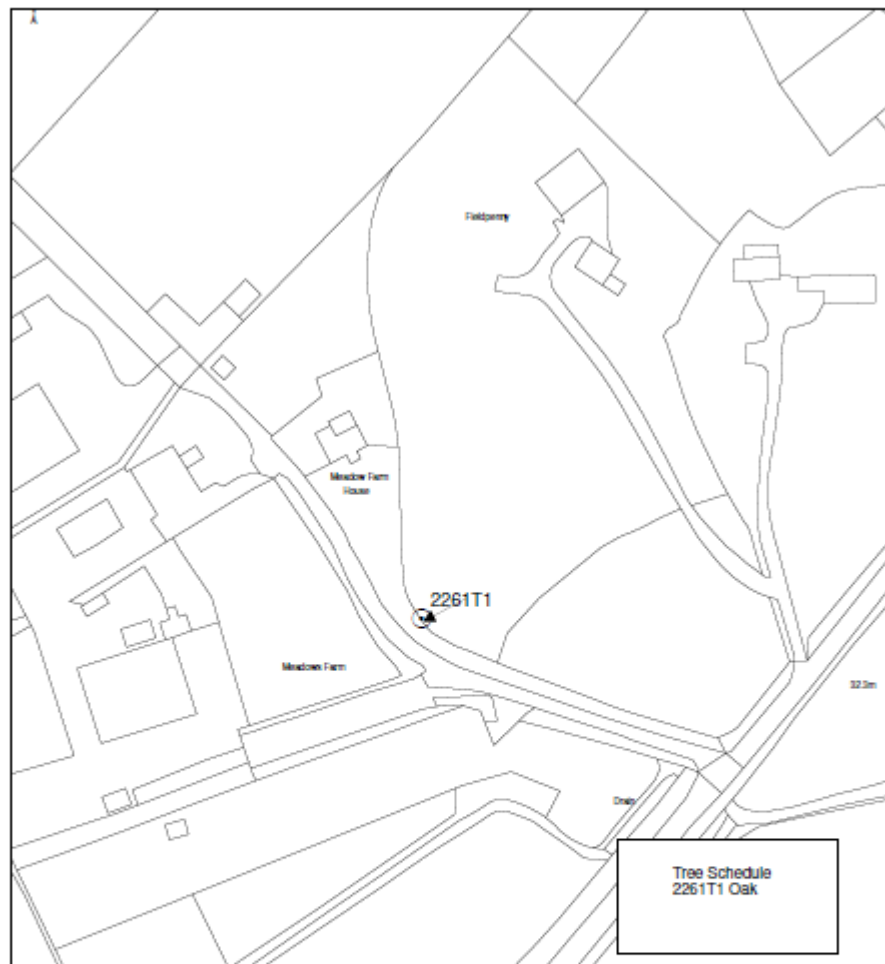
The following Tree Evaluation Method for Preservation Orders (TEMPO) assessment has been carried out to evaluate the amenity value of T1 (Oak).




Condition & suitability for TPO	Good	Highly Suitable	5 points
Retention span (in years)	100 +	Highly suitable	5 points
Relative public visibility & suitability	Large or medium trees clearly visible to the public	Highly suitable	5 points
Other factors	Principal components of arboricultural features or veteran trees		5 point
Expediency assessment	Foreseeable threat to trees	Foreseeable	3 Points
<b>Total</b>			23 points awarded - Definitely merits TPO

The Oak tree scores a total of 23 points which establishes that the tree definitely merits a TPO and confirms that the Oak tree is of sufficient public visual amenity value to be protected by a TPO.

Appendices

Appendix 1 – Map



-  Area
-  Group
-  Woodland
-  Tree

**TOWN AND COUNTRY PLANNING ACT 1990**  
Section 198 - 201

Tree Preservation Order No. 2261  
Location: Fieldpenny  
Erville Road  
Worlds End  
PO7 4QU



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