

REPORT TITLE: CONFIRMATION OF TPO 2268 – LAND THICKETS FARM,
BOTLEY ROAD, BISHOPS WALTHAM

18 DECEMBER 2019

REPORT OF CABINET MEMBER: Cllr Jackie Porter Cabinet Member for Built
Environment and Wellbeing.

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

WARD(S): BISHOPS WALTHAM

PURPOSE

To consider confirmation of Tree Preservation Order 2268 to which one letter of objection and one letter of support has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2268 be 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 Council 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 2268 was served there was one letter of objection and one letter 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

- 9.1 None Required

10 RISK MANAGEMENT

10.1 None

Risk	Mitigation	Opportunities
<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

11 SUPPORTING INFORMATION:

- 11.1 This matter comes to Planning Committee because one objection to the making of TPO 2268 has been received and has not been withdrawn.
- 11.2 TPO 2268 was made on 24 July 2019 in relation to land opposite Brook Cottage, Botley Road, Bishops Waltham to protect a line of 12 mature Oaks following concerns from a local resident that the trees would be felled to make way for the widening of the highway.
- 11.3 The line of Oaks are mature specimens that are a predominate feature in the local landscape and can be viewed from the public highway. The trees are of good health and vitality with an expected future life expectancy in excess of 150 years.
- 11.4 The line of Oaks have been assessed for their amenity value by the use of a Tree Evaluation Method for Tree Preservation Orders (TEMPO), which shows that the trees have high visual public amenity value. Details of this assessment are shown below under back ground documents.
- 11.5 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 location would have a detrimental impact on the visual public amenity value that the trees currently provide.
- 11.6 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.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 The Council received one letter of objection and one letter of support in response to serving TPO 2268.

13 **Summary of objection and support.**

13.1 The objector has a number of concerns

- a) The trees do not provide significant benefits to the local area.
- b) The trees cause a problem by obstructing the highway.
- c) The trees may fall on her garage and electricity pylon nearby.
- d) The presence of the trees will stop the road widening scheme and the benefit of the widening of the road exceeds the benefits of the trees.

13.2 The supporter is in agreement with the TPO as he is of the opinion that the trees screen his property from the magnetic field of the adjacent overhead power lines.

14 **Arboricultural Officer's Response**

14.1 The trees are mature trees and can be clearly viewed from the public highway giving them high visual amenity value. The health and structural condition of the trees appears to be consistent for trees of this age class and they have a further safe useful life expectancy in excess of 300 years. A local resident expressed concern that the trees may be felled in the future to widen the highway, therefore it is expedient to make an order to protect the trees for the benefits they provide. As the trees are mature and are a significant feature in the local landscape any tree felling at this site would have a detrimental affect on the local landscape.

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 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."

14.2 In addition, the line of Oak were crown lifted to above 4m prior to the TPO being served and therefore are not considered an obstruction to the highway.

- 14.3 The confirmation of this TPO will contribute towards the Council's emergency climate plan to tackle carbon emissions by creating a greener district. As the group of Oak trees are over 20 years old they are contributing to the reduction of carbon in atmosphere, thereby helping to support the Council's climate emergency plan for the district to be carbon neutral by 2030. The confirmation of this TPO will not hinder or stop further maintenance from being carried out to the group of trees.

BACKGROUND DOCUMENTS:-

Other Background Documents:-

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

Winchester City Council Emergency Climate Change Plan

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 G1 (Group of 12 Mature Oaks).

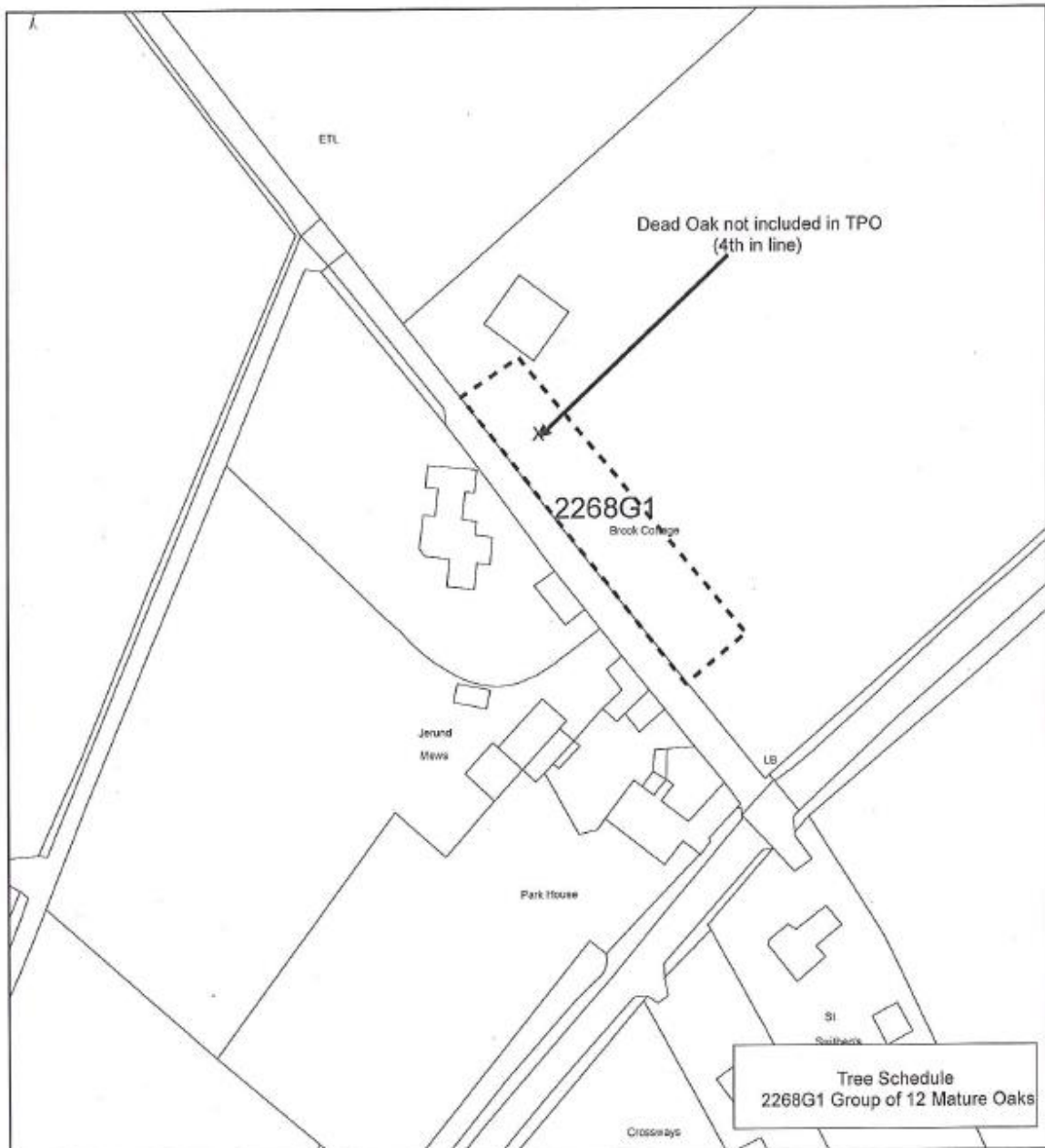
Condition & suitability for TPO	Fair	Suitable	3 points
Retention span (in years)	100 +	Highly suitable	5 points
Relative public visibility & suitability	Large or medium trees clearly visible to the public	Highly suitable	5 points
Other factors	Principal components of arboricultural features or veteran trees		1 point
Expediency assessment	Immediate threat to trees	Immediate	5 Points
Total			19 points awarded - Definitely merits TPO





The line of Oak trees scores a total of 19 points which establishes that the trees definitely merit a TPO and confirms that the trees are of sufficient public visual amenity value to be protected by a TPO.

APPENDICES:

Appendix 1: Map

Appendix 1



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

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2268
Location: Thickets Farm House
Botley Road
Bishops Waltham
So32 1DR

OS Grid: 5516

Scale: 1:1000@A4

Date : 23:7:19



Winchester
City Council

Director of Operations
Winchester City Council
POBox 497, City Offices
Colebrook Street
Winchester
Hampshire
SO23 9DD
Telephone 01962 840 222
Fax 01962 841 365