

**OBJECTION TO TREE PRESERVATION ORDER NO. 57/04
PART OF LAND OF AVON VALLEY (BICKTON TO CHRISTCHURCH)
SITE OF SPECIAL SCIENTIFIC INTEREST, ADJACENT TO 248
CHRISTCHURCH ROAD, RINGWOOD**

REPORT OF THE COUNCIL'S TREE OFFICER

1. TREE PRESERVATION ORDER HISTORY

- 1.1 Tree Preservation Order (TPO) No. 57/04 was made on 18 June 2004.
The TPO plan and first schedule are attached as Appendix 1. The Order protects a woodland described as a wetland wood, of mixed species, dominated by Willow and Alder. The woodland is identified as W1 and situated to the south and west of 248 Christchurch Road, Ringwood.
- 1.2 This TPO was made following concerns expressed by a local resident that trees were being felled on the land in question. The Council's Tree Officer considers the woodland provides a special amenity and is therefore worthy of protection by TPO. As there appeared to be an imminent threat of tree removal, it was expedient to make the Order.

2. OBJECTIONS

- 2.1 Following service of the TPO, a faxed letter of objection was received on 29 June 2004, from Mr K Pierson of Moortown Farm Cottages, Hatches Lane, Moortown, Ringwood. Mr Pierson stated that he was the landowner, had heard that a TPO had been served and wished to object. There were no specific grounds of objection stated in that letter (Appendix 2).
#
- 2.2 On 21 July 2004 the Council received a second letter of objection, from Mr K J Green of 18 Beatty Close, Poulner, Ringwood. Mr Green objected on two grounds. First that he had previously been informed by a Tree Preservation officer from Winchester that there were no trees of any real interest whatsoever on the site and second that the site was already a designated SSSI, and a TPO was unnecessary (Appendix 3).
#
- 2.3 On 30 July, the Council's tree officer responded to Mr Pierson's letter informing him that the issues of environmental protection by the use of the SSSI and the TPO designations would be discussed with English Nature, the organisation responsible for administering SSSIs. On 23 August, Dr Rue Ekins, a Conservation Officer with English Nature, wrote to the Council saying that the TPO should remain in place since the terms of the SSSI were less certain to prevent tree felling being undertaken without prior consultation. (Appendix 4).
#

3. SUPPORTERS

- 3.1 On 18 June 2004, Mr and Mrs Ambrose-Hunt of 250 Christchurch Road, Ringwood wrote in support of the TPO and on the 13 and 16 July Mr and Mrs Pipe of 252 Christchurch Road, Ringwood, submitted letters accompanied by a petition of a total of 42 signatories from properties in Christchurch Road, Shires Close, Meadowlands and Moortown House, all supporting the TPO (Appendix 5)
- #
- 3.2 There has been subsequent correspondence, by e-mail from both Mr Ambrose-Hunt and Mrs Pipe, expressing concern about work on part of the land in question, subsequent to the imposition of the TPO. Part of their cause for concern is that 2 tree stumps, which had been sprouting and could have re-grown as coppiced trees, were removed. Unfortunately, although these stumps may have been protected by the SSSI designation, they were not covered by the TPO. Mr Ambrose-Hunt and Mrs Pipe have also expressed concern that site levelling may have damaged a further tree, through changes of surface levels immediately adjacent to the tree, and also directly severing roots. This issue is being investigated separately and, if found to be the case, would be pursued through the enforcement route, as a breach of the Order. It is not relevant to the issue before members now, which is the amenity value of the trees, as they exist on site, and whether or not the Order should be confirmed.

4. THE WOODLAND

- 4.1 The woodland protected by TPO 57/04 comprises predominantly Alder and Willow trees which grow well in the damp conditions and are typical of this part of the Avon Valley flood plain. The trees are visible to the public from Christchurch Road and from the footpath that runs to the south of the property and north of Shires Close. The Council's Tree Officer therefore considers that the woodland has a public amenity value whose loss would be detrimental to the appearance of the local environment and therefore justified inclusion within a TPO. The woodland should be considered as an entity, with the condition of individual trees being of less concern than would be the case in respect of an Order that specifies individual trees.
- 4.2 Several trees were felled on the land prior to the TPO being served. The felling of these trees was one of the reasons why it was considered expedient to make the TPO. There were also some dead Elm trees within the TPO woodland. Consent under the terms of the TPO is not required for the removal of any trees that are dead.

5. FINANCIAL IMPLICATIONS

- 5.1 If TPO 57/04 is confirmed, there will be the cost of administering the service of the confirmed TPO and any subsequent tree work applications.
- 5.2 If TPO 57/04 is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 Extensive or uncontrolled cutting or the premature removal of the woodland and the lack of controls to plant suitable replacements with similar species will be detrimental to the appearance of the area.

7. CRIME AND DISORDER IMPLICATIONS

- 7.1 There are no crime and disorder implications arising from this report.

8. OTHER IMPLICATIONS

- 8.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by law (Town and Country Planning Act 1990) and by the general principles of international law.
- 8.2 In so far as the trees are on or serve private residential property the making or confirmation of a Tree Preservation Order could interfere with the right of a person to respect for his family life and his home but is capable of justification as being in accordance with the law and necessary in a democratic society for the protection of the rights and freedoms of others (Article 8).

9. RECOMMENDATION

- 9.1 It is therefore recommended that TPO 57/04 be confirmed, without amendment, for the amenity value that the woodland provides to the area.

Further Information:

John Hearne
Arboriculturist
Telephone: 02380 285327

Background Papers:

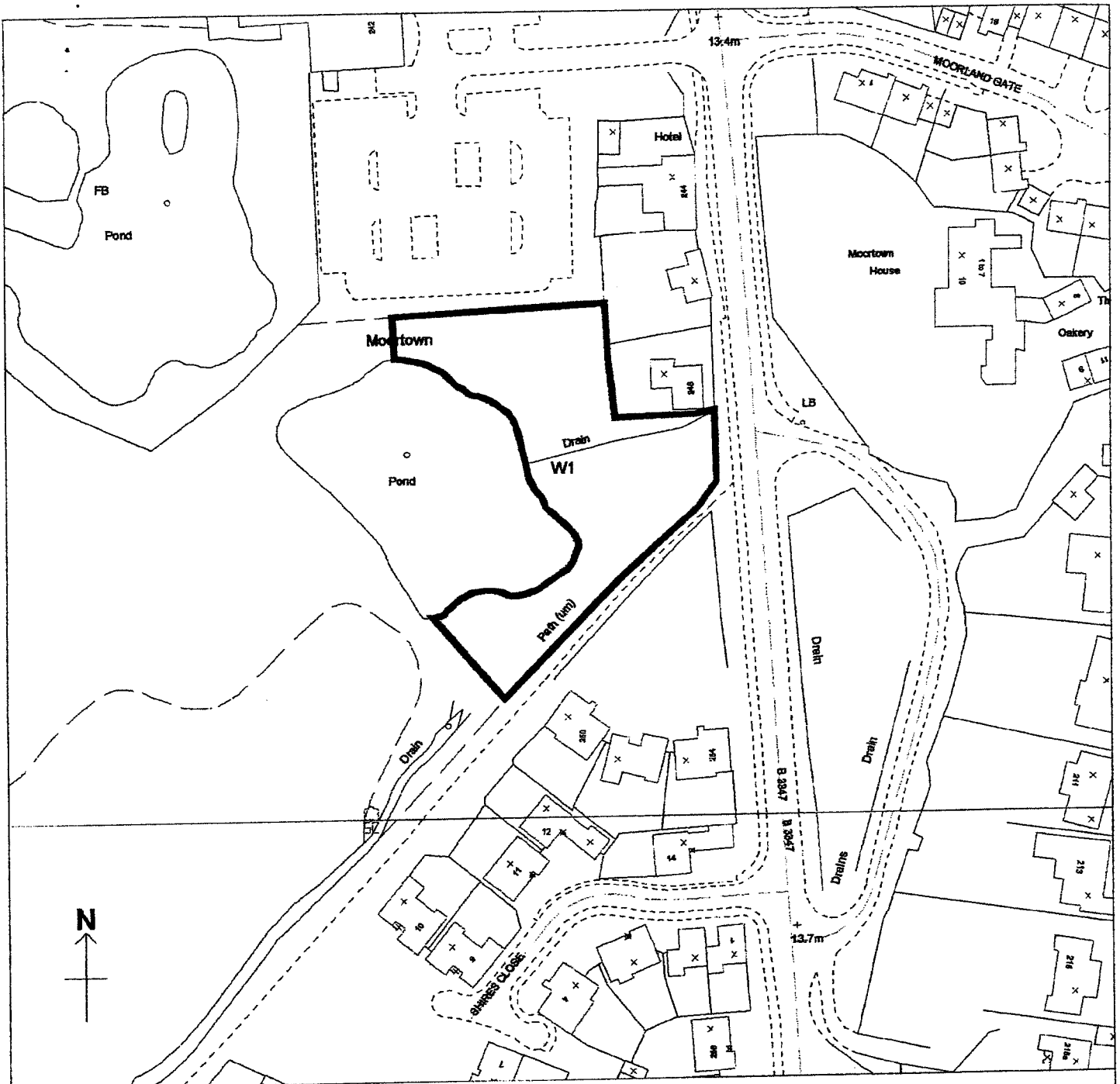
Tree Preservation Order No. 22/03

G:/pdi /trees/ /TPO57-04 Apprep.doc
23 September 2004

APPENDIX 1

OBJECTION TO TREE PRESERVATION ORDER NO. 57/04

**PART OF LAND OF AVON VALLEY (BICKTON TO CHRISTCHURCH)
SITE OF SPECIAL SCIENTIFIC INTEREST, ADJACENT TO 248
CHRISTCHURCH ROAD, RINGWOOD**



Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 57/04

Approximate Scale: 1250

Date Printed: 18th June 2004

W John Ward BSc, MCD, MBA, MRTPI, MIMgt
 Head of Policy, Design & Information
 Community Services Directorate
 Appletree Court
 Lyndhurst
 SO43 7PA



New Forest
 DISTRICT COUNCIL

Key

Individual Trees Covered by TPO

Area of Trees Covered by TPO

Groups of Trees Covered by TPO

Woodland of Trees Covered by TPO

Trees Noted but not Worthy of Preservation



[Handwritten Signature]
 AN AUTHORISED SIGNATORY

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SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

No. on Map	Description	Situation
None		

Trees specified by reference to an area:
(within a dotted black line on the map)

No. on Map	Description	Situation
None		

Groups of Trees
(within a broken black line on the map)

No. on Map	Description	Situation
None		

Woodlands
(within a continuous black line on the map)

No. on Map	Description	Situation
W 1	Mixed species wetland wood dominated by Willow and Alder	Within the area enclosed by the bold line on the plan south and west of 246-248 Christchurch Road, Ringwood

APPENDIX 2

OBJECTION TO TREE PRESERVATION ORDER NO. 57/04

**PART OF LAND OF AVON VALLEY (BICKTON TO CHRISTCHURCH)
SITE OF SPECIAL SCIENTIFIC INTEREST, ADJACENT TO 248
CHRISTCHURCH ROAD, RINGWOOD**

28.06.2004

Mr K Pierson
Moortown Farm Cottages
Hampshire
Hatches Lane
Moortown

New Forest District Council
Tree Preservation Dept
Lyndhurst
Hants

REF; Tree preservation on land adjacent to Christchurch road Ringwood

I understand you may have made a tree preservation order on my land.
I have not been notified, but would like to object should this be the case.

Please could you send me a copy of any such document to the above address?

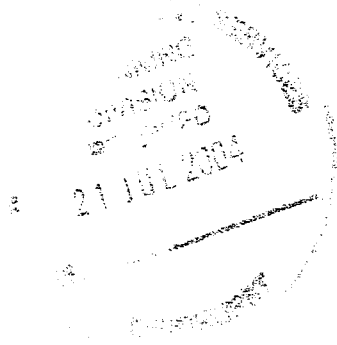
Yours sincerely

 Mr K Pierson

APPENDIX 3

OBJECTION TO TREE PRESERVATION ORDER NO. 57/04

**PART OF LAND OF AVON VALLEY (BICKTON TO CHRISTCHURCH)
SITE OF SPECIAL SCIENTIFIC INTEREST, ADJACENT TO 248
CHRISTCHURCH ROAD, RINGWOOD**



18 Beatty Close
Poulner
Ringwood
Hampshire
BH24 1XR

14th July 2004

Your Ref :

JH/mac/TPO 57/04

Dear Sirs

Ref TPO on Land Adjacent 248 Christchurch Road

I feel I must object to the TPO on the following grounds :

1. When I originally asked if there were any TPO's on the site I was told that there was none. Further more after a visit from a Tree Preservation Officer from Winchester over a recent Bank Holiday Weekend I was told that there were no trees of any real interest whatsoever on the site.
2. It has since come to light that the site is a SSSI and as such no work can be carried out on the trees without written permission from English Nature. A certain amount of pruning will however be required if the site is going to be maintained correctly. A TPO will cause an unnecessary amount of additional paper work.

I look forward to hearing from you in due course.

Yours faithfully,

K J Green

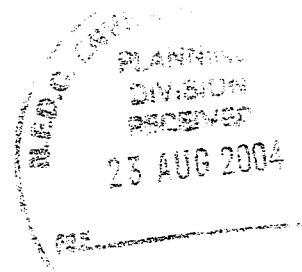
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CHRISTCHURCH ROAD, RINGWOOD**



Hampshire and Isle of Wight Team
1 Southampton Road Lyndhurst Hants SO43 7BU
Tel +44(0)23 8028 6410 Fax +44(0)23 8028 3334
www.english-nature.org.uk



Mr J Hearne
Arboriculturist
New Forest District Council
Appletree Court
LYNDHURST
SO43 7PA

Our Ref: SU10.2/O/K Pier

Your Ref: JH/TPO57/04

19 August 2004

Dear Mr Hearne

AVON VALLEY (BICKTON TO CHRISTCHURCH) SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)/ AVON VALLEY SPECIAL PROTECTION AREA (SPA)/RAMSAR SITE

Tree Preservation Order on land adjacent to 248 Christchurch Road, Ringwood

Thank you for your letter of 30 July 2004 concerning the TPO on the above land. As you may be aware, prior to the recent works which triggered the emergency TPO we believed this land (together with adjoining areas of the Avon Valley) belonged to Mr Richard Pierson of Moortown Farms Ltd, and he was legally notified of the SSSI under the Wildlife and Countryside Act 1981 in 1993. Unfortunately it now transpires that the ownership information was partially incorrect and this parcel of land actually belongs to Richard Pierson's brother Keith.

The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) does not provide for us subsequently to notify the correct owner/occupier in such situations and thus Keith Pierson and his successors are not legally bound by the usual SSSI controls applying to notified owner/occupiers (requirement to consult English Nature before carrying out operations etc). The land is still within the SSSI so is covered in terms of policies and consents issued/work done by public bodies etc, but the only legal control we have over the landowner is as a third party ie enforcement if they damage the site.

I am endeavouring to secure appropriate management of the site through the co-operation of the managers (Keith Pierson's daughter and son-in-law Kim and Kelvyn Green), by encouraging them to consult us before carrying out works, not least to ensure that they don't inadvertently damage the site. However, such consultation is voluntary rather than obligatory and our legal position is considerably weaker than in the case of a formally notified owner/occupier in that we can only enforce after damage has occurred rather than to secure positive management. For this reason it would be useful to retain the TPO as a means of ensuring prior consultation so that any work that is done is carried out appropriately. I have suggested to Mr and Mrs Green that some rotational coppicing of alder and willow around the lakesides (especially on the southern edge) might be desirable to conserve the wildlife interest of the wetland habitats, but have yet to visit this part of the site with them to discuss what management (if any) would be appropriate.

I hope this information is useful and please ring me if you wish to discuss this matter further.

Yours sincerely

Dr Rue Ekins
Conservation Officer
Avon Valley and West Hampshire

Direct dial: 023-8028-6424
E-mail: rue.ekins@english-nature.org.uk

Dr Rue Ekins
English Nature
Hampshire and Isle of Wight Team
1 Southampton Road
Lyndhurst
Hants
SO43 7BU

My ref: JH/TPO 57/04
Your ref:
30 July 2004

Dear Dr Ekins,

LAND ADJACENT TO 248 CHRISTCHURCH ROAD RINGWOOD

I write with reference to the above area of land which is included within an SSSI and, you will recall, we served an emergency Tree Preservation Order when trees were being removed.

I am now considering the appropriateness of maintaining the Order on land classified as a SSSI and would welcome your views. I am inclined to think that the Order adds an unnecessary administrative layer to the management of the land which is already subject to SSSI controls. It has also been suggested to me that you feel some further tree cutting might be desirable to maintain the habitats. Under the circumstance it may be better to allow the Order to lapse?

Yours sincerely



John Hearne
Arboriculturist

Tel: (023) 8028 5330
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk

APPENDIX 5

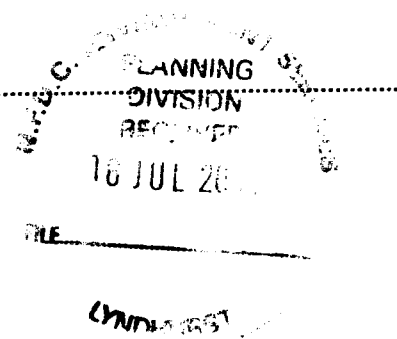
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**PART OF LAND OF AVON VALLEY (BICKTON TO CHRISTCHURCH)
SITE OF SPECIAL SCIENTIFIC INTEREST, ADJACENT TO 248
CHRISTCHURCH ROAD, RINGWOOD**

JOHN & PAMELA PIPE

252 Christchurch Road
Ringwood
BH24 3AS
01425 480891

Mr Hearne
Arboriculturist, Tree Team
NFDC
Appletree Court
Lyndhurst
SO43 7PA



13 July 2004

Dear Mr Hearne,

Tree Preservation Order No 57/04; made 18th June 2004

I enclose further* letters of support from the following households, who all

- are in support of the TPO for this area of land in order that no further damage occurs;
- support the careful removal of some dead trees under the direction of English Nature, but do not wish to see any further removal of trees or woodland from this area;
- ask that the land be allowed to return to its original (pre-clearance) state;
- ask that the TPO is further extended to cover all of Unit 56 of the Avon Valley SSSI, ie the woodland adjacent to the footpath, beyond 248 Christchurch Road, and David Lloyd lands.

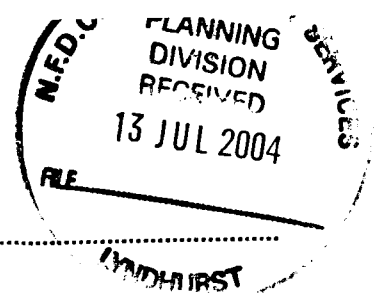
228 Christchurch Road
232 Christchurch Road
236 Christchurch Road
240 Christchurch Road

I look forward to hearing from you in due course.

Yours sincerely,

Pamela Pipe

**other letters were hand delivered on Tuesday 13th July 2004.*



JOHN & PAMELA PIPE

252 Christchurch Road
Ringwood
BH24 3AS
01425 480891

Mr Heame
Arboriculturist, Tree Team
NFDC
Appletree Court
Lyndhurst
SO43 7PA

13 July 2004

Dear Mr Heame,

Tree Preservation Order No 57/04; made 18th June 2004

I am writing in support of the TPO, and enclose letters of support from the following households, who all

- are in support of the TPO for this area of land in order that no further damage occurs;
- support the careful removal of some dead trees under the direction of English Nature, but do not wish to see any further removal of trees or woodland from this area;
- ask that the land be allowed to return to its original (pre-clearance) state;
- ask that the TPO is further extended to cover all of Unit 56 of the Avon Valley SSSI, ie the woodland adjacent to the footpath; beyond 248 Christchurch Road, and David Lloyd lands.

205 Christchurch Road
211 Christchurch Road
213 Christchurch Road
248 Christchurch Road
250 Christchurch Road
252 Christchurch Road
254 Christchurch Road
256 Christchurch Road

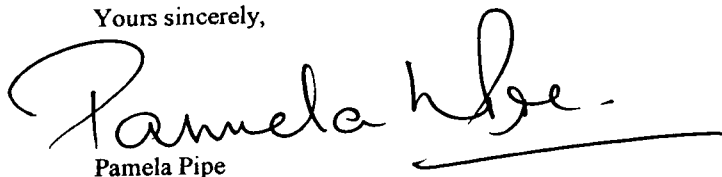
4 Shires Close
6 Shires Close
8 Shires Close
10 Shires Close
11 Shires Close
12 Shires Close
14 Shires Close
1 Meadowlands
7 Meadowlands

1 Moortown House, Christchurch Road
2 Moortown House, Christchurch Road
3 Moortown House, Christchurch Road
4 Moortown House, Christchurch Road
5 Moortown House, Christchurch Road
7 Moortown House, Christchurch Road
The Oakery at Moortown House, Christchurch Road
11 Moortown House, Christchurch Road

Please note that the submission from 250 Christchurch Road has a letter attached for the Head of Policy, Design and Information that requires an individual answer. There are also several individual comments which should be noted.

I would be pleased to be kept informed of the progress of this TPO, its relationship with the SSSI status of this land, and what steps have been taken to prevent similar mis-information being provided to someone who asks about TPO status on SSSI land, since I believe that Mr Green was unfortunately mis-informed when he requested information about this piece of land, which led to the destruction of the woodland and mature trees.

Yours sincerely,


Pamela Pipe

Kevin Ambrose-Hunt

250 Christchurch Road, Ringwood, Hampshire, BH24 3AS, UK

Tel: +44 1425 482944 Fax: +44 1425 483547

Mobile: +44 7768 765780

Email: kevin@ambrose-hunt.com

Dear Sir/Madam,

TPO No 57/04; made 18/06/04

I am writing in support of the above.

It is obvious that mistakes have been made. I understand from your Tree people that when Mr K. Green enquired about clearing the land, he was not informed of the SSSI. Had he have been, there would have been no issue. Would you please, therefore be good enough to give me the following assurances;

- 1) That your internal training/communication procedures have been revised to prevent this ever happening again
- 2) That Mr Green has been officially informed that he will never be able to develop the land due to SSSI legislation.
- 3) That you intend to replace the mature trees with two more mature trees and rejuvenate the cleared vegetation
- 4) I would also suggest that you serve a permanent TPO on all of the trees adjacent to the footpaths (outside of the SSSI) to prevent a "scorched earth" response.

I feel that there is no benefit in retribution or apportioning blame but we must prevent the possibility of similar occurrences in future.

I ~~am~~ would be pleased to help you further this cause in any way I can so please feel free to contact me.

Yours sincerely,

Kevin D. Ambrose-Hunt

K. Ambrose-Hunt