

NOTICE OF MEETING

Meeting:	APPEALS PANEL
meeting.	

Date and Time: THURSDAY, 5 OCTOBER 2017, AT 10.15 AM*

Place: THE FOREST SUITE, RINGWOOD GATEWAY BUILDING, THE FURLONG, RINGWOOD

Telephone enquiries to:Lyndhurst (023) 8028 5000023 8028 5588 - ask for Jan DebnamE-mail:jan.debnam@nfdc.gov.uk

PUBLIC PARTICIPATION:

*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Panel's terms of reference which are not on the public agenda; and/or
- (b) on individual items on the public agenda, in accordance with the defined procedure that is attached. Anyone wishing to speak should contact the name and number shown above.

PLEASE NOTE: The Hearing will be preceded by a visit to the site. Please meet at the place indicated on the attached plan at 09.30 a.m.

Bob Jackson Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. ELECTION OF CHAIRMAN

To elect a Chairman for the meeting.

2. MINUTES

To confirm the minutes of the meeting held on 22 August 2017 as a correct record.

3. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

4. TREE PRESERVATION ORDER NO. 31/17 - LAND OF SNAILS LANE, BLASHFORD (Pages 5 - 58)

To consider objections to the making of Tree Preservation Order 31/17 relating to land of Snails Lane, Blashford.

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To: Councillors

Councillors

A R Alvey Mrs S M Bennison Ms L C Ford D B Tipp D N Tungate

NEW FOREST DISTRICT COUNCIL DETERMINING TREE PRESERVATION ORDERS WHERE OBJECTIONS TO THE ORDER HAVE BEEN MADE

Procedure at the Appeals Panel for Tree Preservation Orders

1. INTRODUCTION

- 1.1 Regulations oblige local authorities to take into consideration any duly made objections before deciding whether to confirm a Tree Preservation Order. A duly made objection must be sent to the Council in writing. Whether this objection is made by letter or by e-mail it will be considered to be a public document that is open to inspection on the file and may, in the event of an Appeal, be published in full.
- 1.2 At New Forest District Council, objections are considered by a Panel drawn from the Appeals Committee.
- 1.3 Meetings of the Appeals Panel are formal meetings of the Council. The Panel is supported by a legal advisor and a Committee Administrator. The Panel will consider all the evidence that has been submitted in respect of the Order. All of the evidence and representations received are published and in the public domain.
- 1.4 The Appeals Panel will hear the cases put forward objecting to the making of the Order and also in support of confirming the Order. The Members of the Panel will balance the evidence before them, in the light of the statutory constraints and guidance that apply.
- 1.5 The process is designed to be as open as possible and to make it as easy as possible for objectors and supporters of the Order to represent their point of view. They may therefore choose to have someone with them for support; or have their case presented by a friend, relative or professional advisor; and they may call such professional advisors as they feel necessary.

2. GUIDELINES FOR MEMBER ATTENDANCE

2.1 If a member of the Panel represents the area in which the contested Tree Preservation Order has been made as the local Ward Councillor, in accordance with the District Council's Code of Conduct, that Panel member must determine for themselves whether or not they have an interest within the terms of that Code and consequently whether they should take part in the decision making process.

3. SITE VISITS

3.1 Members meet on site before the meeting to view the tree(s) covered by the Order. The objector(s), arboriculturist, Local Ward Councillor(s) and a representative of the Parish or Town Council are also invited to the site visit. No discussion on the merits of the Order may take place at the site visit. The purpose of the visit is for Members to familiarise themselves with the site and the tree(s) and for the arboriculturist and the objector(s) to point out any features of the tree(s).

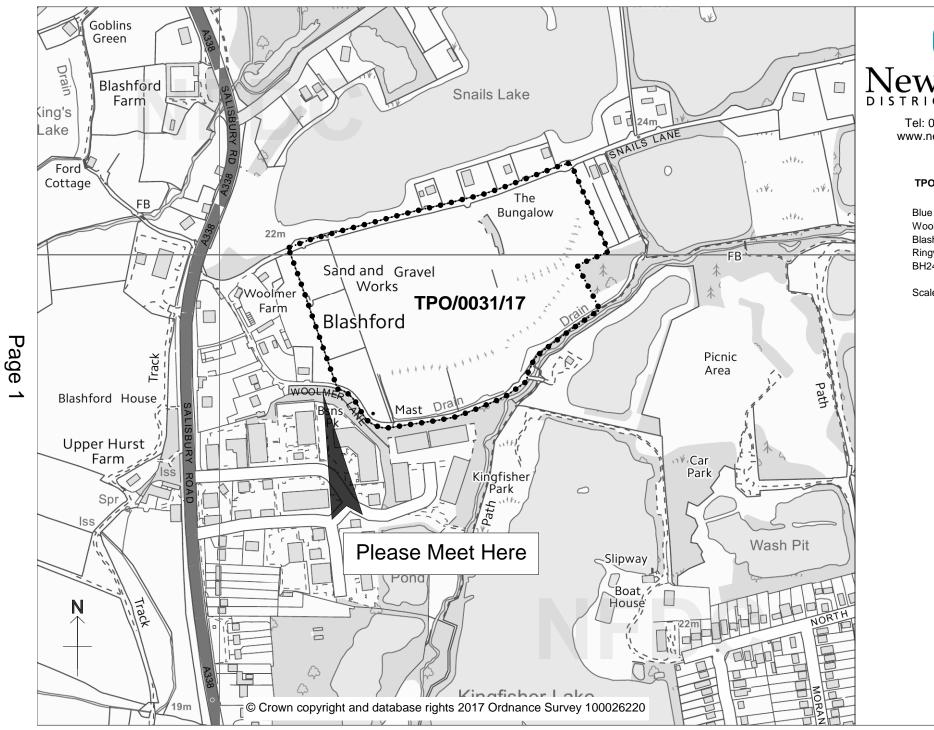
4. OBJECTION MEETING

- 4.1 The Chairman will explain that this is a procedure adopted by the Council for determining objections to Tree Preservation Orders.
- 4.2 The procedure for the meeting will be as follows:-
 - 1. The objector(s) will explain the reasons for objection. They may expand on their written objection and may call any expert witnesses. They may also choose to have their case presented on their behalf by a friend or a professional advisor. They may also have a friend or other supporter with them for the hearing.
 - 2. The Council's arboriculturist may ask questions of the objector(s) or their representatives.
 - 3. Members of the Panel may ask questions of the objector(s).
 - 4. Supporters of the objector(s) may be heard, following the same procedure as in 1, 2 and 3.
 - 5. The Council's arboriculturist will put the case for preservation.
 - 6. The objector(s) may ask questions of the arboriculturist.
 - 7. Members of the Panel may ask questions of the arboriculturist.
 - 8. The supporter(s) of the Order may be heard. They may ask questions of the objector(s) and the arboriculturist. The supporters of the order may also choose to have their case presented on their behalf by a friend or a professional advisor. They may also have a friend or other supporter with them for the hearing.
 - 9. The local member may be heard.
 - 10. The Town or Parish Council may be heard.
 - 11. Members of the Panel may ask questions of the supporter(s).
 - 12. The arboriculturist may sum up.
 - 13. The objector(s) may sum up.
- 4.3 At the conclusion of the objection meeting the Chairman will declare the hearing closed.
- 4.4 The Panel will then discuss the matter on the basis of the evidence that has been presented to it. No additional information will be sought once the hearing has been closed. The press and public may remain while the decision is made.

4.5 The decision of the Panel will be conveyed in writing to the objector(s) and all other persons originally served with a copy of the Order as soon as possible following the meeting.

PLEASE NOTE: ALL REPRESENTATIONS THAT ARE TO BE TAKEN INTO ACCOUNT IN HEARING AN APPEAL WILL BE PUBLISHED IN FULL IN ACCORDANCE WITH THE COUNCIL'S NORMAL PROCEDURES FOR PUBLISHING DOCUMENTS FOR MEETINGS.

(Auth-ad/Cttee/JMD/Appeals Panel/TPO Procedure Revised 1107.doc) (11/07)



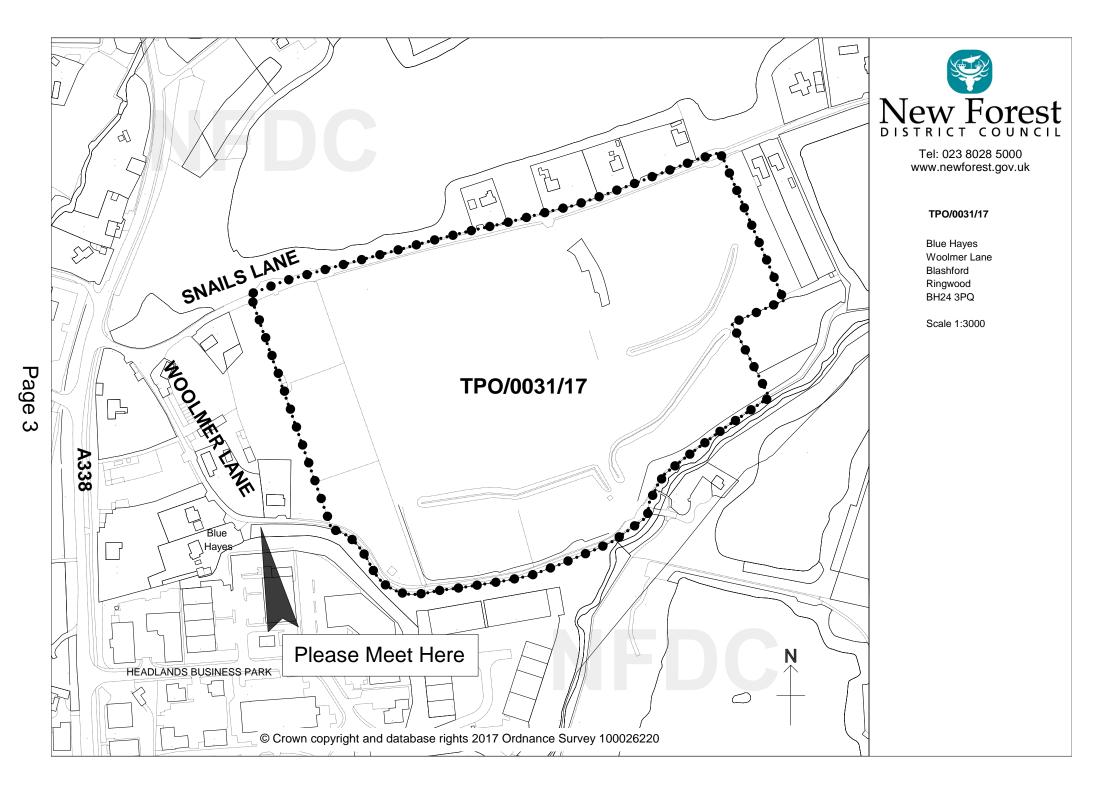


Tel: 023 8028 5000 www.newforest.gov.uk

TPO/0031/17

Blue Hayes Woolmer Lane Blashford Ringwood BH24 3PQ

Scale 1:5000



APPEALS PANEL – 5 OCTOBER 2017

OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 31/17, LAND SNAILS LANE, BLASHFORD

1. INTRODUCTION

1.1 This meeting of an Appeals Panel has been convened to hear an objection to the making of a Tree Preservation Order.

2. BACKGROUND

- 2.1 Tree Preservation Orders are made under Section 198 of the Town and Country Planning Act 1990 (the Act). The Act is supported by guidance issued by the Department for Communities and Local Government on 6 March 2014 entitled "Tree Preservation Orders and trees in conservation areas" ("the DCLG Guidance").
- 2.2 Tree matters throughout the New Forest District are dealt with by the New Forest National Park Authority, with the Park Authority acting on this Council's behalf outside the Park area.
- 2.3 Where a Tree Preservation Order is made by a Park Authority officer, it has immediate provisional effect to protect the tree. This provisional effect will last for six months, or until the Order is confirmed by the planning authority, whichever is earlier.
- 2.4 The Order contains a schedule (which includes a map) specifying which tree or trees are protected by the Order.
- 2.5 Once the Order has been made, it is served, together with a Notice, on all persons with an interest in the land affected by the Order. It will also be made available for public inspection. Other parties told about the Order include the Town or Parish Council and District Council ward members. The Authority may also choose to publicise the Order more widely. The Notice will state the reasons that the Order has been made, and will contain information about how objections or representations may be made in relation to the Order.
- 2.6 The procedure allows for written objections and representations to be made to the Authority.
- 2.7 Where an objection is made to the Order, in the first instance, the Tree Officers will contact the objector to see if their concerns can be resolved. If they cannot, then, in respect of trees outside the National Park area, the objection is referred to a meeting of this Council's Appeals Panel for determination.
- 2.8 The Appeals Panel must consider any duly made objections and representations, and must decide whether to confirm the Tree Preservation Order, with or without modifications.

3. CRITERIA FOR MAKING A TREE PRESERVATION ORDER

3.1 A local planning authority may make an Order if it appears to them to be:

"expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area".

4. TYPES OF TREE PRESERVATION ORDER

- 4.1 The Tree Preservation Order may protect one or more individual trees, groups of trees or woodlands or, more rarely, refer to an area of land.
- 4.2 An individually specified tree must meet the criteria for protection in its own right.
- 4.3 A group of trees must have amenity value as a group, without each individual tree necessarily being of outstanding value. The overall impact and quality of the group should merit protection.
- 4.4 A woodland order would protect woodland as a whole. While each tree is protected, not every tree has to have high amenity value in its own right. It is the general character of the woodland that is important. A woodland order would protect trees and saplings which are planted or grow naturally after the order is made.
- 4.5 An area designation can be used to protect trees dispersed over a specified area. It may protect all trees in that area, or only trees of a particular species. An area order may well be introduced as a holding measure, until a proper survey can be done. It is normally considered good practice to review area orders and replace them with one or more orders that specify individual or groups of trees.

5. THE ROLE OF THE PANEL

5.1 While objectors may object on any grounds, the decision about confirmation of the Order should be confined to the test set out in 3.1 above.

5.2 Amenity value

This term is not defined in the Act, but the DCLG Guidance advises:

- Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public.
- There should be a reasonable degree of public benefit in the present or future.

- When assessing amenity value, the authority might take the following into consideration:
 - i. **Visibility:** The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
 - ii. **Individual, collective and wider impact:** Public visibility alone will not be sufficient to warrant an Order. The authority should also assess the particular importance of an individual tree, or groups of trees or woodlands by reference to its or their characteristics including:
 - a. Size and form;
 - b. Future potential as an amenity;
 - c. Rarity, cultural or historic value;
 - d. Contribution to, and relationship with, the landscape; and
 - e. Contribution to the character or appearance of a conservation area.
 - iii. **Other factors:** Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an order.

5.3 Expediency

Again, this is not defined in the Act, but the DCLG Guidance is as follows:

Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.

It 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 the 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.

6. THE EFFECT OF THE ORDER

6.1 Once the Order has been made, it is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy the protected tree or trees without first gaining consent from the Council through a tree works application, unless such works are covered by an exemption within the Act.

6.2 There is no fee for a tree works application. If consent is refused for tree works, the applicant has the right of appeal to the Secretary of State.

7. CONSIDERATION

- 7.1 Members will have visited the site immediately prior to the formal hearing, to allow them to acquaint themselves with the characteristics of the tree or trees within the context of the surrounding landscape. Members should reach a decision, based on their own observations, any evidence presented, and any objections and representations made, whether it appears to them to be expedient in the interests of amenity to confirm the Order.
- 7.2 The written evidence that is attached to this report is as follows:
 - Appendix 1 The Tree Preservation Order.
 Appendix 2 The report of the Council's Tree Officer, setting out all the issues (s)he considers should be taken into account, and making the case for confirming the Order.
 Appendix 3 The written representations from the objectors to the making of the Order
 - **Appendix 4** Written representations from any supporters of the Order.

Members will hear oral evidence at the hearing, in support of these written representations. The procedure to be followed at the hearing is attached to the agenda.

8. FINANCIAL IMPLICATIONS

- 8.1 There are some modest administrative costs associated with the actual process of serving and confirming the Order. There are more significant costs associated with the need to respond to any Tree Work Applications to lop, top or fell the trees as the officers will normally visit the site and give advice on the potential work.
- 8.2 The Council does not become liable for any of the costs of maintaining the tree or trees. That remains the responsibility of the trees' owner.
- 8.3 The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that a person will be entitled to receive compensation from the Local Planning Authority for loss or damage caused or incurred in consequence of: -
 - (a) The refusal of any consent required under the Regulations;
 - (b) The grant of any such consent subject to conditions;
 - (c) The refusal of any consent, agreement or approval required under such a condition.
- 8.4 A claim to compensation cannot be made where: -

- (a) More than 12 months have elapsed since the Local Planning Authority's decision (or, if the decision has been appealed to the Secretary of State, from the date of determination of the appeal);
- (b) The amount of the claim would be less than £500.
- 8.5 Compensation is NOT payable: -
 - (a) For loss of development value or other diminution in the value of the land.
 'Development value' means an increase in value attributable to the prospect of developing land, including the clearing of land;
 - (b) For loss or damage which, having regard to the application made, and the documents and particulars accompanying the application, was not reasonably foreseeable when consent was refused, or was granted subject to conditions;
 - (c) For loss or damage which was (i) reasonably foreseeable by the person seeking compensation, and (ii) attributable to that person's failure to take reasonable steps to avert the loss or damage, or to mitigate its extent;
 - (d) For costs incurred in appealing to the Secretary of State against the refusal of any consent required under the Regulations, or the grant of such consent subject to conditions.

9. ENVIRONMENTAL IMPLICATIONS

9.1 The trees must have significant value within their landscape to justify the confirmation of the Order.

10. CRIME AND DISORDER IMPLICATIONS

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

11. OTHER IMPLICATIONS

- 11.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner (under the First Protocol of the European Convention on Human Rights) peacefully to enjoy his possessions. Such interference is capable of justification if it is in the public interest (the amenity value of the tree).
- 11.2 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 (under Article 8 of the European Convention on Human Rights) to respect for his private and family life and his home. Such interference is capable of justification if it is in accordance with the law and necessary in a democratic society for the protection of the rights and freedoms of others.

12. RECOMMENDED:

12.1 That the Panel consider all the evidence before them and consider whether or not to confirm TPO 31/17 relating to land of Snails Lane, Blashford with, or without, amendment.

For Further Information Please Contact:

Jan Debnam Committee Administrator Tel: (023) 8028 5588 E-mail: *jan.debnam@nfdc.gov.uk*

Background Papers:

Attached Documents: TPO 31/17 Published documents

Grainne O'Rourke Executive Head Governance and Regulation. Tel: (023) 8028 5588 E-mail: *grainne.orourke@nfdc.gov.uk*

APPENDIX 1

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER TPO/0031/17

LAND AT SNAILS LANE, BLASHFORD BH24 2PG

The New Forest National Park Authority, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Anyone wishing to undertake works to trees protected by TPO should apply in writing to the Authority clearly identifying the tree(s) and the work intended. A decision will usually be issued within six weeks. Application forms are obtainable from the Authority's website.

Citation

1. This Order may be cited as the TPO/0031/17 - LAND AT SNAILS LANE, BLASHFORD BH24 2PG.

Interpretation

2. (1) In this Order "the authority" means the New Forest National Park Authority.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -

- (a) Cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this First day of June 2017

Signed on behalf of the New Forest National Park Authority

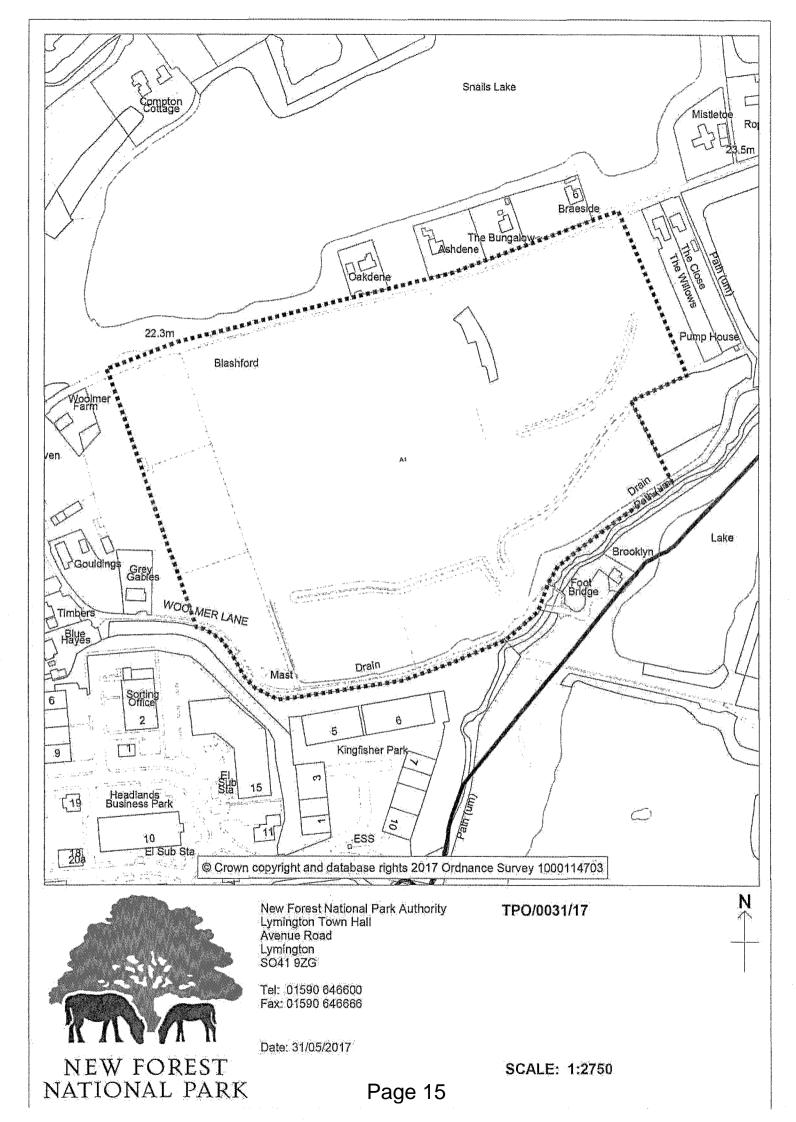
Authorised by the Authority-to sign in that behalf

SCHEDULE

SPECIFICATION OF TREES TPO/0031/17

Trees specified individually (encircled in black on the Plan attached to this order)

Reference on map	Description	Situation
None		
		ified by reference to an area Ine on the Plan attached to this order)
Reference on map	Description	Situation
A1		Area of land between Snails Lane and Woolmer Lane, as shown on plan.
Reference on map None	(within a broken black Description	Groups of trees Cline on the Plan attached to this order) Situation (including number of trees in the group)
Woodlands (within a continuous black line on the Plan attached to this order)		
Reference on map	Description	Situation
None		



HUMAN RIGHTS ACT 2000

I have been asked to exercise the power delegated to me by the Authority to make the following Tree Preservation Order:

TPO/0031/17 LAND AT SNAILS LANE, BLASHFORD BH24 2PG

Having considered the Tree Officer's reasons for making the TPO, I make the above TPO.

In coming to this decision, I have carefully considered Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998.

Whilst I recognise that the decision to make the TPO may interfere with the 2 aforementioned rights, I believe it is necessary to do so in the public interest (so that others can enjoy the considerable amenity value and benefits afforded by the tree(s) and likewise necessary for the protection of the rights and freedoms of others (i.e. the inhabitants of the area) to enjoy the tree(s) in their present settings. I also consider such action to be proportionate to the overall aim.

Signed:

An Authorised Signatory

Date: 01/06/2017

APPENDIX 2

APPEALS PANEL – 5 OCTOBER 2017

OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 31/17, LAND SNAILS LANE, BLASHFORD

REPORT OF THE NATIONAL PARK AUTHORITY TREE OFFICER

1. REASON FOR COMMITTEE CONSIDERATION

Unresolved Objections

2. PARISH COUNCIL COMMENTS

None received

3. **REPRESENTATIONS**

3.1 Three representations received objecting to the confirmation of the Tree Preservation Order:

Indiscriminate nature of the use of 'Area'; bureaucratic which will take up officer time and Council/Authority money; much of land no trees/unsuitable trees; trees and hedges obstructing the road or utility services; dangerous trees; timescale for development.

4. RELEVANT HISTORY

- 4.1 Site previously used as a quarry for sand and gravel extraction (earliest record referenced in the 1970's)
- 4.2 Site restored and used for grazing animals as seen today.
- 4.3 On request by New Forest District Council following Local Plan Review this site was assessed for suitable protection of amenity trees. Please see - Planning Development Control Committee with the Environment Overview and Scrutiny Panel Wednesday, 6th September, 2017 11.00 am

5. ASSESSMENT

- 5.1 The site lies within the Blashford area to the north of Ringwood town. The area comprises of a sectioned field used for animal grazing and is flanked by Snails Lane and Woolmer Lane to the north and south of the site.
- 5.2 A Tree Preservation Order (TPO) will be made by the Authority to protect specific trees, groups of trees or woodlands in the interests of public amenity. A TPO prohibits the cutting down, topping, lopping, uprooting, wilful damage and wilful destruction of trees. This is then not to say that a tree cannot have suitable or necessary works undertaken to it; only that those works will first require the written consent of the Authority following an application process (which is free for the applicant and is normally determined within 6 weeks). If an application is refused, there is a right of appeal to the Planning Inspectorate.

- 5.3 The basis upon which a TPO will be made varies but the trees within the TPO area should provide benefit, which is to say public amenity value, within the local environment and its wider enjoyment by the public. Many trees meet these criteria but in selecting trees for inclusion in a new TPO, it will also need to be expedient for the Authority to do so. It would therefore be expedient to make a TPO on such trees if the Authority considered there to be a risk of the trees being felled, pruned or damaged. It is not necessary for there to be an immediate risk and therefore changes of ownership or enquiries about development will be expedient grounds upon which to make a TPO. Whilst the making of a TPO could interfere with the rights of a property owner, such interference is justifiable where the tree is of sufficient public amenity value and thus the making of the TPO would be in accordance with planning legislation and justifiable as being in the public interest.
- 5.4 The TPO was made at the site in response to notification from NFDC that the site is being considered for allocation during the Local Plan Review. The site being allocated for potential development meant that the creating of the TPO was expedient. Local Plan preparation has and is being informed by an ongoing Sustainability Appraisal, and an updated Sustainability Appraisal report will be published alongside the Local Plan for the pre-submission public consultation in early 2018. The TPO's designations will help the council ensure that there are no adverse impacts on trees and protected hedgerows, and will inform the master planning process for each strategic site
- 5.5 The objections received are noted but do not substantiate a reason to not confirm the TPO. An 'Area' to protect all trees throughout the site was deemed suitable due to the timescale provided and the large area of the site. The use of the 'area' is considered to be temporary and will be amended upon a topographical survey being submitted during the development process. In regards to clearing highways; this may be reasonably undertaken as exempt works and permission has been provisionally granted to one objector to allow the continuation of pruning to a boundary line group (please see enclosed communications). With no TPO at the site the Authority would have no way to prevent the potential for tree felling and therefore the loss of public amenity value. With this in mind, it is neither bureaucratic nor premature and it is clearly expedient to confirm the TPO against the backdrop of the development/aspirations for the site.
- 5.6 Snails Lane and Woolmer lane and located off of Salisbury Road, Blashford. The local area is characterised by a high level of tree cover which includes the area within TPO/0031/17. The trees are of a mixed age ranging from young to mature. Species include, but not exclusive to: Oak, Poplar, Ash and Hawthorn. The site comprises of linear groups that divide sections within the site and provide screening from the road. Given that the trees are adjacent to Snails Lane and Woolmer Lane they are highly prominent and contribute positively to the area which gives little indication to the previous use of the site.
- 5.7 It is therefore the case that the area of trees in question provide public amenity value and that it would be expedient to confirm the TPO. The comments raised in objection are noted, but for the above reasons are not considered to outweigh the requirement to confirm the Tree Preservation Order to protect these trees into the future.

6. **RECOMMENDATION**

To confirm the Tree Preservation Order as unmodified

APPENDIX 3

Billabong

Snails Lane

BH24 3PG

Paul Hocking Enforcement and Trees Manager New Forest National Park Authority Lymington Town Hall Avenue Road Lymington SO41 9ZG 22nd July 2017

Dear Mr Hocking

Re TPO/0031/17

Thank you for your letter dated 5th July inviting me to respond to the TPO placed on the fields south of Snails Lane. As you know these fields are subdivided and the section opposite my house formerly known as lot 3 is owned by Farthing Orchards Ltd of which I am a director.

I would be grateful if you could take into consideration the following points:

- 1 The large mature Poplar trees make an excellent screen for the houses on Snails Lane and I have no intention of cutting them down. However they are very tall and you will notice that the previous owners topped them a number of years ago. I understand this topping leaves Poplar trees with a weak spot and branches may severe at this point causing a danger to individuals and their property.
- 2 The trees are getting so tall that they are in danger of being large enough to fall onto buildings in particular our neighbours house "The Bungalow". I believe they would have difficulties insuring this house if the trees are much taller. It is therefore essential that maintenance on these trees is allowed without the prolonged process of applying for planning permission.
- 3 In the centre of the field there is a copse of poorly maintained trees. On either end of this copse the Willow trees have partly fallen and trunks lie horizontal to the ground. It would seem outside of the purpose of the TPO to expect maintenance of these trees to require special permission.
- In addition there is poorly preserved hedging which could be regarded as trees at the south extremity of the land. Some of these were cut back last year to prevent damage to the electricity lines.
- 5 I appreciate that the land as a whole is subject to a potential change of use to allow development. I am sure all of us who live in the area would wish the mature trees to be an important part of that if it were deemed safe.

Thank you for your consideration in regards to this unnecessary order which simply adds to the efforts required when trying to keep the area preserved.

Yours sincerely



Alan Farthing Director Farthing Orchards Ltd



Alan Farthing Billabong Snails Lane Blashford BH24 3PG

09 August 2017

Dear Mr Farthing

TREE PRESERVATION ORDER No: TPO/0031/17 SITE: LAND AT SNAILS LANE, BLASHFORD BH24 2PG

Thank you for your recent letter concerning the above Tree Preservation Order (TPO).

I note from your letter that you have several concerns relating to trees within the site at Snails Lane.

I believe that in order to address your concerns it may be suitable to arrange a site visit so that we may discuss each point you raise.

I would appreciate it if you could contact me, using the details below, so that we may find a suitable time and date to meet.

Yours sincerely

Lucy Saunders

Assistant Tree Officer Tel: 01590 646670 Email: lucy.saunders@newforestnpa.gov.uk

> New Forest National Park Authority LYMINGTON TOWN HALL, AVENUE ROAD, LYMINGTON SO41 9ZG Telephone 01590 646600 Fax 01590 646666

www.newforestnpa.gov.uk CHAIRMAN OLIVER CROSTHW PAGE 26F EXECUTIVE ALISON BARNES

Blue Hayes Dod - - love News Blashford. Q JUN 2017 3424 3PQ FILE 15-6-57 Objedan 60 - 780/0031/17_ hand at smallshare Rlashford Dear Sir The reason 1 dayat be TPO is 1) The area you have drawn on the map is indiscrimpte and takes no account of deferent along belineer, mature treesequal etc, which I agree should be protected and small young common and sometimes masive trees such is Hasthoritable

The Handborn brees on the boundary of my field read regular know te stop erc-ouch and the she be an in effective use of time have be to, apply to cut the - back, fath mine and the tax finished. connel these trees are of Little of no significance ly Heren 1 yelinema laise ash that we apply a TPO to be significant find the trees indust field on this boundary 2) -The -TPO subline aprests to extend all the way over Sharls have and head Lane, which meng that trees over hanging be roads can not be cut back with permission. This will cause wishly issues and enormalimit of Soilage into deroad.

I request again that you consider and those trees as appose to a Walker TPO OF at the very Least move the bandon of detPO to include fields and not Woolmer Lane e Sharls 3) on the large majority of the land there are no trees at all and loven . Une as having been given very little consideration as to what you want to prokeck. This may have meante less warte in making the order bit when show how have council office line in the Long ros, porticularly

considering the the site may never be developed a of at the best case ensite and whether a leave and passing decades. This pla be anoners of land with the bandance at a significant disadvartage here manging their lad. 1 request that the could take the time new to when his more specifically Frees RE & was to protect and reduce the TPO area to either smaller areas encompressing several trees or indeed protect ind wideal trees in their own right. - Thank you is advance for considering my points to abjection.

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Mr Richard Carpenter

Blue Hayes Woolmer Lane Blashford BH24 3PQ

21/06/2017

Dear Mr Carpenter

I am writing in response to the comments you made within your objection letter dated 15/06/2017 regarding TPO/0031/17 Land at Snails Lane.

I will address each point you raised in your letter in order.

Firstly you mention that the area TPO is indiscriminate and takes no account of differentiating between tree species and age range. The New Forest National Park Authority was given notice by New Forest District Council that the land at Snails Lane had been allocated as a potential development site. As the trees within the site had no protection and the threat to the long term retention of the trees is considered foreseeable, premature removal or extensive pruning of the trees would result in the loss of an amenity to the local environment. The Authority, therefore, reacted accordingly. An Area order was deemed to be the most suitable option for tree protection given the limited timescale and large size of the area of land and, as such, protects 'all trees of whatever species'. If the Hawthorn, which you mention in your letter, requires regular maintenance than there are two options going forward in order to alleviate the burden of administration. The first is to establish if the Hawthorn is considered hedgerow or trees. If the group have regularly been maintained as a hedgerow then permission to undertake work will not be required. The second is that if the Hawthorn is considered to be a group of trees then during an application process we will be able to set up a cyclical management plan. This will mean that you obtain permission just once for the management of the trees which will stand for a number of years.

Secondly you state that the TPO outline appears to extend all the way over Snails Lane and Woolmer Lane. The boundary to the TPO follows that of the allocated area that was given to the Authority by NFDC which means that, as you rightly say, some trees that overhang the road will be protected. Works to clear highways may be undertaken by Hampshire County Council. If there are

chairman: Oliver crossthwaite-eyre chief executive: Alison barnes $Page \ 33$

any issues with visibility or encroachment you may wish to contact Hampshire 03005551388 Highways bv telephone: or email: highwaystransport.west@hants.gov.uk. If the owner of the trees wishes to apply for works to clear highways themselves then they would be required to complete an application form (free of charge) in order to gain written permission. The Authority considers works to clear highways reasonable and would therefore likely grant consent. Once a decision notice has been issued works may be undertaken. If the trees overhanging the highway are posing an imminent threat then an emergency works notice can be issued outside of the usual application process.

Finally, in response to the points you raise in part 3 of your letter, please be assured that it is the intention of the Authority to revise the TPO scheme in order to protect trees either as Individuals or Groups at a later date. This often undertaken when an Area order is created under circumstances in which TPO/0031/17 was made.

In summary the aims of the Authority in making this TPO order is to ensure that any potential future development takes place in an appropriate way and to safeguard trees and natural features which are important to the visual amenities of the area.

Please feel free to give me a call on the telephone number or email address below if you require any further information on the matter or to let me know that you are happy for the TPO to be confirmed.

I hope this is helpful.

Kind regards

Lucy Saunders Assistant Tree Officer Direct Line: 01590 646670 Email: lucy.saunders@newforestnpa.gov.uk



R S Carpenter Bluehayes Woolmer Lane Blashford BH24 3PQ

18 July 2017

Dear R S Carpenter

TREE PRESERVATION ORDER No: TPO/0031/17 SITE: LAND AT SNAILS LANE, BLASHFORD BH24 2PG

The authority has not heard back from you since a responce was sent in reply to your letter concerning the above Tree Preservation Order (TPO).

I therefore trust that our responce suitably explains our position and how we have sought to address your concerns. The TPO will therefore be confirmed however if you consider your objection has not been suitably addressed please advise me in writing within 14 days of the date of this letter.

Yours sincerely

Lucy Saunders Assistant Tree Officer Tel: 01590646670 Email: trees@newforestnpa.gov.uk

> New Forest National Park Authority LYMINGTON TOWN HALL, AVENUE ROAD, LYMINGTON SO41 92G Telephone 01590 646600 Fax 01590 646666

WWW.netorastipperv.uk CHAIRMAN OLIVER CROSTHWAITE EVECTIVE ALISON BARNES

Dear Lucy,

In response to your letter of 18th July, I still object to the TPO being confirmed due to a number of reasons that NFDC have still not adequately addressed.

The extent of the boundary line covers both Snails Lane and Woolmer Lane (which actually does not accurately reflect the boundary of site R in the draft local plan), however my concern is still about Highway Safety. You suggested in your response to my letter that Hampshire Council would maintain the lanes, however Snails and Woolmer Lane are private lanes and are maintained by residents and land owners.

This means any TPO preventing trees being cut back has potential to cause increased risk to car users, pedestrians and cyclists along the lane due to reduced visibility. I have three young children who regularly walk / ride to our field along the lane and if cutting back the trees isn't easy (and notification to the council in writing is a real barrier for some without email) then people just will stop doing it. This site may never be developed and the TPO could seriously impact the safety on the lanes in the short and longer term. I still think the TPO boundary should not extend across either lane as it has no advantage to protecting the area in question.

You mentioned in our telephone conversation that trees on Highways are exempt to TPOs and that we would be able to maintain the visibility on the lanes, by cutting back branches etc, without notification or permission of NFNP. If so, please confirm this is the case.

Also as discussed, I have part way through a job to fence my field and have been trimming back the Hawthorn trees by about 2ft to regain parts of the field. I would like to be able to continue trimming the Hawthorn trees back without requesting permission, so I can finish the fencing. You suggested this would be allowed as an exemption under this TPO. If so, please confirm this is the case.

If the two issues above, Highway Safety and my ongoing work to the field edge are addressed adequately I will withdraw my objection to the TPO.

Many Thanks.

Regards,

Richard Carpenter

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R S Carpenter Bluehayes Woolmer Lane Blashford BH24 3PQ

31 July 2017

Dear R S Carpenter

TREE PRESERVATION ORDER No: TPO/0031/17 SITE: LAND AT SNAILS LANE, BLASHFORD BH24 2PG

Thank you for your recent telephone call and email concerning the above Tree Preservation Order (TPO).

To clarify the points you raised I can confirm that tree works to clear highways would be considered exempt works.

I am also happy to agree to the following works to trees on your land as below:

1 x Group of Hawthorn trees growing within A1 of TPO/0031/17

- Reduce and reshape selected branches by up to 1 m.

The permission to carry out these works will remain for 2 years from the date at the top of this letter.

I hope that this adequatly addresses your concerns. Please contact me to confirm that you are happy to withdraw your ojection or if you require any further information.

Yours sincerely

Lucy Saunders Assistant Tree Officer Tel: 01590 646670 Email: trees@newforestnpa.gov.uk

> New Forest National Park Authority LYMINGTON TOWN HALL, AVENUE ROAD, LYMINGTON SO41 92G Telephone 01590 646600 Fax 01590 646666

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From:Lucy Saunders Sent:9 Aug 2017 12:16:34 +0100 To:' Subject:Re: TPO/0031/17

Dear Richard

I am writing to you again as I have not heard from you since my previous letter sent on 31/07/2017.

I would appreciate it if you could contact me to let me know that you are happy for the TPO to be confirmed.

If I do not hear from you by 14/08/2017 I shall take this mean you are happy for your objection to be withdrawn.

Please feel free to contact me for any further clarification.

Kind regards

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Lucy Saunders

Assistant Tree Officer

Direct Line: 01590 646670

Lucy Saunders

From:	Lucy Saunders			
Sent:	24 August 2017 13:33			
To:	'Richard Carpenter'			
Subject:	RE: TPO/0031/17			

Dear Richard

Yes, you should be contacted shortly with details of how you make your representation and the panel process.

Please let me know if this is not forthcoming.

Kind regards

Lucy Saunders Assistant Tree Officer Direct Line: 01590 646670

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Sent: 23 August 2017 19:16 To: Lucy Saunders Subject: RE: TPO/0031/17

From: Richard Carpenter [mailto

Lucy, thanks for letting me know. Would it be possible to make representation at the panel to get across my concerns clearly?

Richard

Sent from my Windows Phone

From: Lucy Saunders Sent: 23/08/2017 12:03 To: Richard Carpenter Subject: RE: TPO/0031/17

Dear Richard

Due to your ongoing concerns the New Forest National Park Authority have made the decision to take the TPO to panel where members will consider its merits and decide whether the TPO should be confirmed or not.

You will hear from NFDC in due course.

Kind regards

Lucy Saunders Assistant Tree Officer Direct Line: 01590 646670

From: Richard Carpenter <u>[mailto:</u> Sent: 16 August 2017 10:35 To: Lucy Saunders; Trees Subject: Re: TPO/0031/17

Dear Lucy,

Thank you for your letter dated 31st July which I only received on on the 14th of August 2017. It goes someway to addressing one of my concerns although seeing as there are a variety of small trees on the boundary of my field the way in which the TPO has been applied still causes me issues. More critically, however it also seems to completely overlook my primary concerns regarding the boundary of the TPO and the impact it will have on highway safety of cars, cyclists and pedestrians. I copy below the email sent to your department on the 28th July 2017.

I still don't understand why the authority can not survey the trees and protect those which are of significance and importance to the area. I believe these trees would be only a handful across the 20 acre site and all of the issues I have raised in my emails and letters would be addressed adequately. In the longer term this will cause both the authority and the residents of Snails and Woolmer Lane less work which is surely a benefit to all, including the taxpayer. Please could you provide the reason that you can't do this?

On the basis that my initial reasons for objecting to the TPO have not been addressed. My objection still remains.

As I have said previously, I am in support of protecting the trees in the area, but it should be done through an accurate and targeted approach without compromising public safety.

I hope you appreciate my ongoing concerns. I would be happy to meet you on site to discuss my points further.

Regards,

Richard Carpenter

email sent to you on 28th July 2017:

"Dear Lucy,

In response to your letter of 18th July, I still object to the TPO being confirmed due to a number of reasons that NFDC have still not adequately addressed.

The extent of the boundary line covers both Snails Lane and Woolmer Lane (which actually does not accurately reflect the boundary of site R in the draft local plan), however my concern is still about Highway Safety. You suggested in your response to my letter that Hampshire Council would maintain the lanes, however Snails and Woolmer Lane are private lanes and are maintained by residents and land owners.

This means any TPO preventing trees being cut back has potential to cause increased risk to car users, pedestrians and cyclists along the lane due to reduced visibility. I have three young children who regularly walk / ride to our field along the lane and if cutting back the trees isn't easy (and notification to the council in writing is a real barrier for some without email) then people just will stop doing it. This site may never be developed and the TPO could seriously impact the safety on the lanes in the short and longer term. I still think the TPO boundary should not extend across either lane as it has no advantage to protecting the area in question.

You mentioned in our telephone conversation that trees on Highways are exempt to TPOs and that we would be able to maintain the visibility on the lanes, by cutting back branches etc, without notification or permission of NFNP. If so, please confirm this is the case.

Page 44

Also as discussed, I have part way through a job to fence my field and have been trimming back the Hawthorn trees by about 2ft to regain parts of the field. I would like to be able to continue trimming the Hawthorn trees back without requesting permission, so I can finish the fencing. You suggested this would be allowed as an exemption under this TPO. If so, please confirm this is the case.

If the two issues above, Highway Safety and my ongoing work to the field edge are addressed adequately I will withdraw my objection to the TPO.

Many Thanks.

Regards,

Richard Carpenter"

From: Lucy Saunders <<u>lucy.saunders@newforestnpa.gov.uk</u>> Sent: 14 August 2017 08:17 To: Richard Carpenter Subject: RE: TPO/0031/17

Dear Richard

Many apologies that you did not receive the letter sent on 31 July, not sure why it failed to reach you.

I have attached it to this email, please let me know your thoughts.

Kind regards

Lucy Saunders Assistant Tree Officer Direct Line: 01590 646670

From: Richard Carpenter [mailto: Sent: 14 August 2017 08:48 To: Lucy Saunders Subject: Re: TPO/0031/17

Dear Lucy,

I haven't received a response from you regarding my email dated 28th July 2017. Therefore my objection still stands as my concerns have not been addressed. Some of which have respect public safety. If you sent a letter on the 31st July, I didn't receive it.

Please do not just assume that I have withdrawn my objection because I have not responded to you. I have been on holiday and have another one coming up. This is an unfair approach to take as I don't always have access to email during these periods.

I look forward to your response to my email of 28th July.

Regards,

Richard.

From: Lucy Saunders <<u>lucy.saunders@newforestnpa.gov.uk</u>> Sent: 09 August 2017 11:16 To: <u>richardcarpenter</u> Subject: Re: TPO/0031/17

Dear Richard

I am writing to you again as I have not heard from you since my previous letter sent on 31/07/2017.

I would appreciate it if you could contact me to let me know that you are happy for the TPO to be confirmed.

If I do not hear from you by 14/08/2017 I shall take this mean you are happy for your objection to be withdrawn.

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Please feel free to contact me for any further clarification.

Kind regards

Lucy Saunders Assistant Tree Officer Direct Line: 01590 646670



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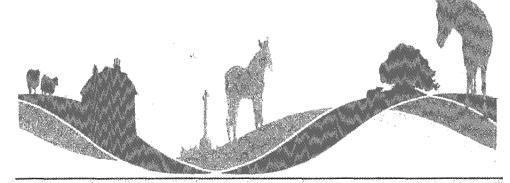
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Information about the New Forest National Park in southern England. Conservation, things to do, what to see, days out, events, planning, advice, and grants.

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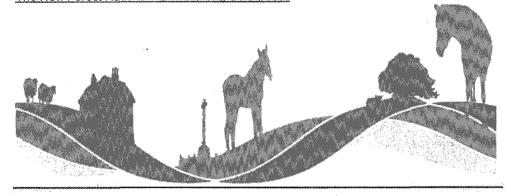




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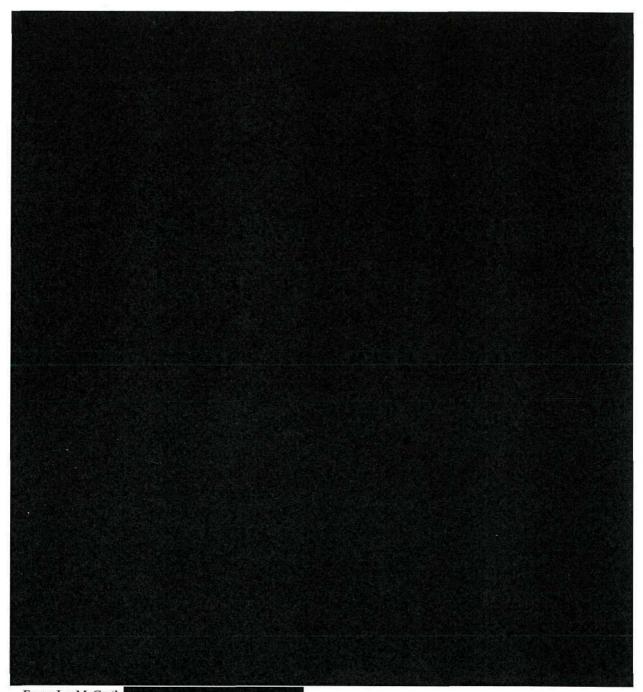


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APPENDIX 4

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From: Ian McGrath Sent: 25 June 2017 11:56 To: Andrew Herring Subject: Re: Eco Survey - Land south of Snails Lane.

Andrew

Shortly before I left home I received a letter concerning a proposed TPO on the same land, and forgot to bring the letter with me.

Please could I trouble you to forward this email to the appropriate person, stating my objection to the indiscriminate nature of the TPO. I need to look after the trees on my land including any which overhang Woolmer Lane. The Council should restrict the TPO to particular significant trees, if there are any, on the land and thereby avoid us the bureaucratic nightmare of needing permission to look after our land.

Regards

Ian McGrath

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I & C McGrath Lake House Woolmer Lane Blashford BH24 3PQ

18 July 2017

Dear I & C McGrath

TREE PRESERVATION ORDER No: TPO/0031/17 SITE: LAND AT SNAILS LANE, BLASHFORD BH24 2PG

Thank you for your recent letter concerning the above Tree Preservation Order (TPO).

I note from your letter that you are concerned by the indiscriminate nature of the TPO and how it will require you to seek permission to carry out works to trees.

Firstly I will explain the circumstances upton which the TPO was made.

The New Forest National Park Authority was given notice by New Forest District Council that the land at Snails Lane had been allocated as a potential development site. As the trees within the site had no protection and the threat to the long term retention of the trees is considered foreseeable, premature removal or extensive pruning of the trees would result in the loss of an amenity to the local environment. The Authority, therefore, reacted accordingly.

An Area order was deemed to be the most suitable option for tree protection given the limited timescale and large size of the area of land and, as such, protects 'all trees of whatever species'. Please be assured that it is the intention of the Authority to revise the TPO scheme in order to protect trees either as Individuals or Groups at a later date. This action is often undertaken when an Area order is created under circumstances in which TPO/0031/17 was made.

A Tree Preservation Order does not prevent work taking place on a tree but it does require consent from the relevant Authority (in this case the New Forest National Park Authority) to ensure that the work is considered to be reasonable.

With regard to TPOs in general and the application process, you may find it helpful to read the booklet about TPOs that was included with your TPO notification.

New Forest National Park Authority LYMINGTON TOWN HALL, AVENUE ROAD, LYMINGTON SO41 92G Telephone 01590 646600 Fax 01590 646666 www.newforestnpa.gov.uk CHAIRMAN OLIVER CROSTHWAITE-EYRE CHIEF EXECUTIVE ALISON BARNES Page 53 I therefore trust the above explains our position and how we have sought to address your concerns. The TPO, taking account of my above comments, will therefore be confirmed however if you consider your objection has not been suitably addressed please advise me in writing within 14 days of the date of this letter.

Yours sincerely

Lucy Saunders Assistant Tree Officer Tel: 01590 646670 Email: trees@newforestnpa.gov.uk

> New Forest National Park Authority LYMINGTON TOWN HALL, AVENUE ROAD, LYMINGTON SO41 9ZG Telephone 01590 646600 Fax 01590 646666

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From: Ian McGrath	
To:	Trees
Subject:	Re: Acolaid Case
Date:	31 July 2017 12:27:02

Dear Lucy

Your response to my letter concerning TPO/0031/17 does not satisfy me in any way.

I realise that Site R may or may not become an approved development site and I can understand that a TPO may well be part of a Planning Approval. Any approval is likely to be years ahead. In the meantime, there is no requirement for a TPO as the individual landowners are quite capable of managing their land any any trees growing on the land.

The TPO extends beyond the boundary of Site R, particularly apparently right across Woolmer Lane. As well as providing access to residences and pasture land, Woolmer Lane is a public footpath. This is a private lane for which the council has no maintenance role and I am responsible for maintaining much of the lane and its surrounding hedges and trees. I frequently need to trim trees and remove dead tree limbs which could otherwise fall across the lane causing damage or injury to my family, the general public or vehicles.

Providing that I have written confirmation of my right to maintain both sides of Woolmer Lane in the interests of personal and public safety, then I have no particular objection to the TPO.

However I still consider it to be another example of the Council seeking control over something which should be left as the responsibility of the people you are meant to be serving, not controlling.

Regards

Ian McGrath

On 18 Jul 2017, at 14:40, "trees@newforestnpa.gov.uk" <trees@newforestnpa.gov.uk> wrote:

Please see attached.

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lan McGrath Lake House Woolmer Lane Blashford BH24 3PQ

02 August 2017

Dear Ian McGrath

TREE PRESERVATION ORDER No: TPO/0031/17 SITE: LAND AT SNAILS LANE, BLASHFORD BH24 2PG

Thank you for your recent letter concerning the above Tree Preservation Order (TPO).

In response to your concern about the management of trees over Woolmer Lane I can confirm that the removal of deadwood from a tree is considered exmept works and will not require a tree work application in the usual way. The same applies for works to clear trees away from a highway, may i refer you to the TPO guidance booklet enclosed with the original TPO notification.

All the Authority request is that you let us know, either by letter or email, before works are undertaken so that we may notify the general public, should we recieve any enquiries.

In regards to the allocated site you may wish to contact New Forest District Council who may be able to discuss the details of potential development with you.

I hope that these points satisfy your concerns. Please respond if you require any further information. If the Authority does not hear from you within 7 days of the date of this letter then I will take that to mean you have withdrawn your objection.

Yours sincerely

Lucy Saunders Assistant Tree Officer

> New Forest National Park Authority LYMINGTON TOWN HALL, AVENUE ROAD, LYMINGTON SO41 9ZG Telephone 01590 646600 Fax 01590 646666

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