

# NOTICE OF MEETING

<b>Meeting:</b>	<b>APPEALS PANEL</b>
<b>Date and Time:</b>	<b>WEDNESDAY, 9 MARCH 2022, AT 2.15 PM*</b>
<b>Place:</b>	<b>LYMINGTON TOWN HALL, AVENUE ROAD, LYMINGTON, HANTS, SO41 9ZG</b>
<b>Enquiries to:</b>	<b>E-mail: <a href="mailto:andy.rogers@nfdc.gov.uk">andy.rogers@nfdc.gov.uk</a> Andy Rogers</b>

**PLEASE NOTE:** The Hearing will be preceded by a visit to the site. Please meet at the place indicated on the attached plan at 1.45pm.

**Kate Ryan**  
**Chief Executive**

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

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

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## AGENDA

### **Apologies**

**1. ELECTION OF CHAIRMAN**

To elect a Chairman for the meeting.

**2. 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.**

**3. TREE PRESERVATION ORDER NO. 0011/21 (Pages 5 - 22)**

To consider objections to the making of Tree Preservation Order 0011/21 relating to land of 'Dendemoya', Ridgeway Lane, Pennington, Lyminster, SO41 8AA.

**4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

To:

**Councillors**

**Councillors**

Alan Alvey  
Barry Dunning  
Neville Penman

Derek Tipp  
Neil 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.



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**OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER TPO 0011/21, LAND OF DENDEMOYA, RIDGEWAY LANE, PENNINGTON, LYMINGTON, HANTS, SO45 8AA**

**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 New Forest District Council is responsible for Tree matters within its area, as local planning authority. The National Park Authority remains responsible for tree matters within the confines of the National Park.
- 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 objector to the making of the Order

**Appendix 4** Written representations from 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 determine whether to confirm Tree Preservation Order TPO 0011/21 relating to land of Dendemoya, Ridgeway Lane, Pennington, Lymington, Hants, SO45 8AA with, or without, amendment.

### For Further Information Please Contact:

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

### Background Papers:

Attached Documents:  
TPO 0011/21  
Published documents

## APPENDIX 1

### 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/0011/21 Land of Dendemoya, Ridgeway Lane, Pennington, Lymington, SO41 8AA

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: 

Claire Upton-Brown  
Executive Head of Planning, Regeneration and Economy

Date: 13th September 2021

**TOWN AND COUNTRY PLANNING ACT 1990**

**TREE PRESERVATION ORDER TPO/0011/21**

**Land of Dendemoya, Ridgeway Lane, Pennington, Lymington, SO41 8AA**

The New Forest District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order **TPO/0011/21**  
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/0011/21 - Land of Dendemoya, Ridgeway Lane, Pennington, Lymington, SO41 8AA.

**Interpretation**

2. (1) In this Order "the authority" means the New Forest District Council.

(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 13th day of September 2021



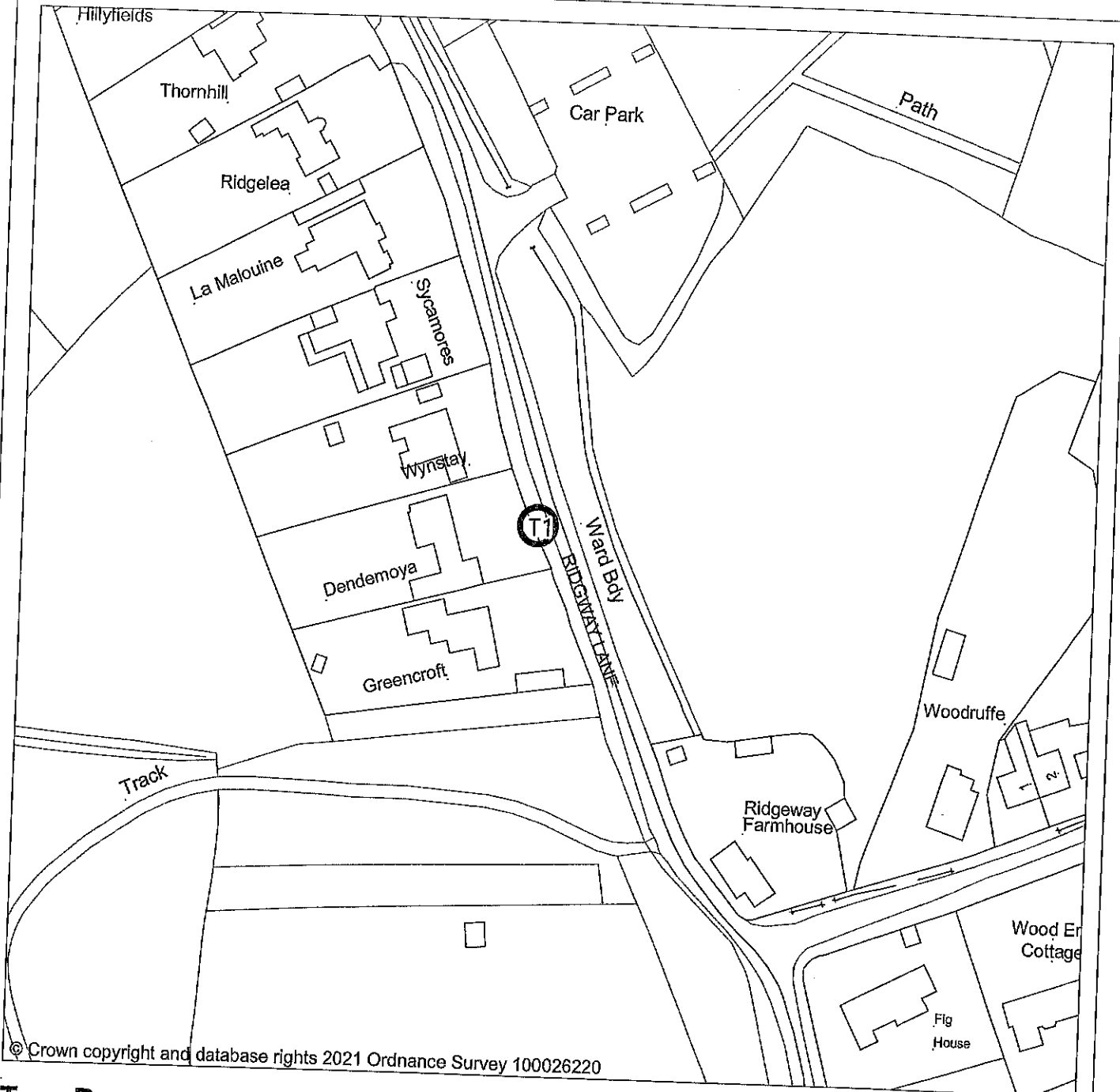
Signed on behalf of New Forest District Council

**SCHEDULE**

**SPECIFICATION OF TREES  
TPO/0011/21**

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

Reference on map	Description	Situation
T1	Oak	Situated on eastern boundary of property, as shown on plan.



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### Tree Preservation Order Plan





Town and Country Planning Act 1990

TPO Number: TPO/0011/21

Scale: 1:1250

Date Printed: 10/09/21

### Key

-  Individual trees covered by TPO
-  Area of trees covered by TPO
-  Groups covered by TPO
-  Woodland of trees covered by TPO



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
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### APPEALS PANEL – 9 MARCH 2022

#### OBJECTION TO TREE PRESERVATION ORDER – TPO / 0011/21

#### LAND OF DENDEMOYA, RIDGEWAY LANE, PENNINGTON

### 1. SUMMARY OF MAIN ISSUES

The key issues are

1. The public amenity value of the tree and its value to the wider community.
2. The expediency to protect these trees

### 2. TREE PRESERVATION ORDER HISTORY

- The subject tree is situated in a residential garden of a domestic dwelling located on the west side of Ridgeway Lane, Lymington. The Oak tree sits on the front boundary adjacent to the driveway access and highway.
- The order was made as a result of a request from the Pennington and Lymington Lanes Society (PALLS), who were concerned that the property itself was changing hands and there is a possibility of re-development on the site itself.
- A TPO was made in September 2021.
- The owner of the site, Mrs Lawton, put in writing her objections to the order.

### 3. The Tree

The Tree Preservation Order covers a single individual mature English oak. The tree is visible from the public highway, Ridgeway Lane.

### 4. Objections to the Order

The owner states that they have recently purchased the property and have no plans to remove the tree; however, strongly feel it is in need of pollarding. Reasons stated being:

- The branches dangerously overhang the public highway
- Fears that the branches could come down in a storm and cause injury to the public
- The additional hazard of electric cables and telephone cables running through the branches.
- 3 years ago branches had to be cut in an emergency as they were damaging the electricity pylon.

- Concern that the introduction of the TPO will delay potentially urgent works that need to be undertaken.

### 5. COMMENTS ON THE GROUNDS FOR OBJECTION

- The term 'Pollarding' is often mis-understood but in its true sense and as specified within the current British Standard (BS3998:2010 Tree Work – Recommendations) should preferably start soon after the tree has become established and is between 25mm to 50mm in diameter at the selected height of pollarding. Once initiated a pollard should be maintained by cutting the new branches on a cyclical basis. If a large mature tree that may have been 'pollarded' at an early stage of its life has not been managed as a pollard with cyclical pruning of small diameter parts, then there are other methods (crown reduction) which can be adopted to manage the crown. This can include a phased form of crown reduction called 'Retrenchment Pruning' (Annex C.2 of BS3998:2010 'Retrenchment pruning of veteran trees and lapsed pollards'). Therefore the description of 'Pollarding' that the owner of the tree wishes to carry out is incorrect as this tree has not been cyclically managed as a pollard. This tree is too mature to bring into a pollarding regime of management.
- Extreme crown reduction work (which may be incorrectly referred to as 'pollarding') when applied to an old mature tree, would likely involve the removal of most of the leaf bearing crown structure in one operation. This would be of detriment to the tree in terms of its physiological condition and presence in the street scene as a visual amenity feature. Mrs Lawson's has implied in her objection to the Tree Preservation Order that she plans to carry out "pollarding" of this mature Oak tree. It is therefore, expedient to protect this tree from the extensive pruning which would result in the loss of an amenity to the local environment.
- Having viewed the tree on site, the tree is in good overall condition with no obvious external defects visible (viewed from public highway), that would suggest that there is a foreseeable increased likelihood of failure from this tree at present except a small number of dead branches which is a common natural feature of a mature Oak.
- Any works required for statutory purposes with regard to pruning from the utility lines and public highway would be acceptable. There are exemptions for statutory undertakers to prune trees over highways and from utilities that do not require permission through a tree work application.
- An application to work on a protected tree is free of charge and would only take up two a maximum of 8 weeks from submission to a decision being issued. The imposition of the Tree Preservation Order would not prevent good arboricultural management of this tree through reasonable/sympathetic pruning.
- Any urgent safety works that may be required in the future (including the removal of dead branches) would be deemed acceptable and would not require a full tree work application as this would be considered exempt from application works.

### 6. POLICIES

#### Relevant Legislation

**Town and Country Planning (Tree Preservation) (England) Regulations 2012**

**Lymington Local Distinctiveness Plan**

### 7. PLANNING HISTORY

None

### 8. PARISH / TOWN COUNCIL COMMENTS

**Lymington Town Council**

No comments submitted

### 9. COUNCILLOR COMMENTS

None

### 10. CONSULTEE COMMENTS

None

### 11. REPRESENTATIONS RECEIVED

PALLS – Pennington and Lymington Lanes Society:

This older oak provides significant public amenity value to the users of the lane, shaping the canopy at that point and providing significant natural habitat to the local bat and owl population, amongst other wildlife benefits. PALLS also believes that this oak very much defines the character of Ridgeway Lane in this area.

Given that developers are framing our expectations towards a planning proposal for significant realignment of the lane and thus significant character and habitat loss just beyond this old oak, we request that this tree is put under a TPO as soon as possible.

PALLS would like to make the following additional comment in support of confirming the TPO on the mature oak tree on the frontage of the property Dendemoya.

We understand the concerns of the owner of the property and in no way object to reasonable management and maintenance of the tree. It is our understanding that there is no fee charged for applications to carry out works to trees protected by a Tree Preservation Order and we would hope that any owner would wish to engage a suitably qualified tree surgeon to advise on any necessary works whether the tree is protected or not.

In terms of the need for protection, the tree is in close proximity to the highway in an area which is under severe development pressure and that, combined with its visual prominence and very significant public amenity value should, in our view, justify confirmation of the Tree Preservation Order.

### 12. RECOMMENDATIONS

A local planning authority may only make a tree preservation order where it appears to the authority that it is expedient to protect a tree or woodland in the interests of amenity.

This Oak tree clearly contributes to the amenity of the area and it is evident that the owner of the property would seek to undertake excessive works to this tree if it was not protected and therefore in the interest of public amenity and expediency, it is recommended that this Tree Preservation Order be confirmed.

**For further information contact:**

**Barry Rivers**  
**Tree Officer (Planning)**  
**023 8028 5629**  
**barry.rivers@nfdc.gov.uk**

Mollie and David Lawton

Dendemoya

Ridgeway Lane

Lymington

SO41 8AA

Tree Preservation order: TOP/0011/21

Dendemoya, Ridgeway Lane, Pennington, Lymington, SO41 8AA

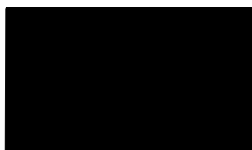
Dear Sirs/Madam

I'm writing regarding the above TPO with objection to the order. We have just become owners of the property and are surprised to get the TPO. We have no plans to remove this beautiful tree at the entrance to the property, however we do strongly feel it is in need of pollarding. The branches currently dangerously overhang the public highway, and we fear in a storm these could come down on the road or causing injury to the public.

There is also the additional hazard of electrical cables running through branches, along with the telephone cables. We have an understanding that around 3 years ago branches had to be cut in an emergency as they were damaging the electricity pylon.

We are concerned that the introduction of the TPO will delay potentially urgent works which we are ready to undertake and feel it is never something we would do to damage the tree or undertake pollard without instructing professional tree surgeons to undertake the works.

I look forward to your response.

A solid black rectangular box redacting the signature of Mollie and David Lawton.

Mollie and David Lawton

**From:** [REDACTED]  
**Sent:** 21 Oct 2021 09:16:56 +0100  
**To:** Trees (Planning)  
**Cc:** 'David Lawton'  
**Subject:** TPO/0011/21

You don't often get email from molliel.lawton@gmail.com. [Learn why this is important](#)

Hi Barry

Thanks for your response regarding the TPO at Dendemoya. I afraid we will not be removing the objection of the TPO and do wish to proceed for the case to be heard by the new forest council. I will reiterate we have no plans to damage, remove or do anything detrimental to the tree. However our experience is the paperwork for TPOs are NEVER straightforward and have often added valuable time to the works carried out on a tree not to mention take up a lot of our personal time and energy. They also add considerable costs when engaging arboriculture contractors for their services. We have experienced bills with additional costs of £500 upwards for trees with TPOs. It is our absolute intention to use the services of a qualified professional to care for the tree.

Kind regards

Mollie Lawton

Live project co-ordinator

[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Re: TPO 0011/21 Dendemoya Ridgeway Lane, Pennington  
**Date:** 14 February 2022 19:03:48  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Dear Barry,

Re: Further information for TPO Objection Panel consideration of TPO at Dendemoya, Ridgeway Lane, Lymington (Previous reference PRE/21/0432)

Thank you for your email and I apologise for the delay in replying. I think the reference number quoted in your email may be incorrect as it appears to relate to another site so I have not forwarded this to [planning@nfdc.gov.uk](mailto:planning@nfdc.gov.uk) as yet. I would be grateful if you could forward it on with the correct reference or let me know and I will resend this email.

PALLS would like to make the following additional comment in support of confirming the TPO on the mature oak tree on the frontage of the property Dendemoya.

We understand the concerns of the owner of the property and in no way object to reasonable management and maintenance of the tree. It is our understanding that there is no fee charged for applications to carry out works to trees protected by a Tree Preservation Order and we would hope that any owner would wish to engage a suitably qualified tree surgeon to advise on any necessary works whether the tree is protected or not.

In terms of the need for protection, the tree is in close proximity to the highway in an area which is under severe development pressure and that, combined with its visual prominence and very significant public amenity value should, in our view, justify confirmation of the Tree Preservation Order.

I hope this is helpful and we appreciate the opportunity to make additional comments.

Kind regards

Bruce Tindall

Chair

Pennington and Lymington Lanes Society (PALLS)

[www.pennandlymlanes.com](http://www.pennandlymlanes.com)

@pennandlymlanes

[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Fwd: Protection of Significant Oak Tree on Ridgeway Lane  
**Date:** 01 November 2021 18:53:20

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Dear Tree Team

I refer to our email which we sent on 26th August. We wondered what your thoughts are on this notable tree on Ridgeway Lane. In view of impending development and the potential impact on the trees of the lanes, we would be grateful if you could give this matter some consideration as soon as possible.

We look forward to hearing from you in the near future.

Kind regards

Sue Potts

Secretary

Pennington and Lymington Lanes Society (PALLS)

[www.pennandlymlanes.com](http://www.pennandlymlanes.com)

@pennandlymlanes

----- Forwarded message -----

**From:** PALLS <[REDACTED]>  
**Date:** Thu, 26 Aug 2021 at 14:16  
**Subject:** Protection of Significant Oak Tree on Ridgeway Lane  
**To:** Trees <[trees@nfdc.gov.uk](mailto:trees@nfdc.gov.uk)>

Dear Tree Team

PALLS would like you to consider the placing of a TPO on an oak tree which is on the edge of the front garden of Dendemoya, Ridgeway Lane.

This older oak provides significant public amenity value to the users of the lane, shaping the canopy at that point and providing significant natural habitat to the local bat and owl population, amongst other wildlife benefits. PALLS also believes that this oak very much defines the character of Ridgeway Lane in this area.

Given that developers are framing our expectations towards a planning proposal for significant realignment of the lane and thus significant character and habitat loss just beyond this old oak, we request that this tree is put under a TPO as soon as possible. We are also aware that the property itself is changing hands and there is a strong possibility of re-development on the site itself.

I attach photographs of the oak concerned and look forward to hearing from you in due course.

Kind regards

Sue Potts, Secretary

Pennington and Lymington Lanes Society (PALLS)

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