

# NOTICE OF MEETING

<b>Meeting:</b>	<b>APPEALS PANEL</b>
<b>Date and Time:</b>	<b>WEDNESDAY, 23 MARCH 2022, AT 10.15 AM*</b>
<b>Place:</b>	<b>FORDINGBRIDGE TOWN HALL, 63 HIGH STREET, FORDINGBRIDGE, SP6 1AS</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 9.45am.

**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**

---

## 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. 0012/21 (Pages 5 - 30)**

To consider objections to the making of Tree Preservation Order 0012/21 relating to land of land of 30 Park Road, Fordingbridge.

To:

**Councillors**

Keith Craze  
Philip Dowd  
David Hawkins

**Councillors**

Alvin Reid  
Derek Tipp



**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.

# Agenda Item 3



© Crown copyright and database rights 2022 Ordnance Survey 100026220

This page is intentionally left blank

## **OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER TPO 0012/21, LAND OF 30 PARK ROAD, FORDINGBRIDGE.**

### **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 0012/21 relating to land of 30 Park Road, Fordingbridge with, or without, amendment.

### For Further Information Please Contact:

Andy Rogers  
Committee Administrator  
Tel: (023) 8028 5070  
E-mail: [andy.rogers@nfdc.gov.uk](mailto:andy.rogers@nfdc.gov.uk)

Ian Austin  
Service Manager – Legal  
Tel: (023) 8028 5191  
E-mail: [ian.austin@nfdc.gov.uk](mailto:ian.austin@nfdc.gov.uk)

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 0012/21  
Published documents

**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:

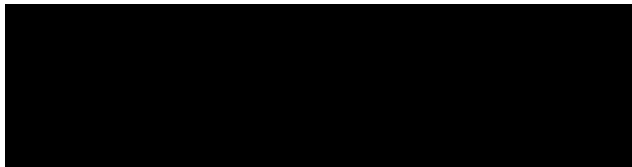
TPO/0012/21 Land of 30 Park Road, Fordingbridge

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:

A large black rectangular redaction box covering the signature of Claire Upton-Brown.

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

Date: 23rd September 2021

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TREE PRESERVATION ORDER TPO/0012/21**

**Land of 30 Park Road, Fordingbridge**

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—

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/0012/21 - Land of 30 Park Road, Fordingbridge.

**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 23rd day of September 2021

Signed on behalf of New Forest District Council



David Norris - Authorised by the Authority to sign in that behalf

## SCHEDULE

### SPECIFICATION OF TREES TPO/0012/21

#### Trees specified individually

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

Reference on map	Description	Situation
T1	Plane tree	Situated on southern boundary of 30 Park Road, Fordingbridge, adjacent to Park Road. As shown on plan.

#### Trees specified by reference to an area

(within a dotted black line on the Plan attached to this order)

Reference on map	Description	Situation
None		

#### Groups of trees

(within a broken black line on the Plan attached to this order)

Reference on map	Description	Situation (including number of trees in the group)
None		

#### Woodlands

(within a continuous black line on the Plan attached to this order)

Reference on map	Description	Situation
None		



# Tree Preservation Order Plan





Town and Country Planning Act 1990

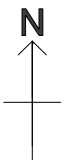
TPO Number: TPO/0012/21

Scale: 1:1250

Date Printed: 23/09/21

## 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  
www.newforest.gov.uk



### TPO Objection Panel

TREE PRESERVATION ORDER TPO/0012/21

Site LAND OF 30 PARK ROAD, FORDINGBRIDGE.

Proposal To confirm Tree Preservation Order

Objector Mr Edmunds & Ms Jackie Mullard, 30 Park Road, Fordingbridge

Agent Not applicable

### 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 this tree

### 2. TREE PRESERVATION ORDER HISTORY

The tree is a London Plane tree and situated on the southern boundary of the site, fronting Park Road, adjacent to the access drive to 30 Park Road.

The Tree Preservation Order ('TPO') was made as a result of a planning application 21/1093 for sub-dividing the plot and constructing a two-bedroom dwelling and associated parking. The London Plane would have been lost to this scheme. This planning application was refused.

The TPO was made on 23 September 2021.

The owners of the site, Mr Edmunds and Ms Mullard, put in writing their objections to the order.

### 3. The Tree

The TPO covers a single maturing London Plane tree. The tree is visible to Park Road, Whitsbury Road and Salisbury Road.

### 4. Objections to the Order

Mr Edmunds and Ms Mullard put their objections in writing by letter of 17 October 2021 and the main points are summarised below:

- They had the tree professionally planted in 2014, and the tree has now exceeded the size dimensions they were expecting. The tree is too large for its location and is overhanging the road.
- Amenity – the tree has been in situ less than 7 years and therefore should not be considered an amenity feature to the area.

- No bird nests have ever been seen in this tree.
- Mr Edmunds and Ms Mullard planted this tree and feel they should be able to remove this tree if they should wish to do so.

### 5. COMMENTS ON THE GROUNDS FOR OBJECTION

- London plane is a large species tree that is famous for its tolerance of pollution and ability to grow in poor rooting environments. Although the tree is beginning to overhang the highway, this species is very tolerant of pruning and can be crown lifted to ensure that the tree is not causing an obstruction. The imposition of the TPO does not prevent reasonable tree management.
- Amenity – this is not defined within the TPO legislation although it does include the circumstances where a tree, group of trees or woodland are visible from a publicly accessible place. The individual London Plane tree subject to this TPO is clearly visible from the public highway. Although this tree is young it has become well established and is already contributing significantly to the street scene. It is noted within the government guidance “Tree Preservation Order and trees in conservation areas” (the ‘DCLG Guidance’ published 6 March 2004) , that local authorities should be able to show that “*protection would bring a reasonable degree of public benefit in the present or future*”. If this tree is protected and retained, it is likely that the public amenity value it provides will increase in the future.
- An additional benefit of retaining trees in towns is increasing biodiversity by providing a food source or habitat for wildlife. Although, to date, birds may not have nested in this tree, this tree will be attracting invertebrates and other creatures. However, this is just one consideration when assessing a tree for its suitability for a TPO and the over-riding consideration is the level of amenity the tree provides.
- The objectors feel they should be able to remove this tree if they wish to, as they had planted the tree themselves. However, many of the trees with high value amenity in our urban landscape were planted by landowners in the past. If young trees are continually removed or not allowed to reach maturing, there will be no future tree stock for future generations to enjoy.

### 6. POLICIES

#### Relevant Legislation

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

### 7. PLANNING HISTORY

**21/10903 – Two-Bedroom dwelling; associated parking; new parking surface for number 30 – Refused.**

### 8. PARISH / TOWN COUNCIL COMMENTS

#### Fordingbridge Town Council

No comments submitted

**9. COUNCILLOR COMMENTS**

None

**10. CONSULTEE COMMENTS**

None

**11. REPRESENTATIONS RECEIVED**

None

**12. RECOMMENDATIONS**

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

This London Plane tree clearly contributes to the amenity of the area. Without the protection of this TPO there is a risk that the tree will be removed in order to facilitate development or due to the perception that it will grow too large. Therefore, in the interest of public amenity it is expedient to confirm this TPO.

**For further information contact:**

**Hannah Chalmers**  
**Senior Tree Officer**  
**023 8028 5588**  
**Hannah.chalmers@nfdc.gov.uk**

This page is intentionally left blank



Neil Edmunds &  
Jackie Mullard  
30 Park Road  
Fordingbridge  
Hants SP6 1EQ

Claire Upton-Brown  
Executive Head of Planning, Regeneration and Economy  
New Forest District Council  
Appletree Court  
Beaulieu Road  
Lyndhurst  
Hants  
SO53 7PA

Your Ref TPO/0012/21

17<sup>th</sup> October 2021

Dear Ms Upton-Brown

**TREE PRESERVATION ORDER NO: TPO/0012/21**

We wish to object in the strongest terms relating to the above Tree Preservation Order.

The plane tree in question was planted by our landscaper in late 2014. The garden we took over in 2012 at 30 Park Road was unkempt and disorderly with a retaining boundary wall onto Park Road which was tipping over toward the pavement. It had a broken tarmac and mud drive and was generally a mess.

The garden has been landscaped and replanted professionally and the failing retaining boundary wall has been rebuilt. The driveway has been scraped and properly finished.

However the plane tree in question planted at that time (late 2014) has exceeded any height and width expectations we had.

We are amazed that a tree that has only been in situ for less than 7 years can be considered a public amenity and be subject to a TPO.

There has never been a nest in this tree even though we used encouraging means for the birds. We have plenty of other greenery and shrubs in our garden that can provide habitat for wildlife. Indeed we had a nest in a bay tree this year that stands less than 5ft tall.

We are very supportive of adding greenery (trees and shrubs) to our environment but with the knowledge we now have that such a young tree may become subject to a TPO will affect future thinking on our planting.

The plane tree was planted to provide some summer privacy but is now too large for its site and is already overhanging the road.

**Please reconsider this decision – We would again stress that a tree cannot be classed as a public amenity when it has only been there for less than 7 years in our own private garden.**

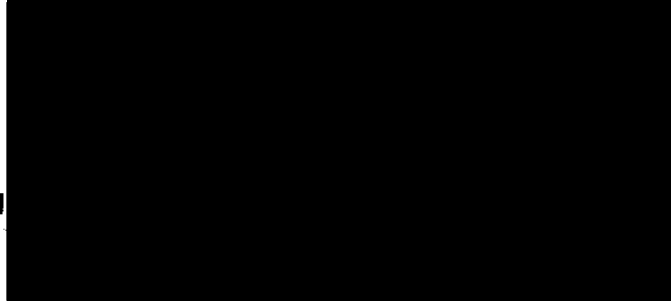
The more people we speak to about this are amazed this can happen. It is the public's view that a TPO would apply to attractive trees of great age and not a privately planted tree of such a young age.

We are being penalized because we paid more and bought a larger tree in 2014 for instant privacy.

We look forward to your decision which can now be based on further information provided in this letter and hope for the TPO removal.

Yours sincerely

Neil Edmunds & Jackie Mullard



Neil Edmunds &  
Jackie Mullard  
30 Park Road  
Fordingbridge  
Hants  
SP6 1EQ

Hannah Chalmers  
Senior Tree Officer  
New Forest District Council  
Appletree Court  
Lyndhurst  
Hants  
SO43 7PA

Dear Ms Chalmers

**TREE PRESERVATION ORDER NO: TPO/0012/21**

Thank you for your letter dated 2<sup>nd</sup> February and would apologise for our late response but we have both recently had Covid.

Whilst we realise that a TPO has no firm definition in law as to the age of the tree, we still feel that we are being penalised for paying for and planting a larger tree to afford us some reasonable privacy. The tree has become much larger much more quickly than we expected and is already overhanging the road. It is planted immediately inside our wall boundary of which the other side is the pavement. We are concerned the roots may cause some pavement and wall damage in the future.

We have no plans to remove this tree at the moment just to keep it under control and keep an eye on the pavement. We have improved our considerable frontage on Park Road immensely since our purchase of the house which in its turn is also a benefit for the district.

We have no present plans to continue our development plans for this site. If it became obvious the tree has outgrown its site we would be happy to put in a replacement which is more suited in size to the location.

Our improvement of our house and garden have proved beyond doubt that we are responsible owners and we would like the continuing care and attention of this tree to remain in our own hands. Our garden is reasonably large and very green with numerous shrubs, other smaller trees and many flowers, a haven for insect and bird life. We tend the garden ourselves.

I would again stress it has only been planted for 7 years and if the council wish to have public amenity trees rather than gain control of a private tree then please plant some more on the green spaces in Fordingbridge.

We do realise we are in a good position of having our own parking off road however there are other houses locally who have made bare their own front gardens in order to put a car on it with no apparent interventions.

We hope we can prevail upon your good sense not to confirm this Tree Preservation Order which would also take up your time in the future every time we wish to trim it.

Thank you for your attention

Yours sincerely

Neil Edmunds & Jackie Mullard



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 28 Aug 21	Surveyor: HC
-----------------	--------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 1 individual Species: London plane
Owner (if known):	Location: 30 Park Road Fordgingbridge

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

<b>Score &amp; Notes</b>
5 young tree - no external defects

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

<b>Score &amp; Notes</b>
4

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

<b>Score &amp; Notes</b>
4 on Road frontage entire tree publically visible

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
1

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>	21/10903
5 Tree will be lost to development proposal	

**Part 3: Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

<b>Add Scores for Total:</b>
19

<b>Decision:</b>
TPO this tree

This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank