

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 to 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:

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