

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