
APPLICATION NO.	TPO.TVBC.1265
SUBJECT TYPE	Tree Preservation Order
SITE	Woodland at Meadow Tree Farm, Dandy's Ford Lane, Sherfield English , Romsey, Hampshire, SO51 6FG
ORDER MADE	18.04.2024
CASE OFFICER	Rory Gogan

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This matter is reported to the Southern Area Planning Committee to consider an objection received in respect to the making of a new Tree Preservation Order (TPO) and decide whether the TPO should be confirmed.
- 1.2 This TPO was made as a result of a threat to the woodland from recent works that resulted in a large area of trees being felled and the area excavated in order to create a lake. The site is also a pop-up camping site where campers are permitted to collect dead wood from trees and light open fires; some of these fires being set close to trees, under the canopies and within the root protection areas. There is a risk to the long-term health of trees and woodland soils due to the lighting of fires.
- 1.3 A provisional Tree Preservation Order (TPO.TVBC.1265) was made in response to the above concerns. The Order has effect provisionally unless and until it is confirmed. Confirmation must take place no later than six months after the TPO was made.
- 1.4 An objection to this provisional TPO has been received.
- 1.5 The Council cannot confirm a TPO unless it first considers objections and representations duly made and not withdrawn. If a TPO is confirmed, it may be confirmed with or without modifications.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The woodland subject to this report stands to the southwest of the access track leading to a mobile home and barns at Meadow Tree Farm and extends southwest to meet with adjoining TPO woodland on the northeastern boundary of Dandy's Ford Fishery.
- 2.2 The subject woodland is a predominately Oak/Silver Birch with other wet woodland species present including Willow, the area is interspersed with open glades and the recently excavated lake. The woodland has an overstorey of mature Oak with areas of Silver Birch ranging from seedlings through to mature trees. The woodland is prominent in the local rural landscape, with high amenity value and can be seen from public footpaths (Footpaths 35 and 36 Sherfield English) with more distant views from surrounding highways Dandy's Ford Lane and Mill Lane.

3.0 **Background**

3.1 Due to the recent excavation of the lake and on-going concerns around the pop-up campsite where campers are permitted to collect dead wood from trees and light open fires; some of these fires being set close to trees, under the canopies and within the root protection areas. Although not immediately obvious (or intentional) to the woodland owner or possibly the campers, there is potential that damage will occur to some trees' whenever an open fire is lit. The lower canopy branches and foliage, root systems and to the woodland soil structure could be damaged by transferred radiant heat.

3.2 For this reason, a TPO was considered expedient as there is now a perceived threat that trees of significant landscape importance could be felled, or damaged without the appropriate protection being in place.

4.0 **REPRESENTATIONS**

4.1 An objection has been received from Mr S Green, the person owning the freehold interest in the land, objecting to the making of the TPO on the following grounds:

- No survey has been carried out on the trees within the area and very little management has been carried out in the last 60 years there are many issues in this woodland.
- There are lots of younger trees around more mature trees starving them of light and nutrients to grow.
- The only people who have come to look at the trees were on site for no more than 15 minutes and only saw the outer edge of the woodland so couldn't possibly assess the woodland in its entirety nor did they venture past the drainage ditch to the woodland on the opposite side. We were also told they were only there to assess the trees for when the campers are here.
- Why the trees connected to the woodland at Meadow Farm are not included and why have the owners been singled out.
- The owner has no intention to cut down healthy mature trees and have in fact planted additional trees and have every intent to improve the woodland.
- We do not believe that a TPO can be made without a full and complete survey and accompanied by a suitable management plan. This is because there is no point in protecting trees from people chopping them down without any plan to protect them from disease.

5.0 **POLICY AND NATIONAL GUIDANCE**

5.1 Town and Country Planning Act 1990

The Local Planning Authority may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area'. TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

6.0 TPO CONSIDERATIONS

6.1 In assessing trees for possible inclusion in a new TPO, the Council therefore assesses whether the trees in question have public amenity value. Before doing so, however, it first determines, by reference to a list of detractors, whether the making of a new order would be defensible.

6.2 Public Amenity Value – Visibility

Visibility – The woodland can be viewed from the following public locations:

- Looking west from Dandy's Ford Lane
- Looking east from Mill Lane
- Views from Footpath 35 Sherfield English
- Views from Footpath 36 Sherfield English

7.0 RESPONSE TO REPRESENTATIONS

7.1 Further to the points raised by the objector, the following response is provided for the Committee's consideration:

7.2 **Objection** - No survey has been carried out on the tree within the area and very little management has been carried out in the last 60 years, there are many issues in this woodland.

Response – It is the landowner's responsibility to maintain his/her trees or woodlands in safe and healthy condition. The Council does not provide a service to survey trees/woodland on privately owned land.

7.3 **Objection** - There are lots of younger trees around more mature trees starving them of light and nutrients to grow.

Response – The woodland is in a semi-natural state with no or little management input from the woodland owner. Management works to ensure that trees within the woodland are in a healthy condition with canopy space to flourish can only be initiated and undertaken by the woodland owner (with consent from the LPA if the TPO is confirmed).

7.4 **Objection** - The only people who have come to look at the trees were on site for no more than 15 minutes and only saw the outer edge of the woodland so couldn't possibly assess the woodland in its entirety nor did they venture past the drainage ditch to the woodland on the opposite side. We were also told they were only there to assess the trees for when the campers are here.

Response – The Test Valley Borough Council Arboricultural Officer undertook a TPO amenity assessment whilst on -site, to record the amenity that the woodland provides within a landscape context. The condition and merits of individual trees is not what is being assessed. It is not necessary for the Arboricultural Officer to walk the whole of the woodland area to make the amenity assessment. Local knowledge of the area and the adjacent TPO within Dandy's Ford Fishery helps to shape a picture of the woodland within the surrounding rural landscape.

7.5 **Objection** - The owner has no intention to cut down healthy mature trees and have in fact planted additional trees and have every intent to improve the woodland.

Response – This is encouraging, the proposed TPO will not in any way prevent good woodland management or new tree planting from being undertaken by the landowner.

7.6 **Objection** - We do not believe that a TPO can be made without a full and complete survey and accompanied by a suitable management plan. This is because there is no point in protecting trees from people chopping them down without any plan to protect them from disease.

Response - The Local Planning Authority may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area'. The health and safety of any tree or woodland, regardless of TPO status, is the responsibility of the woodland owner any plan to manage the overall health of the trees/ woodland can only be initiated and undertaken by the landowner

8.0 **RECOMMENDATION**
That TPO.TVBC.1265 is confirmed without modification.
