

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 27 April 2016

Report of: Director of Planning and Regulation

Subject: FAREHAM TREE PRESERVATION ORDER No. 722 – 118 LOCKS ROAD, LOCKS HEATH.

SUMMARY

This report details of the objections to the making of a provisional order in March 2016 and provides officers comments on the points raised.

RECOMMENDATION

That Tree Preservation Order 722 is not confirmed.

BACKGROUND

1. Section 197 of The Town and Country Planning Act 1990 places a duty on local planning authorities when granting planning permission to include appropriate provision for the preservation and planting of trees.

It shall be the duty of the local planning authority -

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
 - (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.
2. Section 198 gives local planning authorities the power to make tree preservation orders [TPOs].

(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

3. Fareham Borough Council Tree Strategy 2012 - 2017.

Policy TP7 - Protect significant trees not under Council ownership through the making of Tree Preservation Orders.

Policy TP8 - Where necessary protect private trees of high amenity value with Tree Preservation Orders.

4. On the 15 March 2016 the Council received a TPO check from a contractor in relation to land at 118 Locks Road. The contractor is known to the Council's tree team and he explained that the property was for sale and he had been asked to price for the removal of the existing trees.
5. The property has a large established garden comprising mature trees and shrubs, most notably a significant beech tree situated centrally on the land to the south of the dwelling.

INTRODUCTION

6. On the 17 March 2016 a provisional order was served in respect of the aforementioned beech tree at 118 Locks Road.

OBJECTIONS

7. Under Regulation 6 of the Town and Country Planning (Trees) Regulations 2012 one objection has been received from the owner of the property, Amici Developments Ltd on the following grounds:
 - The beech and several other trees on the property were 'ring barked' on 16 March and this has effectively rendered the beech tree dead.

No other objections have been received to the making of the order.

COMMENT

8. 'Ring-barking' is the complete removal of a strip of bark, including the inner vessels (phloem and/or xylem), from around the entire circumference of the trunk of a tree.
9. The beech T1 has been ring barked by the complete removal of a 200mm wide band of bark from the circumference of the stem approximately 500mm above ground level (please see photos at appendix A). The damage was only realised after the TPO had been served.
10. Trees need these vessels for transportation of water and nutrients. Severance of such vital vessels results from girdling and death occurs from the inability of the leaves to transport sugars down to the roots and transportation of water and minerals from the roots to the leaves.
11. In the opinion of the Council's Principal Tree Officer the beech tree is unlikely to survive the significant damage to the stem caused by the removal of the bark girdling the stem in this case.

RISK ASSESSMENT

12. The Council will not be exposed to any risk by not confirming TPO 722. Only where an application is made for consent to work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

13. The beech T1 has been irreparably damaged by the ring barking to the extent that its health and condition is impaired and it will lead to the eventual death of the tree.
14. Officers therefore recommend that Tree Preservation Order 722 is not confirmed.

Background Papers: TPO 722.

Reference Papers: National Planning Policy Framework: Planning Practice Guidance - Tree Preservation Orders (2014), Fareham Borough Council Tree Strategy 2012 – 2017 and The Law of Trees, Forests and Hedges (second edition) – *Charles Mynors*.

Enquiries:

For further information on this report please contact Paul Johnston. (Ext 4451)

Appendix A – Beech T1 viewed from Locks Road.



Beech T1 – ring barking at base of stem.

