

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 23 March 2016

Report of: Director of Planning and Regulation

Subject: FAREHAM TREE PRESERVATION ORDER No.720 (2015) – LAND SOUTH OF WARSASH COMMON, EAST OF CHURCH ROAD AND WEST OF FLEET END ROAD, WARSASH

SUMMARY

The report details objections to the making of a provisional order in December 2015 and provides officer comment on the points raised.

RECOMMENDATION

That Tree Preservation Order 720 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. In mid-December 2015 the Council was made aware that a significant area of woodland had been put up for sale to the west of Hook village.

INTRODUCTION

5. On the 22 December 2015 a provisional order was served in respect of an area of woodland south of Warsash Common, east of Church Road and west of Fleet End Road – Woodland 1(W1).

OBJECTIONS

6. Under Regulation 6 of the Town and Country Planning (Trees) Regulations 2012 one objection has been received from the owner and a licensee on the following grounds:
 - The woodland has now been withdrawn from the market and is no longer for sale.
 - The current owner has not undertaken any tree works or forestry operation that could be considered a threat to the woodland.
 - The woodland requires management to improve and sustain its structure, character and diversity.
 - The current owner is in negotiation with a local resident experienced in woodland management who wishes to enter into a licence agreement with the landowner to manage the woodland.

- The proposed licensee has met with the Council's Tree officers who have articulated their support for the proactive management of the woodland.
- The TPO would limit the ability of the licensee to manage the woodland effectively given the restrictions in place.
- The proposed management plan will seek to manage the woodland in a proactive and sustainable manner and will include the involvement of local community groups in the management process.

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

COMMENT

7. The woodland has now been withdrawn from the market and the current owner has not undertaken any tree works or operations that could be considered a threat to the woodland.
8. The woodland requires ongoing management to improve its structure, character and diversity; and manage public access. The existence of a woodland TPO would not preclude such management and in fact Local Authorities are advised to encourage woodland owners to enter into a proactive management plan and involve the Forestry Commission where applicable.
9. Tree officers have met with Mr King, the licensee and they are of the view that he has the necessary experience and commitment required to ensure the woodland is managed effectively in future. Mr King will involve the local community and existing users of the site in these plans and will maintain regular communication with the Council and the Forestry Commission where appropriate.

RISK ASSESSMENT

10. The Council will not be exposed to any risk by not confirming TPO 720. 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. Any significant cutting and removal of trees within the woodland would require consultation with the Forestry Commission.

CONCLUSION

11. The woodland has been withdrawn from the market and is not for sale. The existing long standing owner has never undertaken and does not seek to undertake any detrimental works to the land and trees. A local woodland manager has now entered into a license agreement with the owner to manage the woodland in a sustainable manner involving the local community. Therefore in officers opinion there is no threat to the woodland and the TPO is not necessary. However, members are invited to reach their own conclusion.
12. Officers therefore recommend that Tree Preservation Order 720 is not confirmed.

Background Papers: TPO 720.

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:

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