



**WELWYN
HATFIELD**

Memo.

Date: 22nd December 2016
To: Lisa Hughes
Cc: Andrew Windscheffel, Mayi Combe
From: Miriam Hill
Subject: TPO 587 (2016) – Land to the west of High Road, Essendon – Objections

As part of a review of all Tree Preservation Orders (TPOs), Order 3 (1955) has been recently evaluated and broken down into smaller, more manageable orders which relate to individual woodlands and/or land holdings. Following this assessment TPO 587 (2016) was created from part of the woodland formally identified as TPO 3 W3. The parameters of the original woodland order (W3) were changed to better reflect the existing tree cover and the land ownership. Order 587 (2016) protects all conifers and deciduous species.

The TPO was served on the 28 June 2016. Subsequently one objection to the Order has been received, from one of the land owners, Camfield Estate Company Ltd.

The objections from Camfield Estate Company Ltd can be summarised as follows:

1. They have owned the woodland for a long time and effectively manage it.
2. Having to apply to undertake tree maintenance would be dangerous, time wasting, bureaucratic and expensive.

It is worth noting that TPO 3 was placed on the woodland in 1955 and Camfield Estate have been managing the woodland without complaint or query during this time.

Considerations

The guidance with regards to Tree Preservation Orders states Local Planning Authorities can make TPOs 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.

- 1.1 In renewing the TPO on the woodland there was no implication that the current Land Owners are not responsible but that the woodland is valued locally. The initial and subsequent TPO's were placed on the woodland as a precautionary measure.
- 1.2 The TPO is not a hindrance to good forestry practice. Any application which proposes reasonable tree or woodland works would be approved. The UK Forestry Standard and associated Guidelines define the Governments standards and requirements which would form the basis of any application.
- 1.3 It would be unusual for a landowner to undertake unexpected woodland management due to the scale and nature of the operation and to ensure they conform to the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Forestry Act 1967. Woodland management works tend to be carefully considered operations which are intensively managed due to the standards expected for grants and to obtain a felling licence.
- 1.4 In most instances of woodland work, the Land Owner or Agent would not apply directly to the Planning Authority but to the Forestry Commission or Natural England as part of a Felling Licence or eWGS. There is a tick box on these application forms to note the presence of the TPO. The Forestry Commission or Natural England would consult with the LPA directly about any proposed works. A separate application for the works is not required by the Planning Authority.
- 2.1 The TPO does not limit the inspection of the tree to assess its health, structural condition or consideration of general maintenance.
- 2.2 A TPO does not stop all or any works from being undertaken on the protected trees. Dead wood and trees are except from application and can be worked on or removed as necessary, providing there are no conflicts with protected species such as bats or nesting birds. For other types of maintenance works the land owner or representative would apply to the Council to undertake works to the trees or woodland as a whole.

This proposal is assessed on its merits in relation to appropriateness to amenity, the long term health of the trees and reasonable tree or woodland management.

- 2.3 Should individual trees require pruning or other works as they present an immediate risk of serious harm and work is urgently needed to remove that risk, tree owners or their agents are able to undertake that work provided they give written notice to the authority as soon as practicable after that work becomes necessary. Work should only be carried out to the extent that it is necessary to remove the risk.
- 2.4 The amount of paperwork involved in the application process has diminished in recent years with web based application forms and submission of digital photographs. The new, more explicit TPO records will ensure less administration within the Council.
- 2.5 Most commonly land owners with large areas of trees adjacent to public areas, such as the road, have their boundaries etc checked for any arising health or safety issues on a cyclical basis. This type of inspection is different to a survey for a woodland management plan as it concentrates specifically on managing risk from individual trees rather than the management of the woodland as a whole for the following decades. Undertaking this type of inspection and undertaking the recommended tree works discharges the liability associated with woodland ownership. This process has to be carefully documented and commonly a schedule of tree work is produced to issue to a contractor. It is this document along with the associated tree location plan which is submitted as part of the tree works application. No special format or schedule has to be created beyond what would have to be issued to the arb contractor.
- 2.6 Currently the tree works application (Local Planning Authority), Felling Licence (Forestry Commission) and Countryside Stewardship grant (Natural England) are all free applications. The amount of additional time spent on a Felling Licence or Countryside Stewardship grant is the click of a radial button. The amount of additional time spent on a tree works application for infrequent or novice users is perhaps ten minutes. On unsecured sites the Tree Officer will not require the applicant or agent to be present during the inspection provided the schedule and tree location plan are clear.

Recommendations

In light of the above considerations it is strongly recommended that TPO 587 is confirmed.