

DECISION-MAKER:	PLANNING RIGHTS OF WAY PANEL		
SUBJECT:	Objection to the inclusion of two trees within The Southampton (Holy Saviours Church) Tree Preservation Order 2016		
DATE OF DECISION:	11.07.2017		
REPORT OF:	HEAD OF TRANSACTIONAL AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
A Tree Preservation Order (TPO) was placed on the trees within the curtilage of the Church due to a concern raised by a member of the public who indicated to the City Council that the Church are considering removing two mature trees. The trees that were under threat were not specifically indicated, therefore the entire site was considered for protection.	
RECOMMENDATIONS:	
1.	To confirm The Southampton (Holy Saviours Church) Tree Preservation Order 2016 (Appendix 1) without modifications.
REASONS FOR REPORT RECOMMENDATIONS	
2.	The trees are valuable for public amenity and provide a local ecological benefit. The loss of the trees will have a negative impact to the character of the area.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3.	To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable retention and management of the trees.
DETAIL (Including consultation carried out)	
4.	An initial Area order was made to provide immediate protection to the trees and allowed time for a more detailed site survey to be carried out to assess the individual and group merits of the trees on site. An initial objection was received from the vicarage due to the inclusion of two trees within the Area order. Communication was started with the Vicar and it was indicated to him that the Area order would be modified and once this was done, the objection can then be reconsidered.

5.	The area order was modified and was replaced with the current order which consists of 23 individual trees, 3 groups and 2 woodland classifications (See Appendix 2). This order was re-served to all interested parties.
6.	An objection was received from the Vicarage to the inclusion of two trees within the order, namely an Irish Yew (See appendix 3) and an English Oak (See appendix 4). These trees appear in the TPO as T13 & T14, respectively.
7.	The vicar's objection to the inclusion of these specific two trees is due to the impact that it may have for future development of the land adjacent to the two trees.
8.	A letter was sent to the Vicar giving reasons for my making of the TPO and highlighting that a tree may be removed as part of a planning process and that any approval from planning will override the TPO status. After a further discussion with the Vicar, he wanted to uphold his objection as he wished to have it noted that the TPO was objected to.
9.	Contact has been received by a member of the public and they have voiced a concern over plans to remove two trees. It is understood that they would object to the removal of these trees if an application was submitted to do so. The resident who would object to an application to fell two trees is in support of confirming the TPO.

RESOURCE IMPLICATIONS

Capital/Revenue

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| 10. | Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order. |
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Property/Other

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| 11. | If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable. |
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

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| 12. | In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not. |
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Other Legal Implications:

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| 13. | The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law. |
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POLICY FRAMEWORK IMPLICATIONS	
14.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	N/A

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<u>SUPPORTING DOCUMENTATION</u>
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Appendices

1.	The Order:
2.	Letter of objection
3.	Photo of Irish Yew
4.	Photo of English Oak

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Privacy Impact Assessment

Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
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Other Background Documents Equality Impact Assessment and Other Background documents available for inspection at:
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Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None
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