

<b>DECISION-MAKER:</b>	Planning and Rights of Way Panel
<b>SUBJECT:</b>	Objection to the confirming of The Southampton ( Green Lane ) Tree Preservation Order 2023
<b>DATE OF DECISION:</b>	20 February 2024
<b>REPORT OF:</b>	<b>Head of Services David Tyrie</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Executive Director Place	
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<b>Author:</b>	<b>Title</b>	<b>City Tree Officer</b>	
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<b>STATEMENT OF CONFIDENTIALITY</b>

<b>BRIEF SUMMARY</b>
To consider the objection received in relation to the making of The Southampton (DVSA Green Lane) Tree Preservation Order 2023.

<b>RECOMMENDATIONS:</b>
(i) To confirm The Southampton (DVSA Green Lane) Tree Preservation Order 2023.

<b>REASONS FOR REPORT RECOMMENDATIONS</b>
1. A precautionary Tree Preservation Order was made following two TPO search requests from a tree surgeon who had been commissioned to conduct tree work on site. Since then it has come to light that the site tenant wishes to carry out work and fell at least 1 tree putting the future of the trees at risk.

<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>
2. Not protecting the trees. With no formal protection of these trees, the landowner can fell the trees and can do so with no notification or any formal notice or permission. This would not only have a negative impact to the local street scene. It would also negatively impact the environmental and ecological benefits that the trees provide to the wider location.

<b>DETAIL (Including consultation carried out)</b>
3. 30.08.2023: A contractor contacted the trees team requesting a TPO check on site as they had been requested to carry out some pruning away from buildings. A search of the data base was carried out and they were informed that the site was not subject to a TPO.
4. Oct 2023: The same contractor requested a further TPO check as they had been asked to remove a small sapling on site. The tree officer decided to carry out a site visit to see if

	any trees were worthy of protection. ( See Appendix 1 for photos of trees taken at site visit) A TEMPO was completed (Tree Evaluation Method for Protection Orders) which is an industry accepted form of evaluating the suitability of protecting trees. The score attained on this assessment demonstrated that making and serving a Tree Preservation Order would be appropriate and supported. (Appendix 2)
5	25.10.23 – The Southampton (DVSA Green Lane) Tree Preservation Order 2023 was served on the appropriate properties. (Appendix 3)
6	20.11.23 – An email was received from the DVSA, being the tenant of the site, objecting to the TPO with reasons. An email was also received from Veale Wasbrough Vizards LLP, being the solicitors acting for the DVSA with further objections. (Appendix 4 for objections and responses )
7	<p>The objections raised by the DVSA were based on:</p> <ol style="list-style-type: none"> <li>1. Damage to the tarmac and fruit fall potentially damaging parked cars by T3 and T4</li> <li>2. Sap and branches causing damage to parked cars in the summer. (T1, T2 and G1)</li> <li>3. The desire to remove T5 to increase the number of parking spaces within the car park.</li> <li>4. The need to trench within the RPA of G1 to install cables to connect solar panels.</li> </ol> <p>The objections raised by Veale Wasbrough Vizards LLP for the DVSA were:</p> <ol style="list-style-type: none"> <li>1. The trees do not provide any amenity.</li> <li>2. It is not expedient to protect the trees by a TPO and to do so would require the expenditure of public funds to apply for consent to carry out tree work.</li> <li>3. The TPO would prevent and/ or delay essential tree work required for safety.</li> </ol>
8	24.11.23 Tree officer sent an email to DVSA outlining the reasons for the making of the TPO. Explaining how we would expect seasonal debris to be dealt with. That the tree officers opinion is that the trees do provide amenity to the area and any tree work applications are straight forward and free. The officer also suggested that any cables for the solar panels could be directed around the root protection areas of trees and tarmac can be repaired over the tree roots.
9	28.11.23 Tree officer sent a letter to Veale Wasbrough Vizards LLP by email along with the TEMPO form, addressing their objections and explaining why a TPO was made and highlighting the Tree Officers opinion that the trees do have amenity, are at risk of being felled or inappropriately pruned, meaning it is expedient to make a TPO and how any safety issues can be dealt with under the TPO regulations.
10	01.12.23 Response from DVSA stating they will withdraw objections if T3 & T4 can be transplanted elsewhere, T5 removed and T1, T2 and G1 significantly cut back. The DVSA

	also explained that they would like to increase car parking spaces, by adding 7 new spaces, which would require the removal of T5.
11	08.12.23 Email sent to DVSA stating that as the Tree officer is not in agreement with the removal of T5 then the matter of confirming the TPO would be better placed to be decided by the Planning and Rights of Way Panel. The tree officer has made some suggestions for consideration which may allow for the increase of some car spaces and retain the tree (T5). The tree officer has also observed the car park at various times and noted that it has not been at full capacity during those visits (Appendix 5) .
12	The Tree Officer requests that members consider the arguments for and against confirming the TPO and consider the value of the amenity that the trees provide to the area.
13	Whilst the TPO was initially made as a precautionary method, further communication with the DVSA has revealed that the trees are at risk of being felled or heavily pruned. The tree officer has not amended the TEMPO score to reflect this new information and to do so would make the making of a TPO even more defensible. The Tree Officer requests that the panel allow the TPO to be confirmed to protect the amenity that the trees provide for the present and the future.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<b><u>Property/Other</u></b>	
	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.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
	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.
<b><u>Other Legal Implications:</u></b>	
	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
<b>RISK MANAGEMENT IMPLICATIONS</b>	
	None
<b>POLICY FRAMEWORK IMPLICATIONS</b>	

	None

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	Redbridge
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Site Photos
2.	Tree Evaluation Method for Preservation Orders
3	Tree Preservation Order
4	Objections: from The Driving and Vehicles Standards Agency and VWV Solicitors acting on behalf of the DVSA. Responses by the council
5	Photos of car park

**Documents In Members' Rooms**

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