

<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL
<b>SUBJECT:</b>	Application to work on trees at Marlhill Copse that are subject to a tree preservation order.
<b>DATE OF DECISION:</b>	20 <sup>th</sup> February 2024
<b>REPORT OF:</b>	<b>David Tyrie – Head of City Services</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Executive Director Place	
	<b>Name:</b>	Adam Wilkinson	Tel: 023 8083 3005
	<b>E-mail</b>	Adam.Wilkinson@southampton.gov.uk	
<b>Author:</b>	<b>Title</b>	City Tree Officer	
	<b>Name:</b>	Gary Claydon-Bone	Tel: 023 8083 3005
	<b>E-mail</b>	Gary.Claydon-Bone@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>	
NONE	
<b>BRIEF SUMMARY</b>	
To consider the content of the application submitted by Southampton International Airport to reduce the height of 24 trees and 1 mixed broadleaf.	
<b>RECOMMENDATIONS:</b>	
	(i) Refuse consent for all work within the application.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1	The work requested does not meet with an exception within the tree preservation order regulations, as such the application must be considered on its merits and a decision issued. Officers recommend the refusal of the work based on the harm that it has to the overall woodland character and to the negative impact it has to the conservation area.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2	Granting consent to all work within the application would result in a detrimental impact to the amenity of the woodland and harm the conservation area.
3	Granting consent to the minor crown reductions within the application would not greatly impact the amenity of the woodland character but would result in an un-natural management of the woodland with sporadic trees having been, and repeatedly reduced in size, which would negatively impact the amenity value of these trees within a natural setting
<b>DETAIL (Including consultation carried out)</b>	
4	12 <sup>th</sup> October 2023 – An application was received from Southampton International Airport to reduce the canopies of 24 individual trees and 1 group

	of broadleaf trees within Marlhill Copse. This application was registered and has reference number 23/00060/TPO.
5	When an application is received and is accompanied with the required information, the first assessment to make is to consider if the application falls with an exception within the TPO regulations detailed in section 14 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
6	In this application, the reason stated for the work relates to section 46 of the Civil Aviation Act 1982. That provides the Secretary of State with a power to exercise control over land in the interest of civil aviation by way of order. It includes the power to make an order directing the restriction of the height of trees.
7	As the council have not been issued with such an order from the Secretary of State, which would have the effect of negating the requirement for an application to be submitted, officers agreed that no exception was met and therefore this application was registered.
8	<p>The applicant seeks permission for work to the trees that are protected by W1 of The Southampton (Townhill Park - Cutbush Lane) Tree Preservation Order 1956, to the specification given below.</p> <ul style="list-style-type: none"> <li>• 501 – Beech - Crown reduce by 6.5 metres.</li> <li>• 502 - London Plane - Crown reduce by 8.5 metres</li> <li>• 505 – London Plane - Crown reduce by 4 metres</li> <li>• 508 – Scots Pine - Crown reduce by 3.3 metres.</li> <li>• 529 – Oak – Crown reduce by 6.2 metres</li> <li>• 530 – Douglas Fir - Crown reduce by 10.3 metres</li> <li>• 531 – Sycamore – Crown reduce by 4.7 metres</li> <li>• 532 – Oak – Crown reduce by 1.7 metres</li> <li>• 533 – Oak - Crown reduce by 12.1 metres</li> <li>• 534 – Oak – Crown reduce by 4.3 metres</li> <li>• 536 – Western Red Cedar – Crown reduce by 8.5 metres</li> <li>• 537 – Oak – Crown reduce by 13.4 metres</li> <li>• 540 – Oak – Crown reduce by 8.5 metres</li> <li>• 565 – Beech - Crown reduce by 3.9 metres.</li> <li>• 566 – London Plane - Crown reduce by 6.3 metres</li> <li>• 567 – Sycamore - Crown reduce by 4.5 metres</li> <li>• 568 – Mixed broadleaf – Crown reduce by 8.6 metres</li> <li>• 569 - Sycamore - Crown reduce by 2.3 metres</li> <li>• 570 – Sycamore – Crown reduce by 4.1 metres</li> <li>• 583 – Sycamore – Crown reduce by 0.9 metre</li> <li>• 588 – London Plane - Crown reduce by 3 metres.</li> <li>• 589 – Sycamore – Crown reduce by 9.4 metres</li> <li>• 590 – Sycamore – Crown reduce by 0.8 metres</li> <li>• 591 – Sycamore - Crown reduce by 0.9 metre</li> <li>• 592 – Sycamore – Crown reduce by 10.3 metres</li> </ul>

9	The plan and work specification appended to the report has given the location of the trees, which are all located to the north of the path that runs through Marlhill Copse. (Appendices 1 & 2)
10	<p>Part of Marlhill Copse is a nationally registered garden and the requested crown reductions fall within this designated area.</p> <p>The Council are required to inform Historic England for application within a grade I or II* registered garden.</p> <p>Town Hill Park is a grade II listed garden and as such is below the threshold of II*, therefore there is no requirement to contact Historic England in relation to this proposal.</p>
11	When assessing an application to work on trees that are within a woodland, officers must apply the tests set out in regulation 17(3) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.
12	<i>This regulation states – ‘Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area’.</i>
13	Due to the sensitive nature of the site, the application was assessed by two tree officers. Officers have considered the required tests set out within this regulation and have formed the following opinion.
14	The first part of the test is to determine if the application relates to an area of woodland.
15	<p><b>Does the application relate to an area of woodland?</b></p> <p>The TPO is a ‘woodland’ TPO and DEFRA describe the location with the following classifications.</p> <p>Priority Habitat Inventory – Deciduous Woodland</p> <p>National Forest Inventory – Broadleaved</p> <p>Ancient Woodland (England) – Ancient and Semi-natural woodland (ASNW)</p> <p>This, added with the definition of ‘woodland’ within the UK Forestry Standard (UKFS), leads officers to agree that the trees are within a woodland.</p>
16	As it is the officers’ opinion that the application does relate to an area of woodland, the test required in the other elements of regulation 17(3) are applied.

17	<p><b>Does the work accord with the practice of good forestry?</b></p> <p>There is no definition in the TPO Regulations of what “the practice of good forestry” means. However, the UKFS is a guidance document prepared by the Forestry Commission which sets out the Government’s approach to sustainable forestry. It is referred to within the national planning guidance on TPOs (“the PPG”) and it is therefore relevant when assessing what is good forestry practice.</p>
18	<p>The term ‘Forestry’ is described in the UKFS as ‘The science and art of planting, managing and caring for forests’.</p> <p>The UKFS states that the standard’s requirements are divided into legal requirements and good forestry practice requirements. The Requirements are categorised into different elements of sustainable forest management, each supported by Guidelines for managers. It makes it clear that they should be interpreted and applied flexibly: “Some aspects of forest management lend themselves to ‘yes or no’ compliance, but most do not, and so the UKFS has not attempted to condense all the complexities of forest management into an over-simplistic format. The UKFS has therefore been written to be interpreted with a degree of flexibility and applied with an appropriate level of professional expertise.”</p>
19	<p>The work detailed within the application is to reduce the canopy of trees. The UKFS does not give any advice on this type of work, and this is regarded by the officers as not being a ‘forestry operation’. Officers consider this work to be more akin to Arboriculture rather than a forestry operation.</p>
20	<p>The word ‘Reduction’ is not used in the UKFS in relation to Crown Reductions, nor is it listed within the glossary of terms at the end of the document. Arboriculture is listed in the glossary and is defined as ‘The management of individual trees, but sometimes used to include the management of trees and woodlands in urban situations.’</p>
21	<p>Officers considered other aspects of what may constitute ‘good forestry’ and how this may relate to this application.</p> <p>Section 6 of the UKFS deals with Health and Safety and states ‘Landowners and managers need to be fully aware of their obligations under both employment and health and safety legislation. This is extensive and includes equality of treatment for recruitment processes and contracts, and a duty of care for staff while at work. ‘There is also a duty of care towards people visiting business premises or land, whether they are there with permission or not’.</p> <p>The requirement to undertake this sits within paragraph 11 and points towards the duty of care under the Occupiers Liability Act.</p> <p>It states that: - ‘<i>The landowner or manager must discharge their statutory duty of care in relation to people visiting land, whether or not they are there with permission</i>’.</p>

	It is the officer's opinion that the requested crown reductions, whilst having regard to the reason put forward to support the work, is not relating to the landowners 'duty of care' to 'manage' the woodland for visitors, therefore this section if the UKFS does not apply to this situation.
22	<p>Considering that the officers have formed the view that the work is not regarded as a forestry operation and therefore cannot be assessed against the UK forestry Standard as a 'practice of good forestry', the Council are therefore not mandated to approve the application under regulation 14.</p> <p>Accordingly, officers have not progressed to undertake the second test of regulation 14 and consider what impact the proposed work would have to the special character of the woodland or the woodland character of the area.</p>
23	Consequently, officers have assessed the application in-line with the recommendations within the Governments planning practice guidance ' <i>Tree Preservation Orders and Trees in Conservation Areas</i> ', hereinafter referred to as the PPG. This document gives information on how applications for work on protected trees, are to be assessed.
24	<p>Paragraphs 090 of the PPG gives the following guidance.</p> <p>Once registered, the LPA are to consider the following: -</p> <ul style="list-style-type: none"> <li>• assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;</li> <li>• consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;</li> <li>• consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;</li> <li>• consider whether any requirements apply in regard to protected species;</li> <li>• consider other material considerations, including development plan policies where relevant; and ensure that appropriate expertise informs its decision</li> </ul>
25	The following assessments of the proposed works to each individual tree comprise only an arboricultural assessment [if that is correct] and recommendation on that basis, which need to be taken into account alongside the other factors listed in para 24 (from para 90 PPG) and set out elsewhere in this report before a decision is reached. Officers' overall conclusion is set out at para 43 of this report.
26	<p><u>501 – Beech – Crown reduce by 6.5 metres</u></p> <p>Recommendation: <b>Refuse</b>. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the</p>

British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

502 – London plane – Crown reduce by 8.5 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with what is sound arboricultural management as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

505 – London Plane – Crown reduce by 4 metres

Recommendation: **Refuse**. The work is above what is regarded as being acceptable. The work would result in a negative impact to the amenity that the tree provides to the wider landscape. The reasons put forward for the work do not justify it and it does not meet with sound arboricultural management of the tree. The work is not considered to be in line with the current best practices detailed with the British Standard for tree work – BS3998.

508 – Scots Pine – Crown reduce by 3.3 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

529 – Oak – Crown reduce by 6.2 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work - BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

530 – Douglas Fir - Crown reduce by 10.3 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The reduction would remove all live growth and would also destroy the tree as it will not continue to grow. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work - BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

531 – Sycamore – Crown reduce by 4.7 metres

Recommendation: **Refuse**. The work is above what is regarded as being acceptable. The work would result in a negative impact to the amenity that the tree provides to the wider landscape. The reasons put forward for the work do not justify it and it does not meet with sound arboricultural management of the tree. The work is not considered to be in line with the current best practices detailed with the British Standard for tree work – BS3998.

532 – Oak – Crown reduce by 1.7 metres

Recommendation: **Refuse**. This work is minor, in relation to the crown size of the tree, and it would not be significantly harmful to the tree's health and would meet with the current British Standard for tree work BS3998. Although the work is considered by officers to be arboriculturally acceptable, officers consider that the crown reduction adversely impacts the amenity of the wider woodland.

533 – Oak – Crown reduce by 12.1 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work - BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

534 – Oak – Crown reduce by 4.3 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work - BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

536 – Western Red Cedar – Crown reduce by 8.5 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The topping of this tree would remove much of the live growth which would amount to destroying it the tree as it will not continue to grow. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

537 – Oak – Crown reduce by 13.4 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

540 – Oak – Crown reduce by 8.5 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

565 – Beech – Crown reduce by 3.9 metres

Recommendation: **Refuse**. The work is extensive and would negatively harm the amenity that the tree provides to the wider landscape. The tree was measured to be 24 metres in height; therefore, the work would remove just over 50% of the tree. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

566 – London Plane – Crown reduce by 6.3 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

567 – Sycamore – Crown reduce by 4.5 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

568 – Mixed broadleaf – Crown reduce by 8.6 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the trees provide to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.

569 – Sycamore – Crown reduce by 2.3 metres

Recommendation: **Refuse**. This work is towards the maximum amount considered to be suitable under BS3998. Although the work is considered arboriculturally acceptable, officers consider that the crown reduction adversely affects the amenity of the wider woodland.

570 – Sycamore – Crown reduce by 4.1 metres

Recommendation: **Refuse**. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with sound arboricultural management practices as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.



	<p><u>583 – Sycamore – Crown reduce by 0.9 metre</u>  Recommendation: <b>Refuse</b>. This work is minor, in relation to the crown size of the tree, and it would not be significantly harmful to the tree’s health and would meet with the current British Standard for tree work BS3998. Although the work is considered arboriculturally acceptable, officers consider that the crown reduction adversely affects the amenity of the wider woodland.</p> <p><u>588 – London Plane – Crown reduce by 3 metres.</u>  Recommendation: <b>Refuse</b>. This work would be at the limit of being acceptable. However, when considering the impacts that the height reduction would have to the amenity, it was agreed it was not considered to be suitable due to the impacts it would have to the amenity of the woodland.</p> <p><u>589 – Sycamore – Crown reduce by 9.4 metres</u>  Recommendation: <b>Refuse</b>. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The reduction in height would remove over 50% of the tree.</p> <p><u>590 – Sycamore – Crown reduce by 0.8 metres</u>  Recommendation: <b>Refuse</b>. This work is minor, in relation to the crown size of the tree, and it would not be significantly harmful to the tree’s health and would meet with the current British Standard for tree work BS3998. Although the work is considered arboriculturally acceptable, officers consider that the crown reduction adversely affects the amenity of the wider woodland.</p> <p><u>591 – Sycamore – Crown reduce by 0.9 metre</u>  Recommendation: <b>Refuse</b>. This work is minor, in relation to the crown size of the tree, and it would not be significantly harmful to the tree’s health and would meet with the current British Standard for tree work BS3998. Although the work is considered arboriculturally acceptable, officers consider that the crown reduction adversely affects the amenity of the wider woodland.</p> <p><u>592 – Sycamore – Crown reduce by 10.3 metres</u>  Recommendation: <b>Refuse</b>. The work is extensive and would destroy the amenity that the tree provides to the wider landscape. The work does not meet with what is sound arboricultural management as detailed with the British Standard for tree work – BS3998. The work would result in a detrimental impact to the trees health and long-term safe retention prospects.</p>
27	<p>It is important to highlight that the requested reduction to trees relates to their height only, and not an overall height and spread reduction, therefore any approved reduction work would result in a flat top tree rather than having a natural shape indicative with species of tree.</p>
28	<p>The work to trees 536, 530 and 508 has been described as a ‘crown reduction’ as this was the description supplied within the application. Officers consider this work to amount to topping of a tree and not a crown reduction.</p>

29	The British Standard for tree works, BS3998, gives a description of topping and is described as ' <i>removal of most or all of the crown of a mature tree by indiscriminately cutting through the main stem(s)</i> '. Topping a tree is more significant to a tree's health and amenity, than a crown reduction.
30	As part of the assessment of the application, officer considered the loss or damage associated with the refusal.
31	<p>Section 24 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 deals with compensation in relation to refusal of an application and states the following: -</p> <ul style="list-style-type: none"> <li>• Section 24</li> <li>• <b>(1)</b> If, on a claim under this regulation, a person establishes that loss or damage has been caused or incurred in consequence of— <ul style="list-style-type: none"> <li>• (a) the refusal of any consent required under these Regulations;</li> <li>• (b) the grant of any such consent subject to conditions; or</li> <li>• (c) the refusal of any consent, agreement or approval required under such a condition,</li> </ul> </li> <li>• that person shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.</li> <li>• <b>(2)</b> No claim, other than a claim made under paragraph (3), may be made under this regulation— <ul style="list-style-type: none"> <li>• (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or</li> <li>• (b) if the amount in respect of which the claim would otherwise have been made is less than £500.</li> </ul> </li> <li>• <b>(3)</b> Where the authority refuse consent under these Regulations for the felling in the course of forestry operations of any part of a woodland area— <ul style="list-style-type: none"> <li>(a) they shall not be required to pay compensation to any person other than the owner of the land;</li> <li>(b) they shall not be required to pay compensation if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is subject to an appeal to the Secretary of State, the date of the final determination of the appeal; and</li> <li>(c) such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.</li> </ul> </li> </ul> <p>As the work within the application does not involve 'felling in the course of forestry operations' paragraph 3 is not engaged.</p>

	<p>Officers have therefore gone on to consider paragraph 4 in relation to compensation resulting from a refusal of an application.</p> <p>This section states: -</p> <ul style="list-style-type: none"> <li>• <b>(4)</b> In any case other than those mentioned in paragraphs (2) or (3), <u>no compensation shall be payable</u> to a person for- <ul style="list-style-type: none"> <li>(a) for loss of development value or other diminution in the value of the land’.</li> <li>(b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions.</li> <li>(c) for loss or damage reasonably foreseeable by that person and attributable to that person’s failure to take reasonable steps to avert the loss or damage or to mitigate its extent.</li> <li>(d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under these Regulations or the grant of any such consent subject to conditions.</li> </ul> </li> </ul> <p>Officers consider that a claim could be advanced if the owner suffers loss or damage that was reasonably foreseeable, at the time of the refusal.</p> <p>The applicant has declared that the work does not relate to the condition of the tree, such as they are diseased, or they have fears that they may break or fall. Officers agree with this position therefore consider that a claim under paragraph (4)(b) is unlikely.</p>
32	<p>Officers have also considered whether any requirements apply with regard to protected species.</p>
33	<p>As the majority of Marlhill Copse is designated as a Site of Importance to Nature Conservation (SINC), with the application trees being located within this area, the council’s Planning Ecologist was informed of the application and has provided the following statement - ‘<i>The most sensitive areas of the SINC lie in the bottom of the valley rather than the bank, which is the subject area of this application. The main concern regarding the work and its impact to the SINC relates to the potential impact to bats, be it damage to roosts or the loss of foraging area. There is also a concern over the impact to badgers, through the disturbance caused whilst undertaking the proposed work</i>’.</p>
34	<p><b>Conservation Area.</b></p> <p>The trees, subject of this application, are within the Itchen Valley conservation area and as such, require the council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990.</p> <p>To be able to assess the impact, first there must be a consideration as to what the character of the conservation area is. The Itchen Valley</p>

	<p>Conservation Area strategy document of 1993 was used to supply the details of the character of Marlhill Copse. This can be found in sections 17.2 and 17.3 of the document.</p>
35	<p><b>Section 17.2</b> – ‘Marlhill Copse itself originally formed part of the Townhill Park Estate and is shown on the 1st Edition Ordnance Survey Plan dated 1871, as a woodland block running along the Itchen Escarpment. The size of the trees suggest that they were planted around 1800 and the woodland is now a fine example of mature Oak trees grown as standards. During the 1920's and 30's these were thinned, and the glades were planted up with many unusual trees and shrubs, in particular Rhododendrons, Magnolia and Nothofagus, some of which remain today’.</p>
36	<p><b>Section 17.3</b> – ‘The Copse itself lies on an escarpment and its mature trees form a very important element in the landscape of this part of the city, providing a very effective transition in visual terms between the City and its surrounding countryside’.</p>
37	<p>When considering the work that is subject of the application and the councils requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, it is the officers view that the work to the mature species of trees, would adversely harm the character and appearance of the conservation area. Furthermore, officers agree that the sporadic and potential cyclical reduction of trees would also diminish the character and appearance of this semi-natural ancient woodland landscape.</p> <p>The transition between the city and its surrounding countryside may be visually impacted by the reduction of the canopies as it would result in a section of the woodland having a far lower canopy height to that of its neighbouring and untouched trees. If trees on the upper slopes are reduced or removed, the view from the public area may be altered which may result in the loss of the woodland character of the conservation area. It is hard to assess this impact, but on balance, it is felt that the work would result in negative impact to the conservation area, and therefore not supported by officers in relation to the test under section 72 of the Planning (Listed Building and Conservation Area) Act 1990.</p>
38	<p>As the trees are within the Itchen Valley conservation area, the council's Historic Environment Officer was consulted on this application who provided the following comments: -</p> <p><b>Consultation response.</b> <i>Objection – on the information provided the proposals as they stand would be considered to have a negative impact on the character of the surrounding woodland, which in turn would diminish, and would fail to preserve and hence cause harm to, the character or appearance of the Itchen Valley Conservation Area.</i></p>

	<p><b>Assessment and advice.</b></p> <p><i>A Planning Inspector at appeal recently agreed that Marlhill Copse, with its mixed woodland character and projecting mature tree canopy, contributes positively to the character or appearance of the Itchen Valley Conservation Area, and considered that the complete felling of a substantial number of trees within the woodland at one point in time neither preserved nor enhanced the conservation area`s special character or appearance (ref: 20/00340/TPO).</i></p> <p><i>Although it is acknowledged that the current proposals seek to retain the 23 trees identified on the submitted plan, and which would have the potential to regrow over time, the reduction in height with regards to some of the species of trees is substantial, some needing to be reduced by 12 metres. Whether this level of reduction is justifiable and reasonable with regards to the future health of the particular tree in question is a matter for arboriculturists, however, from a conservation perspective, the reduction in height of so many trees at one point in time raises concern. For instance, it is unclear what the true reduction in trunk height of so many trees would have on the individual species concerned, or the common groupage that make up the various pockets of woodland. It is also unclear what visual impact the thinning of the mature canopy - a highly distinguishable feature in the skyline that projects above the height of the lower canopy of trees - would have on how the woodland is appreciated in short-and-long term views, or those views into and out of the conservation area from further afield.</i></p> <p><i>As such, in the absence of a visual impact assessment demonstrating otherwise, the proposals as they stand would be considered to have a negative impact on the character of the surrounding woodland, which in turn would diminish, and would fail to preserve and hence cause harm to, the character or appearance of the Itchen Valley Conservation Area. The identified level of harm to the heritage asset would be considered `less than substantial` harm, where clear and convincing justification for overriding this level of harm would be required as per the guidance set out in the NPPF.</i></p>
39	<p><b>Public Comments.</b></p> <p>On the date of the publication of this report, there have been a total of 10 public comments received.</p> <p>There were 9 in objection and 1 in favour to the proposed works.</p>
40	<p>The reason given for the <b>support</b> of the proposal were in relation to its good design and that it was in keeping with the conservation area. The public comment also had the following statement: - 'A well balanced approach to ensure aviation safety whilst maintaining the natural beauty of the copse'.</p>
41	<p>From the 9 objections received, the reasons given in <b>objection</b> to the proposal were in relation to the loss of trees, affects to wildlife, affects to the conservation area.</p>
42	<p>Officers have reviewed the comments and extracted the pertinent points from the 9 received. The comments below relate to the impact to the trees and the conservation area. The full comments can be found in appendix 3</p>

	<ul style="list-style-type: none"> <li>• The application document says that ‘<i>This request is to reduce the height of 23 trees within Marlhill Copse</i>’, but the supporting document lists 25 trees.</li> <li>• Such radical reduction in the height of the trees will, at the very least, have a severe detrimental impact on the appearance of the trees.</li> <li>• The large amounts of proposed crown reduction will cause harm to the conservation area. Loss of this amount of crown canopy will reduce the amount of habitat for wildlife within the individual trees and make significant changes to the environment beneath them.</li> <li>• The works will cause harm to the individual trees - some of the proposed “crown reductions” are so great as to threaten their viability.</li> <li>• The works are inconsistent with the aim in the airport's Woodland management plan to "increase age and height diversity of the trees" - this cannot be done by reducing the height of the tallest trees.</li> <li>• This will harm local wildlife and the conservation area.</li> <li>• Please don't cut these beautiful trees back further, as they are an important oasis for wildlife and people and help protect the houses and other trees near them from strong winds.</li> <li>• Crown reducing so many mature trees will completely change the character of the woodland.</li> <li>• I object strongly to this application because of its threat to the character of the woodland, to the amenity value it gives to both humans and wildlife, and because of the danger of such extreme crown reduction to the viability of the trees.</li> </ul>
43	<p><b>Conclusion:</b></p> <p>Officers have considered this application and made an assessment to the impact that the proposal will have to the amenity value of the woodland and concluded that the proposal was not justified, having regard to the reason put forward in support.</p> <p>Officers have also consider the test under regulation 17(3) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 and formed the view that the council would not be mandated to approve the application as the work cannot be regarded as a ‘practice of good forestry’ and therefore the assessment was made under the guidance of the planning practice guidance document.</p> <p>The officers felt that although some of the reduction requests were regarded as being arboriculturally acceptable in relation to the impact to the trees</p>

	<p>health, it is the impact to the woodland character and the conservation area that officers disagreed with the proposal.</p> <p>A woodland is a natural setting that naturally evolves over time. Officers accept that the management of woodlands is essential to maintain a healthy stand of tree and one that can promote biodiversity and amenity, however the reduction of the canopies over a section of woodland and to the largest of trees, is not regarded as an acceptable way to manage a woodland.</p> <p>Although a woodland is made up of many individual trees, its amenity that to provides to the landscape, ecology, environment, and conservation area is arguably the woodland in its entirety. The value given is collective and should not be impacted unless either there is substantial justification to warrant the work.</p>
44	Members are requested to form their own view as to the impact that the work, in its entirety or partially, would have to the amenity of the woodland and the impact it may have to the conservation area.

#### **RESOURCE IMPLICATIONS**

##### **Capital/Revenue**

NONE

##### **Property/Other**

NONE

#### **LEGAL IMPLICATIONS**

##### **Legal implications are set out in report**

##### **Other Legal Implications:**

NONE

#### **RISK MANAGEMENT IMPLICATIONS**

#### **POLICY FRAMEWORK IMPLICATIONS**

<b>KEY DECISION?</b>	<b>Yes/No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	Location plan received in relation to surrounding properties.
2.	Work specification and tree location

3.	Public comments received
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**Documents In Members' Rooms**

1.	
2.	

**Equality Impact Assessment**

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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**Data Protection Impact Assessment**

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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**Other Background Documents**

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	