

DECISION-MAKER:	PLANNING RIGHTS OF WAY PANEL
SUBJECT:	OBJECTION TO THE SOUTHAMPTON (32 HOLLY HILL) TREE PRESERVATION ORDER 2020
DATE OF DECISION:	24 NOVEMBER 2020
REPORT OF:	EXECUTIVE DIRECTOR OF PLACE

<u>CONTACT DETAILS</u>			
Executive Director	Title	Executive Director Place	
	Name:	Kate Martin	Tel: 023 8083 3005
	E-mail	Kate.martin@southampton.gov.uk	
Author:	Title	City Tree Officer	
	Name:	Will Taylor	Tel: 023 8083 3005
	E-mail	Will.taylor@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
<p>A Preservation Order has been placed on this tree as a precautionary measure following an anonymous report to the Council tree department regarding fears of the tree being removed entirely or the amenity it provides being lessened by excessive works.</p> <p>An assessment of the tree's suitability for protection was completed and can be seen in Appendix 2 (TEMPO Form). This assessment indicated that the tree was suitable for protection and long-term retention.</p> <p>Following a series of email and telephone conversations, and a site visit with the owner of 32 Holly Hill, we were unable to overcome the objection and it was agreed to present the matter to panel for a final decision.</p>	
RECOMMENDATIONS:	
	(i) To confirm The Southampton (32 Holly Hill) Tree Preservation Order 2020
REASONS FOR REPORT RECOMMENDATIONS	
1.	The trees size, condition and location mean it significantly contributes to the amenity and ecological benefits of the area and its protection under a Tree Preservation Order will ensure the long-term retention of these features.
2.	An indication from the residents of 32 Holly Hill to carry out works to the tree which are considered to be excessive and not in line with good arboricultural practice.
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 management of the trees.

DETAIL (Including consultation carried out)	
4	27.05.2020 – Enquiry received requesting tree be considered for protection.
5	29.05.2020 – Assessment of tree completed by officer in the form of a TEMPO (Appendix 2)
6	12.06.2020 – Tree Preservation Order made and served.
7	12.06.2020 – Enquiry received from 32 Holly Hill indicating objection to TPO, the basis of the objection is the time taken to submit applications and for decisions to be made.
8	15.06.2020-15.10.2020 – Series of email correspondence (Appendix 3) between 32 Holly Hill and Council tree department including a site visit to discuss TPO, application process and objection. The necessary application form and guidance notes were supplied to the residents.
9	During my visit to the property (15.10.2020) we discussed the process of making an application or arranging a tree surgeon to apply as the agent. We discussed what would likely be considered as reasonable works, how to apply this to the application in a clear way and the probable timescales for decision as well as works that are exempt from the process. Also explained was the process should the objection be upheld and how this would be taken forward to panel for final decision.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
10	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<u>Property/Other</u>	
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.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
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.
<u>Other Legal Implications:</u>	
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

RISK MANAGEMENT IMPLICATIONS	
13	None
POLICY FRAMEWORK IMPLICATIONS	
14	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	Bassett Ward
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	The Order: The Southampton (32 Holly Hill) Tree Preservation Order 2020
2.	Tree Evaluation Method for Preservation Orders (TEMPO)
3.	Email trace between 32 Holly Hill and Council Tree department.

Documents In Members' Rooms

1.	None
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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.	None