

<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL
<b>SUBJECT:</b>	Tree work application for trees within Marlhill Copse that are protected by a tree preservation order and a tree work notification for trees within a conservation area.
<b>DATE OF DECISION:</b>	2 <sup>nd</sup> February 2021
<b>REPORT OF:</b>	HEAD OF CITY SERVICES

<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>
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NONE
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<b>BRIEF SUMMARY</b>
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To consider the content within application 20/00303/TPO, 20/00305/TPO and 20/00077/TCA for the felling of 61 individual trees and 7 groups of trees located within Marlhill Copse.
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<b>RECOMMENDATIONS:</b>
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	In respect of the 59 individual trees and 6 groups of trees:	
	(i)	To grant consent to the TPO application for the felling with an attached condition for suitable replacement tree planting scheme, and,
	(ii)	To raise no objection to the notification of felling of trees in the Conservation Area.
	(iii)	To consent to a 1.5 metres lift but refuse a 3 metre lateral reduction in respect to T18.

<b>REASONS FOR REPORT RECOMMENDATIONS</b>
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1.	The requested work has been identified by an independent arboricultural consultant who carried out a site survey to conduct a survey of trees within falling distance of properties on the western side of Hill Cottage Gardens and those trees within Marlhill Copse that are within falling distance of the carriageway and public footpath of Mansbridge Road.
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<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>
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2.	To refuse the consent to fell the trees would put the public and neighbouring properties at risk and would also to prevent the land owner undertaking reasonable management of their land.
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3	To make a TPO in respect of those trees not subject of a TPO. Due to trees condition, it would be inappropriate for the local authority to make an order to prevent their felling. Furthermore, local authorities should also not make tree preservation orders in order to secure replacement tree planting.
<b>DETAIL (Including consultation carried out)</b>	
4	An independent report that had been carried out on request of the land owner was submitted to the council from Southampton International Airport Limited (SIAL) accompanied by an application to fell trees protected by a tree preservation order and a notice to fell trees within a conservation area.
5	The report has highlighted trees that require a level of work and has also assigned a priority to each. The two priorities are Red, for 3 months and Yellow for 12 months. These priorities are for the tree owner and not used in determining the application/notification. Any permission given by the council has a standard condition allowing for the work to be completed at any time within 12 months, therefore if the tree owner wishes to carry out the yellow works alongside the red works, the permission notice would allow for this.
6	The report identifies that a total of 61 trees and 8 groups have been given the red priority and there are 7 trees and 1 group with the yellow priority. There is a small discrepancy in the report and the following corrections should be applied.
7	Oak shown as number 2 should have been highlighted in yellow with the other 12 month works. Trees 2 and 7 do not require any formal permission to sever the ivy and therefore are not included within the officer's decision.
8	<p>The plan in appendix 2 of the survey report has located the trees which are listed in appendix 1, of the same report. Please note that groups G1 to G4 are shown on the plan with a polygon drawn to show the extent of the group feature. However not all the group features have been drawn with polygons. In areas where there are trees near to each other and neighbouring trees, it is not been suitable to draw a polygon, however the consultant has added the number of trees that relates to the group. Therefore, the following group features, listed in appendix 1, are to be located on the plan by its corresponding number, with the 'G' prefix removed.</p> <p>G23 = 23 – 2 Trees  G45 = 45 – 2 Trees  G49 = 49 – 5 Trees  G54 = 54 – 8 Trees  G59 = 59 – 13 Trees  G61 = 61 – 9 Trees</p>
9	The application identifies trees within W1 of The Southampton City Council (Hill Cottage Gardens) Tree Preservation Order 2013 along with W1 of The Southampton (Townhill Park - Cutbush Lane) Tree Preservation Order 1956. The notification of works is for trees that are within The Itchen Valley Conservation area but that are not subject of the TPO.
10	The majority of Marlhill Copse is designated as a Site of Importance to Nature Conservation (SINC). All of the trees, with the exception of T1, are within the SINC. The council's Planning Ecologists has been informed of the proposed works within the SINC.

11	<p>Part of the application includes trees within a nationally registered park or garden, therefore Historic England are to be informed of the proposed works. An email was sent to Historic England and the following response was received.</p> <p><i>'This doesn't appear to fall within our remit which can be found in Table 1 and 2. If you have not done so already, I would recommend talking to your Historic Environment Officer who may have comments to make'.</i></p>
12	<p>The Councils Historic Environment Officer has been consulted and has provided the following comments. <i>'the loss of a small number of individual trees within this much larger grouping would not adversely harm the overall character or appearance of the conservation area, providing the works can be demonstrated to be necessary as per the advice above, and that any loss of trees would be replaced or better managed'</i></p>
13	<p>There have been no objections to the applications or notifications from the public, however the Woodland Trust have given comments in relation to the trees that are subject of the conservation area and raised a concern regarding works that are within the ancient woodland. The Woodland trust have concerns <i>that 'the work may not align with the protection afforded the area through its status as ancient woodland' Appendix (1)</i></p> <p>The comments made by the Woodland Trust were in relation to the notification 20/00077/TCA, however the trees that are subject to this notification are not within the area designated as being an ancient woodland. The Woodland Trust have been informed that this is the case but have not provided any further comments.</p>
14	<p>The applicant seeks work for several trees that have been identified to pose a risk of failure, impacting the highway or causing a nuisance to the neighbouring properties. All the detail is included within the Tree Surveys report.</p>
16	<p>The main body of work is to fell trees that are infected with Ash die back (<i>Chalara fraxinea</i>), to give clearance to the public highway and the felling of 2 Sycamores within G23. These are extremely low quality and are requested to be felled. These trees are located within the Itchen Valley Conservation area and are as follows.</p> <p><i>G3, G4 and G23</i></p> <p><i>Trees 24 through to 87, with groups 45, 49, 54, 59 &amp; 61 inclusive</i></p> <p><i>The remaining trees that are protected by the tree preservation orders (TPO) have been identified with defects and supporting evidence has been supplied.</i></p> <p>Members should be made aware that part of group G4 and trees from tree 50 through to tree 88 are not on land owned and managed by the applicant but are on land belonging to Southampton City Council. In planning, anyone can apply or notify the council to carry out works to a protected tree and they need not be the owner. In these cases, the local authority must consider the application/notification presented to it and without any influence over land or tree ownership. Any permission given to trees on third party land does not give the applicant the right to enter onto third party land in order to carry out consented works but must first seek the permission of the land owner, which in this instance is the City Council.</p>

17	As the trees identified with Ash die back are within the conservation area, the council cannot refuse the work, but would have to make a tree preservation order to prevent the notified work from being completed. As part of the consideration of making a tree preservation order, the council must assess the trees condition. It is the officer's opinion that, in this instance, the condition of the trees would discount them from formal protection by making a TPO and therefore the work should not be prevented. The notification also includes the removal of a limb from a Sycamore, which is marked as tree number 25 in the report. The tree is very poor form and has been unsympathetically pruned in the past leaving a tree with very little value. The work that has been requested is also a fair request, therefore it is the officer's opinion that it is not suitable to make a TPO to prevent the work from commencing.
18	If members are minded to object to the work being completed, members should consider and decide whether to make a TPO. The test for making a TPO is whether it is expedient in the interests of amenity.
19	As the above works are within a conservation area and do not relate to an application for TPO consent, regulation 17(3) of the TPO regulations 2012 does not apply.
20	The trees that are within the Itchen Valley conservation area 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.
21	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 Conservation Area strategy document of 1993 was used to supply the details of the character of Marlhill Copse. This can be found in sections <b>17.2</b> and <b>17.3</b> of the document.
22	<b>Section 17.2</b> – <i>'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'</i> .
23	Historically the copse was not the same size as it is today as the 1871 map shows that it did not extend as far to the north as present day. It appears that the land to the north of the 1871 extent of Marlhill Copse did not appear to have been woodland and may possibly have been used for farming purposes.  The description of the trees in <b>section 17.2</b> is in relation to woodland that existed on the 1871 map and not that of the current extended copse that now incorporates the self-seeded ash trees and sycamore. 17.2 gives detail over the trees within the copse that form a feature of the conservation area. It is noted that the ash trees have not been referenced as a notable tree species.
24	As the trees subject of the notification were not within the woodland, as shown on the 1871 map, and was also not part of Marlhill Copse, then they

	cannot be included in the character assessment of the conservation area and are also not listed as a notable species.
25	<b>Section 17.3</b> – <i>‘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’.</i>
26	For the purpose of this notification and assessing the impact that it has to the conservation area, officers consider that section 17.3 to be the most relevant section as the subject trees are not part of the old copse, which is referenced in section 17.2.
27	Officers have assessed the loss of the trees and the impact that this would have on the ‘effective transition in visual terms between the City and its surrounding’ and the impact on the character and appearance of the wider conservation area
28	It is the officers’ opinion that the loss of the trees would not remove the entire visual transition between the woodland and the surrounding area, however there will be some impact through tree felling. There will naturally be some loss of woodland on the boundary of the copse, however this is already being lost naturally by the spread of Chalara. Through careful consideration of replacement planting and the natural regeneration, this transition would return. With having a more diverse species selection added with replacement planting, this will build in resilience into the woodland for future and for it to have a level of protection for pest and diseases to ensure the longevity of the woodland and the conservation area.
29	The remaining work that has been requested has been detailed in applications 20/00303/TPO and 20/00305/TPO which are protected by W1 of The Southampton City Council (Hill Cottage Gardens) Tree Preservation Order 2013 along with W1 of The Southampton (Townhill Park - Cutbush Lane) Tree Preservation Order 1956.
30	The trees that are subject to a tree a preservation order is group feature G2 and trees 1 – 5 – 6 – 8 – 14 – 17 & 18. These are considered below.
31	The trees within G2 of the report are a small group of willows that are generally of a poor condition and quality. The felling of these trees will effectively result in them being coppiced and I fully expect to see an abundance of new growth arise from the coppice which will ultimately be more beneficial to the woodland and ecology. Officers are not objectionable to this form of management as this is likely to have been completed in other parts of the copse. One usage of the term ‘Copse’ relates to coppicing; therefore, it is very fitting for the area.
32	Tree marked as T1 is not on land that is owned or managed by the applicant and they have confirmed that they are aware of this, however it was picked up as part of the survey undertaken and submitted with the application, therefore it will still be considered within this report. Officers have made the tree owner aware of the condition of this tree.  As the trees is dead, it technically does not require permission via an application as the tree owner can issue a written 5-day notice to the council under section 14(1)(a)(i) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012. However, as this has been submitted on the application, it will be considered. The tree is on third party

	land that does not form part of Marlhill Copse, however it is within the woodland classification of the tree preservation order. The tree is part of a linear boundary group feature that is separated from the main body of Marlhill Copse. There is a clear gap between this boundary feature and the woodland, and the canopies of each feature do not meet. Officers therefore do not consider this tree to be within a woodland for the purpose of determining the application. The tree is dead and therefore the council should not refuse its felling.
33	The oak marked T5 is a very prominent tree in the local area, however it is clear from the report that there are considerable concerns over the safe retention of the tree, especially as it is leaning toward the rear of the private properties and is within striking distance, should it fail.
34	The tree is infected with the decay fungi Ganoderma which can lead a mechanical failure of the stem or root plate, therefore there is concern with this tree given its location. Drill data has been provided and there are clear signs that the internal structure of the tree is in decline and the potential for failure increases with the decrease of healthy unaffected wood.
35	Contact with the consultant was made to ask if further forms of management were considered. A copy of the response has been included. See appendix (2)
36	It is the officers' opinion that the tree will continue to decline in its structural condition and given its location, it is regrettable, but the officer must accept that there are suitable grounds for its loss. A replacement tree will be replanted within 5 metres of the tree to be felled, therefore replacing the amenity for future.
37	The Douglas Fir marked as T6 is not a significant tree within the surroundings of the other trees and the canopy condition shows signs of the tree being in decline. This would certainly indicate that there are health issues with this tree which may potentially be root related. At the time of the survey, there were no fungal fruiting bodies seen, however it is the officer's opinion that the most likely cause of the decline is either being infected with <i>Phaelous schweinitzii</i> , <i>Sparassis crispa</i> or <i>Hetrobasidion annosum</i> . All these decay fungi are serious and cause brittle fracture of the main stem of the tree. It is the officers' opinion that the loss of the tree is acceptable. A replacement tree would be requested to replace its loss and to replace the amenity for the future.
38	Oak tree, which is marked as T8, has been shown to be infected with the decay fungi <i>Inonotus dryadeus</i> and the request to reduce the canopy is in relation to the decay. However, the drill data that has been supplied, does not indicate that there is extensive decay in the central core of the tree, which, if present and extensive, would give greater support to the crown reduction request. The tree is in a low usage area of the woodland and not near to properties, therefore there is an argument that the work should be refused as the reduction of the tree may cause additional stress which can increase the rate of its decline. However, this tree is in close proximity to its neighbour which is of a similar age class, therefore I have also considered the impact to the neighbouring tree, both now and the future.  As T8 will naturally decline over time, it may come to a point when felling is appropriate and there can be issues in relation to the sudden change in the wind dynamics to the neighbouring trees. Therefore, whilst having this in

	mind, the officers feel that, what amounts to a relatively small canopy reduction, is appropriate on the basis that it will gradually introduce the neighbouring tree to different wind dynamics and allow it to respond. It is therefore the opinion of the officers that the crown reduction should be supported.
39	The ash marked as T14 is a low-quality tree in amongst other trees of better quality. It has a natural lean towards the rear of the properties. Given that there is a very high incidence of Chalara within the woodland, and in very close proximity to this tree, it is the officers' opinion that the loss of this tree would not have an impact to the amenity of the woodland or remove the woodland character of the area. The officer does not object to the loss of the tree and would look to have a suitable native tree planted nearby to enhance the woodland diversity and to preserve the amenity for future
40	The trees marked as T17 is a very poor group of willows that appear to be an old coppice. The felling of these trees will effectively result in them being coppiced and I fully expect to see an abundance of new growth arise from the coppice which will ultimately be more beneficial to the woodland and ecology. Officers are not objectionable to this form of management as this is likely to have been completed in other parts of the copse. One usage of the term 'Copse' relates to coppicing; therefore, it is very fitting for the area and request
41	The oak tree marked as T18 is in close proximity to the rear of a property in Hill Cottage Gardens. The agent has suggested that the canopy of the tree can be reduced back by up to 3 metres, which would take it back to the boundary. It is the officers' opinion that this is not necessary and may be detrimental to the visual amenity from internal and external of the woodland. The canopy can be crown lifted to provide a 1.5 metre separation between the canopy and the top of the 2-metre fence. This will result in the canopy being removed off from the fence and remove the risk of damage, whilst maintaining the current canopy shape. Therefore, it is the officers' opinion that the reduction of the lower canopy be refused but a crown lift to provide the necessary separation, be consented.
42	When assessing the application to fell trees that are within a woodland, officers must apply regulation 17(3) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.
43	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'.
44	The officers have considered the required tests set out within this regulation and have formed the following opinion.
45	<b>Does the application relate to an area of woodland?</b> The TPO is a 'woodland' TPO and the Department for Environment, Food and Rural Affairs (DEFRA classify the location to be a Broadleaved Woodland, added with the definition of 'woodland' within the UK Forestry Standard (UKFS), it leads officers to agree that the trees are within a woodland.
46	<b>Does the work accord with good forestry practice?</b>

	<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 the within the national planning guidance on TPOs (“the PPG”) and it is therefore relevant when assessing what is good forestry practice. 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 UKFS 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>
47	<p>Of relevance to this application is section 6.5 of the UKFS, which refers to people and includes guidance on access, including visitor safety. Page 134 refers to employer’s health and safety legal requirements. Visitor health and safety is set out at page 135. The UKFS states the following</p> <p><i>The Occupiers’ Liability Acts 1957 and 1984 in Great Britain and the 1957 Act and 1987 Order in Northern Ireland direct landowners and managers to ensure that visitors to forests and woodlands are not put at risk. This includes visitors exercising rights of access or using permissive ways and dedicated land, and also covers responsibilities to people who are not invited or permitted to be on the land in question. In this case, a duty of care still exists if:</i></p> <ul style="list-style-type: none"> <li><i>• the landowner or manager is aware of a danger or risk, and it is known that people may be in, or come into, the vicinity of the danger;</i></li> <li><i>• the risk is one against which the landowner or manager may reasonably be expected to offer some protection. 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. In England and Wales, reasonable care must be taken to ensure the safety of visitors using permissive ways and land dedicated under the Countryside and Rights of Way Act 2000. Forest environments can present a range of natural and man-made hazards that could put visitors at risk. Natural hazards include old trees and unstable rock faces. Man-made hazards include quarries, mineshafts and abandoned structures, as well as potentially hazardous activities such as forest operations, pest control measures and some sports. The Forestry Commission has produced detailed guidance, endorsed by FISA, on managing public safety in relation to forest operations, such as that required for harvesting sites.</i></li> </ul>
48	<p>It is therefore the officers’ opinion that the requested work is in direct relation to safety and is being proposed to prevent harm from occurring to visitors to the woodland and to the neighbouring properties, therefore it is the officers’ opinion that this does accord to the practice of good forestry.</p>
49	<p>It must be understood that this assessment has been carried out to the following trees – T1, T6, T8, T14 and T17 as they are in relation to safety. The</p>



	requested crown reduction of T18 does not accord with the practice of good forestry as the work is requested due to encroachment over a neighbouring property boundary and is not safety related. This type of work is not considered to be a forestry operation and therefore is not included within the UK forestry standard, which has been used to determine good forestry practices.
50	The officer has gone on to consider the remaining elements of regulation 17(3) of the TPO regulations and whether the felling of the trees would fail to secure (a) the maintenance of the special character of the woodland or (b) the woodland character of the area.
51	<b>The special Character</b> – The officer has considered what the special character of the area is and agrees that in a large section of the copse, it conforms with the description as detailed by DEFRA as being a broadleaved ancient and semi-natural woodland (ASNW). The area that the trees, subject to TPO protection, are growing, sit within the boundary of the ASNW, therefore are appropriate for the assessment of the special character.
52	Considering if the work would fail to secure the maintenance of the special character of the woodland or the woodland character of the area, the officer has formed the following opinion.
53	<b>Does the work fail to secure the maintenance of the special character of the area?</b> As mentioned above, the trees protected by the tree preservation order lie within the main body of the ASNW and are amongst a mixed woodland of broadleaved and coniferous, with the broadleaved trees being the dominant. After the felling, of coppicing of the willow, is completed the remaining trees surrounding will then retain the character.  A lot of the surrounding woodland is of a mixed age classification of mixed broadleaved trees, therefore is considered to be in line with the special character of the area. For this reason, the officer's opinion is that the work would not fail to secure the maintenance of the special character of the area.
54	The final test to consider is if the felling of the trees would remove the woodland character of the area.
55	<b>Does the proposed felling remove the woodland character of the area?</b>  The officer considers that the removal of the trees in this location would not remove the woodland character of the area, due to a vast majority of the copse still being present, which amounts to somewhere in the region of 9000 square meters of woodland, that is known as Marlhill Copse. The oak tree that is marked as number 5 and the Douglas fir marked as number 6 on the tree surveys plan have the highest amenity of the trees that are subject to the TPO application. The felling of these trees would not have a significant impact to the amenity, when being assessed from the public's view external to the woodland as there is a backdrop of other mature trees that form Marlhill Copse. It is also the officers' opinion that the impact to the character of the woodland internally will also not be significantly altered. If the trees are removed, the officers' opinion is that, in large, the woodland

	<p>character of the area remains and, with replacement planting, the future woodland character of the area will be continued.</p>
<p>56</p>	<p><b>Compensation.</b></p> <p>The Council can be liable for compensation in the event it refuses an application to consent. However, under Regulation 24(3) of The Town and Country Planning (Tree Preservation) (England) Regulations 2012, compensation is limited where the works are “forestry operations” in a woodland area. Regulation 24(3) states as follows:</p> <p><i>(3) Where the authority refuse consent under these Regulations for the felling in the course of forestry operations of any part of a woodland area—</i></p> <p><i>(a) they shall not be required to pay compensation to any person other than the owner of the land;</i></p> <p><i>(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</i></p> <p><i>(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.”</i></p> <p>There is no definition of forestry operations for the purposes of the TPO Regs or in the Town and Country Planning Act 1990. Given the broad dictionary definition of forestry (as used in the UKFS), it is the officers’ view that these are forestry operations in a woodland area and therefore any compensation is 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.</p> <p>If these works are not considered forestry operations, then there is a risk of exposure to liability for a greater level of compensation as Regulation 24(1) states:</p> <p><i>(1) If, on a claim under this regulation, a person establishes that loss or damage has been caused or incurred in consequence of—</i></p> <p><i>(a) the refusal of any consent required under these Regulations;</i></p> <p><i>(b) the grant of any such consent subject to conditions; or</i></p> <p><i>(c) the refusal of any consent, agreement or approval required under such a condition, that person shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.</i></p> <p><i>(2) No claim, other than a claim made under paragraph (3), may be made under this regulation—</i></p> <p><i>(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</i></p>

	<i>(b) if the amount in respect of which the claim would otherwise have been made is less than £500.</i>
57	<p><u>Conclusion</u></p> <p>In relation to the request to carry out the proposed work contained within the Tree Surveys report, which covers both felling and crown reductions of trees subject to TPO and Conservation area protection, it is the officers' opinion that the work accords with the practice of good forestry and that the felling would maintain the special character and woodland character of the area and thus regulation 17(3) states that the local authority must grant consent in such circumstances.</p> <p>Having regard to the statutory duty under s72 of The Planning (Listed Building and Conservation Area) Act 1990, the felling and crown reductions would still preserve the character and appearance of the Conservation Area. On this basis, subject to a condition to replant replacement native trees, in the interests of good practice, the notification and both applications in this respect should be approved.</p>
<b>RESOURCE IMPLICATIONS</b>	
<u>Capital/Revenue</u>	
	As set out above.
<u>Property/Other</u>	
	NONE
<b>LEGAL IMPLICATIONS</b>	
<u>Statutory power to undertake proposals in the report:</u>	
	The statutory duties in connection with determining the application are set out in the body of the report.
	The Council may impose conditions in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012
<u>Other Legal Implications:</u>	
	NONE
<b>RISK MANAGEMENT IMPLICATIONS</b>	
	NONE
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
	NONE

<b>KEY DECISION?</b>	<b>Yes/No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	
<u>SUPPORTING DOCUMENTATION</u>	

<b>Appendices</b>	
1.	Letter from Woodland Trust
2.	Letter from consultant
3.	Site photos
4.	Tree Location Plan

**Documents In Members' Rooms**

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**Equality Impact Assessment**

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

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

**Other Background documents available for inspection at:**

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