

Appendix 3 Objections and Responses

Objection 1: Email received 30 May 2024

Dear Sirs,

I wish to register my objection to the provisional Tree Preservation order 2024 particularly trees T2, T3 and T4 all behind properties in Weston Lane SO19 9HL.

There exists to my knowledge a TPO on the oak tree located on the boundary of 212 and 214 Weston Lane.

I moved into*** Weston Lane in 1981, since then this oak has grown significantly such that it swamped and killed a mature eating apple tree in my garden. Now you wish to put TPO's on these three faster growing trees some of which must present a potential hazard to children using the school. These trees have been planted post 1981.

They are also blocking light from my garden and as such reducing the crops from my vegetable plot and will potentially in future damage the boundary fence you now insist belongs to me although you erected and maintained until recently. I also have an issue with falling leaves and seedlings from these trees.

I consider the most important objection relates to falling branches etc and the potential for injury to children using the school. If trimming or felling is required presumably there would be a substantial delay in obtaining permissions.

There is also the consideration of damage to school buildings from above and below ground as some of these trees are too close to the buildings.

Yours sincerely

** *! *****

*** Weston Lane

Southampton

SO19 9HL

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Response to Objection 1 by email on 27 Jul 2024

Dear ** * *****

Many thanks for taking time to contact the City Council tree team in relation to the new Tree Preservation Order (TPO) placed on trees within Weston Park Primary School. I hope that this email will explain the rationale behind the making of the order and to answer the points that you have raised.

Over recent years parcels of land which previously belonged to the Council under long leases to schools have been transferred to the trusts that manage the schools. Weston Park Primary School is one such school. The council reviews sites where land is being transferred out of their ownership for their suitability for a Tree Preservation Order. This is to ensure the trees continue to provide benefits such as purifying the air, carbon storage, rainfall attenuation and providing shade as well as beautifying areas, for future generations. These benefits are usually welcomed within communities. We have met with the Hamwic Trust (being the owners of the land, and responsible for managing the school) and they are in support of the trees being protected by a TPO.

I understand that you have several objections to the TPO and will address them as bullet points for ease of reference, as follows:

- **The trees are a hazard to children. Falling branches and potential injury to children and substantial delays in obtaining permission to deal with these.**

I am assured that the school takes its health and safety responsibilities seriously. The trees are surveyed every two years to identify any health and safety issues. The school then arranges any necessary work to remedy the issues identified, thus removing any known hazard to children. The presence of a Tree Preservation Order does not mean that no work can be carried out to the tree. Only that consent must be obtained prior to the work being carried out. This is a free process that involves the completion of a straightforward application which can be made online via the

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planning portal. The Council has 8 weeks from accepting an application to determine it.

There are some exceptions to the requirement to apply for consent. This includes working on trees that are dead, the removal of deadwood or carrying out work to trees that have become an immediate risk of causing serious harm. Please see below:

Paragraph 14(1)(a) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states:

14.—(1) Nothing in regulation [13](#) shall prevent—

(a) the cutting down, topping, lopping or uprooting of a tree—

(i) which is dead;

(ii) in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance;

(b) the removal of dead branches from a living tree.

(c) the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm, or to such other extent as agreed in writing by the authority prior to the works being undertaken;

It further states

(2) Where paragraphs (1)(a)(i) or (1)(c) apply, notice in writing of the proposed activities shall be given to the authority—

(a) in the case of works urgently necessary to remove an immediate risk of serious harm, as soon as practicable after the works become necessary; and

(b) in any other case at least five working days prior to the date on which the works are to be commenced.

This means that work required to address a hazardous tree can be dealt with in a timely manner without any substantial delay.

- **The trees block light from your garden.**

I have made some calculations to demonstrate the impact of the trees to light in your garden. The calculations show the shadow cast by T2, T3 and T4 at various times of day for the longest and shortest day of the year. The black line represents the direction and length of the shadow based on the height of the tree (which has been over estimated). The yellow crescent is the arc that the sun will follow. The inner line is the highest in the sky and the outer line is the lowest which will be the shortest day on December the 21st 2024. The two orange lines in a 'V' shape are the point that the sun rises and sets. I will give examples of various times of the day to demonstrate the shadow position at various points through the day for both the longest and

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shortest day of the year.. You can see the outline of your property, which is above and to the left of the centre circle which represents the position of the tree.

Longest day 20June 2024

Sunrise 04.50 hrs

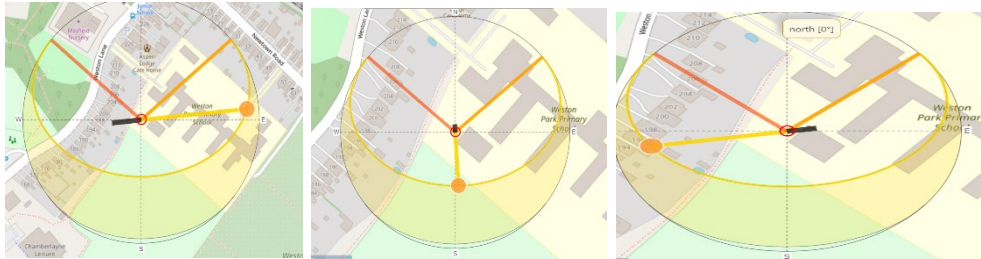
Sunset 21.23hrs

T4 Silver birch, overestimated height 20m

08.00 hrs

13.00 hrs

17.00 hrs



21.00hrs



T3 Norway maple over estimated height 20m

08.00 hrs

13.00 hrs

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21.00 hrs

17.00 hrs



T2 Norway maple overestimated height 20m

08.00hrs

13.00 hrs



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17.00 hrs

21.00 hrs



Shortest day 21 Dec 2024

Sunrise 8.05

Sunset 16.02

T4 Silver birch

9.00 hrs

13.00 hrs

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T3 Norway maple

9.00 hrs

13.00hrs

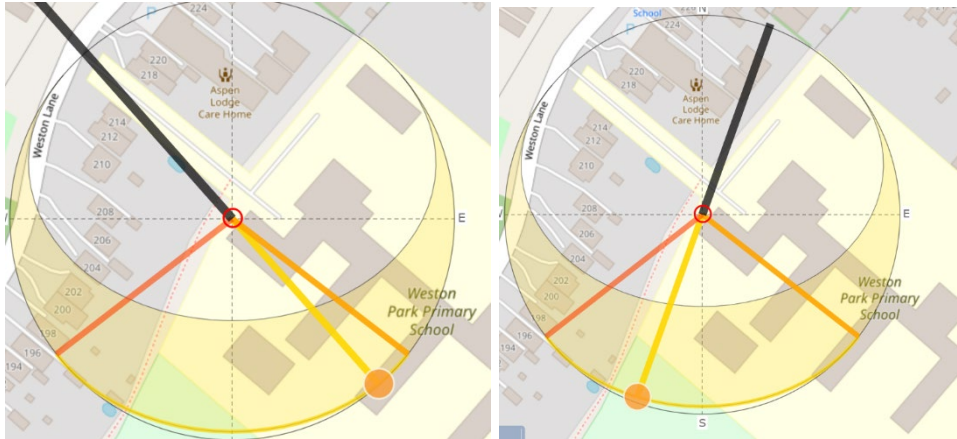


T2 Norway maple

09.00 hrs

13.00 hrs

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The calculations demonstrate that any loss of light to your garden is not from these trees.

- **The trees have the potential to damage your fence.**

If the trees are damaging your fence, then I would recommend that you contact the school in the first instance and ask them to remedy the issue.

If you would prefer to remedy the issue yourself then this could be dealt with under the exception 14.1(ii) to prevent or abate a nuisance (see above).

The government guidance explains the following.

‘What is the exception for work to prevent or abate a nuisance?’

The authority’s consent is not required for carrying out the minimum of work on a tree protected by an Order that is necessary to prevent or abate a nuisance. Here ‘nuisance’ is used in its legal sense, not its general sense. The courts have held that this means the nuisance must be actionable in law – where it is causing, or there is an immediate risk of it causing, actual damage.

When deciding what is necessary to prevent or abate a nuisance, tree owners and, where applicable, their neighbours and local authorities, should consider whether steps other than tree work might be taken. For example, there may be engineering solutions for structural damage to buildings.

- **Falling leaves and seedlings**

I appreciate that sometimes trees cause seasonal nuisance from falling leaves and seedlings, but this is temporary and can be dealt with quite easily with regular clearance. The removal of trees to prevent this type of seasonal nuisance would be a disproportionate response to the issue and not an action that the trust would consider in any event.

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- **Damage to school buildings from above and below ground as some of these trees are too close to the buildings.**

Any trees that are found to be damaging the school can be dealt with once consent has been sought from the council. The school is willing to carry out this process and the council have provided guidance on how to complete the application. Tree related subsidence only occurs on clay soil. The school site is on loamy soil; therefore the trees are highly unlikely to cause this type of damage.

Currently the Tree Preservation Order is temporary and cannot be made permanent (Confirmed) with an outstanding objection, therefore if you are not satisfied with my response and wish to uphold your objection, then the matter must be presented to a panel of elected member at the Planning & Rights of Way panel.

This is a publicly held meeting in which your objection would be presented along with my report that details the reasoning behind the making of the TPO along with my responses to objections received. You will be invited to this meeting and will be given an allotted time to put your objection across to the members of the panel. Once all representation has been heard, the members will vote on whether the council should confirm the order.

Please can you respond to me in relation to how you wish to proceed with this objection. If you are satisfied with my response, then you can withdraw your objection, however if you wish to take the objection to the Planning and Rights of Way Panel, then please state that you wish to uphold your objection.

If the objection is upheld, then I will start the process of writing my report, which you would receive a copy of along with the date of the meeting. This must be within 6 months of making of the order, so no later than 14 November 2024. Please would you let me know by return if you wish to uphold your objection or if you are willing to withdraw it.

If you have any questions regarding my response or wish to discuss any further points, please do not hesitate to contact me.

I look forward to hearing from you

City Tree Officer

City Services

Place Directorate

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Objection 2 : Email received 4 Jun 24

To whom it may concern

Thank you for your recent letter dated 15th May 2024. Your reference T2-792

We are the home owners of ** Newtown Road, adjacent to the group of trees detailed in your map G6.

Unfortunately we have continuous problems with the trees in this specific area as they overhang the boundary and therefore on to our property.

Please see below our objections.

The larger trees are touching our roof and as you would be aware when this happens, it's essential to address the issue promptly as the issue can become very problematic. Please find attached photographs of the branches currently touching the roof of our property.

In addition to trees touching the property, the trees severely overhang into our garden.

As naturally the leaves and berries fall from the trees, they directly fall into the garden of our property. As we have a dog, this is extremely concerning, as all year round the berries (whether old or new) drop into the garden. Our dog therefore eats the berries which I am sure cannot be good for our dogs health. Please find attached photographs of leaves and berries collected on a daily basis during the winter months. If these were not collected it would be to the detriment of our pets' health.

In 2023 we had our new patio laid, since then the collection of leaves, berries and sap from the trees have ruined the patio. Please find attached photographs of the current state of the patio compared to just 1 year ago.

We are in no way asking for these trees to be chopped down, we do however ask that they are not protected so they can be pruned by ourselves so they do not overhang into our garden or touch the roof of our property and cause any damage.

We really do hope you can take our concerns into consideration when making your decision.

Kind regards

Mr & Mrs ****

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Response to Objection 2 : Email sent 27 Jul 24

Dear Mr and Mrs ****

Many thanks for taking time to contact the City Council tree team in relation to the new Tree Preservation Order (TPO) placed on trees within Weston Park Primary School. I hope that this email will explain the rationale behind the making of the order and to answer the points that you have raised.

Over recent years parcels of land which previously belonged to the Council under long leases to schools has been transferred to the trusts that manage the schools. Weston Park Primary School is one such school. The council reviews sites where land is being transferred out of their ownership for their suitability for a Tree Preservation Order. This is to ensure the trees continue to provide benefits such as purifying the air, carbon storage, rainfall attenuation and providing shade as well as beautifying areas, for future generations. These benefits are usually welcomed within communities. We have met with the Hamwic Trust (being the owners of the land, and responsible for managing the school) and they are in support of the trees being protected by a TPO.

I understand that you have several objections to the TPO and will address them as bullet points for ease of reference, as follows:

- **The leaves and berries fall from the trees which could have a health risk for your pet dog and are damaging your patio and branches are damaging your roof.**

The presence of a Tree Preservation Order does not mean that no work can be carried out to the tree. Only that consent must be obtained prior to the work being carried out. This is a free process that involves the completion of a straightforward application which can be made online via the planning portal. The Council has 8 weeks from accepting an application to determine it.

There are some exceptions to the requirement to apply for consent. These include working on trees that are dead, the removal of deadwood, the prevention or abatement of a nuisance.

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Paragraph 14(1)(a) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states:

14.—(1) Nothing in regulation 13 shall prevent—

(a) the cutting down, topping, lopping or uprooting of a tree—

(i) which is dead;

(ii) in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance;

(b) the removal of dead branches from a living tree.

(c) the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm, or to such other extent as agreed in writing by the authority prior to the works being undertaken;

Therefore under the exceptions you would be able to carry out enough work to ensure the branches are not causing damage to your roof without applying for consent, (under exception 14.1(ii) to prevent or abate a nuisance (see above and below for an explanation)).

Furthermore, the government guidance explains the following.

‘What is the exception for work to prevent or abate a nuisance?’

The authority’s consent is not required for carrying out the minimum of work on a tree protected by an Order that is necessary to prevent or abate a nuisance. Here ‘nuisance’ is used in its legal sense, not its general sense. The courts have held that this means the nuisance must be actionable in law – where it is causing, or there is an immediate risk of it causing, actual damage.

When deciding what is necessary to prevent or abate a nuisance, tree owners and, where applicable, their neighbours and local authorities, should consider whether steps other than tree work might be taken. For example, there may be engineering solutions for structural damage to buildings.

I appreciate that sometimes trees cause seasonal nuisance from falling leaves and berries and you would want to ensure your pet doesn’t eat any berries, but this is temporary and can be dealt with quite easily with ongoing clearance. I understand you do not want to remove the trees to prevent this type of seasonal nuisance, rather you would like to freely prune back overhang to reduce the amount of detritus falling into your garden. My suggestion would be to make an application to the council to prune back the branches by the amount required for say a 5-year rolling period. Any work that does not cause harm to the amenity or health of the tree would most likely be given consent. This way you would only have to apply for overhang pruning once every 5 years.

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Currently the Tree Preservation Order is temporary and cannot be made permanent (Confirmed) with outstanding objections, therefore if you are not satisfied with my response and wish to uphold your objection, then the matter must be presented to a panel of elected member at the Planning & Rights of Way panel.

This is a publicly held meeting in which your objection would be presented along with my report that details the reasoning behind the making of the TPO along with my responses to objections received. You will be invited to this meeting and will be given an allotted time to put your objection across to the members of the panel. Once all representation has been heard, the members will vote on whether the council should confirm the order.

Please can you respond to me in relation to how you wish to proceed with this objection. If you are satisfied with my response, then you can withdraw your objection, however if you wish to take the objection to the Planning and Rights of Way Panel, then please state that you wish to uphold your objection.

If the objection is upheld, then I will start the process of writing my report, which you would receive a copy of along with the date of the meeting. This must be within 6 months of making of the order, so no later than 14 November 2024. Please would you let me know by return if you wish to uphold your objection or if you are willing to withdraw it.

If you have any questions regarding my response or wish to discuss any further points, please do not hesitate to contact me.

I look forward to hearing from you

City Tree Officer



Trees Team
Southampton City Council
Civic Centre
Southampton SO14 7LY

11 June 2024

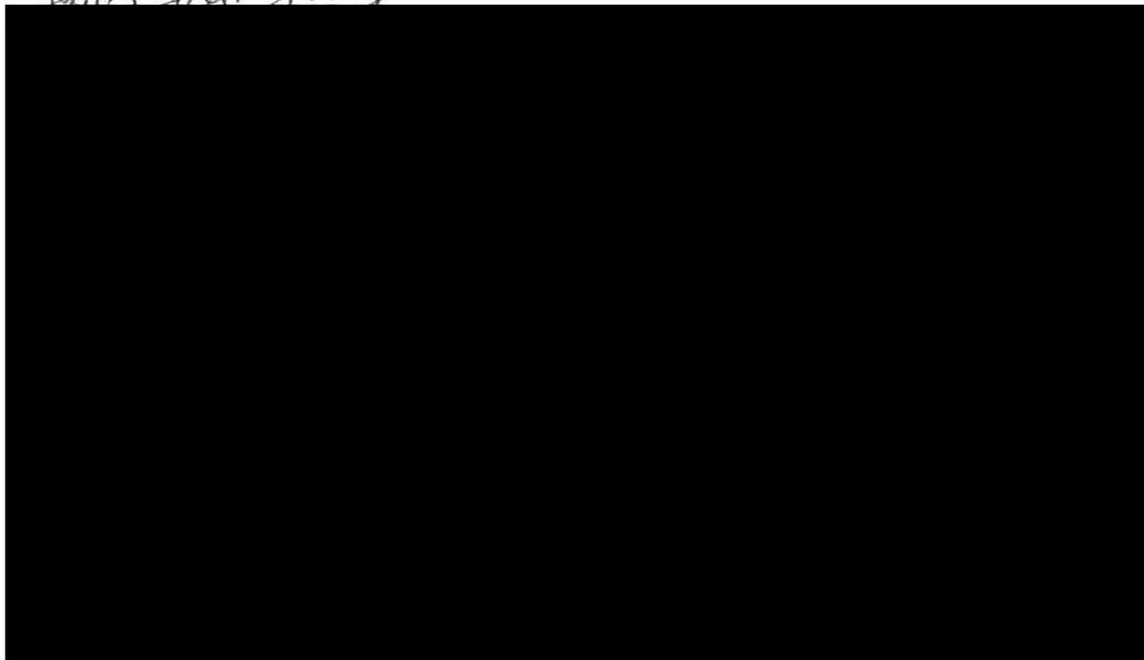
Dear Sirs

Tree Preservation England Regulations 2012
Southampton (Weston Park Primary School) TPO 2024

We attach our objections and representations
with regard to the above, specifically the
section headed:

Woodlands W2 Mixed species
Trees along car park boundary on N aspect
running behind 218 to 232 Weston Lane.

Yours faithfully



Re: The Southampton (Weston Park Primary School) Tree Preservation Order 2024

Woodlands

We greatly appreciate the 'green screen' provided by these woodlands. However some individual trees cause concern. To date the strongest winds have occurred after leaf fall. Climate change may alter this. The two bungalows (222A and 226A) benefit from the beauty of the woodland, but unfortunately are very near some extremely large trees.

We submit that the TPO be amended to enable dangerously large trees to be pruned.

Area W2

Trees behind 222A (bungalow)

Twin ash trees. These we estimate to be over 15m high and therefore if windblown will damage the **bungalow 226A** and could possibly **also damage 222A**.

Ash trees are known to have shallow roots and if, due to climate change, winds become severe when the trees are in leaf, the pressure may be beyond the ability of the roots to withstand.

Trees behind 226A

One ash exhibiting clear signs of Ash Die Back. It is submitted that this tree should be excluded from the TPO.

Potential sycamore tree saplings. It is submitted that no saplings (ie under 6 ft high) be covered by the TPO.

Tree behind 228

A very tall wild cherry (possibly 18m) may cause damage to the bungalow 226A if windblown.

PLANNING PERMISSION GRANTED BY SCC

Given that Southampton City Council granted permission for the two bungalows 226A and 222A to be built, it is logical to expect that the Council intended the trees beyond their boundaries, and within land held by the Council, to be restrained in height so as not to cause damage to the new properties.



TREES TEAM

Southampton City Council
City Services
Place Directorate
Southampton City Council
SO14 7LY



Direct dial: 023 8083 3005

Email: trees@southampton.gov.uk

Please ask for [REDACTED]

28 June 2024

[REDACTED]
Weston Lane
Southampton
SO19 9HL

Dear [REDACTED]

Objection to The Southampton (Weston Park Primary School) Tree Preservation Order 2024

Thank you for your letter dated 11 June 2024 and for taking time to contact the City Council tree team in relation to the new Tree Preservation Order (TPO) placed on trees within Weston Park Primary School. I hope that this letter will explain the rationale behind the making of the Order and to answer the points that you have raised.

Over recent years parcels of land which previously belonged to the Council under long leases to schools have been transferred to the trusts that manage the schools. This is the case with Weston Park Primary School. The council reviews sites where land is being transferred out of its ownership for its suitability for a Tree Preservation Order. This is to ensure the trees continue to provide benefits such as purifying the air, carbon storage, rainfall attenuation and providing shade as well as beautifying areas, for future generations. These benefits are usually welcomed within communities. We have met with the Hamwic Trust (being the owners of the land, and responsible for managing the school) and they are in support of the trees being protected by a TPO.

It is pleasing to read that you appreciate the green screen provided by the trees within W2 of the Order. I understand that you have several objections to the TPO and will address them as bullet points for ease of reference, as follows:

- **Some of the trees are dangerously large, concerns that the two ash trees and a cherry may fall during high winds. The TPO be amended to enable dangerously large trees to be pruned.**

I am assured that the school takes its health and safety responsibilities seriously. The trees are surveyed every two years to identify any health and safety issues. The school then arranges any necessary work to remedy the issues identified. The last survey was carried out in 2022 and the next one is due in 2024. Any remedial work required will be identified during the next survey. The presence of a Tree Preservation Order does not mean that no work can be carried out to the tree. Only that consent must be obtained first.

This is a free process that involves the completion of a straightforward application which can be made online via the planning portal. The Council has 8 weeks from accepting an application to determine it.

There are some exceptions to the requirement to apply for consent. This includes working on trees that are dead, the removal of deadwood or trees that have become at risk of causing serious harm. Please see below:

Paragraph 14(1)(a) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states:

14.—(1) Nothing in regulation 13 shall prevent—

(a) the cutting down, topping, lopping or uprooting of a tree—

(i) which is dead;

(ii) in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance;

(b) the removal of dead branches from a living tree.

(c) the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are **urgently necessary to remove an immediate risk of serious harm**, or to such other extent as agreed in writing by the authority prior to the works being undertaken;

It further states

(2) Where paragraphs (1)(a)(i) or (1)(c) apply, notice in writing of the proposed activities shall be given to the authority—

(a) in the case of works **urgently necessary to remove an immediate risk of serious harm**, **as soon as practicable after the works become necessary; and**

(b) **in any other case at least five working days prior to the date on which the works are to be commenced.**

This means that work required to address a hazardous tree can be dealt with in a timely manner without any delays caused by the usual application process.

The height of a tree does not make it dangerous; it grows in response to various environmental pressures to enable it to remain stable including its root structure which is designed to flex to withstand winds. Therefore, trees in good health and mechanical structure should not be omitted from protection because they are tall and may fall. Any trees that are found to be arboriculturally unsound will be dealt with by the school after prior consent has been obtained by the council.

The area marked as W2 is a Woodland Order, so this covers any current and future trees. It is not possible to omit certain trees such as the sycamore saplings. These all contribute to the woodland nature of the area and are useful as habitat and food source to biodiversity. If the school wants to carry out a thinning process of this area to remove some vegetation such as the sycamore saplings, then they can make an application to the council. The ash tree with alleged ash die back will be included in the survey and dealt with accordingly.

If following the survey an application to fell this tree is received it will be assessed on the supporting arboriculture evidence. I cannot omit this one tree from the Woodland Order. However, the TPO will not cause a barrier to good arboriculture and tree management.

- **Following planning permission for 226a and 222a, It is logical to expect the Council intended to restrain the height of trees near these properties.**

I could not find any evidence within the planning applications 05/00464 and 06/00670 to support this statement. It would be for the applicant to consider the impact to the new buildings from trees at the time and future, rather than for a 3rd party to reduce trees to accommodate a new dwelling. There is no mention of any intention by the council to restrain any trees in height, within the applications or decision notices. The council would not enter a programme of reducing the heights of trees as this does not represent best arboriculture practice. At question C11 of the planning applications the applicants have ticked that no trees are required to be felled to complete the redevelopment and there is no mention of a requirement for the school trees to be kept at a certain height.

Currently the Tree Preservation Order is temporary and cannot be made permanent (Confirmed) with outstanding objections, therefore if you are not satisfied with my response and wish to uphold your objection, then the matter must be presented to a panel of elected members at the Planning & Rights of Way Panel.

This is a publicly held meeting in which your objection would be presented along with my report explaining the reasoning behind the making of the TPO along with my responses to objections received. You will be invited to this meeting and will be given an allotted time to put your objection across to the members of the panel. Once all representation has been heard, the members will vote on whether the council should confirm the order.

Please could you respond to me in relation to how you wish to proceed with this objection, by either completing and returning the enclosed form, or contacting me at the email address above. If you are satisfied with my response, then you can withdraw your objection, however if you wish to take the objection to the Planning and Rights of Way Panel, then please state that you wish to uphold your objection.

If the objection is upheld, then I will start the process of writing my report, which you will receive a copy of along with the date of the meeting. This must be within 6 months of the making of the order, so no later than 14 November 2024. Please would you let me know by return if you wish to uphold your objection or if you are willing to withdraw it.

If you have any questions regarding my response or wish to discuss any further points, please do not hesitate to contact me.

Yours faithfully


Tree Officer

If you would like this letter sent to you in another format or language, please contact the number at the top of this letter.

