

PLANNING COMMITTEE – DECEMBER 12TH 2023

CONFIRMATION OF TREE PRESERVATION ORDER REF. TPO/0017/2023 – LAND ADJACENT TO HERTFORD PARK SITED TO THE EAST OF BURDENSOTT ROAD WORPLESDON GUILDFORD SURREY GU3 3RJ

Executive Summary

The purpose of this report is to recommend to the Committee that a Tree Preservation Order be confirmed following the receipt of one letter of objection to the making of the Order. The Tree Preservation Order protects trees on Land Adjacent To Hertford Park Sited To The East Of Burdenshott Road Worplesdon Guildford Surrey GU3 3RJ

Recommendations

The Committee is requested to:

RESOLVE that Tree Preservation Order Ref. TPO/0017/2023 be confirmed without modification

This Committee has authority to determine the above recommendations.

Background Papers:

Plan from Tree Preservation Order showing location of the trees

Letters of objection: St Aubyn Tree Consultancy on behalf of Janine Summers

Reporting Officer:

Thomas James
Ext. (74)3435, E Mail: Thomas.james@woking.gov.uk

Contact Officer:

James Veats, Senior Arboricultural Officer
Ext. (74)3739, E Mail james.veats@woking.gov.uk

1. Introduction

An area Tree Preservation Order was made on 09th August 2023 on Land Adjacent To Hertford Park Sited To The East Of Burdenshott Road Worplesdon Guildford Surrey GU3 3RJ Appendix 1.

- 1.1. The plan showing the site location is shown in **Appendix 2**.
- 1.2. One objection was received to the making of the Tree Preservation Order. This is shown in **Appendix 3**.
- 1.3. Notwithstanding the objections received to the making of the Tree Preservation Order, the recommendation is that it be confirmed without modification.

2. Background Information

- 2.1. The land is situated to the South of Burdenshott Hill and to the North East of White Lodge House on Burdenshot Road running East from Burdenshott Road shown in **Appendix 2**.
- 2.2. On the 27th July 2023 the council received an email from concerned residents that the trees on and adjacent to a proposed development at the site in question, planning application PLAN/2023/0224 Proposed erection of agricultural buildings, structures and associated works. Alterations to existing access onto Burdenshott Road (amended address) could have a detrimental impact on trees.
- 2.3. During the consultation process of planning applications, the councils tree officer are advised that a proposal has been submitted. A site visit is then undertaken to assess the likely impact the development may have on trees. If it is felt that trees may be affected by the proposed an assessment is undertaken to determine if the loss of those trees would be of detriment to the character of the area. If it is determined that there could be a negative impact on trees, then a TPO may be issued.
- 2.4. The trees sit to the front of the site and around the field boundary these are mature specimens and could suffer as a result if works are not undertaken in an arboriculturally sensitive manner. Given the foreseeable threat to the trees as a result of development a TPO was issued.

3. Letters of objection

- 3.1. One letter of objection from St Aubyn Tree Consultancy on behalf of Janine Summers was received on 22/08.2023 .
- 3.2. There objection outlines that the trees on site have been managed in an appropriate manner for many years and points out that not all the trees are of high amenity value and that the use of an Area TPO was not appropriate or in line with Government guidance.

4. The Tree Officer's response to the objections received is as follows:

- 4.1. The trees amenity can be justified by the fact that they are located to the front of the land adjacent to the road.
- 4.2. The sylvan character of the area is considered to be high and the trees in question make a significant contribution to the character of the area.
- 4.3. The council has carried out a TEMPO assessment **Appendix 4** which has determined that a TPO is "Definity merits TPO". As identified within the TEMPO guidance notes a definity merits TPO is "trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise".

5. Implications

6. Financial

6.1. None

7. Human Resource/Training and Development

7.1. None

8. Environmental/Sustainability

8.1. None

9. Conclusions

Given the trees high public amenity value and the threat from removal and or damage, protection of the trees is considered appropriate and it is recommended that the Tree Preservation Order be confirmed without modification.

REPORT ENDS



Woking Borough Council

Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

TOWN AND COUNTRY PLANNING (Tree Preservation) (England) Regulations 2012

TREE PRESERVATION ORDER

Town and Country Planning Act 1990

The Land Adjacent To Hertford Park Sited To The East Of Burdeshott Road Worplesdon Guildford Surrey GU3 3RJ (TPO/0017/2023)

The Woking Borough Council, in exercise of the powers conferred on them by section of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the Land Adjacent To Hertford Park Sited To The East Of Burdeshott Road Worplesdon Guildford Surrey GU3 3RJ (TPO/0017/2023).

Interpretation

2.
 1. In this Order “the authority” means the Woking Borough Council.
 2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.
 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
 2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - a. cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - b. cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition



INVESTOR IN PEOPLE

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Arboricultural Officer Signature

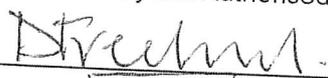
Signed: 

Printed: JAMES WATT

Date: 9/08/23

Authorised Officer Signature:

I endorse the action taken by the Authorised Officer.

Signed: 

Printed: DAN FREELAND

Date: 9/8/23

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
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Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
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A1	The Mixed hardwoods trees within the area marked A1 on the map	Mature Oak with hawthorn understory and Poplar copse
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Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
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Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
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CERTIFICATE OF SERVICE

TPO Ref No:

TPO/0017/2023 (Land at Land Adjacent To Hertford Park Sited To The East Of Burdenshott Road
Worplesdon Guildford Surrey GU3 3RJ, TREE PRESERVATION ORDER)

Description Land Adjacent To Hertford Park Sited To The East Of Burdenshott Road
Worplesdon Guildford Surrey GU3 3RJ
Location Land Adjacent To Hertford Park Sited To The East Of Burdenshott Road
Worplesdon Guildford Surrey GU3 3RJ

I certify that at approximately 1:30pm on 09/08/23, I delivered to the following persons, a copy of the
above Tree Preservation Order and "Regulation 5" letter dated 9 August 2023.

Name Address

Owner/
occupier Oakhanger Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Longridge Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Burdenshott House Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Pendle Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Goodacre Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Chagfords Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL

~~Owner/
occupier Oakhanger Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Longridge Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Burdenshott House Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Pendle Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Goodacre Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Chagfords Burdenshot Hill Worplesdon Guildford Surrey GU3 3RL~~



INVESTOR IN PEOPLE

occupier

Owner/
occupier

J Summers Hertford Park Burdenshott Road Worplesdon Woking GU3 3RN

Signed:

Name:



JAMES VEATS

Position:

SITE ARB OFFICER

Date: 9 August 2023

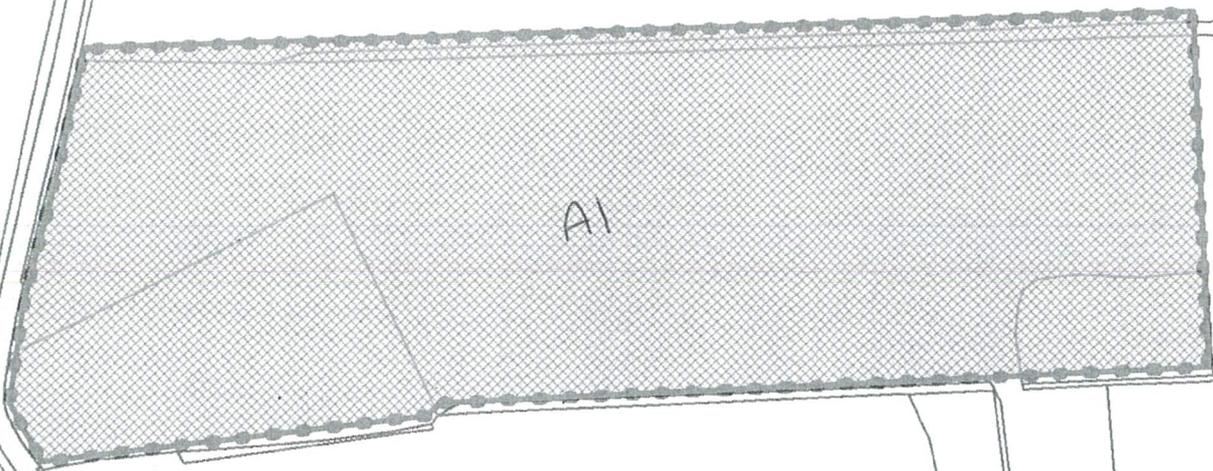
CRTSERV - Certificate of Service

TPO/0017/2023



Land adjacent to Hertford Park East of Burdenshott Road

Handwritten signature and date: 9/8/23



Comments
Area Order

N
SCALE 1:2,500
0 10 20 40 60 80 Metres

Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

Appendix 2 – Site Plan (Green area indicates location of protected trees)





Rock House
49-51 Cambridge Road
Hastings TN34 1DT
01424 533216

info@statrees.com

www.statrees.com

22/08/2023

Mr James Veats
Principal Tree Officer
Woking Borough Council
Civic Offices, Gloucester Square
Woking
Surrey GU21 6 YL

By email only: james.veats@woking.gov.uk
Our ref: StA 3139 TPO Obj Land to east of Burdenshott Road

Re: Objection to TPO 0017 2023 A1 at Land adjacent to Hertford Park sited to the East of Burdenshott Road, Worplesdon, Guildford, Surrey GU3 3RJ

Dear Mr Veats

I am instructed by Janine Summers, the owner of the land which has recently been made the subject of a Tree Preservation Order (TPO) 0017 2023.

Please accept this letter as a formal objection to this TPO on the basis that:

- Although the recently refused planning permission did not include any arboricultural information to support it, and therefore potentially there may have been arboricultural impacts which had not been considered or addressed, had this information been requested, it would have readily been provided and the proposals adjusted accordingly.
- A full arboricultural survey and report is now in the process of being undertaken to support a resubmission of this recently refused application.
- The site has been under good arboricultural management for many years.
- Not all of the trees within the site are of high amenity value. For example, there is a small copse of over mature Poplar which will need management in the near future. The site owner is keen to keep the extents of the TPO focused on the higher value amenity trees, to minimise the inevitable burden of additional administration due to a TPO and to ensure that this doesn't become a barrier to the ongoing management of the land.

As you are no doubt aware, the Department of the Environment Circular 36/78 (Memorandum, para 43) states that the use of area orders is broadly discouraged because it may lead to trees of little merit being preserved. The current guidance is that "**authorities are advised to only use this category as a temporary measure until they can fully assess the trees in the area. In addition, authorities are advised to re-survey existing orders which include the area category**"¹.

¹ Mynors, Hall & Nichols, *The Law of Trees, Forests and Hedges*. 3rd ed, Street & Maxwell, London



Furthermore, case law (*Robinson vs East Riding of Yorkshire*, Court of Appeal) supports this approach, indicating that following an area order being made, it would not be best practice for that order to continue for any substantial period of time, and at some point, a more detailed inspection should be undertaken, so that a revised order will relate to trees specified by either an individual, group or woodland designation.

I confirm that I have been instructed to carry out a tree survey and my client intends to make this information available to the Woking Borough Council's tree team, to enable the Council to make a more focused TPO on solely the high amenity trees within the site.

Please could you confirm receipt of this TPO objection and if you need anything further at this stage, please do get in touch to discuss.

Yours sincerely



Abi St Aubyn

MICFor MA ArborA DipArb L6 (ABC) MEng(Hons)
Chartered Arboricultural Consultant



APPENDIX 4

TEMPO ASSESSMENT	
Date: 9th August 2023	Surveyor: DF
Tree Details: Burdenshot Woodland	
Part 1: Amenity assessment	SCORE
a) Condition & suitability for TPO 5) Good - Highly suitable 3) Fair/satisfactory - Suitable 1) Poor - Unlikely to be suitable 0) Dead/dying/dangerous* - Unsuitable * Relates to existing context and is intended to apply to severe irremediable defects only	5
b) Retention span (in years) & suitability for TPO 5) 100+ - Highly suitable 4) 40-100 - Very suitable 2) 20-40 - Suitable 1) 10-20 - Just suitable 0) <10* - Unsuitable *Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality	4
c) Relative public visibility & suitability for TPO Consider realistic potential for future visibility with changed land use 5) Very large trees with some visibility, or prominent large trees Highly suitable 4) Large trees, or medium trees clearly visible to the public - Suitable 3) Medium trees, or large trees with limited view only - Suitable 2) Young, small, or medium/large trees visible only with difficulty - Barely suitable 1) Trees not visible to the public, regardless of size - Probably unsuitable	3
d) Other factors Trees must have accrued 7 or more points (with no zero score) to qualify 5) Principal components of formal Arboricultural features, or veteran trees 4) Tree groups, or principal members of groups important for their cohesion 3) Trees with identifiable historic, commemorative or habitat importance 2) Trees of particularly good form, especially if rare or unusual 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) -1) Trees with poor form or which are generally unsuitable for their location	4
Part 2: Expediency assessment	
Trees must have accrued 10 or more points to qualify 5) Immediate threat to tree inc. s.211 Notice 3) Foreseeable threat to tree 2) Perceived threat to tree 1) Precautionary only	2
Part 3: Decision guide	
Any 0 - Do not apply TPO 1-6 - TPO indefensible 7-11 - Does not merit TPO 12-15 - TPO defensible 16+ Definitely merits TPO	18
Decision	Definitely Merits TPO
Further Information: Planning application has been submitted	