

# Tree Preservation Order 11 of 2009

## On land west of Bagshot Road, south of The Covert, north of Meridian Court, and east of Fir Tree Close, Ascot, Berkshire.

### 1. Background:

Tree Preservation Order (TPO) 11 of 2009 was created in May 2009 on land to the west of Bagshot Road, Ascot, Berkshire to replace an older 'Area' TPO already existing on the site, TPO 1 of 1989. This earlier TPO covers only part of the woodland and only those trees that were present at the time the TPO was made and this has given rise to some ambiguity as to which trees are actually protected. The new TPO has been made to properly reflect the extent of the tree cover and the site's woodland character. Should this new TPO be confirmed then the earlier TPO 1 of 1989 will be revoked.

TPO 11 of 2009 as originally made related to all trees of whatever species (excluding Laurel) in woodland west of Bagshot Road, south of The Covert, north of Meridian Court, and east of Fir Tree Close, Ascot. It is proposed to modify the Order on confirmation as per the specification below:

- G1 4 x Scots Pine (*Pinus sylvestris*-PS), 7 x Oak (*Quercus robur*-QR), 5 x Beech (*Fagus sylvatica*-FS), 1 x Sweet Chestnut (*Castanea sativa*-CS). Located within the rear garden of Greenwood, The Covert.
- W1 All trees of whatever species (excluding Laurel) on or within the solid black line forming W1. Located on land west of Bagshot Road, south of The Covert, north of Meridian Court, and east of Fir Tree Close, Ascot,

### 2. Objections:

Letters of objection in respect of the Order were received from Mr D Aldrich-Blake, proprietor of Hurst Lodge School which borders the TPO site to the south and from Mr and Mrs M Willis of Greenwood and Mr F Ruether of Robinswood Park, two properties in The Covert on the northern boundary. Their objections are summarised below:

- Why has the piece of woodland which is part of the Hurst Lodge School lease been included within the TPO? This has no connection with the land subject of the recent application submitted by the trustees of the John Duggan Trust relating to the rest of the land within the black line denoting the TPO. The TPO should not apply to land which is part of the school.
- The boundary of the TPO map is incorrect. The land at the rear of Greenwood and Robinswood Park that has been included in the TPO is privately owned, has been designated residential curtilage and does not form part of the woodland.
- There is already a TPO on the land at the rear of Greenwood and Robinswood Park, protecting Oak, Beech and Sweet Chestnut, trees with good amenity value. The bureaucracy associated with managing all the trees on the land through a TPO, especially the poor specimens with no amenity value, would be a great nuisance.

Support for the TPO has been received from Sunningdale Parish Council.

### 3. Responses to the objection and justification for the Order:

Under the Town and Country Planning Act (1990) local authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their

contribution to the landscape. In this case it is considered that the woodland is of high public visual amenity, contributing to the sylvan character of the area and providing a valuable wildlife habitat which it is desirable to maintain.

The local planning authority may create a TPO when it is believed there is a risk of a tree being cut down or pruned in ways that would have a significant impact on the amenity of the area. This TPO was served in the main to deter any inappropriate works to trees in the woodland, or clearance of trees, especially in light of the recently refused planning application (Appn 08/02989) for change of use of the woodland to public informal open space with associated access, car parking, information boards and footpaths. Also, the woodland is now for sale and since the intention of any new owner is unknown it was deemed expedient to make a TPO to properly reflect the extent of the tree cover and provide protection for the woodland.

The boundary of W1 as shown on the map within the TPO document, indicates the area of the land subject of the TPO and is not intended to reflect ownership of the site. Prior to the TPO being made an inspection of the site was carried out by one of the Council's Arboricultural Officers, and aerial photographs and Ordnance Survey records were used to establish the extent of the contiguous area of woodland cover. It was anticipated that some of the woodland may not be in the ownership of one person and that any threats to the woodland might be difficult to quantify. The sector of land referred to by Mr Aldrich Blake as being part of Hurst Lodge School does form part of the woodland, and the inclusion of it within the TPO was to ensure the same level of protection could be applied to the woodland as a whole. The TPO will also deter works on neighbouring land that might adversely affect the trees. On this basis it is proposed to retain this sector of woodland within the TPO.

Following objections received from the occupiers of Greenwood and Robinswood Park in The Covert, a further inspection was made of trees at these two properties. At the time of the site visit it was noted that their rear gardens now extend into what once was woodland and it is acknowledged that some trees may have previously been cleared from that area. Taking this into account it is proposed to modify the TPO on confirmation as described above. The effect of this with respect to Greenwood is to change the designation of that sector of the garden that was once woodland to a 'group' TPO protecting Scots Pine, Oak, Beech and Sweet Chestnut. The rear garden of Robinswood Park is being excluded from the TPO and this returns the level of protection on the trees to the position as it was before TPO 11 of 2009 was made. In light of these modifications Mr and Mrs Willis of Greenwood and Mr Ruether of Robinswood Park have withdrawn their objections to the TPO.

The Council is not liable for matters relating to the normal management of a protected tree, but the Tree Team is able to offer free arboricultural advice to owners of protected trees. Anyone can apply to undertake works to a protected tree, there is no fee levied to submit an application for works to protected trees or a limit on applications made. The local planning authority would not unreasonably withhold consent for tree works which accord with good arboricultural practice, but should consent be refused any applicant has the right of appeal against the decision

The TPO is not to hinder the appropriate management of the woodland but is intended to encourage and coordinate its management in accordance with good arboricultural practice while preserving public amenity.

#### 4. Sustainable Development Implications:

In terms of the sustainable development policy the recommendation contained in the report will have the following significant beneficial sustainable development implications: A positive impact on the natural environment by retaining the tree stock.

**RECOMMENDATION that Tree Preservation Order 11 of 2009 is confirmed with the following modification:**

- G1** 4 x Scots Pine (*Pinus sylvestris*-PS), 7 x Oak (*Quercus robur*-QR), 5 x Beech (*Fagus sylvatica*-FS), 1 x Sweet Chestnut (*Castanea sativa*-CS). Located within the rear garden of Greenwood, The Covert.
- W1** All trees of whatever species (excluding Laurel) on or within the solid black line forming W1. Located on land west of Bagshot Road, south of The Covert, north of Meridian Court, and east of Fir Tree Close, Ascot,

**The TPO address is amended to read:**

On land west of Bagshot Road, south of The Covert, north of Meridian Court, and east of Fir Tree Close, and including Greenwood, The Covert, Ascot, Berkshire.