

Silwood Farm, Cheapside Road, Ascot, Berkshire SL5 7QY

1. Background:

Tree Preservation Order (TPO) 15 of 2009 was created in August 2009 on a belt of woodland at Silwood Farm, adjacent to Cheapside Road, Ascot. It was initiated following a report from a local resident that a number of trees were being removed in the eastern part of the site at the rear of properties in Cheapside Road. Following an inspection by one of the Council's Arboricultural Officers, there was concern that further trees would be felled and it was deemed expedient to make an emergency TPO as a precautionary measure to protect the woodland.

The Order relates to woodland at Silwood Farm, Cheapside Road, Ascot as per the specification below:

- W1 All trees of whatever species. Located on land at Silwood Farm, adjacent to Cheapside Road, Ascot.

2. Objections:

One letter of objection was received in respect of this TPO, from Mr Nigel Buck, Director of Property Management, Imperial College, London the owners of the woodland. His objection is summarised below:

- The TPO has been placed on the trees in the form of a 'woodland order', however the trees do not form part of historic woodland and are not ancient semi-natural woodland. Ordinance Survey maps dating from 1912, 1961 and 1984-90 show the growth of trees on this land is recent and does not therefore have any particular historical or cultural importance.
- The trees are not visible to the public due to the dense growth of mature holly trees along the Cheapside road boundary which obscures views into the land.
- Many of the new growth trees are of poor quality, several have fallen. Imperial College would like to remove these leaving the better trees. The wider area has been used for some years for ecological research and is required for ongoing projects. As part of these a number of trees have been planted further into the site.
- Policy N5 of the RBWM Local Plan refers to TPOs to protect individual trees, groups of trees and areas but there is no mention of woodland TPOs. The University would cooperate in the assessment of individual trees or groups of trees to determine whether they meet the criteria for inclusion within a TPO.

One letter of support was received in support of the TPO, from Mr and Mrs Haddon of Red Maples, Cheapside Road, Ascot whose rear garden abuts the woodland. In their letter they refer to the substantial height of the trees which form a 'very pleasing local woodland'. In their opinion 'it is vital that the general rural nature of this area of Cheapside is preserved'.

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

Under the Town and Country Planning Act (1990) local planning authorities may make a Tree Preservation Order (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. In this case the woodland included within the TPO is very prominent in the local landscape and provides high public amenity, enhancing the sylvan character of the local area.

The trees are of collective merit, running adjacent to Cheapside Road, opposite ancient woodland on the north side of the road and providing a pleasant green corridor. The trees can also be viewed from two

public footpaths and from properties in Cheapside Road.

Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape. Therefore, the legislation makes no distinction between species or size. The local planning authority may make a TPO when it is believed there is a risk of a tree being adversely affected in ways that would have a significant impact on the amenity of the area. Following concern raised by a local resident, an initial assessment of the woodland from outside the site was made by one of the Council's Arboricultural Officers on 19th August 2009. At this time it was noted that trees were being removed in the area at the rear of Green Trees and Red Maples, properties in Cheapside Road. Since work was continuing and the intention of the tree owner was not known, it was deemed expedient to make a TPO to deter further inappropriate works from occurring.

In reply to Mr Buck's objections to the order, trees do not have to be deemed as historic, ancient or semi-natural woodland to be worthy of woodland TPO status. The term 'woodland' is used to describe any area covered in trees. The definition of woodland in United Kingdom forestry statistics is land under stands of trees with a canopy cover of at least 20% (or having the potential to achieve this), including integral open space and felled areas that are awaiting restocking. A woodland can contain native and non-native trees, semi-natural and plantation areas.

It is acknowledged that there are areas of Holly growing adjacent to Cheapside Road, however as a woodland Order also protects smaller sized and understory trees such as Holly, and also any emerging tree saplings, most of these Holly trees would be considered part of the woodland and therefore protected under the TPO. There are many other tree species visible in the woodland including, Oak, Sweet Chestnut, Silver Birch, Sycamore and Beech.

The trees within the woodland can be viewed along a significant length of Cheapside Road, and those situated behind four of the properties to the south side of Cheapside Road are also publicly viewable. There is also a public footpath, which runs from Cheapside Road to the west of properties in Hilltop Close and along the northern side of Silwood Farm. Trees within the woodland can be easily seen from different views along this footpath. There is another public footpath situated to the south and directly opposite the woodland and the trees are the main view when walking along this footpath towards Cheapside Road. The woodland also provides the main focal point for people travelling south on Watersplash Lane towards the junction with Cheapside Road. The woodland is therefore significant when viewed from public vantage points.

The Council currently uses a system based on the Helliwell system to assess the 'visual amenity value' of trees. As described above the trees in the woodland can be seen from different public viewpoints, and their collective impact not only adds to the sylvan character of the Ascot area but also provides important screening to properties in Hilltop Close, Cheapside Road and along the public footpath.

The existence of the TPO is not intended to hinder good woodland management and does not mean that no works can ever be carried out to the woodland. Woodland management is in fact encouraged. The Council's consent is not required for cutting down or carrying out work on protected trees, which are dead or dying or have become dangerous. In the Secretary of State's view, this exemption allows the removal of dead wood from a tree or the removal of dangerous branches from an otherwise sound tree. However, it is good woodland management to retain some deadwood within woodlands to provide deadwood habitat for invertebrates and other species. Although there may be some poorly formed trees, which would normally be expected within woodland, at the time of the site visit by the Council's Arboricultural Officer, the majority of the trees appeared to be in an overall good condition.

Determining whether a tree is dead, dying or dangerous, for the purpose of a statutory exemption, is not always a straightforward matter. The Council's Tree Team can provide confirmation on site, should there be any uncertainty. Anyone proposing to cut down a tree under this exemption is advised to give the Council five days' notice before carrying out the work, except in an emergency. If work is carried out on a protected tree under this exemption, the burden of proof to show, on the balance of probabilities, that the tree was dead, dying or dangerous rests with the defendant.

The TPO will also not prevent research from being undertaken provided that the research projects would not have a detrimental effect on the health of the trees or result in their direct loss. Any research proposed in the woodland which will require works or cause harm to those trees may require consent from the Council. Applying for consent is a straightforward process and as stated above if in line with appropriate woodland management would not normally be refused.

With respect to Policy N5 of the Royal Borough of Windsor and Maidenhead's Local Plan, it was the intention when policy N5 was written that it should include woodlands and the use of the term 'area' can

be used to loosely describe a woodland. This particular policy was recently withdrawn from the Local Plan. However, irrespective of the content of the Local Plan, the Council has the authority to make TPOs directly under S.198 & 201 of the Town and Country Planning Act 1990, which includes TPOs to cover woodlands.

This TPO has been created as a precautionary measure simply to deter inappropriate works or damage to the woodland. Applications for works in line with good arboricultural practice are unlikely to be refused but should consent be refused any applicant has the right of appeal against the decision. 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.

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 15 of 2009 is confirmed without modification.