



Southern Area Committee

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Author: David Prince,
Arboricultural Officer
01722 434416
dprince@salisbury.gov.uk

REPORT

TREE PRESERVATION ORDER 309, Macks Lane, West Grimstead, Salisbury.

Purpose of Report:

Written objections to the order having been received. The decision whether to confirm [with or without modification] the Order or not, is placed before the committee for their consideration.

Background:

Macks Lane is shown on the current Ordnance Survey Maps as a footpath of approximately 350m in length within the village of West Grimstead, extending in a northerly direction from Grimstead Road in the south to Crockford Road in the north, where it emerges approximately 10m to the west of the junction with Chapel Hill.

Approximately 270m, from north to south, of the lane is bordered by a large variety of woody species that include Oak, Ash, Sycamore, Poplar, Willow (2 species), Hawthorn, Blackthorn, Holly, Hazel, Elm regeneration and a number of others that give a total in excess of 19 woody species. Two of the large Oak trees within this area are in all probability in excess of 250 years of age, and would be considered significant (veteran) trees in their own right.

Concerns were raised by a number of local residents in mid 2003 about the effects to this lane should a proposed plan to have the footpath re-designated as a highway be successful, and consequently asked the council to consider the use of a Tree Preservation Order in order to protect the trees from any future damage that may occur.

As a result of a number of site visits and discussions with the County Council Rights of Way Officer, to determine if there was a valid application to change the status of the footpath which could affect the site, a provisional order was made on the 1st June 2004.

Objection:

A written objection to this Order was received on the 23rd June 2004 from Mr & Mrs Graham Read who own land that has an adjoining boundary with Macks Lane.

The objection is based upon the following.

- No discussion or consultation took place before the order was made.
- The order is a blanket order, and does not take account of the condition, age or type of trees.
- That the order was an abuse of the correct and proper purpose of a TPO.

Comments on the Objections:

Discussions and consultations have been taking place since the order was made; Mr & Mrs Read's comments are a part of that process as are the five written and three verbal [telephone] letters/comments in support of the order.

This order does take account of the age and species on this site, which is quite diverse. The purpose of the tree preservation order system is not just to preserve specimen trees but any tree[s] that are worthy of protection because of their contribution to the locality or area by virtue of their presence and the contribution they make, and which may be threatened.

Evidence to support the comments that this order is an abuse of the TPO system has not been provided. To date, the correct processes and procedures have been followed.

Additional Comments:

A woodland designation had been considered but to justify that designation the ground flora would need to reflect that type of habitat. [W.C.C.'s ecological officer has carried out a survey, however no results were available at the time the order was made].

Several of the trees could be identified and protected as individuals, however they would require reasonably accurate surveying to pinpoint their location, which could be both costly and time consuming. The same can be said for the group designation.

With an area the size of the lane, only the area or woodland designations are suitable and they were designed for these situations. An area designation covers only those trees present on the date the order was made and does not cover any trees that grow naturally, or are planted after, that date. A woodland designation covers all those trees present at the time the order was made and any that may subsequently be planted or regenerate naturally, until the order is revoked.

A recent telephone conversation with the W.C.C. ecologist confirm that the ground flora survey shows that the lane contains a number of species that would indicate that this is a remnant of ancient semi-natural woodland [indicator species found include; both soft-shield and harts-trough fern, dogs mercury, bluebell & wood millet]. A copy of that report will be placed in the TPO file once it has been received from W.C.C.

Planning History:

None

Background Papers:

Part VIII of the Town & Country Planning Act 1990.
Town & Country Planning (Trees) Regulations 1999.
Salisbury District Local Plan.
TPO 309 correspondence.

Options for Members Consideration:

The provisional order expires on the 31st November 2004 and members have the following options.

1. Confirm the Order without modification.
2. Confirm the Order with modification.
3. Not to confirm the Order.

Recommendations:

Option 2 - Confirm the Order with modification, changing the designation from an area order to that of a woodland. [This recommendation is in accordance with SDC Local Plan [June 2003] Policy GI and CN17].

Implications

Financial - None

Legal - None

Human Rights – None

Personnel - None

Community Safety - None

Environmental Implications - Maintaining and enhancing the built and natural environments.

Council's Core Values – Being environmentally conscientious.