



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
21 OCTOBER 2020**

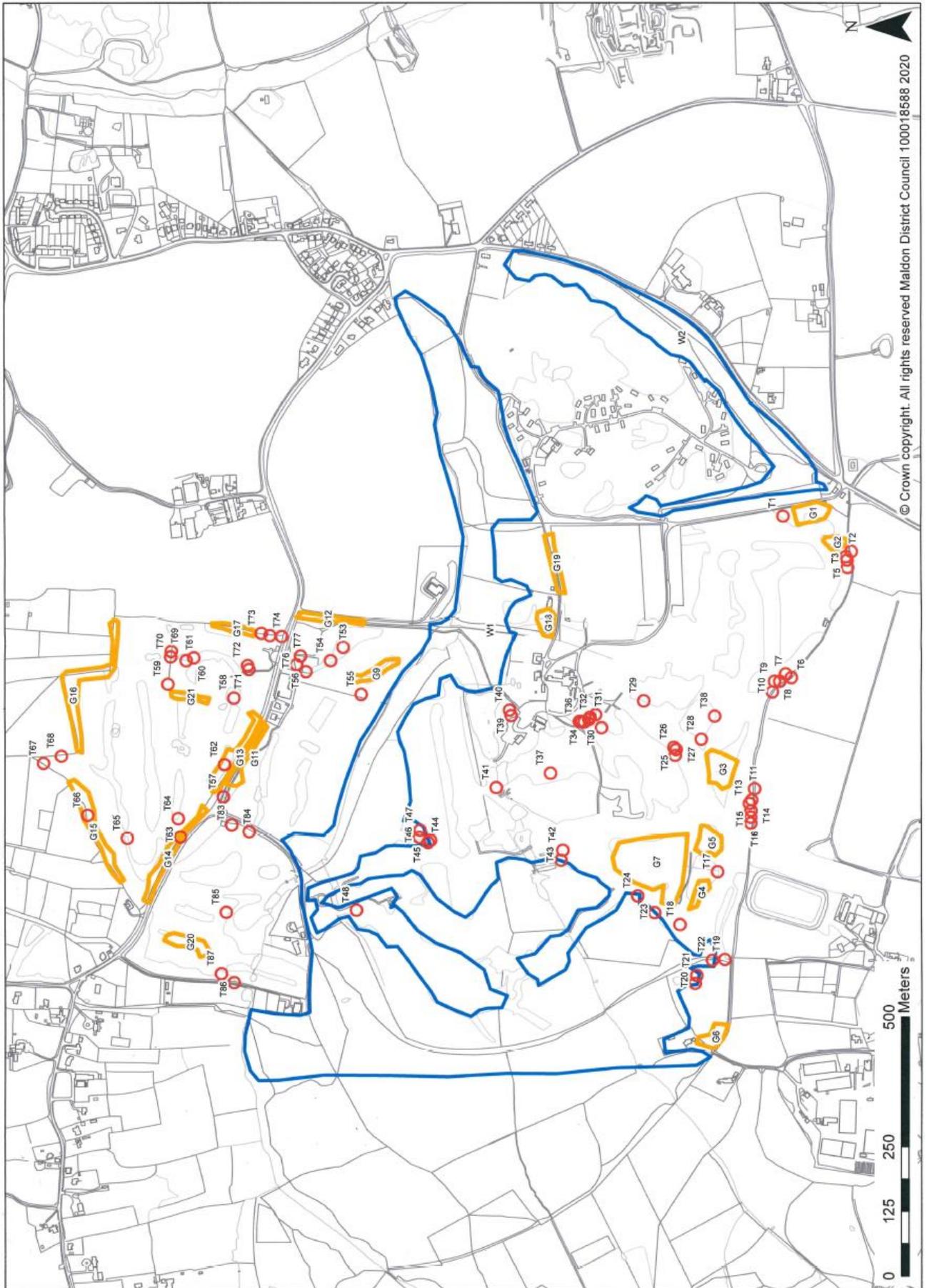
Application Number	TPO 6/20
Location	The Warren Golf Club, including Bunsay Downs and Badgers, Woodham Walter
Proposal	Confirmation of TPO 6/20
Owner/s	The Warren Golf and Country Club Limited
Confirmation by	28.10.2020
Case Officer	Hayleigh Parker-Haines
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

1. **RECOMMENDATION**

CONFIRM Tree Preservation Order (TPO) 6/20 without modification:

2. **SITE MAP**

Please see overleaf.



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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 In October 2018, the Council received reports of inappropriate and unjustified arboricultural works taking place within The Warren Estate. These works were considered to put the trees at risk and therefore, a Tree Evaluation Method for Preservation Orders (TEMPO) assessment, which is a nationally accepted system of scoring the amenity value of a tree, was carried out and an emergency Tree Preservation Order (TPO) was served. The initial TEMPO assessment scored the area of trees 23 out of 25 and concluded that the woodland was worthy of a TPO and an Area TPO was served on 29th October 2018. However, following further site visits by the Maldon District Council (MDC)'s Tree Consultant and a Planning Officer, specific trees, groups of trees and woodlands worthy of retention were identified. The emergency TPO was therefore revoked and a new more specific TPO (4/19) was served on 26th April 2019. The TEMPO assessment scored the more specific TPO (4/19) 20 out of 25 and concluded that the woodland was worthy of a TPO. Consequently, as a result of further site visits following additional inappropriate works having been carried out, and the loss of several trees due to weather conditions TPO 4/19 was revoked and TPO 6/20 was served.
- 3.1.2 One letter of objection has been received relating to the serving of TPO 6/20 on The Warren Golf Course, including Bunsay Downs and Badgers, Woodham Walter.
- 3.1.3 The objections remain unresolved, therefore the question of whether or not to confirm the TPO has been brought before members to be determined.

3.2 The Site

- 3.2.1 The trees are located within the grounds of The Warren Estate; including Bunsay Downs and Badgers. The trees are a prominent feature that can be seen from public vantage points, including footpaths, highways and the surrounding area and it is therefore considered to be an important landscape feature. The trees included in the order are mixed species including Oak, Beech, Sycamore, Eucalyptus, Lombardy Poplar, Holly, Sweet Chestnut, Cedar, Weeping Willow, Ash, Elm, Purple Leaf Plum, Hornbeam, Scots Pine, Silver Birch, Lime, and Norway Maple.
- 3.2.2 Given the maturity of the trees and the prominent location within The Warren Estate and surrounding area, it is considered that this woodland landscape plays a significant role in underscoring the value of the visual amenity of the surrounding area.

3.3 Ownership

- 3.3.1 The majority of the trees included in the order are owned and managed by The Warren Golf and Country Club Limited. However, an area of land around The Warren House is owned and managed by Mr John Durham and Mrs Diana Durham.

4. MAIN RELEVANT POLICIES

4.1 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)

4.2 Government Guidelines:

4.2.1 Government guidelines advise that the Local Planning Authority (LPA) is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.2.2 If Members decide to Confirm TPO 6/20, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. that the TPO is not within the powers of the Act, or
2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.

4.2.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

5. MAIN CONSIDERATIONS

5.1 The trees are a prominent feature in the landscape of the area and are considered to have a high amenity value as they are highly visible within the public realm from footpaths, roads and the surrounding area, and consists of large, mature and attractive mixed species trees.

5.2 A report of inappropriate and unjustified arboricultural works taking place on a number of trees within the Estate was brought to the Council's attention. The Council had been contacted on a number of occasions by members of the public raising concerns in regard to the tree management within the site. Upon the first report raising concern, the MDC's Tree Consultant attended the site and spoke to the 'green keeping' manager and advised that the proposed works were not being carried out within good practice and advised that for a site of this size a tree management plan would be the best practice. Following this several more reports were received by the Council from members of the public with further concerns in regards to the tree works taking place. Upon several site visits it became apparent that a number of larger trees had been removed and evidence of further inappropriate pruning works had taken place, all of which were not in accordance with good arboricultural practice. Furthermore, since raising the previous TPO, The Warren Estate have not demonstrated that they are managing the trees in accordance with good arboricultural practice. A number of trees have also been identified to the 'green keeper' by the Tree Consultant and Essex County Council (ECC) as a health and safety risk to users of the site, and following the most recent site visit with the Forestry Commission it was noted these trees were still present.

- 5.3 The area of land is not located within a Conservation Area and therefore did not have any form of statutory protection prior to the serving of the TPO. Therefore, any or all of the trees on this land could have been removed without the permission of MDC, which would damage the amenity value that these trees offer within the surrounding landscape. In the interest of protecting this prominent landscape feature and the amenity value of the trees within the locality the trees within the Estate were assessed using the TEMPO and the trees scored 20 out of 25 which means, that the trees would definitely merit a TPO.
- 5.4 It should be noted that the TPO would not prevent works to the trees from being carried out, however it would control any works to ensure that they were suitable, justified and did not harm the health of the trees or affect the amenity value the woodland as a whole.
- 5.5 An objection has been received in relation to the clarity of the documents accompanying the serving of the tree preservation order, however, some of the points raised appear to have been carried over from the previous TPO and are not considered relevant to this application. Officers comments to the objection can be found in section 7.1.1 of this report.
- 5.6 The TPO does not place any additional burden upon the owner to carry out works, it does however require a formal application to be submitted and approved before carrying out works that may involve pruning, lopping or felling of trees and changes in the vegetative character of the area. An owner also has the option to submit a management plan, setting out a programme of works over a period of up to 5 years.

6. ANY RELEVANT SITE HISTORY

- 6.1 No relevant site history.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Interested Parties

- 7.1.1 One letter was received **objecting** to the serving of the TPO 6/20 and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<p>The order does not comply with the requirements of Paragraph 3 of Part 2 of the Town and Country (Tree Preservations) Regulations (2012):</p> <ul style="list-style-type: none"> There is no referenced scale on the map provided, the map that has been used to mark the position of the trees contains insufficient detail to enable accurate reference points to be identified to assist with confirming which trees are intended to be included in the order, 	<p>The scale of the map is 1:6000 and a scale bar is included on the map itself. Furthermore, the map does not have a title under this TPO and therefore, this point is void. The base map is from a system called GIS and the trees were mapped on site with coordinates, over google earth imagery to enable the most accurate plotting as possible.</p>

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The map is headed ‘Local Development Plan – Proposals Map’ which bears no relation to the fact that it is supporting a TPO • The base map contains insufficient detail to enable accurate reference points to be identified to assist with confirming which trees are to be included in the order. 	
<p>The Schedule includes an example of how the trees should be specified within an order; this includes a third column titled ‘Situation’ which should be completed if necessary to specify more precisely the position of the trees. Whilst this is not an absolute requirement, in this instance where the map is not sufficiently accurate to enable correct identification of the trees, more detailed information should have been provided in this column to enable identification of the trees. Without this information it will make proper management of the trees and woodlands within the estate very difficult.</p>	<p>This is not a statutory requirement when serving a TPO. Given the scale of the site and the map provided it is considered suitable detail has been provided in regards to the location and species of tree.</p>
<p>Some trees included within the order have previously been agreed to be removed by virtue of previous planning permissions, and a felling licence issued by the Forestry Commission. Due to the lack of clarity on the map it is not possible to identify these trees on the map and whether they are therefore included in the order.</p>	<p>The Local Planning Authority have been given a copy of the felling licence and have been in contact with the Forestry Commission. The Felling licence states that trees to be felled in line with the licence will be marked with red paint; at the time of the site visit, no trees subject to the TPO had red marking on them. Recent correspondence with the Forestry Commission has been received a further felling license has been applied for. Whereby a Planning Officer and the Tree Consultant went to site to confirm that these trees were not included within the TPO, to date no correspondence has been received confirming that the license has been granted. Furthermore, the Forestry Commission have sent MDC a copy of a letter sent to The Warren Estate in regards to the Felling Licence detailing that the works applied for under 017/657/16-17 have been finished as the volumes allowed under this felling licence have been met. It is</p>

Objection Comment	Officer Response
	<p>considered that this in turn would clarify any matters of concern in regards to the Felling Licence and the TPO, now subject of this item TPO 6/20.</p> <p>Furthermore, a TPO would not mean that a new felling licence could not be issued in the future.</p>

8. CONCLUSION

- 8.1 The trees subject of the TPO make a significant contribution to the character and appearance of the surrounding area due to the size, density and attractive nature of the trees and the prominent locations. Given that the trees have a TEMPO score of 20, it is considered that the TPO should be confirmed to prevent inappropriate works being carried out, which could harm the amenity value and overall health of the trees.