



**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

to
**CENTRAL AREA PLANNING COMMITTEE
17 DECEMBER 2025**

Application Number	06/25
Location	Land To The Front of 27 Mayflower Drive - Maldon
Proposal	Confirmation of TPO 06/25
Applicant	Maldon District Council
Target Decision Date	6 January 2026
Case Officer	Hayley Sadler
Parish	Maldon South
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) 06/25 without any modifications.

2. SITE MAP

Please see below.

Tree Preservation Order

G1 – 4 x Silver Birch

Land To The Front of 27 Mayflower Drive
Maldon

TPO 06/25



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 In July 2025 an email was received from the Council's Coast & Countryside Manager, requesting that a group of Four Silver Birch trees located on Council owned land to the front of 27 Mayflower Drive, Maldon are protected by a Tree Preservation Order (TPO). The reason for the request was that there was a concern that the trees could have unauthorised works carried out or were going to be felled, as it was claimed the trees are interfering and causing a nuisance to the properties that they front in Mayflower Drive.
- 3.1.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment, which is the nationally accepted system of scoring the amenity value of a tree, was carried out by the Council's Arboricultural Consultant. The TEMPO assessment scored the tree 16 out of 25 and concluded that the trees 'Definitely merits TPO'. Therefore, a TPO was served as a provisional order on 9 July 2025, which must be confirmed within six months to become permanent and thus continue the tree's protection.
- 3.1.3 Three letters of objection have been received from both neighbouring properties and the son of the previous owner who is dealing with the sale of the property.
- 3.1.4 These objections remain unresolved; therefore, the question of whether or not to confirm the TPO has been brought before members to determine.
- 3.1.5 For the purposes of the report going forwards, the trees (4 x Silver Birch) subject to this report will be referred to as G1.

3.2 The Site

- 3.2.1 The group of trees (as identified as G1 in the TPO) are located on the south eastern side of Mayflower Drive, within the settlement boundary of Maldon. The application site itself is a piece of land which fronts No.27 Mayflower Drive which falls under the ownership of Maldon District Council.

Members' attention is also drawn to the list of background papers attached to the agenda to further appreciate the policy context..

4.1 Relevant Planning Guidance/Documents

- National Planning Policy Guidance (NPPG).

Other Relevant Guidance:

- Wildlife & Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2017

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 05/25, 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 should an applicant be aggrieved by process. An application must be made within six weeks of the date the TPO was confirmed.

5. MAIN CONSIDERATIONS

- 5.1 The G1 trees are situated to the front of No.27 Mayflower Drive and, due to their size and position, are visible from within the public realm of both Mayflower Drive and Mirosa Reach and therefore they provide high visual amenity.
- 5.2 NPPG states (Paragraph 10 reference ID: 36-010-21040306) *'It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'*
- 5.3 The G1 trees are not located within a Conservation Area, and therefore does not have a fall back protection from any works being undertaken. As the G1 trees are located on land in the ownership of Maldon District Council, who would be responsible for their maintenance, as the trees have not been previously protected there has been no need for a formal application for tree works from third parties.
- 5.4 In the interest of protecting this prominent landscape feature and the amenity value of the trees within the locality, the G1 trees were assessed using the TEMPO which is designed as a guide to decision making and stands as a record that a systematic assessment has been undertaken. The TEMPO considers all of the relevant factors in the TPO decision making chain including amenity assessment, expediency assessment and decision guide. Within the assessment G1 scored 'good' for the suitability of a TPO for amenity due to their size and location which are visible within the public realm of Mayflower Drive and Mirosa Reach. The assessment of showed the trees to be in good condition. The expediency assessment reflected the foreseeable threat to the trees, due to the adjacent property owner wanted to heavily prune the trees. The G1 scored an overall total 16 out of 25 which means that the trees definitely merit a TPO.
- 5.5 It should be noted that the TPO would not prevent future works to the trees from being carried out, however it would control any such works to ensure that they were suitable, justified and did not harm the health of the trees or the amenity value they offer to the surrounding area.

6. ANY RELEVANT SITE HISTORY

No relevant site history.

7. **REPRESENTATIONS RECEIVED**

7.1 **Representations received from Interested Parties** (*summarised*)

- 7.1.1 Three letters were received **objecting** to the TPO 06/25 and the reasons for the objections are summarised as set out in the table below:

Objection Comment	Officer Response
The trees have been neglected and not maintained by Maldon District Council. Multiple requests have been sent to the Council to maintain the trees.	Noted. Although this may be a source of frustration it is not relevant to this TPO.
The trees are situated very close together on a small bank sloping into the adjacent brook. As the trees have grown are causing issues with the brook.	Noted. Although this may be a source of frustration it is not relevant to this TPO.
One of the trees has exposed roots on the surface which could lead to possible subsidence. As these trees are in the ownership of the Council, they would be liable for any damage caused by the trees.	Noted. Although this may be a source of frustration it is not relevant to this TPO. Works to the trees can be undertaken, subject to consent being granted.
The trees cause a loss of light into the adjacent properties due to their size in close proximity.	Noted. Although this may be a source of frustration it is not relevant to this TPO. Works to the trees can be undertaken, subject to consent being granted.
The current state of the un-maintained trees are causing difficulties for anyone wanted to sell their properties in close proximity.	Noted. Although this may be a source of frustration it is not relevant to this TPO. Works to the trees can be undertaken, subject to consent being granted.
Other trees along the book under the ownership of the Council have been removed.	Noted. Trees which are not protected can be removed.

8. **CONCLUSION**

- a. The G1 trees, subject of the TPO, makes a contribution to the character and appearance of the surrounding area due to its size and location. Given that the TEMPO assessment scored 16 for the tree, which definitely merits serving of a TPO, it is considered that the TPO should be confirmed to prevent the removal or unauthorised or inappropriate works being carried out to the trees, which could harm the amenity value and overall health of the trees.

Photographs of the Silver Birch Trees (G1)

From outside No.25 & No.27 Mayflower Drive



From outside No.43 Mayflower Drive



From outside No.19 & No.15 Mayflower Drive (Opposite)



From outside No.28 Mirosa Reach (Opposite)

