

No public objections have been received to the provisional TPO during the relevant period. The issue of the provisional TPO was considered expedient as there was an imminent threat to trees at this site. The Council became aware of development proposals for the site that, if achieved, would necessitate the removal of a significant number of existing trees in a wooded area which forms part of the Elvetham Heath development's original design, character and sense of place. The trees are visible as part of the western arrival and from many parts of the Community's core, including the community centre, The Keys, and as a backdrop from many areas in the western area of Elvetham Heath.

The Council have served the Tree Preservation Order on the wooded area to ensure that trees are suitably protected. Tree removal or harm to the wooded area would have a significant negative impact on the character and appearance of the local environment and its enjoyment by the public.

TREES

On the attached plans, Members will note the Tree Preservation Order applies to a group of trees on land adjacent to Elvetham Way.

OBJECTIONS AND PUBLIC COMMENTS

No objections have been received to the TPO following the required publicity of the Provisional TPO.

RELEVANT PLANNING POLICY AND LEGISLATION

The Town and Country Planning Act (TCPA) 1990 as (amended) Part VIII Special Controls : Chapter I Trees

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 No. 605 PART 2 Regulation 7

Hart Local Plan (Strategy and Sites) 2032 and (Replacement) 1996-2006 Saved Policies adopted May 2020

Flet Neighbourhood Plan 2032

National Planning Policy Framework 2021

Planning Practice Guidance

CONSIDERATIONS

Section 198 of the Town and Country Planning Act 1990 (as amended) places a duty on Local Authorities to ensure where an LPA considers it expedient in the interests of amenity to make provision for the preservation of trees are able to serve an order as appropriate to protect the trees. Before an order is served an appropriately experienced person must assess the trees and the site.

Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Forestry Strategy (1998), SW Regional Forestry Framework (2005) and national and regional Biodiversity Action Plans.

Mature trees and woodland groups such as the group proposed for TPO confirmation within this report, play a key role in helping to tackle the climate emergency and create a greener district. Trees remove carbon dioxide directly from the atmosphere and convert this to stored carbon. Additionally, trees are important for biodiversity both in their own right and as habitat for other species.

Therefore, the protection of these trees will contribute towards the Council's objective to reduce the effects of global warming and carbon emissions as well as supporting the Biodiversity Action Plan. Their protection will support the aims and objectives set within the Hart Local Plan (Strategy and Sites) 2032 and the Planet aims of the Corporate Plan 2023/2027.

The climate crisis remains a significant, long-term challenge in the coming years and decades, and there is a growing ecological crisis too. The declaration of a climate emergency for Hart, at the full Council meeting on 29 April 2021, recognised climate change as the most serious environmental challenge facing us in the 21st century. Hart District Council has committed to carbon neutrality via achieving net zero by 2040.

Trees are also a key element of the green infrastructure network, contributing to urban cooling and providing microclimate effects which help reduce energy demands on buildings. They therefore represent a key resource that can significantly contribute to climate change adaptation.

The protection of these trees supports the Council's climate change and planet aims by helping to enhance the street view and open spaces through their high amenity and aesthetic value, thereby supporting good mental and physical health for residents of all ages.

EFFECT OF CONFIRMING THE TPO

The Council 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... in their area". Guidance from the Secretary of State is that TPOs should be used to protect selected trees if their removal would have a significant impact on the local environment and its enjoyment by the public. The term 'amenity' is not defined in planning law, however an assessment may include public visibility, individual impact of the tree, other factors (climate change, nature conservation) and expediency.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 No. 605 Part 3 Prohibited Activities and Exceptions means that a Confirmed Order will provide continuing protection, ensuring no person shall:

- (a) cut down;
- (b) top;
- (c) lop;
- (d) uproot;
- (e) wilfully damage; or
- (f) wilfully destroy,

any tree to which an order relates, or shall cause or permit the carrying out of any of the activities in sub-paragraphs (a) to (f) to such a tree, except with the written consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 No. 605 Part 2, Regulation 7 requires confirmed orders to indicate whether:

- (a) that the order was confirmed with modifications or without modifications, as the case may be; and
 - (b) the date on which it was confirmed.
- (4) Where an order is confirmed with modifications, the modifications shall be indicated in the order by distinctive type or other means.

EQUALITY

The proposal poses no particular issues when considering the Equality Act 2010 and Public Sector Equality Duty.

FINANCIAL IMPLICATIONS

There are no financial implications for the council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to a protected tree and where that application is refused.

CONCLUSION

Due to the public amenity provided by the Trees covered in the Provisional Order, it is considered that they should be protected indefinitely by means of confirming the Tree Preservation Order. This would secure the public amenity and also contribute to the local landscape and environmental aims by contributing to the aims of being net zero on carbon emissions by 2040.

No objections have been received and as a result the Officer recommendation is that it is expedient and in the interests of amenity for the trees to be protected in perpetuity by confirming the TPO.