

PLANNING COMMITTEE

DATE OF MEETING 14 OCTOBER 2020

TITLE OF REPORT OBJECTION TO ORD/20/00001 "THE LAND NORTH OF WINCHFIELD COURT TREE PRESERVATION ORDER, 2020"

REPORT OF HEAD OF PLACE

1.0 Introduction

1.1 The Committee is asked to consider one email objection which relates to this Tree Preservation Order (TPO). The TPO protects a number of trees within an area of open space adjacent to Pale Lane and to the north of Winchfield Court. The issue of this TPO was considered expedient as there was an immediate threat to trees at this site. It was thought that an older TPO ref: ORD/14/00071 provided protection but no evidence could be found that this TPO had ever been confirmed. As, such that TPO would lack effect.

Refer to Appendix 1 for the TPO plan showing the position of trees, Appendix 2 for the Schedule and Appendix 3 for photographs.

1.2 The objection to this Order were made by:

- Ms D Spencer, stated to be owner of 3 plots at this site.

2.0 Recommendation

That TPO ORD/20/00001 be confirmed with modification as below:

- Remove Yew, T2. To be shown by striking through on Schedule.

3.0 The Trees

3.1 The subject trees comprised of English oak, sycamore and yew. T1 (oak), T2 (yew) and G3 (2 x oak) were growing adjacent to the western boundary by Pale Lane. G1 and G2 (sycamore) form an irregular line growing across the site roughly north-west to south-east. All were mature trees, clearly visible to the public from Pale Lane. All trees had been noted to be in at least reasonable condition and with long life expectancies. This meant that they could provide long term amenity in the area.

3.2 Since making this TPO, the yew, T2 has been unlawfully felled and is the subject of a separate enforcement case ref: 20/00081/TREE1. A Tree Replacement Notice has been served. This Notice was not appealed. Following compliance with this Notice, and, subject to confirmation of this TPO, the TPO could be varied to protect the replacement tree.

4.0 Summary of objections

4.1 Sycamore seeds are poisonous to horses.

Refer to Appendix 4 for a copy of the objection

5.0 Observations

5.1 It is acknowledged that on ingestion, that sycamore seeds and seedlings can cause Atypical Myopathy in horses. This is understood to be a debilitating condition which causes rapid destruction of skeletal muscle, the heart and diaphragm. The British Horse Society (BHS) states that it has a mortality rate of around 70%.

Seeds from sycamore are dispersed by the wind. They can travel considerable distance from the tree. Seed production can be prolific and germination rates high in comparison with other species. As such, sycamore has gained a reputation, particularly amongst gardeners, as a 'weed tree'. The seeds and seedlings contain varying levels of Hypoglycin-A (HGA), the toxin that can cause Atypical Myopathy.

The BHS and the Arboricultural Association prepared a joint policy on the management of sycamore in such circumstances. They advise that horse owners undertake preventative measures as follows:

- Where horses have poor grazing, ensure supplementary forage/feed is provided
- Ensure the pasture is not over-stocked
- Maintain good pasture management to prevent weeds taking over grass growth
- If moving horses is not an option, fence off areas around the sycamore trees
- Removal of sycamore seeds and seedlings from the paddock
- Where possible, consider stabling the horses overnight to prevent over-grazing of pasture.

The Policy states that tests can be made to confirm the concentration of HGA within seeds and seedlings. It is thought that there can be considerable variation in the concentration of HGA therefore felling of trees should not be the first course of action. The Policy may be viewed, here: <https://www.trees.org.uk/Help-Advice/Public/Atypical-Myopathy-Joint-Position-Statement>.

The land in question is an area of open land directly north of the Winchfield Court residences. The area is located in countryside and its use as open space is also controlled by virtue of a S52 Legal Agreement in relation to the redevelopment of the former hospital site when the residential development was undertaken. No planning permission has been sought or obtained for a change of use of the land from open space to land used for the keeping of horses. It would in some circumstances

be possible for horses to use the land for grazing. This might be an agricultural use if the horses were kept elsewhere, however, to date no evidence has been provided that the land has recently been used for grazing horses, nor other livestock. The land has been subject to an ongoing enforcement enquiry and officers confirm that no horses or other livestock have been present on the land.

The trees subject to this TPO were present at the time the land was acquired by the objector. The original tree preservation order (ORD/14/00071) was registered as a Land Charge therefore should have been a consideration for prospective buyers.

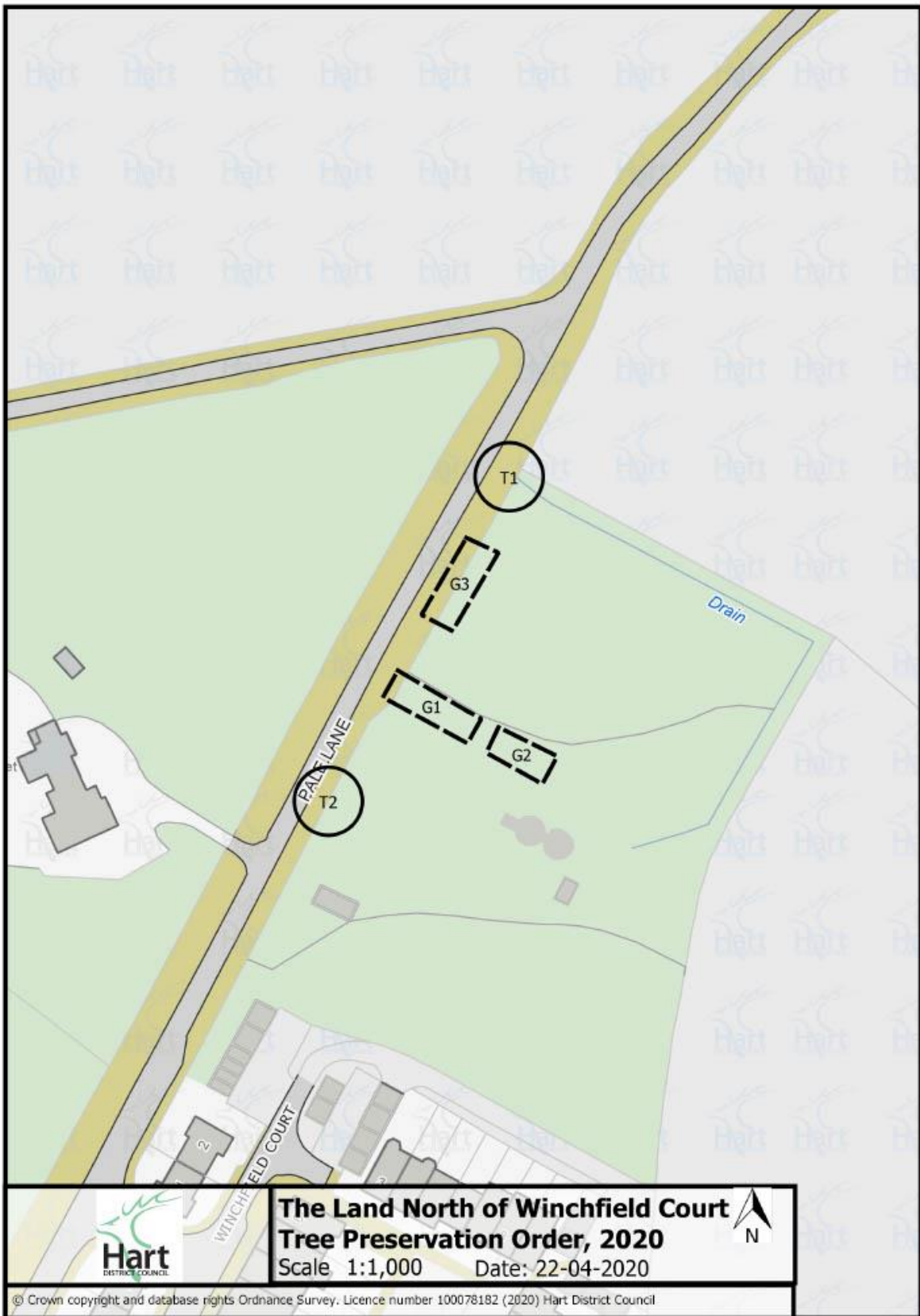
In these circumstances whilst the potential conflict between the keeping of horses on land and the presence of the sycamore trees is recognised, the keeping of horses on this land would require planning permission and has not taken place, as such the objection is insubstantial.

6.0 Conclusion

6.1 By the trees within the Order affording public amenity, the Council considers that it should be protected indefinitely by means of a Tree Preservation Order.

6.2 The Order has been properly made in the interest of securing the contribution that the trees makes to public amenity value in the area. The trees in question are an important element in the local landscape and contribute to the local environment. Given the above, the objection is not considered to outweigh the amenity value that the trees provide. It is therefore expedient and in the interests of amenity to make provision for the preservation of these trees. As a result, the tree preservation order should be confirmed.

Appendix 1 – TPO Plan



Appendix 2: Schedule

SCHEDULE SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on Map	Description	Situation
T1	English Oak	Located near northern corner of site, adjacent to Pale Lane
T2	English Yew	Located on western boundary of site, adjacent to Pale Lane

Trees specified by reference to an area (within a dotted black line on the map)

Reference on Map	Description	Situation
NONE		

Groups of trees (within a broken black line on the map)

Reference on Map	Description	Situation
G1	2 x Sycamores	Two sycamores, located as per plan
G2	3 x Sycamores	Three sycamores, located as per plan
G3	2 x English Oaks	Two oaks, located on western boundary, adjacent to Pale Lane

Woodlands (within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

Appendix 3: Photograph



G1 and G2 (sycamores) as viewed from Pale Lane (April 2020)

Appendix 4: Copy of the objection

TPO objection

denise spencer [REDACTED]

Thu 28/05/2020 19:26

To: Adam Maskill <adam.maskill@hart.gov.uk>

Dear Adam,

Thank you for your email.

I do strongly object to the TPOs that have recently been put on these 5 Sycamores trees. We brought 3 parcels of land on the North side of Winchfield Court, Pall Lane because there were no TPOs on the trees, this made it very attractive to us because we were hoping to have horses sometime in the near future.

I'm sure you know that Sycamore seeds are poisonous to horses causing muscle damage that makes it hard for them to stand and breathe. And around 50 seedlings will kill a horse.

The other thing I wanted to object to, was the underhanded way that Kevin Wale came into our land saying that the 5 trees in question already had TPOs on them. I did ask him for proof of this but he couldn't provide any, only telling us that it would be an offence to take them down or prune them.

I was very confused at this and went onto your website to try and find the TPOs that he said was on them, but I couldn't find any. Can you please supply me with a copy of the TPOs on these trees that is dated before 22nd April 2020 when Kevin put a provisional order on them.

We feel we have been treated very poorly with the underhanded way Kevin Wale has gone about this matter.

With the above in mind we are asking you to please reconsider putting TPOs on the 5 sycamore trees in question.

Regards
D Spencer