

SUBJECT TREE PRESERVATION ORDER CONFIRMATION **ITEM**
REPORTS **8**
REPORT Tree Officer
OF

TPO NO. 28/2007
SERVED 28 June 2007
PARISH Crowmarsh
WARD MEMBER Nicholas Odd
SITE Oakley Little Wood
GRID REF SU643885
CASE OFFICER Jasper Fulford-Dobson

1.0 INTRODUCTION

1.1 The purpose of this report is to seek the confirmation of Tree Preservation Order (TPO) No. 28/2007, whilst giving consideration to the submitted objection.

2.0 BACKGROUND

- 2.1 On 26 June 2007 the Forestry and Countryside section received a telephone call from a member of the public who was concerned that detrimental works were being carried out in Oakley Little Wood with a JCB digger. The Countryside Officer subsequently carried out a site inspection and discovered that an area had been cleared of vegetation and ground works carried out both within and adjacent to the woodland. A vehicle width track had been carved through part of the woodland which had resulted in tree rots being severed, ground level changes and established coppice stools being uprooted.
- 2.2 Upon returning to the Council offices the Countryside Officer carried out further desk-top investigations and established that the woodland was classified as ancient semi natural woodland. This is further supported by a BBONT habitat survey carried out in 1986. The survey comments include; "coppiced hazel, oak/cherry/ash/mixed wood, bluebells, small but interesting area of grassland near road". The survey records 70 different species of flora (**attached** as appendix 1).
- 2.3 The Council also has records of correspondence from the owner of the woodland, Mrs. Ghadimi, to the planning and leisure departments regarding plans for development within and adjacent to the woodland despite advice from

- planning and highways about objections in principal to the proposals.
- 2.4 The Countryside Officer and the Temporary Tree Officer were concerned that the future of the woodland was under threat and that given the amenity and habitat value the woodland provides to the area it was worthy of protection. A TPO assessment was carried out (**attached** as appendix 2) and a TPO was served on 28 June 2007.
 - 2.5 Mrs. Ghadimi has submitted various letters and emails raising objections to the TPO, these are **attached** as appendix 3.

3.0 REASONS FOR OBJECTION

- 3.1 The reasons for objection received in the letters and emails from Mrs. Ghadimi are summarised below.
- 3.2
 1. Errors in the TPO; incorrect Parish stated on the Regulation 3 Notice.
 2. The visual amenities are not visible to the adjacent detached dwelling.
 3. There have been over 18 months of discussions with various bodies, including the Council and the woodland was never under any threat of planning proposals.
 4. Advice to restore the woodland has been sought from various woodland advisory groups.
 5. The TPO action is nothing to do with protection or benefit of the trees and unnecessary paperwork and application will be required for every operation or activity within the woodland.
 6. The TPO action is unfair, without any justification and is a death sentence to the land.

4.0 APPRAISAL

- 4.1 When giving consideration to the confirmation of this Order Members are advised to take account of the following points which address the concerns raised in the objections above:
- 4.2 It is accepted that the Parish stated on the Regulation 3 Notice is incorrect and it is the Council's intention to correct this from Benson to Crowmarsh.
- 4.3 It is considered to be in the interests of amenity, protected wildlife and plant habitat, and historical value to make this ancient semi natural woodland subject to a TPO. The woodland can be seen from the A423 to the north, Nuffield Lane to the south and the following public footpaths Nuffield FP 01, 27, 31 and Benson FP 21 and 19. The woodland is also partly visible from the dwellings of Poluran, Turners Court Farm, May's Farm, and various other nearby dwellings not considered public places but from where members of the public may view the woodland. The trees within the woodland form an important landscape feature and add to the sylvan character and skyline features of the local rural area. Photographs are **attached** in appendix 4.
- 4.4 Whilst it is acknowledged that Mrs. Ghadimi has entered into discussions with various bodies including the Council over the last 18 months, there is no recorded

indication that the sorts of plans she had been proposing were considered appropriate. One plan drawing from Brock Charles Ltd, dated October 2006, proposes an outdoor activity centre and dwelling (**attached** as appendix 5), and other suggested proposals of a “Go Ape” style centre with space for parking and offices were also discussed.

- 4.5 Ancient semi natural woodlands have sensitive and particular management requirements. This particular woodland consists of bluebells and other indicator ground flora species and grasses which are delicate in their very nature and not compatible with the types of proposals discussed above. Due to the presence of protected species it would not be good practise to encourage large numbers of visitors, hard standing parking areas, extra noise levels and other human disturbance associated with the proposals. If, however, the woodland was an unclassified conifer plantation with little or no ground flora (which is characteristic of conifer plantations) as is the case with the “Go Ape” centre in Bracknell, it would be potentially be a better environment for such activities.
- 4.6 It is acknowledged that Mrs. Ghadimi has sought advice from various woodland advisory groups. However, when discussed with Mrs. Ghadimi, the Oxford Woodland Group and the Chiltern Woodland Group, there appears to be no actual management plan available to study or submit to support an application for works to the woodland.
- 4.7 A site meeting was therefore arranged on 19 July 2007 in order to discuss various woodland works required. The meeting was attended by Mrs Ghadimi, the Countryside Officer, Temporary Tree Officer and two members of the Green Gym volunteer group. An application form was completed and signed by Mrs Ghadimi which included proposals to carry out re-coppicing and removal of some dead Elm trees adjacent to the public footpath. The Temporary Tree Officer subsequently sent a letter to Mrs Ghadimi on 25 July giving written consent to carry out the works.
- 4.8
If an appropriate woodland management plan was submitted to support an application for further works to the woodland, the Council would look favourably on this and may be able to give rolling consent for the works for a period of up to five years.
- 4.9 The TPO would help to ensure that the right advice and guidance was obtained and ensure that sound future management would be pursued.

5.0 POLICY & GUIDANCE

- 5.1 The South Oxfordshire Local Plan adopted 1997 and the draft South Oxfordshire Local Plan June 2002 recognises the contribution that trees make to the appearance and character of towns and villages within the District and commits the Council to preserving and retaining existing trees. These aims are embodied in Policy C16 which states:

C16: *“trees or areas of woodland which are important to the local scene will be*

protected and development, which would normally result in the loss of important trees and hedgerows, will not normally be permitted”.

5.2 In order to ensure consistent interpretation of the TPO legislation guidance has been sought from the DETR publication “Tree Preservation Orders. A Guide to the Law and Good Practice”.

6.0 CONCLUSION

6.1 The woodland is considered worthy of the Order because:

- Both the amenity value assessment (appendix 1) and the photographs (appendix 2) clearly demonstrate that the woodland has public amenity value when assessed in line with Government guidance.
- The BBONT survey (appendix 3) clearly demonstrates the wildlife value and bio-diversity of the woodland and shows the presence of protected species.
- With an appropriate woodland management plan this ancient semi-natural woodland can continue to provide the benefits mentioned in this report for conservation and education purposes.
- The woodland is an established feature of the landscape of the area and is worthy of retention.

7.0 RECOMMENDATION

7.1 That Tree Preservation Order No. 28/2007 is confirmed.

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APPENDIX 1: BBONT WOODLAND SURVEY

APPENDIX 2: TREE PRESERVATION ORDER ASSESSMENT

APPENDIX 3: LETTER OF OBJECTION

**APPENDIX 4: PHOTOGRAPHS OF THE
WOODLAND**

**APPENDIX 5: WOODLAND PLAN
PROPOSALS FROM BROCK CHARLES
LTD**