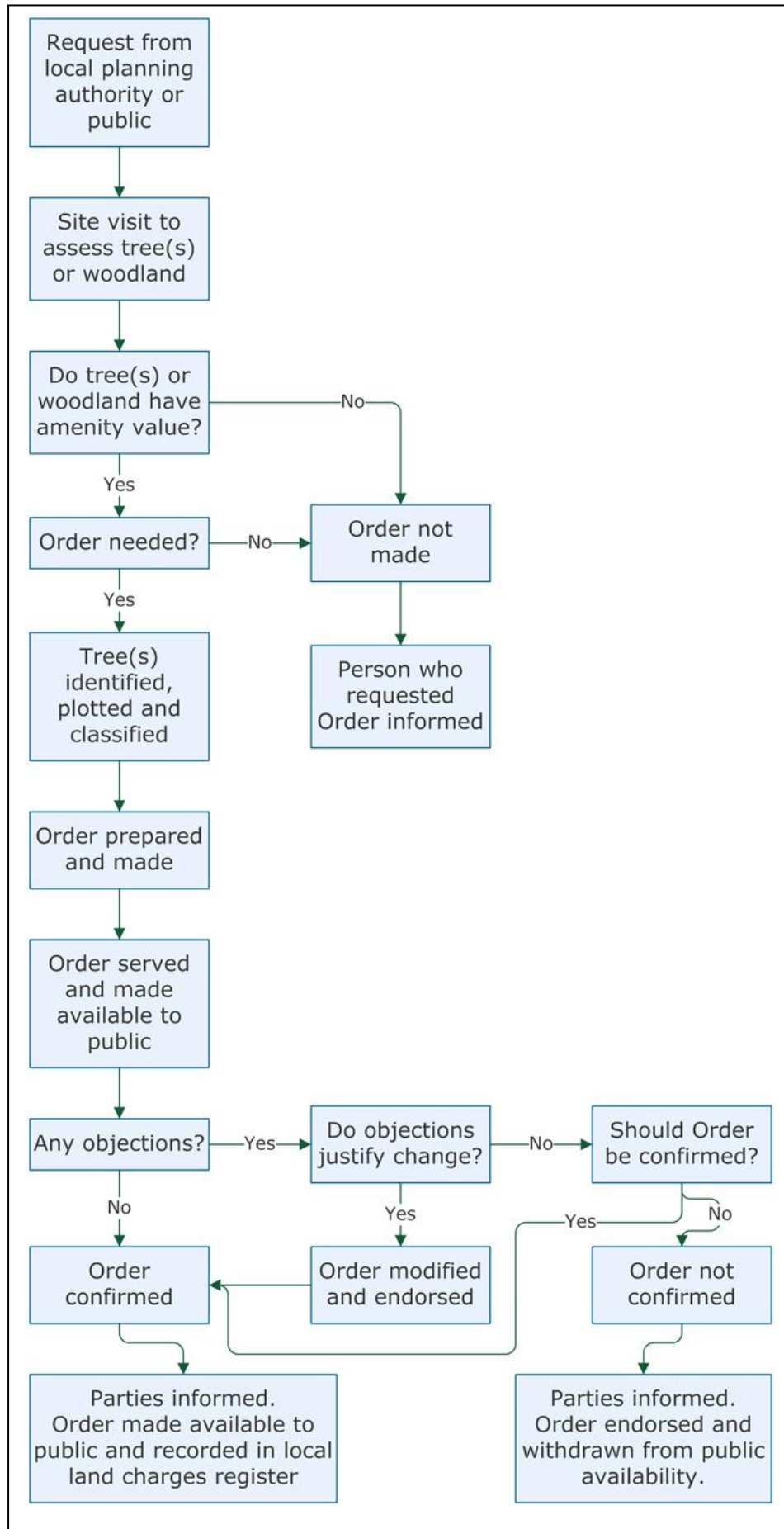


Appendix 1 Process for making and confirming a TPO



Appendix 2

Amenity assessment of trees at tree to be protected at Pier House

Site address (see attached plan)			
Pier House, Pier Road, Seaview			
Current landowner & contact details:			
Hay Family			
Agent:			
Present land use:			
Domestic			
Reason for assessment:			
Possible Development			
Is there potential for tree works to alleviate problems leading to threat?			
No			
Species of trees if known:			
Oak, Ash, Sycamore, Beech			
Person requesting TPO, name & contact details. Attach letter or email if available.			
Atlanta Hay			
			Date 05 June 2017
Tree/s already protected? If yes, add comments on extent/time of protection.	No		TPO/ CA/ P/
Trees identified or threatened for removal as part of planning consent?	No		P/
Possibility of planning being refused?	No		

Reasons for making new TPO.			
The grounds for making the TPO are that the trees makes a contribution to the visual amenity of the site and street scape.			
The current TPO is undergoing a review.		The tree is a replacement of a t.p.o tree	
The trees are at risk from:			
development proposals		change of ownership	x
development pressures	x	inappropriate works	
potential increased usage of area		damage by excavation works	
inclusion in LDF list, or adjacent to LDF land No:			
The trees can be seen from Pier View Road (R105)			

INDIVIDUAL TREES

Is the tree dead, dying or dangerous?	YES	NO
Is the tree isolated/remote/hidden?	YES	NO
Is the tree causing or likely to cause unreasonable interference to a property?	YES	NO
Is the tree replaceable (young/small)?	YES	NO
Is the tree managed under a Forestry Commission grant scheme?	YES	NO

If the answer to **any** of the above questions is 'YES', then TPO indefensible: no further action.

Is the tree visible from a public place?	YES	NO
Is the tree under threat?	YES	NO
Is there space for reasonable growth?	YES	NO

If the answer to **any** of the above questions is 'NO', then TPO indefensible: no further action.

AMENITY ASSESSMENT

	SCORED AS INDIVIDUAL UNITS	INDIVIDUAL TREE NUMBER											
		T1	T2	T3	T4	T5	T6	T7	T8	T9	T10	T11	T12
HEIGHT x CROWN WIDTH													
Very small 2-5m ²	1												
Small 5-10m ²	2												
Small 10-25m ²	3												
Medium 25-50m ²	4							4	4	4			
Medium 50-100m ²	5		5	5	5	5	5						
Large 100-200m ²	6	6											
Very Large 200m ² +	7												
REMAINING LONGEVITY													
Less than 10 years	0												
10-20 years	1												
20-40 years	2	2	2	2	2	2	2						
40-100 years	4							4	4	4			
100 years +	5												
PROMINENCE													
Hidden	0												
Restricted	2							3	3				

'Out front'	4	4	4	4	4	4	4			4			
AUDIENCE FREQUENCY													
Remote	1												
Occasional	2												
Infrequent	3	3	3	3	3	3	3	3	3	3			
Frequent	4												
Continuous	5												
TREE FORM													
Poor	1												
Moderate	2												
Fair	3			3	3		3		3				
Good	4	4	4			4		4		4			
Outstanding	5												
OTHER TREES													
Within wood (70-100% other trees)	1												
Many (50-70% other trees)	2	2	2	2	2	2	2	2	2	2			
Some (30-50% other trees)	3												
Few (5-30% other trees)	4												
Alone (0-5% other trees)	5												
OTHER FACTORS													
Screening unpleasant view	2												
Veteran Tree	1	1	1	1	1	1							
Historical Association	1												
Ecological Value	1	1	1	1	1	1	1	1	1	1			
Soil Stabiliser	1												
EXPEDIENCY													
No known threat	0												
Perceived threat	1	1	1	1	1	1	1	1	1	1			
Known threat	2												
Immediate threat	3												
TOTAL Score of 20 or more, qualifies for TPO		24	23	22	22	23	21	22	21	23			

SCHEDULE Regulation 3(1)

Form of Tree Preservation Order

Town and Country Planning Act 1990

=====

PIER HOUSE, PIER ROAD, SEAVIEW, PO34 5BN
TREE PRESERVATION ORDER, TPO/2017/09

The Isle of Wight Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Pier House, Pier Road, Seaview, Isle of Wight, PO34 5BN, Tree Preservation Order, TPO/2017/09

Interpretation

2.—(1) In this Order "the authority" means the Isle of Wight Council

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date shown below.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 5 day of December 2017

Signed on behalf of the Isle of Wight Council



.....
Authorised by the Council to sign in that behalf

SCHEDULE Article3
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Ref. on Map	Description		Situation
	Common name	Botanical name	
T1	Oak	<i>Quercus robur</i>	As seen on map
T2	Oak	<i>Quercus robur</i>	As seen on map
T3	Oak	<i>Quercus robur</i>	As seen on map
T4	Oak	<i>Quercus robur</i>	As seen on map
T5	Oak	<i>Quercus robur</i>	As seen on map
T6	Ash	<i>Fraxinus excelsior</i>	As seen on map
T7	Oak	<i>Quercus robur</i>	As seen on map
T8	Sycamore	<i>Acer pseudoplatanus</i>	As seen on map
T9	Beech	<i>Fagus sylvatica</i>	As seen on map

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

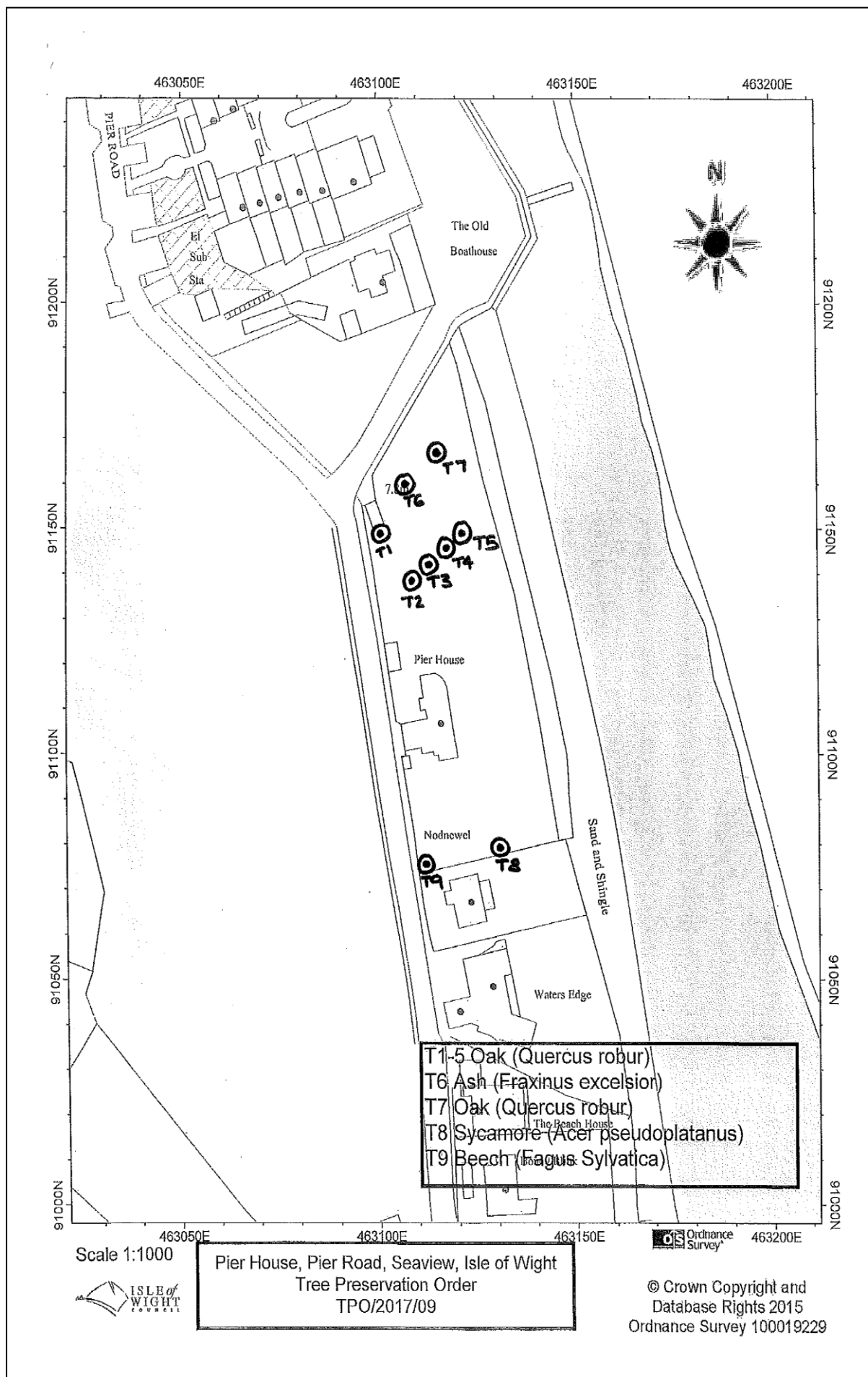
Ref. on Map	Description	Situation
NONE		

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

Ref. on Map	Description		Situation
	Common name	Botanical name	
NONE			

Woodlands
(within a continuous black line on the map)

Ref. on Map	Description	Situation
NONE		



Appendix 4

Summary of the objections and the officers' response

Description of T.P.O assessment requirements.

1. As objections have been made regarding Expediency and Amenity it is useful that a short definition of both is given in relation to T.P.O. Before the council place an order onto a tree it is necessary for the council to assess these two factors.
2. **Expedience:** It is not sufficient for a tree to have a preservation order placed on it purely because of its quality or prominence. It is necessary that the tree or trees are under some form of threat of removal or inappropriate work that could impact on their health and public amenity. This does not have to be in the physical form such as a tree surgeon or construction company. It could be thought to be expedient if there are to be changes in the future of the tree be it physical environment through landscaping, development or even to the trees ownership. It is also acceptable for that the threat is only perceived as this issue can be discussed in the consultation process and if found to be none founded the order could be none founded the order could be revoked.
3. **Amenity:** The definition of amenity in relation to trees has not been legally defined as yet. A dictionary definition is "a desirable or useful feature of a building or place." In terms of trees amenity it is considered to regard the wider benefits that a treed environment may give to an area. These benefits being the environmental, economic and social aspects a sylvan setting offers. It is not necessary for the public to have access to the trees, but generally considered that they can view them from a public place. To take a degree of the subjectivity of assessing a trees amenity an amenity assessment is carried out. The council use a similar system devised by an eminent arborist Helliwell. This has been calibrated and adapted for the purposes of use on the Isle of Wight, a copy of the assessment system relating to this order can be found in appendix 1.

OBJECTIONS SUMMARY

4. TPO/2017/09 was made under section 197 and 198 of the Town and Country Planning Act 1990. The order was made on the 5 December 2017.
5. Objections to the T.P.O were made by 5 parties. Due to the similarities of the objections it is possible to group them in to certain issues. A summary the objections are as follows:
6. **Expediency**
7. A: The objectors felt that the TPO was not expedient for the following reason
 - It is felt that the council had been misled by Lady Hay in requesting the T.P.O on the grounds the property is for sale and there was a potential of development.

- It was said by the objectors that the current incumbent of the property, Lady Hay was to stay there. As such the management by the family of the past fifty years would continue.
- It was explained that there was no intention to develop the site and in any way and none of the trustees were developers or had any experience of development and the processes that it may entail.

8. **Public Amenity**

9. B: The objectors felt that the trees have no public amenity because of several factors

- The garden in which the trees are located is private and has no public access and has a fence around it.
- The trees are located adjacent to a private road.
- The level of public visibility is limited due to fence and large coniferous hedge.
- The prominence of the trees is in question as they blend into the dense background woodland.
- T6, 7, 8 and 9 provide no public amenity due to size and or their proximity to the coniferous hedge.
- The council has not sufficiently carried out tests to demonstrate that it has followed government guidance Paragraph: 026 Reference ID: 36-026-20140306 that states "If trees merit protection in their own right, authorities should specify them as individual trees in the Order."
- The trees in question offer no individual public amenity.
- The use of the area by the public is limited and as such has little or any public amenity.
- Reference is made to government guidance where it states that "Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future" This is not felt that this would be the case in this instance and the trees loss would have little impact on the public amenity.

10. **Inaccuracy in the T.P.O.**

11. E: Objections have been made to the T.P.O in regard to its inaccuracy on several grounds.

- The trees should not have been considered as individuals due to the close proximity to each other they have grown
- T6 is inaccurately recorded as an ash when it is a sycamore.
- The map does not show certain structural features present in the garden

12. **Merits of each individual tree.**

13. F: All 9 trees have been objected to the basis of their quality and worth of being protected. The summary of these is as follows

- T1 is causing structural damage to the garage it grows next to and as such has to be removed to enable the repair.
- T2 has a large bur at the base of the trunk that is purported to undermine the trees safety and stability.
- T3 has a poor form and wounds that are purported to undermine the trees safety and stability.
- T4 has wounds that are purported to undermine the trees safety and stability.
- T5 has a split in the base of the trunk that would be a basal weakness and undermine the trees safety and stability.
- T6 and 7 are suppressed by the adjacent conifer and have a poor form.
- T8 is of poor form and suffered damage through the erection of the boundary wall and also causing a nuisance to the neighbouring properties
- T9 could cause structural damage to the boundary wall at a later date as it grows.

EVALUATION OF THE OBJECTIONS

Expediency:

14. A: It is considered that whilst the objectors felt the T.P.O was not warranted it is thought by the Isle of Wight Planning Authority that the making of the Order was warranted and could be thought of as expedient and necessary for the following reason:

- From reviewing the initial email request and the councils request for more information to warrant the expediency of making the T.P.O it is seen that Lady Hay states that the property will be for sale and that it is her brother, Lord Kinnoull's, intention to sell with planning permission. This is sufficient reason to demonstrate that the trees are under threat. It may be found during the consultation period that this is not the case however it is acceptable given Lady Hay was living there at the time to accept her on her word.

From a phone conversation with Lord Kinnoull last August he said that the property had been or is going to be assessed by an estate agent for its re-development value. His reasoning for this was the uncertainty for the structural condition of the current property and the potential in

this instance if necessary to be redeveloped. This would seem to confirm that there is a possibility that the site could be developed and as such threaten the retention of the trees.

It is seen that properties along Priory Road have been developed over the past ten years. In some these cases this has been to build in a properties garden. As such even if it is not the intention for the trustees of the property to develop there is possibility that a developer will buy the property and attempt to gain planning permission. It could be thought that there is a potential to do this as a precedent for development in the area may have said to already have been set.

It is the intention to sell the property. This has been demonstrated in a copy of email sent to Lady Hay from the solicitors working on behalf of the Trustees. Within it asks whether Lady Hay has found alternative accommodation as it would be necessary for the property to be vacant to help sell it.

- Whilst it was said that the management of the trees was to continue because Lady Hay was to stay at the property this is not the case. This has been demonstrated in email Lady Hay provided the council. As such it is considered the future of the trees management was uncertain.
- The council agree the trustees of the Priory House may not property developers and have never developed a property in the past. However this would not prevent the property being developed on their behalf. In many cases it is seen in the planning offices the owners of a property will develop the site through a planning agent, architects etc. as such could have a property developed whilst not being property developers themselves.

Public Amenity

15. It is felt that the points raised concerning public amenity can be discharged for the following reasons:

- Whilst the garden may be private it would not prevent having a T.P.O placed on the trees. A T.P.O is not just to protect the trees people have a public access to, but also those that form the verdant arboreal environment of an area as do the trees in question. The definition of amenity in relation to trees does not just mean a tree that you can sit under or touch. The amenity value of a tree is considered to cover the wider benefits a treed environment may offer.
- Whilst it is correct the trees are located in a garden of a property on a private road (Priory Road) the public still have access along this road as public footpath R105 is located along Priory Road and as such the

trees would be visible from a public area. It is possible to see all the trees to varying degrees from the footpath.

There is a fence between the footpath and the trees but it is not of a size sufficient such to prevent the public visibly seeing the trees. This can be seen from the several of the photographs provided in the trustee's arboricultural consultant's objection.

- To ensure that Government guidelines are followed the council carries out an amenity assessment of all the trees that it assesses and a copy of the amenity assessment has been provided with this report. In all 14 trees were assessed and only 9 found to be worthy of protection. These are the 9 trees described in the order.
- All the trees in question have individual merit as demonstrated in the amenity assessment data. Whilst the trees may grow in close proximity to each other it is possible to see each tree as an individual as their shape and form demonstrates. It may be considered that they blend into the woodland to the West of the garden, but as the public footpath the public view the trees from runs between the woodland and garden separates them both making the trees visible as individual specimens. If these trees were to be lost it would have a significant impact on the public amenity afforded by trees in this area and not just have a diminishing factor to the amenity provided by the woodland to the west.
- The footpath is seen to be used by the public as noted by myself in the several times when I have visited the site and previous times I have visited Pier Road in regard to other tree related matters. Whilst the use could be thought to be infrequent this would not mean that there is no use by the public and this would increase in summer months with the influx of tourist. As result it is felt the trees have public amenity.

In assessing the amenity of the trees of the property the Council have demonstrated the trees are of sufficient worth to be protected as individual specimens and important to the wider areas arboreal amenity.

Inaccuracies in the order.

16. The file has been reviewed in relation to the inaccuracies raised in the objection.
 - It is felt the individual status of each tree is warranted as each tree can be seen as individual specimens and would be managed as individual trees. For this reason it is felt warranted to record each tree individually in the order. If the committee were to decide this was not the case and

the trees have grown as a group, as inferred in the objection then it would still be possible to protect the trees by varying the order and reclassifying them as a group.

- T6 has been inaccurately recorded on the order as an ash even though it is a sycamore. This occurred in the transposing of the rough data from the original amenity assessment of 14 trees to the final 9. This can be rectified by varying the order if confirmed and correcting the species to sycamore.
- The council do not draw the maps used in the TPO. The trees are plotted onto a pre-existing ordnance survey maps made available to the council. It is for this reason we are legally bound to place the Ordnance Survey logo on the order map to denote copyright. If there is a structure missing the council cannot and should not be altering the maps beyond that of plotting the trees.

Whilst an error was made in the recording of T6 as an ash not a sycamore it is possible to vary this correcting the mistake if the committee were to confirm the order.

Merits of each individual tree.

17. Each tree has been assessed and found to be worthy of protection. The concerns of objectors have been considered and reviewed.

- T1 oak: It is seen that the tree grows close to the garage and could be said to be causing structural damage. However the assessment was made on the basis that the property may be developed. In this case it is unlikely that the garage would be retained. In such conditions it would be preferable that the tree was retained.

It should also be considered that given the extent of structural problems even if the garage is to be retained and repaired the cost of repair may be so high it would be far more cost efficient to rebuild the garage. If this was the case the new garage could be built using arboreal sympathetic methods ensuring the retention of the tree.

It is usual to protect a tree that is thought to be causing structural damage to nearby buildings however it is felt relevant in this case for the reason given. However if it is felt unacceptable to retain the protection on the tree it could be removed by varying the order to this effect if confirmed.

- T2 oak: this tree has an impressive burr seen at the base, the objectors arborist is incorrect to assume that it will undermine the trees safety and stability. Burs are often caused by a bacterial or viral ingress into the tree. This causes the tree to trigger excessive growth round the area of infection to prevent its spread or further ingress and is very effective especially in oak trees.

- T3 oak: Whilst this tree's form shows a bend in the trunk the tree has put on sufficient reaction wood to hold the bend safely. There are no signs of fractures, bark distortions to demonstrate internal structural weakness or stresses. For this reason it is not thought the tree is unsafe. It is also noted the tree has a dead branch and wounds in the trunk, but not unusual for a tree of this age and would not be sufficient to consider that they would be an unresolvable problem through general arboricultural management
- T4 oak has wound in trunk but not of sufficient size or depth to make the tree unsafe and need removal. These could also be addressed through general arboricultural management and monitoring.
- If it is felt that the concerns of the objectors were warranted to a certain degree regarding T3 and T4, the trees T2 and T5 could be said to shelter and protect these two trees. If this is thought to be the case it would be possible still protect the trees by varying the order reclassifying T2 and T3 as a group and T4 and T5 as a group. In doing so this would recognise the dependency of the trees on each other. As a result if one tree of each group was requested to be removed in an application the other would also have to be considered due to it becoming exposed. However until this was the case the amenity of all the 4 trees could be retained and protected.
- T5 oak: This tree has a split in the base of the trunk and in speaking to Dr Edwards (a Trustee) on site it has been explained this has been the case for many years. From inspection of the tree it is felt that it is possibly two trees that have been grafted together with separate root stock. This is a recognised landscape method to give a fuller tree form initially after planting. In this case the trees separated near the base. Whilst this is a peculiar anomaly the tree is stable shows no signs of instability or movement in the crown or decay in the base of the tree that would indicate the tree is unsafe.
- T6 and T7 sycamore and oak: T6 and T7 are said to be suppressed by the neighbouring conifer. From inspection it is noted that the crown form of both trees is asymmetric due to the large conifer, but not to a point that they are considered to be suppressed. It is not necessary for a tree to have a balanced crown to be T.P.O and as such it is still thought that both trees are considered worthy of protection.
- T8 sycamore: on re-inspection of this tree it may be possible the tree could be causing cracks in the boundary wall and has structural weakness in the forks that could limit its useful life expectancy. As such the tree could be removed from the order due to the potential damage it may cause the neighbouring wall and the necessity to remove the tree if repairs were necessary.

- T9 Beech: The tree is not causing damage to the boundary wall at the present time and due to the sufficient distance it has been planted from the wall it is possible that no such damage will occur in the future. However if a later date it was found to be the case an application can be made to reduce or remove the tree to address the problem.