

<b>Record of Decision made by an Officer</b>	
Report Title:	Confirmation of TPO (2136) 2023
Officer:	Alex Robinson – Executive Head of Place
Status:	Non-Exempt
Key Decision:	No
Appendices:	TPO Schedule 2136, Plan,
Officer Decision:	
<p>I hereby authorise the confirmation of Tree Preservation Order 2136 at 39 Bridgefoot Path, Emsworth, PO10 7EB</p>	
<b>Authority to make Decision:</b>	
<p>Section E16. Of the Council’s Officer Scheme of Delegation authorises the Executive Head of Place to “exercise all powers relating to trees and high hedges under the terms of the Town And County Planning Act”. This is explicitly highlighted as including the making, confirmation of, amending, varying or revoking of a Tree Preservation Order.</p>	
<b>Reasons for the Decision:</b>	
<p>This assessment has been carried out by a suitably qualified Arborist working on behalf on Havant Borough Council, full report is attached</p> <p>The subject of this report is a silver birch tree, located in the rear garden of No. 39 Bridgefoot Path, Emsworth. It is a mature specimen visible from South Street and the South Street public car park to the rear of the Blue Bell public house. The tree is not protected by a Tree Preservation Order (TPO) but located in the Emsworth Conservation Area and provides a high level of amenity value to the local area.</p> <p>An application received under ref: CAT/23/00656 to remove the tree, but it is considered that its removal will have a detrimental impact on the amenity of the local area. Four objections to its removal have been received and the Council’s Landscape Architect has concluded that the removal of the tree would have a detrimental impact on the character of the area.</p>	

The tree is within a conservation area and the Local Authority has six weeks to consider the proposal and determine whether it wishes to serve a TPO or allow the works to proceed. A TPO would control any works that may be requested in a way that might harm the visual amenity and character of the conservation area.

The tree has a high amenity value, contributing to the local landscape and street scene and makes a positive impact on the character and appearance of the conservation area.

A TPO safeguards the tree from poor, excessive or unnecessary pruning or even removal. Protecting the tree by a TPO is not considered unreasonable and would be in accordance with the Emsworth Neighbourhood Plan, Emsworth Conservation Area Character Appraisal, Emsworth Conservation Area Management Plan and policies CS11, CS16 and DM8 of the Havant Borough Core Strategy (2011).

**Options considered:**

An alternative option is to not confirm the TPO. Two objections have been received.

Objections have been received which in of itself identifies personal information. The original representations have been reviewed by the decision maker.

**Arboricultural Officer comment:**

The tree is actually looking really good – however, it is beneath a set of telephone wires so it will foreseeably need pruning in the future. This can be done under consent and gives an opportunity to limit the works.

It has been reduced previously which presumably was permitted unless it was done before it was protected?

This is poor Arboricultural practice: the BS3998-Tree Works specifically states:

*'Species of *Betula* [birch] which generally have particularly weak defences against the development of decay, should be pruned as sparingly as possible and without exposing heartwood or ripe wood.'*

Having said this, the pruning cuts are all on young growth, so I don't believe heartwood is exposed, and the tree has responded well.

As it is the responsibility of the telecoms company to maintain their own infrastructure – and interestingly the reduction points are above the lines in most cases so would have no impact on this, I'm inclined to agree that the tree is worthy of protection.

It is highly visible from the car park and neighbouring properties.

**Financial:**

No financial implications

**EXEMPT/NON EXEMPT:**

Document is non-exempt due to a TPO being in the public interest

**DECISION AUTHORISED BY:**

Officer:

Alex Robinson

12/03/2024