

5.1 **Objection to Tree Preservation Order number 4 of 2014**
Located at Mapleton House, Mapleton Road, Four Elms

ITEM FOR DECISION

This report sets out details of objections and support received following this order.

RECOMMENDATION

That the Tree Preservation Order No 4 of 2014 not be confirmed.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 4 of 2014 relates to an area that protects a mixed species woodland throughout the grounds of Mapleton House.
- 2 TPO 4 of 2014 was served following a request by a concerned resident that other residents were clear felling trees to the rear of the property. It was also reported that more trees were to be felled to create a better view to the east which is mainly an agricultural landscape. Two public footpaths are located to the immediate south and south east of the site, other amenity view points also exist.

Representations

- 3 A letter has been received from the Chairman of the Mapleton House Management Company objecting to the serving of this order. It includes historical information for the site dating back to the construction of the house in 1878 up to the present day, an overview of the management structure for the upkeep of the site and a report from Kent Wildlife Trust which provides a direction for the future management of the site for the residents. A petition with 11 of the 13 residents signing it objecting to the serving of the order and supporting its non confirmation has also been provided.
- 4 A further letter has been received from one of the signatories of the petition opposing the order. A letter has also been received from the owner at Mapleton Lodge seeking the exclusion of their property from the TPO if it is confirmed.
- 5 A letter of support has been received from one of the residents. Attached to this correspondence is a history of the site with similar information to that provided by the objectors in paragraph 3. The author of this supporting letter has voiced concern that trees have been frequently removed from the woodland over the previous 18 months following a change in the management committee at that time for the house. In addition residents of a second flat have written in support and a supporting representation has been received from a couple living in the area.
- 6 A letter with 12 signatories has been received from people who live locally and work in Mapleton Road supporting the TPO
- 7 Comments for and against are summarised below:

For the TPO:

- Concerned about the felling of trees.
- In four years 80% of the trees have been cut down.
- In favour of the TPO so that future felling can be controlled.
- Over an 18 month period more than 70 trees have been cut down, which is approximately 20% of the tree population.
- There has already been too much wildlife damage due to the felling of trees.

Against the TPO:

- Kent Wildlife Trust was consulted as we were keen to encourage wildlife.
- The site was overgrown and a 5 year plan was drawn up for residents to help clear brambles and rubble from the site.
- Residents have no intention of destroying the woodland.
- The fells to date have improved the biodiversity of the garden.
- We feel this order is unnecessary as we have shown that we can be trusted to properly maintain the more open woodland we now enjoy.
- The thinning out has allowed more light into the woodland and the result is a wonderful display of bluebells and other spring flowers, which are beginning to thrive.
- The TPO would put constraints on the continuing maintenance of the estate and for this reason it is impractical.

The Kent Wildlife Trust Planning and Conservation Officer who inspected the site at the request of the residents had this to say with a follow up e-mail to SDC.

"I understand that Sevenoaks Council is soon to determine whether or not to make permanent a temporary TPO on this woodland.

I am told that the woodland has come under threat in recent years as a result of indiscriminate clearance. If that is the case and if there is reason to believe the risk of damage/loss remains, then I urge the Council to make permanent the order. I believe that this may be the only affective way in which the Council (and the local community) can ensure that future works to trees is carried out in the context of a management plan for the woodland. Such a management plan should reflect sound arboricultural practices and sustainable ecological objectives"

- 6 It is clear from the amount of correspondence received as a result of the serving of this order. That there are strong feelings regarding this shared communal landscape that is there for all of the residents to enjoy. Some of the concerns are not factually correct or are based upon misinformation. Some of the information provided contradicts other reported information. It was therefore necessary to organise a visit to the grounds to ascertain the facts to date.
- 7 A general letter was therefore delivered to every resident to request an accompanied site inspection. An invite was also made to any persons wishing to visit the Council offices to discuss matters further. As a result of this letter a visit was made on 15 May.

- 8 The main area that was viewed during this visit was the wooded area within the eastern half of the rear of the grounds. The trees that are currently growing there are mainly Oak and Ash. They are generally semi mature to mature specimens. There is evidence of stumps cut to ground level throughout the woodland. These fells do not represent complete clearance but a thinning process, where sporadic trees have been removed to allow the remaining trees to spread their crowns and avoid the competition from the dense growth of neighbouring trees. At the time of the visit it was felt that this was a good thing and a recommended management practice. It was also felt that more tree removals would benefit the future growth of the better trees here that would be left to flourish.
- 9 This order was served following a report of tree clearance. The temporary TPO then provided us with an opportunity to investigate and see if the order was justified or not. The serving of an order has to be expedient in the interest of amenity. The Act does not define “amenity”, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State’s view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment to the public. The trees can be viewed from public vantage points and are therefore an amenity that if removed would have a detrimental affect on the immediate landscape. Their importance as a wildlife habitat also has to be taken into account.
- 10 Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management. Silviculture being the area of forestry that is concerned with the cultivation of trees. The LPA may have some other reason to believe that trees are at risk and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient. From what has been viewed on site, it would appear that the residents carrying out works to the grounds are doing so to an acceptable management plan

Conclusion

- 11 TPO 4 of 2014 was served in order to halt any further tree works whilst arrangements were made to investigate the concerns raised. Conflicting reports on what has been carried out over the previous 18 months have been provided. A site inspection has shown that trees have been felled, but in compliance with good practice. No evidence has been observed to suggest that the intention is other than the preservation and maintenance of a healthy treescape. It is based upon this information that my recommendation is for TPO4/2014 to not be confirmed.

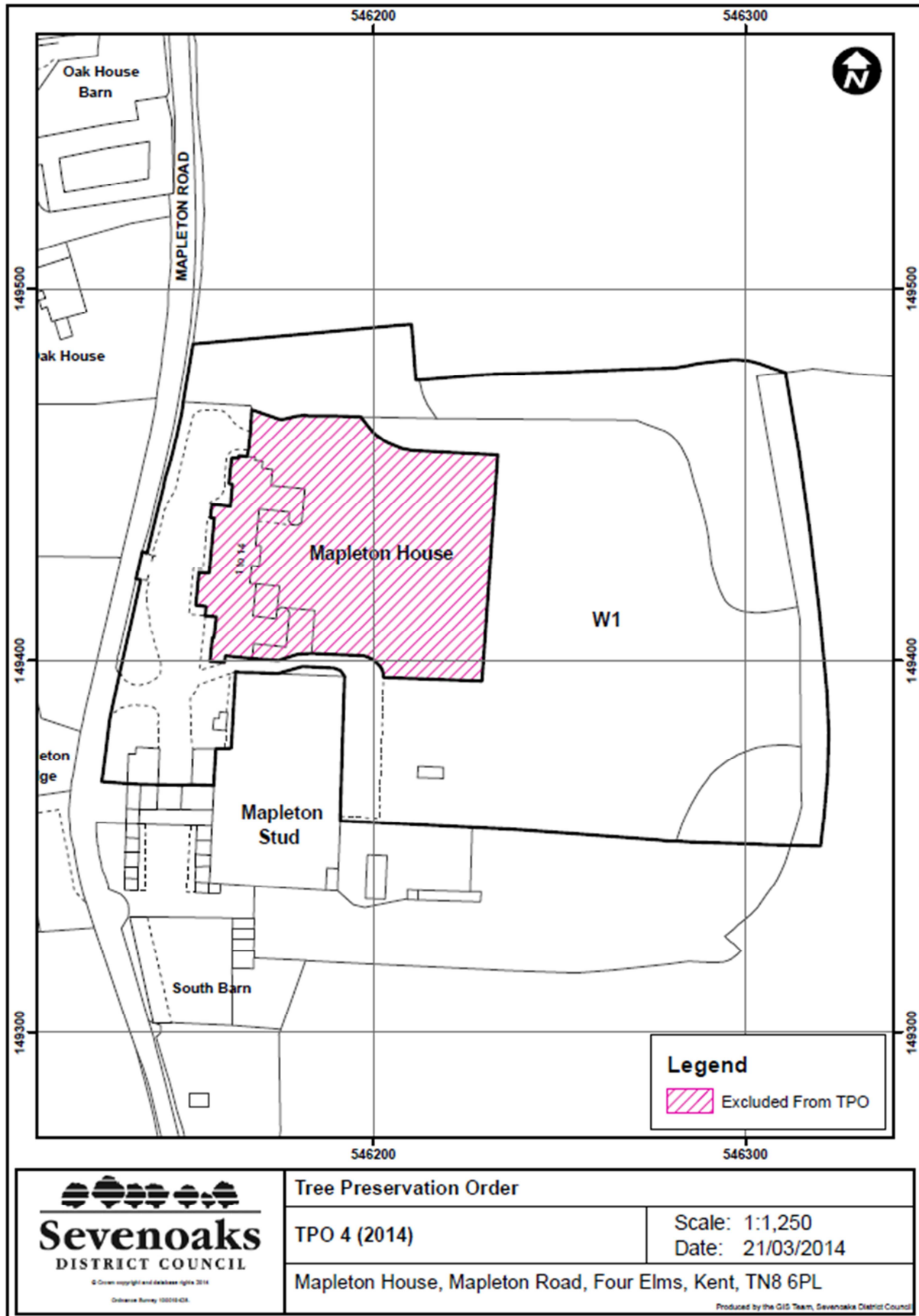
Please find attached TPO/4/2014 (Appendix 1).

Contact Officer(s):

Mr L Jones Arboricultural & Landscape Officer
Extension 7289

Richard Morris
Chief Planning Officer

APPENDIX 1



Tree Preservation Order

TPO 4 (2014)

Scale: 1:1,250
Date: 21/03/2014

Mapleton House, Mapleton Road, Four Elms, Kent, TN8 6PL

Produced by the GIS Team, Sevenoaks District Council

**SCHEDULE 1
SPECIFICATION OF TREES**

**Trees specified individually
(encircled in black on the map)**

<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
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**Trees specified by reference to an area
(within a dotted black line on the map)**

<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
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**Groups of trees
(within a broken black line on the map)**

<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
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**Woodlands
(within a continuous black line on the map)**

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
W1	Mixed species predominantly Oak, Ash, Beech, Willow, Yew, Lime and Cherry.	Situated at Mapleton House, Mapleton Road, Four Elms.

* complete if necessary to specify more precisely the position of the trees.