



3A Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5844
Customer Services: 0303 444 5000
e-mail: treeandhedgeappeals@planninginspectorate.gov.uk

Name: EASTLEIGH

Your Ref: T/22/93538

Our Ref: APP/TPO/W1715/9437

By email:

ebcplanningsupport@eastleigh.gov.uk

Date: 12 July 2023

Dear Sir/Madam

Town and Country Planning (Tree Preservation) (England) Regulations
Application to carry out works on protected trees
Appellant: Cranbury Estate
Appeal site: Land to the north of 58 to 63 Albrook Knoll

We have received the above-cited appeal against your decision on an application to carry out work on a tree(s) protected by a tree preservation order. The appellant will have sent a copy of the notice of appeal to you.

I am the case officer for the appeal and can be reached using the telephone number, email address and postal address at the top of this letter. When contacting me please quote the above reference.

You will note that the appellant has opted for the fast track procedure. We will assume that your Council is happy to proceed via the fast track procedure **unless** you indicate otherwise. If your Council wishes to be heard, please let me know by email and we will send you a copy of the hearing questionnaire.

Please carefully read through and complete the questionnaire found at the end of this letter and return it to me, together with copies of the documents cited on it, as soon as possible, preferably **within 2 weeks** of the date of this letter. Please ensure that you send a copy of the completed questionnaire and associated documents to the appellant or their agent. If you believe that the appeal is invalid e.g., it has been submitted out of time or the appellant is not the person who made the application, ignore the questionnaire and simply provide me with the relevant details.

If the appellant has not yet seen a document that you provide with the questionnaire (such as an officer's report which may have informed your decision) then they will be given an opportunity to comment on it if they wish.

Under the fast-track procedure we **cannot** accept any new reports or comments prepared after the decision was issued. Inspectors are only able to consider the information provided with the original application and which informed your decision. This means councils have no right of reply to the matters raised on appeal.

Once I have received the questionnaire and associated documents I will undertake a final validation of the file and check for completeness. If everything is in order and an

accompanied site visit is required, we will contact you and the appellant, and where appropriate, the owner of the tree(s) to give notice of the Inspector's site visit.

If you are able to resolve this dispute with the appellant at any time during the appeal process, please let me know. This would enable withdrawal of the appeal and a saving of time and public resources.

Finally, information on the awards of costs which is applicable to appeals can be accessed through the Government's "*Planning Practice Guidance*" website:

<http://planningguidance.communities.gov.uk/blog/guidance/appeals/the-award-of-costs-general/>

This guidance is also being brought to the attention of the appellant.

Yours sincerely

Daisy Casemore

Tree and Hedge Appeals

THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012, SI No. 605

TREE PRESERVATION ORDER APPEAL QUESTIONNAIRE

This appeal is being processed under the Fast Track regulations. Please complete this questionnaire and aim to return it to the Planning Inspectorate within 14 days from today. Please send a copy of this form to the appellant/appellant's agent.

1. Details of the Appeal

Appellant's name and address:	CRANBURY ESTATE ESTATE OFFICE, CRANBURY PARK, WINCHESTER, HANTS.
Agent's name and address:	Ben Abbatt Holbache, Mount Pleasant Road, Alton, Hants. SO21 2HL
Details of appeal:	Land to the north of 58 to 63 Albrook Knoll Remove small diameter (less than 30cm diameter at 1.5m) trees within 10m of the property boundary
Planning Inspectorate reference:	APP/TPO/W1715/9437

2. Background information

	Yes	No
(a) Is the appeal tree/are the appeal trees located in a Conservation Area?		X
(b) Is the appeal site subject to a separate live planning application or appeal to the Secretary of State?		X

If yes, please provide the name of the conservation area or your reference for the planning application:

(c) Is the site readily accessible for close inspection from public land, a public footpath, the roadside or is/are the tree(s) in a front garden?	X	
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Copies of the following are enclosed:

Item	Yes	No	Already submitted
(d) The application for consent including all enclosures	X		
(e) Your decision on the application	X		
(f) The tree preservation order (TPO)- including the map and schedule	X		
(g) A plan/map showing the location of the relevant TPO tree(s)	X		
(h) Evidence that the order was confirmed <i>This is a mandatory requirement. If the TPO has not yet been confirmed, you should advise us of the anticipated date of confirmation. We cannot proceed with the case until the TPO is confirmed. If you are unable to supply evidence that the TPO was confirmed, it is likely that we will decide that the appeal is invalid and the tree not protected.</i>	X	Not applicable	

(i) An up-to-date A4 plan of the area showing the appeal site, tree(s) near the centre and major roads at 1:1250 or 1:1000 scale or similar	X		
(j) A designated plan of the Conservation Area showing the site marked (if applicable)		N/A	
(k) The council officer or committee report on the application (if any)	X		
(l) Third party representations	X		

3. Conditions

It is important that you set out any conditions you would like the Inspector to impose if allowing the appeal in part or in full, particularly with regard to replanting if the appellant is seeking consent to fell.

The tree works hereby consented shall be completed within 2 years of the date of this permission and shall be carried out in accordance with the approved details and to British Standard for Tree Work BS3998:2010

Suggested informative notes:

Note to applicant: All works hereby consented should be carried out by a suitably qualified and insured tree surgeon or forestry contractor.

Note to applicant: Please be advised that the Wildlife and Countryside Act 1981 as amended, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats) Regulations 1994 protect ALL wild birds, their nests (whether in use or being built) and eggs and other wild animals including bats and their roosts in or adjacent to trees.

Note to applicant: The granting of consent does not give the applicant or their agent a legal right to enter land without the owner's permission.

4. Copy to appellant

Please tick this box to confirm **a copy of this questionnaire and background papers** have been sent to the appellant ☒

Name:	Angela Rainger	Date:	26/06/2023
Signature:	<i>Angela Rainger</i>	Tel:	02380 688000

Development Management

Eastleigh House, Upper Market Street, Eastleigh, SO50 9YN

Tel: 023 8068 8264 www.eastleigh.gov.uk

Office hours: Mon-Thurs 8.30am - 5pm, Friday 8.30am - 4.30pm



Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) and/or Notification of Proposed Works to Trees in a Conservation Area

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Tree Location

Please provide the address of the site where the tree(s) stands (full address if possible)

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Easting (x)

Northing (y)

If the location is unclear or there is not a full postal address, describe as clearly as possible where it is

(for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road')

Applicant Details

Name/Company

Title

First name

Surname

Estate Manager

Company Name

Cranbury Estates Limited

Address

Address line 1

Estate Office

Address line 2

Cranbury Park

Address line 3

Town/City

Winchester

Country

United Kingdom

Postcode

SO21 2HL

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Contact Details

Primary number

Secondary number

Fax number

***** REDACTED *****

What Are You Applying For?

Based on the type of work proposed and the location and protected status of the trees involved, there are various details and supporting information that will need to be supplied in order for the Local Planning Authority to determine the application.

Are you seeking consent for works to tree(s) subject to a Tree Preservation Order?

- ☒ Yes
☐ No

Do you know the Tree Preservation Order reference number(s)?

- ☒ Yes
☐ No

Please enter the title or number for each relevant Tree Preservation Order

314-E

Please indicate whether the reasons for carrying out the proposed works include any of the following.

If so, your application MUST be accompanied by the necessary evidence to support your proposals ([see guidance notes for further details](#)).

Condition of the tree(s) - e.g. it is diseased or you have fears that it might break or fall

- ☒ Yes
☐ No

If Yes, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

Alleged damage to property - e.g. subsidence or damage to drains or drives.

- ☐ Yes
☒ No

Are you wishing to carry out works to tree(s) in a conservation area?

- ☐ Yes
☒ No

Documents and plans (for any tree)

A sketch plan clearly showing the position of trees listed in the question 'Identification of Tree(s) and Description of Works' MUST be provided when applying for works to trees covered by a Tree Preservation Order.

A sketch plan is also advised when notifying the LPA of works to trees in a conservation area ([see guidance notes](#)).

It would also be helpful if you provided details of any advice given on site by an LPA officer.

Are you providing additional information in support of your application (e.g. an additional schedule of work for the question 'Identification of Tree(s) and Description of Works')?

- ☒ Yes
☐ No

If Yes, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application

J139 28 letter 20220223.PDF - consideration and site plan

Identification of Tree(s) and Description of Works

Identification of Tree(s) and Description of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out

Remove small diameter (less than 30cm diameter at 1.5m) trees within 10m of the property boundary.

Trees larger than 30cm diameter at 1.5m to be subject to a forestry thin to create a spacing of 7m between trees retaining trees of good vitality, form, and structure.

Reason: At request from local residents immediately adjacent to manage the risk from falling branches and trees whilst seeking to retain the local landscape character.

You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work.

Where trees are protected by a Tree Preservation Order, please number them as shown in the First Schedule to the Tree Preservation Order where this is available. You should use the same numbering on your sketch plan (see below for sketch plan requirements).

Please provide the following information:

- Tree species
- The number used on the sketch plan; and
- A description of the proposed works.

Where trees are protected by a Tree Preservation Order you must also provide:

- Reasons for the work; and where trees are being felled
- Proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with one standard ash in same position.

Sketch plan requirements

Your plan needs to show the precise location of the tree(s) in relation to nearby property/roads/boundaries. It should, therefore:

- indicate the main features of the site where the tree(s) stand and its surroundings; in particular, you should:
 - mark and name surrounding roads
 - sketch in buildings, including adjoining properties
 - add house numbers or names
- mark the position of the tree(s) to which you want to carry out work and identify them by the number shown in the Tree Preservation Order where possible; if you use a different number, please make sure that this can be matched with your description of the tree(s)
- if there are many trees on the site, make clear which tree(s) are included in this application by:
 - marking all trees on the plan, but only numbering those to which you want to carry out work
 - showing the approximate distance between the application tree(s) and buildings
 - adding other relevant features on the site (e.g. greenhouse, paths)

If it is impossible to identify the tree(s) accurately on the plan (e.g. because they are part of a woodland or group of trees), please identify their approximate location on the plan and provide details of how the tree(s) are marked on site (e.g. high visibility tape, tree tags, paint, etc); trees must not be marked by scarring or cutting into the bark.

Tree Ownership

Is the applicant the owner of the tree(s)?

- ☒ Yes
☐ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Declaration

I / We hereby apply for Tree works: Trees in conservation areas/subject to TPOs as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Ben Abbatt

Date

01/08/2022



Holbache, 94 Mount Pleasant Road, Alton,
Hants, GU34 2RS

t: 01420 550160
m: 07890 991 461
e: ben@saplingarboriculture.com
w : www.saplingarboriculture.com

FAO [REDACTED]
Cranbury Estates Ltd
Estate Office
Cranbury Park
Winchester
Hants, SO21 2HL

date: 23rd February 2022
your reference:
our reference: J139 / 28

Dear [REDACTED]

Land north of 58 to 63 Allbrook Knoll

You have asked me to visit site to look at the management of the trees immediately north of 58 to 63 Allbrook Knoll with regards to what works can reasonably manage the relationship of the dwellings relative to the woodland owned by the Chamberlayne Estate to the north of the dwellings.

We, you and I, visited site on the 21st February 2022.

The woodland is principally young to middle aged self set birch, willow and ash to the north of the dwellings, see photographs SAL1 and SAL2. There are a small number of mature oaks to the east on the slope and on top of the embankment.

Ownership is difficult to determine on site. I have obtained the current Ordnance Survey (OS) data for the site and added the land ownership approximately. There are a couple of points, from west to east:

- The property boundary to no.64 concurs with the OS data.
- The shed accessed by no.63 appears to be within the estate ownership.
- Land within the estate ownership appears to have been fenced by properties no. 63 and no.62.
- The rear boundaries to nos.61, 60, 59, and 58 concurs between the OS data and the estate ownership.
- The bank to the east appears to be within the ownership of no.58, upon which a number of the oak trees stand, see photograph SAL3.
- Estate ownership extends along the top of the bank to the east and then, at the end of the 'peninsular' turns back on itself. This is approximately identified by the metal fence post shown in photograph SAL3, SAL4, and SAL5.
- At the 'turn back' ownership on site is difficult to determine and may run along the fenceline with concrete posts.
- It is clear that all of the properties, nos.57 to 64, have all been significantly extended and usually towards the trees typically utilising approximately half the original gardens.

I understand the residents of 58 to 63 are concerned with falling trees and branches.

Due to the lack of obvious tree failures, there is no specific cause for concern other than the obvious proximal relationship. There are a number of trees that lean towards the rear gardens and that the trees are of sufficient height that they would fall within the rear gardens. However, due to the height

of the trees and the distance to the built residential dwellings that the probability of impact is low. There are garden structures and hard standing that would be affected in the event of tree failure.

To manage the risk of falling trees it would be appropriate to remove small diameter (less than 30cm diameter at 1.5m) trees within 10m of the property boundary. Such works are shown approximately on the attached map by the green diagonal hatch. There is a scale on the drawing to aid determining distance on site.

Trees larger than 30cm diameter can be retained to allow to grow to full maturity and, ideally over time subject to a forestry thin to create a spacing of 7m between trees retaining trees of good vitality, form, and structure.

Due to the potential for failure (no obvious failures following Storm Dudley and Eunice on the 16th and 18th February 2022 respectively), frequency of use of the areas potentially affected, and the size of the failure parts, I recommend that the works are carried out on a low priority and complete within 12 months from the date of this letter.

If the works are repeated on a cyclic basis, for instance every 10 years, then the cost of such works would be kept to a minimum as the trees removed at that point would be smaller than trees left for, for example, 20 years.

It would also be appropriate to confirm land ownership of the estate to enable perimeter fencing and contractor access into the future. Such regularisation (movement of fence lines to property boundary, leasing of the land to adjacent land users [with responsibility for vegetation management being the responsibility of the leaseholder] or sale of the land to the adjacent landowner) would help identify ownership, responsibility, rights for use and costs.

Yours sincerely,

Ben Abbatt

Ben Abbatt

Dip. Arb. (RFS), BA (Hons), .MICFor, MRICS, CEnv,
Arboricultural Association Registered Consultant
LANTRA Professional Tree Inspection course Freelance Instructor



SAL1 Self set birch, ash and cherry to north of dwellings.



SAL2 Self set birch, ash and cherry to north of dwellings.



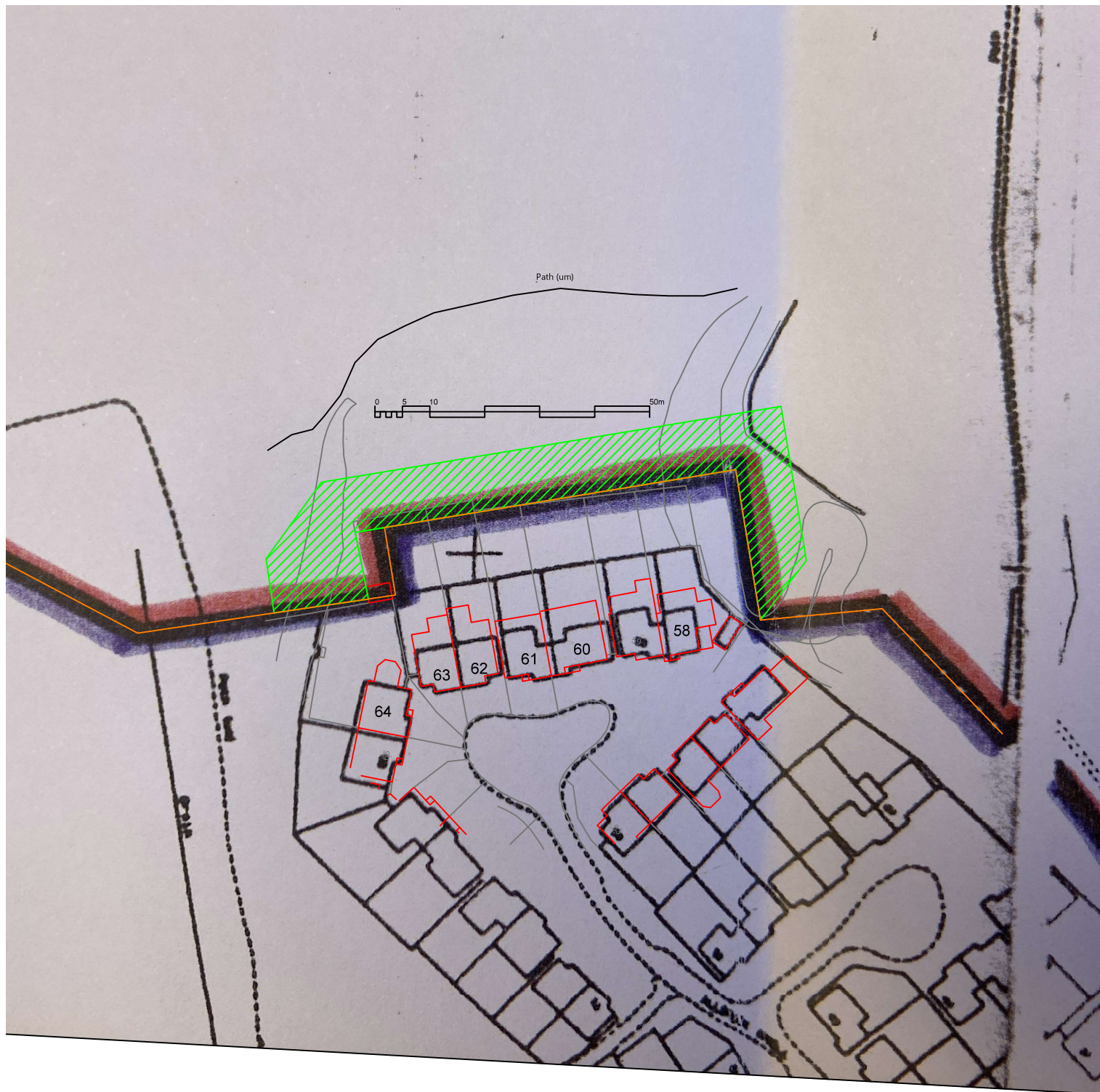
SAL3 'Peninsular' embankment top to east of no.58. Metal post identified by red arrow with garage behind and to the right / west of the post.



SAL4 Metal post identified by red arrow with car parking area below.



SAL5 Metal post identified by red arrow as viewed from the car parking area.

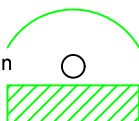


General / Key:

Indicative canopy

Indicative tree position

Indicative group



Site: Land north of Allbrook Knoll

Data: Ordnance survey data provided under licence 100019980. Crown copyright. All rights reserved.

This drawing is produced in colour. Please ensure that you use a colour printing to ensure that the drawing is correctly interpreted.

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Drawing title:

Tree survey plan

Drawing reference: J139 28

Revision: -

Date: February 2022

Scale: 1 to 500 on A4

Sheet: 1 of 1

sapling

arboriculture limited

registered in england: 5414238

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Ben Abbatt

Dip. Arb. (RFS), BA (Hons), MICFor, MRICS, CEnv
Arboricultural Association Registered Consultant





General / Key:

Indicative canopy

Indicative group

Site: Land north of Allbrook Knoll

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Ben Abbatt

Dip. Arb. (RFS), BA (Hons), MICFor, MRICS, CEnv
Arboricultural Association Registered Consultant



BY EMAIL

MR BEN ABBATT
SAPLING ARBORICULTURE LTD
HOLBACHE
MOUNT PLEASANT ROAD
ALTON
HAMPSHIRE
GU34 2RS

Application	T/22/93538
Please ask for	Tree Officer
Direct dial	023 8068
Working hours	Mon to Fri 8:30am to 5pm
Email	trees@eastleigh.gov.uk

Monday 10 October 2022

**The Town and Country Planning (Tree Preservation) (England) Regulations 2012
The Town and Country Planning Act 1990**

Application No. T/22/93538

In pursuance of their powers under the above Act and in accordance with your application received on Monday 22 August 2022 the Council, as Local Planning Authority hereby **Refuse Tree Consent For** the following :

Description: Remove small diameter (less than 30cm diameter at 1.5m) trees within 10m of the property boundary.

Trees larger than 30cm diameter at 1.5m to be subject to a forestry thin to create a spacing of 7m between trees retaining trees of good vitality, form, and structure.

Site: Land to the north of 58 to 63 Albrook Knoll.,

For the following reasons:

- 1 REFUSE:
Remove small diameter (less than 30cm diameter at 1.5m) trees within 10m of the property boundary.
Trees larger than 30cm diameter at 1.5m to be subject to a forestry thin to create a spacing of 7m between trees retaining trees of good vitality, form, and structure.
- 2 Reason: The proposed work is considered unjustified - see Officer's Report. The works would thus result in an adverse impact upon the visual amenity, ecology and wildlife and screening of the surrounding area.

Yours faithfully

A handwritten signature in black ink that reads "Andy Grandfield". The signature is written in a cursive, flowing style.

Andy Grandfield
Executive Head for Planning and Economy

N.B. See Attached Notes

EASTLEIGH BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER NO. 314

Allbrook Brickworks (North), Boyatt Mod, Eastleigh

Eastleigh Borough Council
in this Order called "the authority", in pursuance of the powers conferred in that behalf by Sections 198, 199, 201 and 300 of the Town and Country Planning Act 1990, and subject to the provisions of the Forestry Acts 1967 AND 1979, hereby make the following Order:-

1. In this Order:-

"The Act" means the Town and Country Planning Act 1990;
"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and

"the Secretary of State" means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. (1) Where an application for consent is made to the authority under this Order, the Authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit or may refuse consent:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect

of any trees for which they are so refusing or granting consent that they are satisfied:-

- (a) that the refusal or condition is in the interests of good forestry; or
- (b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or
- (c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section 15(1)(b) or 15(2)(a) of the Forestry Act 1967.

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless:-

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act; or
- (b) the authority with the approval of the Secretary of State dispense with replanting the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provisions of this Order and Section 204 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to:-

- (a) species;
- (b) number of trees per acre (hectare);
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to the land in respect of which byelaws made by the National Rivers Authority, an internal drainage board, a water undertaker or a sewerage undertaker (as defined in the Water Act 1989) or any other authority whose functions are now exercised by the above bodies, restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any condition or direction has effect subject to the requirements of the byelaws, and the condition or direction shall have effect accordingly.

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act, adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage:

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10. In assessing compensation payable under the last preceding Article account shall be taken of:

(a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 198 of the Act, or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932; and

(b) any injurious infection to any land of the owner which would result from the felling of the trees the subject of the claim.

11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by addressing the claim to the authority and leaving it at or sending it by post to the principal office of the authority.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State on the Appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 205 of the Act.

13. The provisions of Section 201 of the Act shall apply to this Order and the Order shall take effect on the date on which this Order is made.

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding the prescribed sum or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding Level 4 on the standard scale on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree is removed, uprooted or destroyed in contravention of an order or, except in the case of a tree to which the Order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 198(6)(a) of the Town and Country Planning Act 1990 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement. In respect of trees in a woodland it is sufficient to replace the trees removed, uprooted or destroyed by planting the same number of trees either on or near the land on which the trees removed, uprooted or destroyed or on such other land as may be agreed between the authority and the owner of the land, and (in either case) in such places as may be designated by the authority.

Woodlands

(Within a continuous black line on the map)

W1

SPECIES
Oak -
mature/semi
mature and
regeneration
Birch -
mature/semi
mature and
regeneration
Willow/Hazel
Hawthorn
Understorey

LOCATION

Within the curtilage of Allbrook Brickworks,
situated north of Boyatt Wood and east of the M3
Adjacent to the boundaries with Oakfields,
Porchester Rise and Allbrook Knoll.

SECOND SCHEDULE

This order shall not apply as to require the consent of the authority to:-

- (1) The cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) The cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under a grant scheme under Section 1 of the Forestry Act 1979 except a scheme which applies to a forestry dedication covenant.
- (3) The cutting down, uprooting, topping or lopping of a tree
 - (a) by or at the request of the Post Office where the land on which the tree is situated is land which has been acquired for the purpose of the Post Office's undertaking and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking; or the lopping in pursuance of the power conferred on any operator of a telecommunications code system by virtue of paragraph 19 of Schedule 2 to the Telecommunications Act 1984;
 - (b) by or at the request of
 - (i) a statutory undertaker or a holder of a licence under section 6(1) of the Electricity Act 1989 where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) a licence holder within the meaning of the Electricity Act 1989, where such tree obstructs the construction by the licence holder or any electric line within the meaning of Part I of the said Act of 1989 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) the National Rivers Authority or an internal drainage board established under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works; or a water undertaker or sewerage undertaker appointed under section II of the Water Act 1989 in relation to their duties as such undertakers; or
 - (iv) the Secretary of State for Defence, the Secretary of State for Transport, the Civil Aviation Authority or in relation to any airport managed by a company to which any property, rights or liabilities have been transferred in pursuance of a scheme made under section 1 or 15 of the Airports Act 1986, the person for the time being having the management of the airport, where in the opinion of such Secretary of State, Authority or person the tree obstructs the approach of aircraft to, or their departure from, any airport or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been granted for any of the purposes of that Part;

- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

Provisions of the following parts of part III of the Town and Country Planning Act 1990 as adapted and modified to apply to this Order.

75. (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), ensure for the benefit of the land and of all persons for the time being interested in it.

77. Reference of applications to the Secretary of State (1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

(2) a direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to such an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(7) the decision of the Secretary of State on any application referred to him under this section shall be final.

78. Appeals against decisions or in default of decision (1) Where an authority -

- (a) refuse an application for consent under the Order or grant it subject to conditions; or
(b) give any certificate or direction, on granting consent,
the applicant may by notice appeal to the Secretary of State.

(2) A person who has made an application for consent under the Order may also appeal to the Secretary of State if the authority have neither -

- (a) given notice to the applicant of their decision on the application; nor
(b) given notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 77 above,

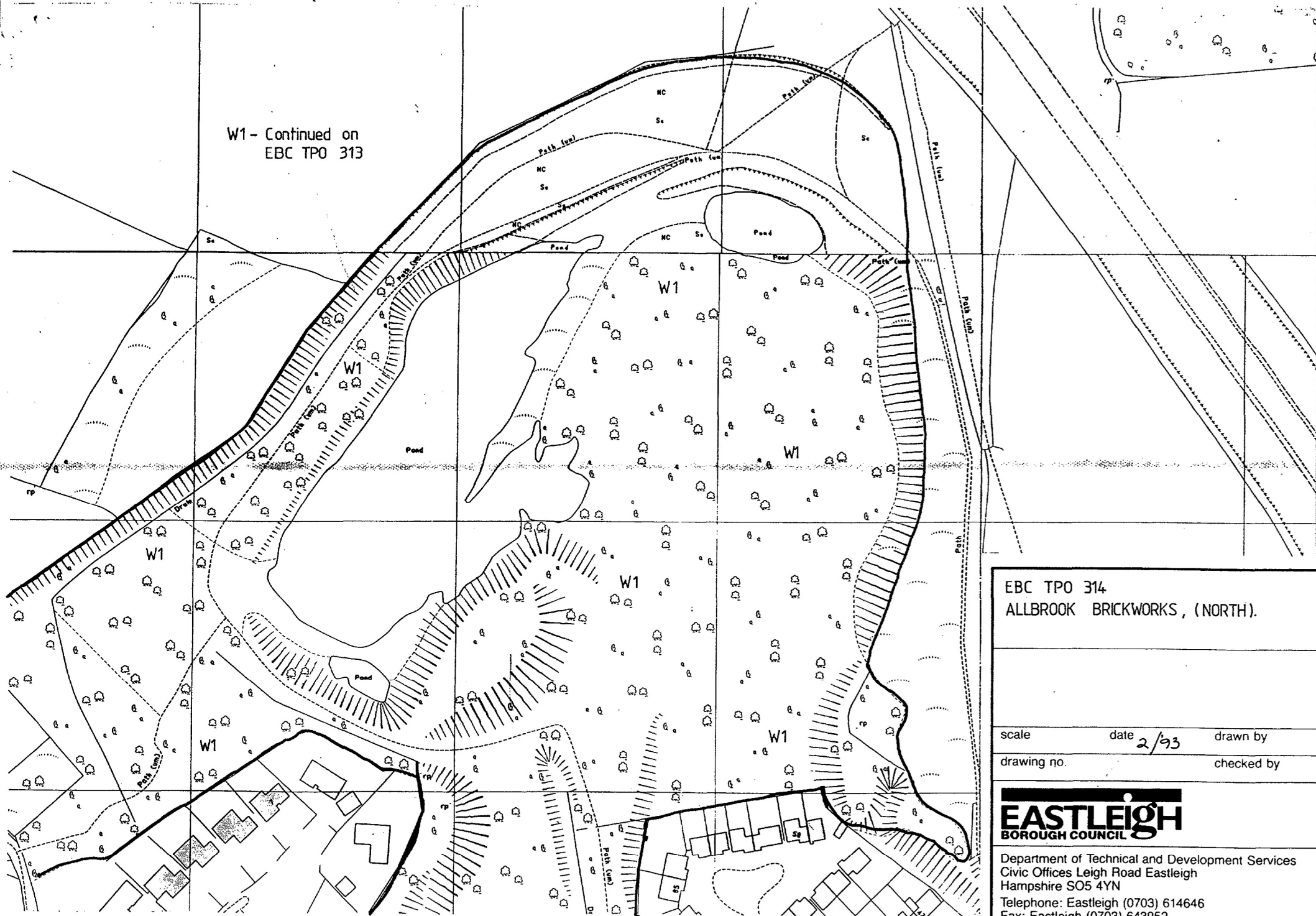
within two months from the date of receipt of the application, or within such extended periods as may at any time be agreed upon in writing between the applicant and the authority.

(3) Any appeal under this section shall be made by notice in writing served within such time as is specified in subsection (4) below.

(4) The service of such a notice must be within -

- (a) 28 days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow; or

W1 - Continued on
EBC TPO 313



EBC TPO 314
ALLBROOK BRICKWORKS, (NORTH).

scale	date 2/93	drawn by
drawing no.		checked by

EASTLEIGH
BOROUGH COUNCIL

Department of Technical and Development Services
Civic Offices Leigh Road Eastleigh
Hampshire SO5 4YN
Telephone: Eastleigh (0703) 614646
Fax: Eastleigh (0703) 643952

- (b) in the case of an appeal under subsection (2), 28 days or such longer period as the Secretary of State may allow from the end of the period of two months or, as the case may be, the extended period agreed.
- (5) In relation to an appeal under subsection (2), it shall be assumed that the authority decided to refuse the application in question.
79. **Determination of Appeals (1)** On an appeal under section 78 the Secretary of State may -
- (a) allow or dismiss the appeal,
 - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), or
 - (c) cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (5) The decision of the Secretary of State on such an appeal shall be final.
97. **Power to revoke or modify the consent under the Order (1)** If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.
- (3) The power conferred by this section may be exercised at any time before the operations for which consent has been given have been completed.
- (4) The revocation or modification of consent shall not affect so much of those operations as has been previously carried out.
98. **Procedure for s.97 Orders: opposed cases - (1)** Except as provided in section 99, an Order under section 97 shall not take effect unless it is confirmed by the Secretary of State.
- (2) Where an authority submit such an Order to the Secretary of State for confirmation, they shall provide the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the statement on -
- (a) the owner of the land affected,
 - (b) the occupier of the land affected, and
 - (c) any other person who in their opinion will be affected by the Order.
- (3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (4) If within that period such a person so requires, before the Secretary of State confirms the Order he shall give such an opportunity both to him and to the local planning authority.
- (5) The period referred to in subsection (3) shall be 28 days from the service of the notice.
- (6) The Secretary of State may confirm an Order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

- (7) Where a notice has been served in accordance with the provisions of subsection (2) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under this section.

99. Procedure for s.97 Orders: unopposed cases - (1) This section applies where -

- (a) the authority have made an order under section 97 above; and
(b) the owner and occupier of the land and all persons who in the authority's opinion will be affected by the Order have notified the authority in writing that they do not object to it.
- (2) Where this section applies, instead of submitting the Order to the Secretary of State for confirmation the authority shall advertise the fact that the Order has been made and the advertisement must specify -
- (a) the period within which persons affected by the Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and
- (b) the period at the expiration of which, if no such notice is given to the Secretary of State, the Order may take effect by virtue of this section without being confirmed by the Secretary of State.
- (3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).
- (4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.
- (5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).
- (6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than three days after the publication.
- (7) If -
- (a) no person claiming to be affected by the Order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and
- (b) the Secretary of State has not directed within that period that the Order be submitted to him for confirmation,
- the Order shall take effect at the expiry of the period referred to in subsection (2)(b) without being confirmed by the Secretary of State as required by section 98(1).
- (8) This section does not apply to an Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part VII or Part VIII of the Act.

THE COMMON SEAL of

THE EASTLEIGH BOROUGH COUNCIL

IS

was hereunto affixed the

(SGD) N R SMITH

seventeenth day of October 1994

in the presence of

Borough Solicitor

Dated 17 October 1994

EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

=====

TREE PRESERVATION ORDER NO. 314

relating to

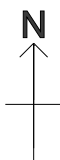
Allbrook Brickworks (North), Boyatt Wood,
Eastleigh

=====

T/22/93538



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Address: Land to North of
58 to 63 Allbrook Knoll

Date: 24/07/2023

Scale: 1:2500

Tom Calverley
Director of Technical and Development Services

Technical and Development Services
Civic Offices Leigh Road Eastleigh
Hampshire SO50 9YN
Telephone: Eastleigh 01703 614646
Fax: Eastleigh 01703 643952
Britdoc: DX122380 Eastleigh 2

Elizabeth Mitchell
Head of Strategic Planning

The Occupier
47, 57-65 Allbrook Knoll
Cranbury Estates Ltd
Boyatt Wood
Eastleigh
Hants

My ref: HT/CT/TPO314
Your ref:
Date: 19 July 1995
Please ask for Ms H Thorburn
Extension 2240
Direct Dial - (01703) 622240

Dear Sir/Madam

CONFIRMATION OF TREE PRESERVATION ORDER

Enclosed is a copy of the notice of confirmation of the Tree Preservation Order affecting your property.

You are entitled to make an application for carrying out work on any preserved tree whenever you wish; the relevant forms are available from this department's reception area on request.

Yours faithfully,



HELEN THORBURN
Strategic Planning Division



EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDERS)

REGULATIONS 1969

To: The Occupier
47, 57-65 Allbrook Knoll,
Cranbury Estates Ltd,
Boyatt Wood
Eastleigh

TAKE NOTICE that the Eastleigh Borough Council acting in pursuance of their powers as local planning authority under section 199 of the Town and Country Planning Act 1990 have today confirmed without modifications Tree Preservation Order Number 314 relating to the land at Allbrook Brickworks (North), Boyatt Wood, Eastleigh.

DATED: 19 July 1995



N R SMITH

Borough Secretary and Solicitor

regs.hr

30. March 1995

TP0314

to existing
to provide 27 no
construction of
following
of warden's house
blocks at Fair Oak
Botley Road, Fair
Oak - Eastleigh Borough
Council.

Deferred for a Viewing Sub-
Committee with full delegated
powers, comprising the Chairman and
Vice-Chairman together with
Councillors P Luffman, Martin and
Molyneux, to be held on Friday
10th March 1995 at 10.45 am.*

* Subsequently changed to a full
Northern Area Sub-Committee on
Thursday 16th March at 10 am.

(NOTE: Three members of the public spoke in opposition to this
application and one spoke in support).

Use of former Parcel Force
workshop as car repairs
workshop and for car sales
at Parcel Force rear of
Desborough Road, Eastleigh
- Mr G Cooper.

32091/0
(A/8)

Deferred for a Viewing Sub-
Committee comprising the Chairman
and Vice-Chairman together with
Councillors P Luffman, Martin and
Molyneux, to be held on Friday
10th March 1995 at 11.30 am.*

* Subsequently changed to 10.45 am.

(NOTE: One member of the public spoke in support of the
application and one in opposition).

33534/0
(A/9)

Use of land for the storage
of motor vehicles,
caravans, building and
contractors materials and
building debris on land at
Harding Lane, Fair Oak -
Mr and Mrs Brown.

314

In the following case the Sub-Committee adopted the recommendations of
the Director of Technical and Development Services:-

A/5 (15500/9).

3. OBJECTIONS RAISED TO TREE PRESERVATION ORDER NO. 311-319

Consideration was given to a report of the Director of Technical and
Development Services concerning objections raised to Tree Preservation
Order no 311-319. Modifications were illustrated in the Appendix to the
report.

RESOLVED -

That Tree Preservation Order no 311-319 be modified as illustrated in
the Appendix and confirmed.

4. PROVISION OF A BOUNDARY WALL AT 8 CUCKOO BUSHES LANE, CHANDLERS FORD

The Director of Technical and Development Services reported on a
planning condition to retain a hedge between nos. 8 and 10 Cuckoo Bushes.
Lane following recent development. A request had been received from the

NORTHERN AREA PLANNING SUB COMMITTEE6 March 1995OBJECTIONS RAISED TO TREE PRESERVATION ORDER NO. 311-319Report of the Director of Technical and Development ServicesRECOMMENDATION

That Tree Preservation Orders No. 311-319 be modified as illustrated in the Appendix and confirmed.

INTRODUCTION

1. The Borough Council has received objections relating to the above Tree Preservation Orders. Those owners and occupiers affected by a new TPO have the right of objection. Objections are required to be made in writing, specifying the nature of the objection, within 28 days from the date of serving the notice.

REPRESENTATIONS RECEIVED

2. TPO notices were served upon a total of 276 properties, affecting 665 trees plus patches of woodland; those objections received are listed in the appended tables.

MODIFICATIONS

3. In the light of the objections received and referred to in the Appendices the following modifications are proposed to the appropriate schedule and plan to the TPOs.

TPO310

No objections received

TPO311

G30 to read Clanfield Way
T31 to read oak
T12 to read 62 Winchester Road

TPO312

T1 to read 58 Allbrook Knoll

TPO313

G7 to read 2 ash

TPO314

No objections received

TPO315

No amendments proposed

TPO316

G8)
T10)
G2)
T4)
T5)
T9)
T13)
T2)

to be deleted

TPO317

G13 to be deleted

TPO318

T8 to be deleted
T10 to be deleted

TPO319

No amendment proposed

T CALVERLEY
Director of Technical and Development Services

Civic Offices
Leigh Road
Eastleigh
SO50 9YN

17 February 1995

Contact Officer: Heather Richards
Tel No: 622240

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following documents disclose facts or matters on which this report or an important part of it is based, and have been relied upon to a material extent in the preparation of this report:-

ETPO 310	ETPO 315
ETPO 311	ETPO 316
ETPO 312	ETPO 317
ETPO 313	ETPO 318
ETPO 314	ETPO 319

objt.hr

SCHEDULE OF OBJECTIONS

[illegible]

[illegible]

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SCHEDULE OF OBJECTIONS

[illegible]

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[illegible]

FBC TPO NO.315 - Broomhill Way, (Glenwood and Fernleigh), Boyatt Lane, Eastleigh - SCHEDULE OF OBJECTIONS

EBC TPO NO. 316 - Highcliffe Drive, Chatham Close, Saddlers Close, Walmer Close, Lewes Close, (34-38) Bosville, Boyatt Wood, Eastleigh - SCHEDULE OF OBJECTIONS

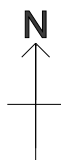
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T/22/93538



Address: Land to North of
58 to 63 Allbrook Knoll

Date: 26/07/2023

Scale: 1:2000

Eastleigh Borough Council Preservation Order and Conservation Area Application Assessment Form

Application Number	T/22/93538				
Surveyor	Charlotte Holloway				
Site assessment Date	01/09/22				
Address	Land to the north of 58 to 63 Albrook Knoll.				
Work notification/ request	Remove small diameter (less than 30cm diameter at 1.5m) trees within 10m of the property boundary. Trees larger than 30cm diameter at 1.5m to be subject to a forestry thin to create a spacing of 7m between trees retaining trees of good vitality, form, and structure.				
Comments/ observations following site visit	The trees are clearly visible from the highway and form a backdrop to the residential area. The proposed removal of the trees would equate to an area of clear felling along the northern boundary as the trees within the area specified are below 30cm diameter at 1.5m. This would have an impact on the woodland character of the area. The proposed volumes are likely to require a felling licence under Section 9(3) of Forestry Act 1967. It is acknowledged that part 4(17) of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 requires consent to be granted to a protected woodland where work proposed accords with the practice of good forestry. However, in this instance the felling of trees where there is “no specific cause for concern” without a management plan or replanting would damage both the local character, alongside having a negative impact on the local ecology and see a loss in canopy cover. The clear felling to the north would create exposure to trees within residential gardens, potentially increasing risk of failure. There is also a volume of encroachment and fly-tipping to the rear of properties, and the removal of trees lends itself to invite people to increase this activity through accessibility.				
Decision	Consent	Refuse	Part consent/ Part refuse	Withdrawn / Invalid	Conservation Area
					Raise no objection TPO
		X			
Decision notice	REFUSE: Remove small diameter (less than 30cm diameter at 1.5m) trees within 10m of the property boundary.				

	Trees larger than 30cm diameter at 1.5m to be subject to a forestry thin to create a spacing of 7m between trees retaining trees of good vitality, form, and structure. Reason: Proposal does not accord to good forestry practice.		
Conditions			
Notes to applicant	The volume of proposed timber would require a felling licence under Section 9(3) of Forestry Act 1967, therefore please apply for a felling licence. More information can be found at https://www.eastleigh.gov.uk/environment/tree-services/a-brief-guide-to-legislation-for-trees/felling-licences		
Parish comments	No objection, subject to the approval of the Borough Council's Tree Officer.		
Public objection/ support	Support	Objection	Observation
	1	1	0
Objection/ support consideration	The supporting and objecting comments have been considered. For the reasons stated above, the work is refused.		

Planning Application
Land to the north of 58 to 63 Albrook Knoll.,

Representee	Address	Comments
Ian Robinson	63 ALLBROOK KNOLL EASTLEIGH SO50 4RY	We totally support the application as there hasn't been any tree management in the twenty years that we have lived here. Also with the ever increasing droughts that we are having it increases the chance of fire risk to the properties that back on to the woods. It may also increase the diversity of nature and fauna etc.
Allbrook Parish Council	93 UPPER BARN COPSE FAIR OAK EASTLEIGH SO50 8DB	No objection, subject to the approval of the Borough Council's Tree Officer.
Matt Kowalski	60 ALLBROOK KNOLL EASTLEIGH SO50 4RY	We object to the the current proposal, as in for example in the 10mx10m behind No.60, no trees are larger than the proposed 30cm diameter and 7m between trees would leave little shelter. We do however support thinning of the trees, to a distance of ~4m between. We also request any Oak, Ash, Sycamore, and Hawthorn remain with thinning focused on Silver Birch. We also request information on the impact of trees that exist within the property boundary post thinning, as we are concerned work may leave these exposed in the event of strong winds.