

		Initials	Date
1.	File completed and recommendation drafted by	CPD	05-08-26
2.	Senior Officer clearance		12-08-26
3.	All corrections completed	KLC	12.08.26
4.	DC Admin Support – Uniform updated	KLC	12.08.26

PROVISIONAL TREE PRESERVATION ORDERS - TPO/26/08

Clay lane, Track off to the south of The Leys, St Osyth.

1.0 PURPOSE OF THE REPORT

To determine whether the provisional Tree Preservation Order, made in respect of 12 Oak trees at the above location should be confirmed, confirmed in a modified form or allowed to lapse.

2.0 BACKGROUND

A site visit and inspection of the trees was made to consider their health, condition and amenity value, along with the possible the threat to their viability to determine whether they merited formal legal protection by means of a Tree Preservation Order.

3.0 SITE ASSESSMENT AND AMENITY VALUE

The trees are mature healthy specimens that feature prominently in their setting and those closest to the highway contribute to the appearance of the public realm.

Considering the position of the trees and an assessment of their quality and amenity value it was considered that they merited formal protection by means of a Tree Preservation Order.

A new TPO was made to afford formal legal protection to the 12 Oaks shown on the TPO site plan.

4.0 REPRESENTATIONS/OBJECTIONS

Following notification of the making of the TPO the Council a letter of objection was received from an agent acting on behalf of the owner of The Leys.

The reason for the objection challenged the assertion that trees 4 to 12 of the TPO merited protection as there is no public access along the track and consequently the trees cannot be seen clearly from a public place.

The objection also referred to the impact of the TPO on approved planning application 26/00289/AGRIC relating to the rection of a barn.

A further site visit was made on 10 August 2026 to fully consider and evaluate the objection to the TPO.

It is accepted and agreed that not all of the trees included in the TPO meet the criteria under which they are assessed to determine whether they merit protection.

The TPO was not intended to inhibit the landowner's ability to implement the above-mentioned planning permission and consent has been granted under application 26/00644/WTPO to remove a single lower limb from one of the preserved trees to facilitate access to the land where the barn is to be constructed.

Primarily for the reasons relating to the amenity value of some of the trees, it is reasonable to suggest that T4 to 12 (inclusively) should be removed from the TPO.

5.0 CONCLUSIONS

There is a statutory duty on local planning authorities, set out in Part 8 of The Town and Country Planning Act 1990, in the interests of public amenity to make provision for the protection of trees.

There is also an expectation that guidance produced by government should be followed to ensure that trees are protected when their removal would have an adverse impact on the local environment and its enjoyment by the public.

In this case the objection is reasonable inasmuch and trees 4 to 12 of the TPO do not feature prominently in the public realm

Trees 1-3 are healthy with a long safe useful life expectancy and feature prominently in the public realm. Trees 4 to 12 do not feature prominently in the public realm and will be removed from the TPO. The TPO will be confirmed in a modified to offer protection to T1, T2 and T3 only.

6.0 RECOMMENDATIONS

That TPO/26/08 is confirmed in a modified form removing T4 to T12 from the TPO

Has the decision been published?	YES	NO
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