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**Jane Whitby**  
**88 Bitterne Road West**  
**SO18 1AP**

**Date:** 20/07/23

**TPO NUMBER:** 09/23

**TPO TITLE:** Woodland between Devonshire Drive and Larchwood Glade, Camberley.

**TPO LOCATION:**

Larchwood Glade/Devonshire Drive.

Dear Jane Whitby,

Thank you for your letter dated 6<sup>th</sup> July 2023 which outlines your objections to the above Tree Preservation Order (TPO).

I will address each of the most pertinent points raised in your letter which directly relate to the TPO.

Under the Town and Country Planning Act (1990) local authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. 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, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of the trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO. The woodland itself is a public amenity, this is not to say it is open to the public, it is that it provides a visual amenity to the wider public creating a rural woodland feel in an urban setting, softening the built environment and creating wildlife habitat. The assertion that it is considered 'public' has been misinterpreted. The Council have applied a further Woodland order to bring it in line with current guidelines around woodlands and

TPO's and to ensure that the future trees that are currently saplings and seedlings which will actively benefit the woodland are also protected.

#### Woodland Management.

A Woodland is a unique, dynamic and natural asset of our countryside, whether this is in the wider landscape or pocket woodlands such as the one you have recently purchased, however, it is erroneous to say that the woodland is 'dying' if that was the case woodlands would no longer exist without humans to manage them, which is factually wrong. Woodlands go through many stages, or 'seral stages' ranging from early to mature to ancient. basically speaking when a woodland reaches a mature stage the older trees tend to die or fall over or are removed, creating gaps in the canopy which allows low growth species to take advantage such as wildflowers and young trees which colonise these open spaces or glades eventually new trees exploit this space and then they become the dominant canopy, what humans do is to recreate this natural process by creating glades and cuttings through selective tree removal. It would be expected that trees growing in the understorey are awaiting this advantage to occur, when we remove these trees early we deplete the woodland by preventing natural regeneration and breaking these links. The dominant species in the wood is pines which provide dappled light through the canopy, it is expected that understorey such as pines would regenerate and broadleaves as some do grow within shaded conditions, others however, will await open conditions, I should be noted that the woodland does have a mix of open space and shaded areas from mature trees, this is not a bad thing in terms of woodland management.

#### Management plan.

The Local authority would always promote activities that directly benefit a woodland such as those described before and would encourage anyone to consider a implementing a suitable woodland management plan that encourages native species and good woodland management, the TPO does not prevent good woodland management as long as it is suitably evidenced of the benefits and forms part of a long term woodland plan. Within the report you reference a 5837 development tree survey, this was submitted in support of a planning application and has been assessed as such, it has not been assessed in the realms of woodland management and so cannot be relied upon for general tree condition as it does not take into account the many benefits of old woodland. Some of the 'issues' raised such as old mature trees are the very things that are the most beneficial to a woodland and should be seen as a benefit, things like older trees with dead branches and dead standing trees provide a rich source of ecological habitats and trees generally provide the most ecological benefits at their mature stages, the contradiction between the planning documents and a proposed woodland management should not be read in conjunction with each other as it can lead to confusion about the state of a tree/woodland.

You have referenced that the woodland is in poor condition but no full ecological assessment of it has been carried out by a suitably qualified ecologist/woodland manager but as you have mentioned you intend to have the site surveyed and implement a woodland management scheme this would address your concerns over the state of its health, as mentioned the Council would not always refuse an application for positive woodland management which actively demonstrates that it will improve the area, it would refuse an application where demonstrably harm occurs to the woodland.

**Invasive species.**

I do not disagree over the presence of invasive species such as Laurel and Rhododendron, these species do indeed prevent woodland regeneration and should be removed, the TPO would not prevent the removal of these as they are shrubs and not covered by the Order, trees such as Holly provide many benefits to wildlife and are considered a pioneer species which helps to nurture seedlings and saplings as well as an important food source for wildlife, it is not considered an invasive species and is native to the UK. If you have concerns over pets etc. eating the berries I would suggest not taking them into the woodland, the removal of the species for these reasons would not be considered acceptable in consideration of the many other benefits it provides to wildlife and can be seen as an overreaction where simple solutions exist. Further to this it is important when wanting to create a natural area for education that we educate our offspring to not eat or ingest things that might cause harm. The Council would welcome an application to carry out the removal of the non-native understorey e.g. laurel and rhododendron and would not refuse such an application, the need to apply is only that the process of removing these shrubs, can cause harm to saplings and seedlings but it would not ordinarily be refused.

**Use of the land**

You do say that the land is for play, enjoyment of wildlife and camping, it is private land and you can use it as such, the TPO does not prevent access to it or to enjoy wildlife, it is still a woodland and any significant changes of land use would impact on the ability of the woodland to regenerate and cause harm to retained and protected trees, the use of livestock can damage trees, saplings and seedling which the TPO protects, a woodland is not necessarily a suitable means of keeping livestock especially were a woodland order exists as domesticated animals do harm trees through natural processes of rooting and foraging.

**Trees, light and general use.**

You reference that the trees will eventually grow and block light to the neighbouring properties, the trees on the boundary are already mature but the Council does not receive significant numbers of complaints about light within their gardens at this site, however, it should be highlighted that there is no 'right to light' and generally this applies to a certain window under a prescription and does not apply to trees. The TPO does not prevent pruning to trees under an application as long as it is justified with suitable levels of evidence as to the condition of the tree and that the proposed work would not impact on the overall health and longevity of the trees. It should also be highlighted that although you reference the woodland as a garden, it is important to remember that it is not tied to a dwelling per se and would not be ordinarily be considered a 'garden', further to this, the TPO is a restrictive on the land and is there to preserve the area as a woodland, this land use is reflected under the MAGIC GIS from 'DEFRA' which has identified the land as *Priority Habitat Inventory - Deciduous Woodland (England)*. <https://magic.defra.gov.uk/>

**Removal of trees.**

You have stated that you wish to remove the dead and dangerous trees, there already is an exemption for this work, the legislation is clear in that the removal of dead branches can be carried out under an exemption,

the removal of 'dangerous' trees references imminently dangerous rather than perceived and it is advised you seek professional advice before carrying out this work as it would be an offence to remove trees that do not fall under the exemptions. If you intend to exercise the exemption you will need to provide the Council with 4 working days' notice so that we may inspect the work proposed. It should be noted however, that the retention of dead wood and trees in woodlands is a positive for ecology and biodiversity for which you are keen to promote, it is advised that all dead branches and trees removed stay within the woodlands to boost the biodiversity levels. Further I would advise that the trees are fully assessed by a suitably qualified individual with the necessary woodland management experience and arboricultural expertise to advise you on your woodland and have the trees inspected to ensure they remain in a practicable fashion. Their remains an original TPO across the land here, irrespective of the woodland order which protects the dominant vegetation at this time, the new TPO is aimed to bring it in line with current land use.

I hope I have made clear some of the issues you have raised and provided a response which should alleviate your concerns, the intention is to confirm the TPO as originally served, if this letter has not overcome your objections then do please let me know, if it has not, the decision to confirm the order will be put to elected members at a planning committee to decide on its confirmation, if you have any other questions regarding any points raised in this letter do please let me know.

Alastair Barnes

Arboricultural Officer