

Petition – Review of Wellington Park Tree Preservation Order

BRIEFING NOTE FROM THE CHIEF EXECUTIVE

TPO 11/86 – Wellington Park, Camberley

A petition has been received asking the Council to:

Urgently review the existing TPO 11/86 and consider the benefits of replacing it with an Area TPO that allows for the proper maintenance of foliage and other plants growing beneath the canopies of trees covered by the existing TPO.

Within six months to carry out a survey of trees on the entire estate, identifying those which would benefit from a Specific TPO rather than a blanket one to ensure that those trees providing substantial amenity to the estate are protected by TPOs.

1. The Petition

The petitioner has added the following additional information to the petition:

We the undersigned are of the view that:

a) large parts of the Wellington Park estate in Camberley are covered by a Tree Preservation Order 11/86 (“TPO”) put in place before the estate was constructed in the early 1990s.

b) Some of the areas covered by TPO 11/86 are defined as woodland which is no longer true, and the Order is now incompatible with the nature of the areas protected which have largely been developed as roads, housing and gardens. The provisions of this TPO form a completely excessive level of protection for spontaneous seedlings, and also for low amenity trees in extremely poor condition.

c) Trees on the estate especially those in areas owned by SHBC are causing nuisance to the private properties of a number of residents on the estate, including physical damage due to major branches falling.

d) In many areas on the estate the trees and foliage are visibly in need of maintenance to preserve and improve the amenity of the estate and to protect the public from injury. Indeed, in the opinion of professionally arborists, in several cases their current condition poses a danger to residents of the estate and urgent maintenance is required to maintain the amenity and safety of the estate. For example, a branch weighing hundreds of kilograms recently fell from an SHBC owned tree damaging the fence of a residential property and could have caused significant injury.

e) The existing TPO 11/86 is designed to protect a woodland area, which is long gone. The provisions covering “woodland areas” of TPO 11/86 are far too restrictive and onerous for a residential area such as Wellington Park, they are preventing much needed.

maintenance and should have been replaced long ago with a more appropriate Order that better protected the significant trees.

f) The existing TPO 11/86 also completely fails to protect significant trees in some parts of the estate. An Area Order would allow for their immediate protection.

g) The imposition of Area TPOs should, (according to the issued Government Guidance "Tree Preservation Orders: A Guide to the Law and Good Practice") be a temporary measure and after a survey be replaced with a Specific Order that provides strong protection to those trees where it is justified.

2. History of the Site

The site was originally the Royal Albert Orphanage established in 1864 and comprised a mansion with 200 acres, part of the Collingwood Court estate on the Portsmouth Road to the southwest of Bagshot.



In 1948 the Orphanage merged with The Royal Alexandra School and a new school built in Reigate. The Bagshot premises were demolished, and the site was occupied by a college for the Women's Royal Army Corp. This remained until the mid- 1980 when the site was demolished and sold for development for residential housing.

In response to proposed development, Surrey Heath Borough Council made a Tree Preservation Order – TPO 11/86 – confirmed on 9 May 1986. A copy of the Order and aerial pictures of the site are included in the Appendix.

3. Arboricultural Overview of Extant Order

The current Order comprises eight groups [G1-G8] and 2 woodland compartments [W1 and W2]. At the time the Order was made and confirmed, it was expedient to group numbers of trees and the 2 separate compartments had “pocket woodland” characteristics. If the site was re-assessed now, the groups would likely be maintained, however, it would be difficult to consider the remnants of the compartments as woodland.

Notwithstanding the above, the responsibility for the safe upkeep and maintenance of trees in private ownership lies entirely with the landowner. The Council would always encourage homeowners to have their trees inspected by a qualified arboriculturist on a regular basis. This will assist with the early detection of pests, diseases or structural defects and allow for the long-term management of trees and their retention in a safe and healthy condition.

The extant Order does not preclude effective management of trees in the 8 groups and 2 woodland areas. What the current Order does not do is reflect any trees which have been removed, died naturally, or failed in storms. Nor does it offer constraint to trees which have grown naturally through seeding or having been planted in the eight groups after development.

4. Arboricultural Overview of Re-survey

Government guidance states that all TPOs should be kept under review. In this context it is regarded as good practice for an LPA to review and eventually revoke pre-1999 orders made under the current regulations. However, reviewing old area orders, has immensely high resource implications. As a result, most local authorities are acutely aware that older Orders may benefit from updating through re-survey and placement of a new instrument but are unable to progress this work.

In the case of Wellington Park, a brief examination of aerial photography suggests the following approximate tree composition at each of the specified locations:

W1 – 190 trees, W2 – 50 trees, G1 – 15 trees, G2 – 50 trees, G3 – 10 trees, G4 – 20 trees, G5 – 15 trees, G6 – 15 trees, G7 – 5 trees, G8 – 10 trees.

With a minimum of 380 trees to survey, with most within private residential gardens, the time to survey and record data would be extensive. It would be necessary to engage an external specialist arboricultural consultant to undertake the survey aspects of any new Order[s]. Data collection using GPS based software would provide an accurate record of current significant trees for inclusion in new tree specific and group specific orders. The use of Area Orders must be avoided as these should only be used in an emergency, on a temporary basis and in advance of a detailed survey. Area Orders would also only protect those trees present when the Order was made.

5. Governance framework for the petition

All petitions received must be dealt with in accordance with the Petition Scheme at Part 4 of the Constitution. The scheme provides that any petition which receives over 250 signatures will be considered by the Council. Under the terms of the scheme, a petitioner is entitled to present their petition at the relevant meeting of the Council and speak for up to five minutes.

The e-petition opened for signatures on 20 September 2023 and closed on 19 December 2023. It has received 96 signatures. A paper petition requesting the same action was submitted by the same petition organiser on 18 December 2023; the paper petition contained 269 signatures.

The petition organiser will be given five minutes to present the petition at this meeting and the petition will then be debated. The Council will decide how to respond to the petition at this meeting. The petition organiser will receive written confirmation of this decision and confirmation will be published on the Council's website.

6. The next steps and options

The Council must consider this briefing note and the petition and decide how it wishes to respond. Given the information contained in this briefing note and the need for the Council to make informed decisions within the adopted budgetary framework, the Council may consider it appropriate to undertake its own research, investigation and analysis before coming to a decision. This briefing note highlights several matters in particular that are likely to benefit from this approach; including timescales for implementation, any potential alternative options and identifying the cost implications and funding arrangements.

The creation of a task and finish group comprised of Councillors could undertake such research, investigation and analysis. More specifically, the group could explore an appropriate proposal to review the current mixed Group and Woodland TPO and consider the cost of outsourcing a re-survey following a procurement process to appoint a specialist supplier. Consideration would also be needed in relation to additional officer time to manage the project and to compile and issue a new Order[s]. A draft terms of reference for a task and finish group is set out below, should Members wish to proceed on this basis.

In the alternative, Council could proceed as follows:

- (i) take the action the petition requests – this would require the Council to also identify and agree additional resources as this cannot be met from within the existing budget and staffing resources and the Council must be mindful

of the need for sufficient contingency given the current uncertainty on cost and timescales for delivery; or

(ii) not to take the action requested at this time.

7. Conclusion

There is potential benefit for re-survey and re-order of Wellington Park, as there is for other TPO's within the Borough, many of which are large or exceptionally large Area Orders dating back to the 1960's. The constraint to achieving this is entirely down to resources and the high initial costs for local tax payers, both in terms of finance and officer time.

The stated desire of the petitioner to achieve a re-survey to completion in 6 months is unrealistic in practical terms given the steps the Council would be required to undertake. Suitable external surveyors will need to be sourced and procured, appointed and managed. Access may well be difficult to many properties and objections to new orders are also likely to be made meaning referral to committee for confirmation or not.

An update can be provided once more is known.

8. Draft Terms of Reference for the Task and Finish Group

The Task and Finish Group is formed to consider the requests within the petition "Review of Wellington Park Tree Preservation Order" published on 20th September 2023 and debated by Full Council on 21 February 2023.

The Group shall report to Full Council on its findings and recommendations within 6 months of the date the petition was debated at Full Council. Additional time to report to Full Council may be agreed in exceptional circumstances by the Chief Executive in consultation with the Leader of the Council and Monitoring Officer.

Membership and meetings

The Group shall comprise 5 Members, including the Chair, who will be the Portfolio Holder for Planning. The Group shall meet a maximum of three times to consider the evidence and come to their conclusions and recommendations. The Group shall make decisions by majority.

Outputs

Make recommendations to Full Council on the outcome of the petition.

Have due regard to any evidence, documents, information and officer advice and opinion the Group considers relevant and expedient to its review and consideration of the requests within the petition.

Determine the timescales required to implement any recommendations the Group is minded to make to Full Council.

Examine the potential benefits and disbenefits of any recommendations the Group is minded to make to Full Council.

Determine any revenue and capital costs required to implement any recommendations the Group is minded to make to Full Council. Such costs to include officer time, specialist suppliers and advisors and materials and disbursements.

Determine the wider policy implications of the proposed course of action, including for other relevant sites in the borough.

Explore and examine any potential alternatives to the requests within the petition.

For all recommendations have due regard to suitable levels of contingency and reasonable times for statutory planning processes and preparations.

APPENDIX

Extracts of TPO 11/86

SURREY HEATH BOROUGH COUNCIL *

From The Chief Executive and Town Clerk To The Director of Planning and Technical Services

Date 9th May, 1986 Copy : Land Charges Section

My Ref: JS/MPB/PD10/238 **MEMORANDUM** Your Ref: C.P.O.

Re: Town and Country Planning Act, 1971 **13 MAY 1986**

Tree Preservation Order 11/86 C.B.C. & S.O.

Land at the WRAC College, Camberley, Surrey ADMIN.

I attach for your attention a copy of the above named Order which was made by the Council. Could you please note that it was made pursuant to both Section 60 and 61 of the above Act and therefore comes into effect immediately.

M.P. Clarke
Chief Executive and Town Clerk.

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

SS/GM
for file

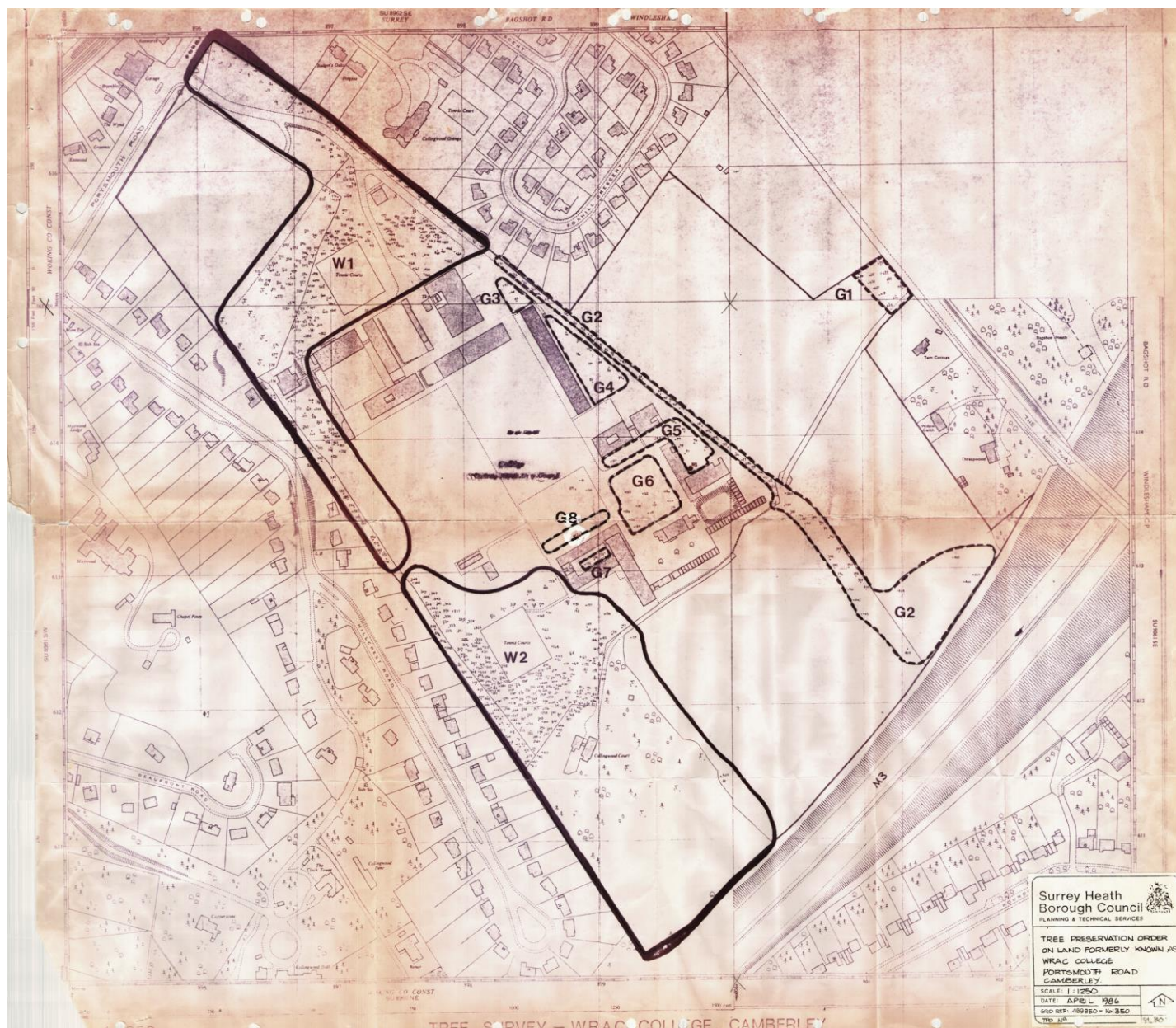
FIRST SCHEDULE

Groups of Trees*(within a broken black line on the map)*

NO. ON MAP	DESCRIPTION	SITUATION
G1	10 Oak, 1 Pine,	Land at WRAC
G2	1 Birch, 3 Beeche, 8 Pine, 8 Oak, 5 Larch, 4 Sweet Chestnut, 4 Norway Maple, 1 Cypress	College, Camberley, Surrey,
G3	1 Pine, 2 Lime	" "
G4	3 Lime, 3 Scots Pine, 2 Sweet Chestnut, 1 Norway Spruce	" "
G5	5 Cedar, 2 Oak, 1 Sweet Chestnut, 1 Beech 1 Wellintonia	" "
G6	6 Lawsona Cypress, 1 Douglas Fir, 3 Cedar 1 Lime,	" "
G7	1 Lime, 1 Arizona Cypress, 1 Oak.	" "
G8	50 Leylandi over 50m in height	" "

Woodlands*(within a continuous black line on the map)*

NO. ON MAP	DESCRIPTION	SITUATION
W1	A mixture of Oaks, Pines and Sycamores	Land at WRAC College, Camberley, Surrey
W2	A mixture of Oaks, Limes and Birch	" "



Photographs

1971 + Overlay of the Order



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Overlay of the Order

