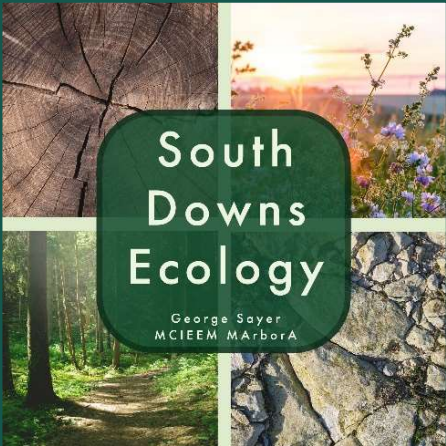


Rebuttal to Tree
Preservation Order
Application

Oklahoma, Long Copse
Lane



South
Downs
Ecology

George Sayer
MCIEEM MARBORA

Rebuttal to Tree Preservation Order Application

Oklahoma, Long Copse Lane

Version 2 – 3rd June 2025

Document Reference: GS242.Oklahoma.TPORebuttal.v2

The applicant has commissioned a rebuttal to the application of a Tree Preservation Order (APP/25/00005/TP1) upon trees at the site Oklahoma, Long Copse Lane. This has been provided below by George Sayer (BSc(Hons) PgDip MCIEEM MArborA) of South Downs Ecology, who undertook both the ecology and Arboricultural assessments of the site and proposals.

The following gives the reasons for rebuttal of the Tree Preservation Order (hereafter TPO).

Firstly, the information provided is very low in detail. The entire frontage of the property is grouped within 'G1'. The trees here are not homogenous and the plan does not distinguish between trees of greatly varying size and relative significance. Several trees within the group would not merit TPO protection.

TPO orders are made on the following criteria:

- Condition/suitability
- Retention Span
- Relative Public Visibility
- Other Factors
- Expediency/Threat to Tree

The following assesses the trees against these criteria.

Condition/Suitability:

The trees are of varying forms, with several oaks and beeches. Two of the three oaks are very closely-spaced, whilst the third displays a twisted uneven form. The largest beech (on the western end of the TPO group) displays a pronounced lean, whilst the two others to the eastern end are semi-mature and of little note. In the centre of the group s a large, multi-stemmed hazel stool, which forms part of the hedge.

Given the above factors the trees are considered of 'moderate' condition and value and would be assigned a category B2. Whilst there is a line of similar trees along Long Copse Lane, these trees are of indifferent form, and the line has become indistinct due to the number of failed trees and interjecting driveways. The trees further to the west are larger oaks of better form and within more generous verges, but the line is still punctuated by access drives.

Retention Span:

Several dead oaks are present to the east and west. The presence of these dead trees suggests that such trees have reached a stage of maturity, whereby they are losing vigour and are unable to adjust to anthropic changes and pressures (i.e. ground alterations) and competition from other trees, leading to the steady failure of the trees. As such the trees are of relatively limited longevity in the setting, regardless of the potential threat of development.

Relative Public Visibility:

There would be limited through-traffic and the appreciation of the trees at present would be relatively low. There are further trees to east and west, and as such, the trees on this site are no more significant to the setting than others. Their loss would not result in a loss of verdant nature due to surrounding trees. This would have limited significance given the extremely gappy nature of the treeline along Long Copse Lane.

Other Factors:

The trees do not display any other significant factors such as historical merit, being good examples of the species, being part of a cohesive group, being of particularly good form, particular habitat value or being veteran trees. The ecological value of the trees would be appreciable but relatively minor beyond the site level.

Expediency/Threat:

The trees are proposed for protection as part of a group, and as such assessment of the risk to the group is made herein.

The owner of the property, in the process of applying for permission for a residential development on the site, has given significant concern to the retention of as many of the trees as possible and the protection of retained trees. Tree removal through the proposals is only necessary as a result of a requirement by the highways authority to realign the driveway. The proposals contain a 'Biodiversity Net Gain' assessment which demonstrate that the proposals would result in an overall gain in Tree Biodiversity Units, and include for 10no. trees within communal land, including 7no. at the entrance.

As the purpose of a TPO is to protect trees of particular merit, rather than the principle of trees being present at a particular location (other than with woodlands), it is considered that the gains in the application this would more than compensate for the proposed loss of trees on the site, and demonstrate that there is no significant threat to the group trees on the site (which could have previously been removed prior to the application of the TPO). Loss of individual specimens in the group could be compensated without significant alteration of the group's qualities.

Overall, given the trees are of limited quality, likely constrained longevity, limited visual amenity, very limited landscape amenity, and with only 2 of the at least 7 trees proposed for removal as part of a planning application, which has been determined to result in a gain in tree units, **the trees are not considered to merit TPO protection.**

Further Comments:

The imposition of a TPO was made on 9th July 2025, 6 months after validation of an application for development of the site. Comments on the application were only made by the tree officer on 12th and 14th May, over six months since validation. This was several months after significant discussion over the trees had been held between the applicant's agents and the planning authority and highways authority, was immediately following an imposition of the TPO, and very shortly prior to refusal of the application.

Where concerns over significant trees exist and tree officers desire to protect trees using TPO, those acting in good faith would usually impose such a TPO rapidly upon validation of such an application, and certainly within the consultation timeframe, such that such factors can be considered within the planning process. The timing of imposition of this TPO would therefore appear to be targeted to aid refusal of a planning application; this is not in the interests of tree amenity and therefore not in accordance with the purpose of designation of TPOs.

Please contact me should you require any further information.

Kind regards

George Sayer

MCIEEM MarborA