

Location: Land At Mill Lane (London Road End) St Ippolyts, SG4 7NN

Proposal: Tree Preservation Order

Ref no: TPO/00226

Officer: Francis Mabbett

1.0 Proposal

- 1.1 Tree Preservation Order TPO/00226 (2026) - T1 Hornbeam, G1 3x Hornbeam, G2 3x Oak, G3 2x Hornbeam & 1x Sycamore, T2 Lime, T3 Oak, G4 5x Horse Chestnut, 3x Oak, 7x Walnut, 12x Lime, T4 Field Maple of Land at Mill Lane (London Road End) St Ippolyts SG4 7NN

2.0 Site History

- 2.1 In accordance with The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 North Hertfordshire Council served a provisional Tree Preservation Order dated 12 February 2026 in respect of the above which provides for a period of 6 months for the Local Planning Authority to confirm the Order.
- 2.2 25/02885/OP validated 24.11/2025 - Erection of up to 41 dwellings with associated infrastructure and open space (all matters reserved except means of access) – decision pending.

3.0 Representations

- 3.1 A period of 28 days from the date of service of a provisional Tree Preservation Order provides for comments to be made. In this case, one letter was received supporting the TPO on the whole, but also requesting it be modified to omit certain trees in G4 for the following reasons:
- It will obstruct a site design for high-quality development.
 - Reduced life expectancies of Walnut trees because of their decay features, which are considered to increase the likelihood of partial collapse in the coming years.
 - T13 and T22 reduced condition, life expectancy, and quality due to advanced Bleeding Canker disease symptoms, compared to the two horse chestnuts that are retained.

- Ecological Impact Assessment identified no significant effects from the proposed tree removals.
- Compensation for tree removals through new tree planting will also provide the site with a tree population of greater longevity and future landscape contribution than those in a mature state of life and with reduced life expectancy due to decay or disease.
- Request that the TPO is confirmed with modification, to exclude trees shown for removal on the extant planning application (25/02885/OP).

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Land at Mill Lane (London Road End) St Ippolyts SG4 7NN consists of two distinct areas, located on the south side of Mill Lane, linked together south of the property known as Sloe Hill. The eastern area is predominantly open pasture with a small, wooded area of less than 0.5ha to the north, containing mainly semi-mature and mature trees. The western area consists of more scattered, predominantly young, tree cover over grassland, with a line of mature trees along the southern boundary.

4.1.2 Tree cover in the surrounding area is reasonably sparse due to the arable nature of the landscape, with the only significant wooded feature present along Ippolyts Brook approx. 230m to the east. The new development site to the east, on the opposite side of London Road previously approved 21/00434/HYA is almost devoid of existing mature tree cover.

4.1.3 The subject application site is overlooked by residents to the North and South of Mill Lane, residents to the East and West of Mill Rd and future residents of the aforementioned new development. It is also visible to users and properties along London Road.

4.2 Key Issues

4.2.1 When considering whether to confirm the TPO, it is essential that the following points be considered:

- The tree(s) or woodland amenity value.
- The impact removal would have on the local environment and its enjoyment by the public.
- That protection would bring a reasonable degree of public benefit in the present or future.
- It is expedient to make an order.
- Other relevant factors such as wildlife, conservation and climate change however these alone would not warrant making an Order.

4.3 Consideration

- 4.3.1 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Trees Action Plan 2021-2024; The Town and Country Planning Act 1990 (as amended) and the North Hertfordshire Council Tree Strategy 2017 and Climate Change Strategy 2020-2025. In addition to these, Section 14 (Meeting the challenge of climate change, flooding and coastal damage) of the NPPF and Policies SP12 – Green Infrastructure, biodiversity and landscape and NE1 – Landscape, all seek to support the contribution trees make to the natural environment.
- 4.3.2 Prior to the making of the provisional TPO, a visual assessment of the trees was undertaken by the council's Tree Officer. The trees were assessed for TPO worthiness using TEMPO [Tree Evaluation Method for Preservation Orders – Julian Forbes-Laird] a defensible system used by many Local Authorities. TEMPO is a useful tool which when applied fairly provides a measurable assessment of amenity value and condition of trees. If applied fairly and consistently it will support the serving of a TPO, or the decision to not serve a TPO. Trees were assessed appropriately either individually or collectively as a group.
- 4.3.3 The TEMPO assessment scored the trees highly within the bounds of "TPO defensibility" category and were considered to make a significant contribution to amenity of the area presently and in the future. The retention of these trees and their subsequent protection by means of a Tree Protection Order being placed on them is expedient with the submission of 25/02885/OP and concerns for tree loss by the members of the public who requested TPO protection. This TPO is based on the merits of amenity value, the current/future visibility, the useful life expectancy and the high public benefit provided by the trees.
- 4.3.4 In terms of the objections received, the trees solely in G4 of the TPO were identified. These trees have the greatest impact in obstructing access for the proposed development of site, (subject of application 25/02885/OP), in relation to an approved roundabout as part of the nearby development (application 21/00434/HYA). The trees were assessed without prior knowledge of the full details of 25/02885/OP, which is currently being considered, and so beyond identifying the site, the application details had no bearing on which trees are protected. However, full consideration should be given to all alternative courses of action with regards potential access positions and appropriate construction techniques that would look to retain quality trees such as those in G4, rather than condemn them on grounds of an approved roundabout.
- 4.4.5 A Group TPO is made when it's overall impact and quality merits protection. It is logical to include all trees within a species (provided they are not dead or dangerous), even if some have a slightly impaired condition. This is because identifying individual trees of the same species marked on a plan as an area within a broken black line, is rarely straight forward and this omits confusion about, which trees are or are not protected. This is why some Walnuts of inferior

condition are included in the TPO and may require some remedial work to ensure longevity. They will also provide a valuable habitat resource until they are no longer safe to retain at which point they will ideally be replaced, but without significantly affecting the overall appearance or amenity of the group.

- 4.4.6 It is accepted that there is variation in the condition/life expectancies of the trees within G4 and it is good practice that trees with less than ten years' remaining life expectancy are not worthy of a TPO. However, all the subject trees are expected to exceed this.
- 4.4.7 T13 and T22 Horse Chestnuts are considered to be moderate value trees and do not yet appear to express significant disfiguring or amenity loss due to their Bleeding Canker disease symptoms from which they may well recover. They currently offer noticeable visual benefit, which should persist into the future. They are at present suitable for retention and their removal is regarded as premature.
- 4.4.8 The objection proposes the removal of ten trees from G4 of the TPO, no less than nine of which are B category trees in accord with BS5837:2012 and described in the arboricultural report submitted with objection as:

“CATEGORY B: MODERATE QUALITY

Trees or groups of some importance with a likely useful life expectancy in excess of 20 years. Their retention would be desirable; selective removal of certain individuals may be acceptable but only after full consideration of all alternative courses of action.”

- 4.4.9 The TPO could be modified to exclude the ten trees identified in the objection and required for removal to facilitate the proposed development. But it is their collective amenity as a group within the landscape that is considered important and should be retained. Without the TPO for protection the development would see the number of trees in G4 reduced by more than 30% with an estimated in excess of 50% of canopy cover of this group lost, leaving it unrecognisable as a landscape feature.

5.0 Environmental Implications

- 5.1 The trees without doubt provide many amenity benefits to the site and surrounding area as they are a natural foil for the built environment. They soften the harshness of roads and provide screening to existing dwellings, while at the same time adding grandeur and a sense of maturity to any new development.
- 5.2 They provide other benefits such as noise absorption and dissipation, pollution filtering, reduction in wind speed and have a cooling and freshening effect on the air around them, which is particularly important in the hot summers of late. They are a verdant reminder and a connection with nature providing habitats, expressing the changes in seasons and improving mental health and wellbeing to all within the vicinity.

5.3 Trees are a key element of the green infrastructure network, providing microclimate effects which help reduce energy demands on buildings. They contribute a key role in helping to tackle the climate emergency and creating a greener district. Existing semi-mature to mature tree cover is generally already at or close to its peak environmental benefit and represents a key resource that can significantly contribute to climate change adaptation, which is so vitally important in this time of climate crisis. Any mitigation planting takes decades before it delivers significant environmental benefits and even longer to reach the same peak benefits in replacing like for like canopy cover currently provided by existing trees. New tree planting, although vitally important to future climate proofing, should look to enhance existing tree cover, rather than merely be used to mitigate tree cover lost to a development, as the environmental adaptation benefits of mature trees are needed now, not in the 30-40+ years that it takes for new trees to reach peak benefit.

6.0 Legal Implications

6.1 There are no financial implications for the council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to a protected tree and where that application is refused.

7.0 Human Rights Act Implications

7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions, but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees) and subject to the conditions provided for by The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and by the general principles of international law.

8.0 Alternative Options

8.1 If the Provisional Tree Preservation Order (TPO/00226) is not confirmed then the trees would be controlled by the conditions attached to the temporary order until the 6 months expires, after which time they would be at risk of removal without constraint.

9.0 Conclusion

9.1 The Government Guidance for Tree Preservation Orders and trees in Conservation Areas states;

“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

The trees of TPO/00226 (2026) provide vital amenity and environmental/public benefits to the current and future residents of the surrounding area. Existing mature canopy cover is vitally important at this time of climate crisis. It contributes positively to the council's objectives of reducing global warming and carbon emissions and cannot be replaced immediately by new tree planting, which will take decades to provide equal benefit. Without the TPO protection a large proportion of mature tree cover is likely to be removed as part of a proposed new development on the site and only confirming the TPO can ensure this does not occur.

- 9.2 Should the TPO be confirmed, it does not result in the inability to maintain the trees or remove trees whose retention can no longer be justified. Instead, it requires the submission of a tree works application to the Local Planning Authority who will consider the impacts to the trees and any evidence submitted to justify the works. Such matters would also be considered as part of the current application for residential development, a separate works to tree application would not be required under such circumstances, the proposed removal of protected trees would be considered in the assessment of that application. It also ensures replacement trees can be conditioned where appropriate and quality trees are not lost to new development proposals unnecessarily.

10.0 Recommendation

- 10.1 The provisional Tree Preservation Order TPO/00226 (2026) be **CONFIRMED without modification.**