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Our Ref: TPO 235  
Contact: Jonathan Hazell  
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Date: 27 February 2018

Dear Mr Neville,

### **TPO 235 BOUGHTON GREEN ROAD, FORMER PARK CAMPUS**

Thank you for your hand-delivered letter with accompanying report from LUC (which erroneously refers to TPO 234) dated 26 February with your formal objection to the recently served TPO 235 Boughton Green Road, former Park Campus.

We are of course aware of the plans to dispose of the Campus for residential development and the serving of TPO 235 was considered to be absolutely necessary to protect the public amenity that the established landscape character provides to the staff, students and visitors to the Campus, including all the ancillary business undertakings within the site boundary. The TPO is being used to protect selected trees and woodlands as we believe their removal would have a significant negative impact on the local environment and its enjoyment by the public.

Once TPO 235 has been confirmed then TPO 204 University of Northampton, Park Campus, Boughton Green Road, will be revoked. In paragraph 4.12 LUC refer to TPO 204 as providing significant levels of protection: this is patently not the case as the description of the Groups in Schedule 1 of the Order was woefully lax and in reality would have provided totally inadequate tree protection. For example the description of the former G1 (now labelled W1) was "Ash, Silver Birch, Oak, Larch, Sycamore, Pine & Horse Chestnut". In my understanding, provided that one each of those species remained standing within the extent of the G1 as mapped, then we would have been powerless to take any enforcement action for unauthorised felling, and I am disappointed that LUC have not been able to make the same observation.

We have chosen to adopt a presumption in favour of tree retention within the site boundary as the plans for the development are continuously evolving and the fine grain can be resolved once the plans for the development are finally agreed. At that time the discussion about appropriate mitigation for the loss of protected will have to take place.

The serving of TPO 235 will not, and cannot, prevent authorised development from proceeding in accordance with the agreed plans once planning permission has been granted, but as that is an iterative process so our presumption remains in favour of tree retention.

The LUC report refers to the DCLG document **Tree Preservation Orders: A guide to the law and good practice**. That document has been withdrawn as the guidance was not updated to address the new regulations and changes to TPO procedures that came into full

effect on 6 April 2012. The document was replaced by extensive on-line guidance, see <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>.

We have served the TPO because we believe it to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands” in the area, particularly as TPO 204 was technically unsound. We have also exercised our judgment when considering the meaning of amenity deciding that it is reasonable to make the TPO and, using the current guidelines, have considered visibility, individual, collective and wider impact, and other factors.

As the trees that are the subject of this TPO surround the Campus and are contained within the site it seems to us that the visibility test has been adequately met: “The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.” To try to argue, as it would appear LUC have done in paragraph 4.2, that the University staff and students are somehow excluded from the definition of “the public” would seem to me to be absurd.

When considering the individual, collective and wider impact we have been cognisant of the recommendation to consider the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics. This explains why the individual trees from TPO 204 are no longer included in TPO 235, and reflects our opinion of the future potential as an amenity that some trees hold, as well as their contribution to, and relationship with, the man-made landscape.

We believe that we have followed the spirit of the guidance and served the TPO 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.” We also believe that we are able to demonstrate that the serving of the TPO will demonstrate that protection would bring a reasonable degree of public benefit in the present or future.

I am not persuaded by the conclusion in the LUC report that “there are inadequate grounds for the proposed TPO in its current form”.

Would you now be prepared to withdraw your objection to the confirmation of the TPO? If your objection were to stand then a report will need to be prepared for consideration by elected members, the purpose of the report would be to seek their consent for the confirmation of the order which we believe to be “expedient in the interests of public amenity”.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,



**Jonathan Hazell**  
**Project Officer: Arboriculture**  
**Regeneration, Enterprise & Planning**

Working pattern: 008:00 – 16:00, Tuesday to Thursday