

PART I – DELEGATED

Confirmation Of Tree Preservation Order 938 (Penfold Park Golf Club, St Albans Road) 2026.

1. Summary

- 1.1 The purpose of this report is for elected Members of the Planning Committee to consider an objection to the Confirmation of Tree Preservation Order (TPO) 938 (Penfold Park Golf Club, St Albans Road) served on the 11th of June 2026 and whether, or not, the TPO should be Confirmed (made permanent).

The Officer recommendation is that the Order should be confirmed (made permanent).

If the Order is not confirmed, the TPO will lapse on the 19th November 2026, and the trees within Area (A1) will cease to be protected.

2. Details

- 2.1 On the 19th May 2026 Three Rivers District Council (TRDC) made TPO (Tree Preservation Order) 938 (Penfold Park Golf Club, St Albans Road) 2026 (Appendix 1). The order was served on a provisional basis to protect all trees within Area (A1), as identified on the TPO Plan (Appendix 1).
- 2.2 The TPO was served in response to concerns raised by ward councillors and local residents about the risk of pre-development clearance of the land, as the location is currently included in the Site Allocations of the emerging Local Plan 2026 -2041 for housing and employment.

Following a site visit by officers on the 14th April 2026 to view the site, and the trees from the roadside, TPO 938 was served.

3. Responses to the TPO

In response to the serving of the provisional TPO, the council has received one letter of objection, and one letter of support.

3.1 Objection and Officer Response

The objection to the TPO is based on eight points (Appendix 3), as set out below:

1. *The Council has not demonstrated that it is expedient in the interests of amenity to make the Order.*

Officer Response - Local Planning Authorities (LPAs) are not required to demonstrate that it is expedient in the interests of amenity to make a TPO. However, they should consider whether it is expedient to do so. In this case without a TPO in place, there was nothing to prevent trees on the site from being removed, prior to an assessment of their amenity value.

The Area TPO category is specifically designed for such a scenario, where a potential development site may have significant numbers of trees and where the LPA wishes to guard against pre-development clearance and retain some control over which trees may be retained or removed as part of any future development.

2. *The Council does not appear to have made any assessment in relation to the amenity value of the trees protected by the Order.*

Officer Response - As in point 1 above, in a situation where an Area TPO is being used to deter pre-development clearance, it would not be usual for the LPA to make a detailed amenity assessment, and they are not required to do so.

3. *The Council does not appear to have made any assessment in relation to whether it is expedient to make the Order.*

Officer Response - The site contains large numbers of mature trees and is included within the Site Allocations document of the emerging local plan 2026 – 2041. Hence, it is expedient for the Council to serve an Area TPO to deter pre-development clearance of the site.

4. *The trees protected by the Order do not have sufficient amenity value to warrant protection by the Order.*

Officer Response - There are large numbers of mature trees on the site, some of which may have significant amenity value to warrant long term protection by TPO. The Area TPO category is designed to provide temporary protection to deter pre-development clearance, and so that the amenity value of individual trees can be assessed at a later date.

5. *It is not expedient in the interests of amenity to make the Order.*

Officers Response - There are large numbers of mature trees on the site, some of which may have, or attain, significant amenity value in the future. Without statutory protection by TPO, there are no means by which the council can prevent trees from being removed prior to development.

6. *The Council has not engaged with our client at any stage before making the Order.*

Officers Response - LPAs are not required to consult tree owners prior to serving a TPO and, as such, it would not be usual for an LPA to consult in advance of serving of a TPO, as this could provide the opportunity for trees to be removed before trees are protected.

The purpose of a Tree preservation Order (TPO) is to confer legal protection on trees and woodlands of significant public amenity value and to prevent their removal, prior to consideration and consent by the Local Planning Authority.

TPOs are served on a provisional basis, to give an opportunity for objections to be raised and for any relevant issues to be considered prior to confirmation of the TPO (making it permanent). The council would be open to criticism if giving warning of its intention to serve a TPO led to an unscrupulous landowner undertaking clearance works.

7. *The Council has failed to conduct a site visit in order to whether the Order is justified.*

Officers inspected the site on the 14th April 2026 to view trees from the public highway. Following receipt of an objection to the TPO, officers visited again on the 23rd July 2026 to obtain photos of the site (see appendix 2).

8. *The protection of the trees by use of the area category is not justified as this is not a case where an emergency exists.*

Officer Response - If trees are being actively cleared on a site without warning, the council may not be able to serve a TPO quickly enough to prevent the removal of substantial numbers of trees, prior to them being protected.

To make and serve a valid TPO requires a minimum of 24 hours, assuming the relevant officers are available. In addition, officers are not normally available at weekends or bank holidays to make and serve orders.

Without protection by TPO, the LPA cannot refuse consent to remove or clear trees or prosecute those who remove protected trees without consent.

Government guidance on the use of TPOs encourages to LPAs to be proactive in making TPOs, as a precaution, where it believes there are trees with significant public amenity value. The guidance advises that there does not need to be an immediate risk to trees, particularly where there may be development pressure.

3.2 Support for the TPO

A letter of support for the TPO has been received from the Bucknalls Lane Residents Group, which cites the following reasons to confirm the TPO (Appendix 4).

- Odour mitigation
- Air pollution filtering
- Noise reduction
- Visual screening
- Biodiversity
- Carbon storage
- Climate resilience
- Flood management
- Public amenity
- Buffer between industry and housing
- Property impacts
- The significance of the TPO
- Replacement planting is not equivalent

4. Options/Reasons for Recommendation

4.1 There are two options available to the Committee:

Option 1 To confirm the Order and make TPO 938 permanent. In the future, if the site is developed, a new specific TPO would be served to protect individual and/or groups of trees which are retained.

Option 2 Not to confirm the Order, and allow TPO 938 to lapse on the 19th November 2026. The majority of trees in Area A1 will cease to be protected by TPO.

5. Policy/Budget Reference and Implications

6.1 The recommendations in this report are within the Council's agreed policy and budgets.

6. Financial, Legal, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

6.1 None specific.

7. Recommendation

7.1 The Officer recommendation is that the Order is confirmed, and TPO938 is made permanent. In the future, if the site is developed, a new specific TPO would be served to protect individual and/or groups of trees which are retained.

Report prepared by: Alex Laurie (Principal Trees and Woodlands Officer)

Background Papers

Appendix 1 - TPO 938 (Penfold Park Golf Club, St Albans Road) 2026.

Appendix 2 – Photographic record

Appendix 3 – Letter of objection

Appendix 4 – Letter of support

Appendix 1 - TPO 938 (Penfold Park Golf Club, St Albans Road) 2026.

TOWN AND COUNTRY PLANNING ACT 1990

The Three Rivers (Penfold Park Golf Club, St Albans Road,) Tree Preservation Order 2026 (TPO938)

The Three Rivers District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Three Rivers (Penfold Park Golf Club, St Albans Road,) Tree Preservation Order 2026 (TPO938)

Interpretation

2.— (1) In this Order “the authority” means the Three Rivers District Council

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

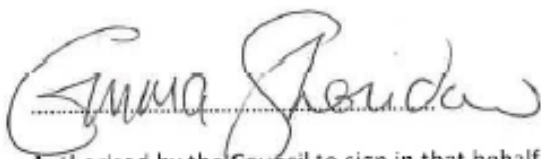
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 19th May 2026.

Signed on behalf of the Three Rivers District Council


Authorised by the Council to sign in that behalf

SCHEDULE
SPECIFICATION OF TREES

Trees Specified Individually
(encircled in black on the map)

Reference on Map	Description	Situation
NONE		

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

Reference on Map	Description	Situation
NONE		

Woodlands
(within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

Trees specified by reference to an Area
(within a dotted black line on the map)

Reference on Map	Description	Situation
A1	Mixed Broad/Conifers	Grid Ref: TL-11933-01432



Tree Preservation Order No TPO938
Penfold Park Golf Club, St Albans Road,

Signed for and on behalf of Three Rivers
District Council:

Elena Glover



The scale shown is approximate and should not be used for accurate measurement

Scale 1:2500

Date 19/05/2026

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This Order was confirmed by Three Rivers District Council without modification
on the

Signed on behalf of the Three Rivers District Council

.....
Authorised by the Council to sign in that behalf

This Order was confirmed by Three Rivers District Council subject to the modifications
indicated in red ink,

on the

Signed on behalf of the Three Rivers District Council

.....
Authorised by the Council to sign in that behalf

A decision not to confirm this Order was taken by Three Rivers District Council

on the

Signed on behalf of the Three Rivers District Council

.....
Authorised by the Council to sign in that behalf

This Order was varied by Three Rivers District Council

on the

by a variation order under reference number, a copy of which is attached.

Signed on behalf of the Three Rivers District Council

.....
Authorised by the Council to sign in that behalf

This Order was revoked by Three Rivers District Council

on the

Signed on behalf of the Three Rivers District Council

.....
Authorised by the Council to sign in that behalf

Appendix 2 - Photo Record



Looking northeast into the site



Looking east into the site



Looking northeast towards the site from the A405 N Orbital Rd / St Albans Rd



Looking southeast towards the site from the A405 N Orbital Rd / St Albans Rd



Looking northeast towards the site from the A405 N Orbital Rd / St Albans Rd

Emma Sheridan
Associate Director for Environment
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
WD3 1RL

Our ref: 036874,0091/MH

Your ref: TPO938

14 July 2026

Dear Ms Sheridan

**TREE PRESERVATION ORDER NO.938 (PENFOLD PARK GOLF CLUB, ST ALBANS ROAD)
THREE RIVERS 2026**

We have been instructed by Seventh-Day Adventist Association Limited to formally object to the making of the Tree Preservation Order No.938 (Penfold Park Golf Club, St Albans Road) Three Rivers 2026 which was made by the Council on the 19th May 2026 ("the Order").

We note that the Order has been made in relation to the trees described as "mixed broad/conifers" shown in the area shown edged with a dotted black line and labelled "A1" on the plan attached to the Order which is stated as grid reference TL-11933-01432.

We note that in your letter accompanying the Order you state that the Council has made the Order "because the specified trees should be retained to preserve and maintain the present and future landscape character of the local area".

As you will no doubt be aware the power to make a tree preservation order is provided under section 198 of the Town and Country Planning Act 1990 which provides:

"If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order."

Your letter does not explain why it is expedient in the interests of amenity for the Order to be made.

We are instructed that no attempt had been made by the Council to contact our client to discuss the preservation of the trees or any concern that the trees may be at risk of being

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felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

The Planning Practice Guidance provides that:

"Before making an Order a local planning authority officer should visit the site of the tree or trees in question and consider whether or not an Order is justified."

Paragraph: 021 Reference ID: 36-021-20140306

We are instructed that no attempt has been made by the Council to arrange a site visit to assess whether the Order is justified. Also, our client is not aware that the Council has visited the immediate vicinity of the site in order to carry out an assessment from public viewpoints.

We also draw your attention to the Planning Practice Guidance Paragraph: 029 Reference (ID: 36-029-20140306) which states:

"The area category is intended for short-term protection in an emergency and may not be capable of providing appropriate long-term protection"

Further that:

"Authorities are advised to only use this category as a temporary measure until they can fully assess and reclassify the trees in the area."

There is no suggestion in your letter, and no evidence has been provided that this is a case where short-term protection is required due to an emergency.

In summary our client objects to the Order on the following grounds:

1. The Council has not demonstrated that it is expedient in the interests of amenity to make the Order,
2. The Council does not appear to have made any assessment in relation to the amenity value of the trees protected by the Order,
3. The Council does not appear to have made any assessment in relation to whether it is expedient to make the Order,
4. The trees protected by the Order do not have sufficient amenity value to warrant protection by the Order,
5. It is not expedient in the interests of amenity to make the Order,
6. The Council has not engaged with our client at any stage before making the Order,
7. The Council has failed to conduct a site visit in order to whether the Order is justified,
8. The protection of the trees by use of the area category is not justified as this is not a case where an emergency exists.

In view of the above we respectfully request that the Council reconsider and either withdraw or decline to confirm the Order,

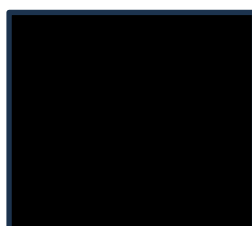
In the event that the Council decides not to withdraw the Order we would be grateful if you would advise when the decision to confirm will be made and whether such decision will be made under delegated powers or by committee. In the event that the decision to confirm will be made by committee we would be grateful if you would confirm that our client will be notified of the date and time of the committee meeting so that they can attend to make representations.

In the meantime, please treat this letter as a formal request under the Freedom of Information Act and/or the Environmental Information Regulations 2004 for the following information:

1. A copy of the delegated decision report or written assessment which records the assessment made by the Council when making its decision to make the Order.
2. Any report or correspondence regarding the trees which are subject to the Order from the Council's Arboriculturist or tree expert.
3. Details of any site visit and any notes or photographs made or taken during the visit.
4. Any emails, notes or other documents relating to the decision to make the Order.

We look forward to receiving this information within the timescales required by the Freedom of Information Act and the Environmental Information Regulations 2004.

Yours sincerely



Legal Director

Appendix 4 – Letter of support

***Bucknalls Lane Residents' Group
27, Bucknalls Lane
Watford
Hertfordshire, WD25 9NE***

Ms Emma Sheridan, Associate Director for Environment
Attention of the Principal Trees and Woodland Officer
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
WD3 1RL

8 July 2026

Dear Principal Trees and Woodland Officer

Three River DC (Penfold Park Golf Club, St Albans Road) TPO Order 2026 (TPO 0938)

The residents' group of Bucknalls Lane have no objection to the above TPO. We welcome the preservation of these trees. We argue that the TPO should be made permanent for all the reasons given below.

1. Odour mitigation

Although trees do not eliminate odours, they can help by:

- Acting as a physical barrier that slows the movement of odorous air.
- Increasing turbulence, which can dilute and disperse smells.
- Providing psychological screening—people generally perceive unpleasant odours as less intrusive when industrial uses are visually screened.

Removing the trees could make odours more noticeable to nearby residents.

2. Air pollution filtering

Waste transfer sites can generate:

- Dust
- Vehicle emissions
- Fine particulate matter (PM_{2.5} and PM₁₀)

Mature trees:

- Capture airborne particles on leaves and bark.
- Absorb gases such as nitrogen dioxide and ozone.
- Improve local air quality.

Large mature trees provide significantly greater benefits than newly planted replacements.

3. Noise reduction

The trees can reduce:

- Reversing alarms
- Heavy goods vehicle noise
- Machinery sounds

While woodland does not completely block noise, it softens higher-frequency sounds and improves perceived tranquillity.

4. Visual screening

A dense woodland:

- Hides industrial buildings.
- Screens waste stockpiles.
- Reduces the visual impact of HGV movements.
- Helps preserve the character of the surrounding landscape.

Without the trees, the waste transfer operation may become much more visually intrusive.

5. Biodiversity

The mature woodland supports

- Birds, of which there are many: Wood Pigeon, Blackbird, Magpie, Crow, Jackdaw, Robin, Red Kite, Wren, Blue Tit, Green Woodpeckers, Spotted Woodpeckers, Swift (All recorded on Merlin) plus Pheasants
- Bats
- Invertebrates: Butterflies, Spiders, Earthworms, Snails
- Small mammals: Hedgehogs, Squirrels, Moles, Field Mice
- Muntjac Deer
- Badgers
- Foxes
- Fungi
- Mosses and lichens

The older trees often contain cavities and deadwood that cannot be replaced for decades.

6. Carbon storage

Two hundred mature trees collectively store a substantial amount of carbon and continue to remove carbon dioxide from the atmosphere each year.

Replacing them with saplings would result in a large temporary loss of carbon storage and ecosystem services.

7. Climate resilience

Trees:

- Reduce local temperatures during hot weather.
- Provide shade.
- Reduce urban heat island effects.
- Increase humidity.
- Help people cope with extreme weather.

8. Flood management

Mature trees:

- Intercept rainfall.
- Increase infiltration.
- Reduce surface water runoff.
- Stabilise soils.

This can be particularly valuable around the Waterdale recycling and waste transfer site which is an industrial area.

9. Public amenity

We acknowledge that this TPOs is made as the trees provide significant public benefit.

Bucknalls Lane Residents value mature woodland because it:

- Improves mental wellbeing.
- Provides an attractive outlook.
- Increases enjoyment of nearby public spaces.
- Enhances local property settings.

10. Buffer between industry and housing

Three Rivers Planning policy encourages green infrastructure as a buffer between industrial and residential land uses.

The woodland functions as a natural separation between the waste operation and neighbouring communities. As indeed it has for generations also acting as a separation between St Albans and Watford.

11. Property impacts

Although evidence varies, mature tree belts can help maintain residential amenity by reducing:

- Visual intrusion
- Noise
- Perceived industrialisation

Removing them will increase concerns about the nearby waste site.

12. The significance of the TPO

Bucknalls Lane Residents' Group are pleased that the council has made this TPO which indicates that the local planning authority has already concluded that the trees have significant amenity value.

13. Replacement planting is not equivalent

Developers sometimes propose replacing mature trees with new planting, but:

- A mature tree may take 50–100 years to replace in terms of canopy and ecological value.
- Newly planted trees provide only a fraction of the air quality, habitat, and screening benefits.
- Ancient or veteran characteristics cannot simply be recreated.

There is a strong argument for maintaining the woodland is that the 200 mature TPO-protected trees provide an irreplaceable green buffer that:

- Screens an odorous industrial waste facility.
- Helps reduce dust, pollution, and noise.
- Supports biodiversity.
- Stores carbon.
- Manages surface water.
- Preserves the area's visual amenity.
- Protects the living conditions of nearby residents.

We feel that the existence of a smelly waste transfer site strengthens the argument that the trees perform an important environmental and amenity function. On a recent site visit with our councillor Jon Tankard (who champions the saving of trees for Three Rivers District Council) and representatives from Bucknalls Lane Residents' Group. Jon is the council's lead for climate change and sustainability. He agreed with the residents present that there was a horrible smell from the site and he would investigate. Plus, there are children's playing fields directly opposite on the other side of the road. Five schools are within half a mile of the trees as are many dwellings. Removing them could expose nearby communities more directly to the site's visual impact, noise, dust, traffic, and odours, reducing residential amenity unless equivalent mitigation can be demonstrated.

In summary, we hope that you the council and us as residents have now made a significant argument to leave these trees be to continue giving the protection that they have over the years. This TPO should be for in force for in perpetuity and made permanent. We welcome your support thus far. Please can you advise if there are any objections to the TPO.

Yours sincerely

[Redacted Signature]

Bucknalls Lane Residents' Group: Admin Team