Appeals Panel

Agenda

Members of the Appeals Panel

The Panel will comprise the 3 Members in bold /underlined below:

Miss S Lawn
(Chairman)

Mr A D Adams
(Vice Chairman)

Ms S J Catchpole
Dr K Lawrence
Mr M L Murrell
Mrs S M Prutton
Mr M D Snowling MBE
Miss J L Thomas

If any member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Director / Assistant Director.

Date

Wednesday 24 July 2019

Time and Place

09:20 am – Cantley – site visit only
10:15 am – Brundall – site visit only
10:45 am – Broadland District Council Office - Brundall Hearing
11:45 am – Broadland District Council Office - Cantley Hearing

(Please see schedule overleaf for detailed locations)

Contact

Dawn Matthews tel (01603) 430404

Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU

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@BDCDemServices

The Openness of Local Government Bodies Regulations 2014

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

The Chairman will ask if anyone wishes to film / record this meeting

A G E N D A

		Page No
1	**To receive declarations of interest under Procedural Rule no 8**	
2	**Apologies for absence**	
3	**Minutes**	**3 - 7**
	To consider the minutes of the meeting held on 21 November 2018	
4	**The Broadland District Tree Preservation Order 2019 (No 6) 33 Church Road, Cantley, Norwich, NR13 3SN**	**10 - 58**
	To hear and determine objections to the making of the Order	
	A copy of the procedure to be followed is attached	**8 - 9**
5	**The Broadland District Tree Preservation Order 2019 (No 1) 11 Station New Road, Brundall, Norwich, NR13 5PQ**	**59 - 114**
	To hear and determine objections to the making of the Order	
	A copy of the procedure to be followed is attached	**8 - 9**

Trevor Holden
Managing Director

	Schedule – 5 April 2018
09:20 am	Meet on site outside no: **33 Church Road, Cantley, Norwich, NR13 3SN** to inspect the trees.
10:15 am	Meet on site outside no **11 Station New Road, Brundall, Norwich, NR13 5PQ** to inspect the trees.
10:45 am	Convene at Broadland District Council Offices, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU to determine the **Brundall Order**
11:45 am	Convene at Broadland District Council Offices, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU to determine the **Cantley Order**

Minutes of a meeting of the **Appeals Panel** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew on **Wednesday 21 November 2018** at **10:30am** when there were present:

Miss S Lawn– Chairman

Mr A Adams Mrs J Copplestone

Also in attendance were:

(1) Mr J Cole, Woodlands Manor, Shack Lane, Blofield Norwich NR13 4DP – owner of woodland – objecting

(2) Mr Bradfield – employed by Mr Cole

(3) Mrs M Moxon – Blofield Parish Councillor – supporting

(4) Mr R Christie – Chairman of Blofield Parish Council – supporting

(5) Mr A Sayer – adjoining land owner – supporting

(6) Mr Pilch – Blofield Parish Tree Warden– supporting – (meeting only)

(7) Mr E Hoyos – Chairman of the Blofield and District Conservation Group (BADCOG) – supporting - (meeting only)

(8) The Conservation Officer (Arboriculture and Landscape) – presenting the case for the Order

(9) The Committee Officer (DM) – advisor to the Panel

[Mr B Burgess, the Planning Projects and Landscape Manager, also attended the meeting as an observer.]

3 MINUTES

The Minutes of the meeting held on 19 September 2018 were confirmed as a correct record and signed by the Chairman.

4 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2018 (NO: 5) CLARKE'S WOOD, SHACK LANE, BLOFIELD

The Panel had previously visited the site at 9:30am to inspect the woodland shown as W1 on the map attached to the Tree Preservation Order (TPO). Following introductions, those present (as listed above) were invited to point out anything they wished the Panel to observe whilst on site but not to discuss the merits or otherwise of the making of the Order as this would take place at the hearing.

Members viewed the woodland from the A47, from Shack Lane and from within the western boundary of the woodland. They noted its proximity to the A47 and the adjoining rifle club and noted the elevated position of the woodland. They also noted the location of the County Wildlife site owned by Norfolk County Council and managed by BADCOG.

The Panel then convened at 10:30am at Broadland District Council offices to consider the objection to the TPO. Those listed above were present. The Chairman invited those present to introduce themselves, explained the purpose of the Hearing and outlined the procedure to be followed.

The Panel were aware that the Council had made the decision to safeguard the woodland following receipt of a TPO suggestion form from Blofield and District Conservation Group (BADCOG) who were concerned that the woodland's future was uncertain as the land was about to change ownership. A decision was taken to make the TPO to safeguard the significant visual amenity and biodiversity value offered by the trees to the immediate area and the wider environment.

One formal objection to the Order had been received from Mr J Cole, the owner of Clarke's Wood.

The Panel then heard from Mr Cole who stated that he did not understand why this woodland had been served with an Order but none of the other trees in the area had been protected in this way. The woodland had been there since the opening of the A47 and yet within 3 days of him purchasing the woodland, the Order had been served on the woodland. This was not the only issue he was having in the area and he felt he was being singled out.

The Panel then heard from the Conservation Officer who reminded all present why the Order had been made. He handed round a copy of an aerial photograph showing the location of the land in the context of the surrounding area. The woodland was adjacent to the A47 and next to the County Wildlife site. The Order had been served following contact from BADCOG who were concerned about the uncertain future of the woodland due to speculation of a pending sale. The Council had a duty under the Town and Country Planning Act 1990 to preserve woodland trees if they were under threat (either immediate or future) and at the time, it was not known who the owner of the land was. Inquiries were subsequently made with land registry which indicated that Mr Clarke was still the owner. The Order had been made and served on Mr Clarke and all adjoining landowners. An attempt had been made by telephone to contact Mr Clarke to discuss the Order with him but the call was unanswered and so a voicemail message had been left advising him of the making of the Order. The Conservation Officer went on to state that, the Order had been made with a view to protecting the trees in the woodland but it did not prevent management of the woodland, for example coppicing / thinning etc. The existence of the Order provided for an element of professional control over the management of the woodland in an uncertain future. The original woodland had been managed in

the past by BADCOG. The woodland was significant in the context of the surrounding landscape and there was a need to protect the biodiversity of the area having regard to the adjoining County Wildlife site, the A47 and the surrounding agricultural land. The woodland provided an area for a wide variety of species to feed, nest and shelter. It also added to the woodland belt along the A47. With regard to proposals for any future planning applications for the site, the Conservation Officer commented that the existence of the Order did not prevent this. A planning application for the site could be made and considered and any approval given would override the existence of the TPO.

Mr Cole responded that he believed that BADCOG had notified the Conservation Officer that he had purchased the land. He also referred to impact of the nearby shooting club and visiting cars and bonfires held which he suggested were not good for the local habitat. He said there appeared to be little concern about these issues but there was concern about the land he had purchased. A legal condition of his purchase was that he had to submit any planning application within one year and things were happening which were making life much harder for him. He would have to pay additional money to the vendor in the event of planning permission being granted which enhanced the value of the land. He asked how many other woodlands had been protected by TPOs in the last 6 months and the Conservation Officer undertook to advise Mr Cole on this matter after the meeting. The Conservation Officer gave an example of a woodland TPO served in Felthorpe in 2011 which had been made following a change of ownership of the land and that this was not a personal matter. Mr Cole commented that other land locally had changed hands within the last 10 years with no Orders being made. The Conservation Officer explained that the Council did not have the resources to respond to every land sale but that it responded to concerns raised by the public or by a local interest group / parish council that the future of a tree / woodland was uncertain as a result of a possible land sale.

The Panel then heard from Mr R Christie, Chairman of Blofield Parish Council who referred to the Parish Council's submission dated 29 October 2018 in support of the making and confirming of the Order. The Parish Council had voted to adopt its neighbourhood plan in July 2016 and this set out the parish's vision for the rural village and the need to protect the quality of life and enhance the natural environment. He went on to outline some of the specific objectives of the Neighbourhood Plan including the desire to identify local sites of importance and the desire to maintain and enhance connectivity of all green corridors where possible. The policies within the local plan had been commended by the local planning inspector. The Parish Council supported the confirmation of the Order based on the objectives of the local plan but also on the wider consideration of the advice from the Committee on Climate Change (CCC) which was that the level of tree planting nationally needed to double by 2020 to mitigate against global warming and he shared some of the targets being recommended. Clarke's Wood was a small modest wood but nevertheless it would be perverse not to protect a young maturing woodland constructed to replace trees lost during the construction of the A47. In conclusion, he added that the woodland met all the criteria used for assessing the amenity value of trees when

considering making an Order. The trees were visible, they had amenity value and their protection was important in terms of their local contribution as referred to in the Neighbourhood Plan and their wider impact having regard to the CCC recommendations. The trees made a significant contribution to the local environment, there was no reason to believe they were dangerous, they had a life span in excess of 10 years, they did not present an unacceptable or impracticable nuisance and they contributed to the biodiversity of the immediate area and offered a wildlife habitat. For all these reasons, the Parish Council was urging the Council to confirm the Order.

The Panel then heard from the Chairman of BADCOG who confirmed that the Group had planted the land owned by Mr Clarke as a woodland some 34 years ago and Mr Clarke had been happy for them to plant and maintain the woodland. There was no intention to single anyone out but when the Group had become aware that the land was changing ownership, and having regard to pressure on development in the area, they felt the only way to protect the woodland was to apply for a TPO to be made.

The Panel then heard from Mr Sayer, an adjoining landowner, who stated that he believed the area to the north of Mr Cole's property included a number of trees which were currently protected by a TPO made as a result of a change of land ownership. He did not believe Mr Cole was being singled out. He added that he owned a small section of the land included as part of the woodland which included some trees which would be protected. He added that this land would never be developed. No request for a TPO had been made at the time he had purchased the land some 10 years ago. The Conservation Officer undertook to establish if any Orders were in place in the vicinity and advise Mr Cole accordingly.

In summing up, the Conservation Officer referred to the criteria used to assess the amenity value of trees when considering making an Order and that he felt the woodland satisfied all the criteria set out. He invited the Panel to confirm the Order. He confirmed that the area of Clarke's Wood was approximately 1.84 acres (0.74 hectares).

In summing up, Mr Cole asked for clarification as to how he could get a TPO put on other woodlands and the Conservation Officer explained the application process and that an Order could be made if the criteria was met and it was felt the trees were under threat. If there was no perceived threat, and the trees were not seen as being at risk, it was unlikely an Order could be justified.

With the exception of the three Panel Members and the Committee Officer, all present then left the room whilst the Panel considered the objection and made its decision. They subsequently re-joined the meeting and were advised that, having listened carefully to all the evidence put before it and having regard to the criteria for making the Order, the Panel had agreed that the Order should be confirmed.

The reasons for the decision were that the criteria for making the Order had all been met. The trees made a significant contribution to the local and wider environment, there was no reason to believe they were dangerous, they had a life span in excess of 10 years, they did not present an unacceptable or impracticable nuisance and they contributed to the biodiversity of the immediate area and offered a wildlife habitat. The trees were also important in terms of nature conservation and in relation to climate change.

Accordingly, it was

RESOLVED:

to confirm the Broadland District Tree Preservation Order 2018 (No: 5).

All present were advised that if any person was aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

The meeting closed at 11:30 am

DRAFT

Quasi-judicial procedure rules

Appeals lodged against the making of tree preservation orders (TPOs)

The panel comprises three district councillors. At least two members of the panel must be present at each hearing.

Notes on procedure

1. **Site Visit**

1.1 On the day of the hearing, members of the appeals panel visit the site to inspect the trees subject of the appeal.

1.2 Members of the public, local parish council/district council ward representatives, council officers directly involved in the preparation of the TPO, and the objector may attend this site inspection, but may not make representations to members of the panel.

2. **The Hearing**

2.1 The hearing itself is informal and the order for proceedings is as follows:

(1) All parties assemble at the council offices.

(2) The chairman of the panel formally opens the hearing.

(3) The objector is asked to put his case for appealing against the making of the order and to call any witnesses in support of his case.

(4) The objector (if he gives evidence as opposed to an opening address) and/or any witnesses called, are then questioned on their statements by the officer representing the council as an advocate.

(5) The chairman of the panel invites members of the panel to ask the objector or his witness any questions which they consider relevant to the appeal, having heard the objector's case for appealing against the order.

(6) The council's advocate introduces the council's case for the making of the order and then calls other officers as witnesses, who can then be questioned by the objector.

(7) The chairman of the panel invites members of the panel to ask the council's witnesses any questions they consider relevant to assist them in deciding whether or not the order should be confirmed, modified or not confirmed.

(8) The chairman then asks if any parish council representative, or any district councillor (who is not a member of the panel) or member of the public present, wishes to say anything to the panel. If a parish council

representative, district councillor (who is not a member of the panel) or member of the public does make a statement then he can be questioned by the representative of the party to whom that statement is adverse and then by members of the panel. Each statement will be fully dealt with, including questioning of its maker, before the next statement is dealt with.

(9) The council's advocate and then the objector are requested to make their respective closing statements.

(10) Panel members will then have the opportunity to seek clarification on any outstanding issues before retiring to consider their decision.

(11) During its deliberations the panel will be advised on procedural matters by the assistant director governance business support or his appointed representative.

(12) The panel will announce its decision in public with a summary of the reasons for making its decision.

(13) The chairman will advise the objector of rights of appeal, as follows:

If any person is aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

STATEMENT OF CASE

Tree Preservation Order (TPO 2019 No.6)

Address 33 Church Road, Cantley, Norwich, Norfolk.

BACKGROUND TO THE MAKING OF TPO (2019 No.6)

The Area Provisional Tree Preservation Order (PTPO) was made on 9 May 2019 after the Council received Planning Application No.20190731 for nine self-build dwellings.

As the proposed development of the site is heavily constrained by the existing trees, it was considered expedient to protect them.

33 Church Road is located to the north west of the street and adjacent to St Margaret's Church, with the trees in question contributing to the visual amenity of the immediate and surrounding land and are significant landscape features to the setting of the adjacent Church.

The Council decided to make the Area TPO in order to protect the group of mature mixed broadleaved trees which include the following species, Ash, Beech, Cherry Plum, Hawthorn, Lime, Oak, Lime and Silver Birch which are located on the north, east, south and west boundaries, for the reasons stated within the Regulation 5 Notice shown below:

The Council has made the order to safeguard the significant visual amenity and biodiversity value offered by the trees, to the immediate area and the wider environment.

The designation as an Area Order is only a temporary measure and if the order is confirmed (made permeant) the most significant trees will be protected as a group, due to the collective contribution they make to the local landscape.

THE CASE FOR MAKING TPO (2019 No.6)

Taking the above points into consideration, please note the following:

How do the trees, subject of this report, make a significant contribution to the local environment?

The trees at 33 Church Road are all broadleaved species which are significant due to their collective form and size, being prominent on the skyline when viewed from Church Road, Church Close, Burnt House Road, Station Road and as far north as Manor Road.

Their age creates a feeling of maturity in keeping with the setting of Saint Margaret's Church, complementing the scale and importance of this historic building.

They also provide significant wildlife habitat and ecological value to the site due to the mix of seven native species.

Is there a reason to fear that any of the trees may be dangerous?

No recent evidence has been provided to establish the trees within the site are in a poor structural or physiological condition and that they would be considered dangerous.

What is the expected lifespan of the trees, barring unforeseen circumstances?

At the present time the trees would be considered as mature and if they are maintained correctly should have a remaining life span of between 20 to 40 plus years (with the exception of the Ash which may be colonised by Hymenoscyphus fraxineus –Chalara Dieback Disease).

Do the trees, in their present location, show signs of causing a nuisance in the future which is unacceptable or impractical?

The trees are located adjacent to the boundaries of the site and those on the southern and western curtilages overhang the gardens of the neighbouring properties, having recently visited the site, it is evident that in the past, some overhanging branches have been removed or pruned back to reduce encroachment.

I would envisage that the continued pruning or crown lifting of overhanging branches, proven to be causing a nuisance to the residents living adjacent to the trees, could be resolved through a Tree Work Application to seek consent to undertake such remedial pruning works and that the trees will not be the cause of a nuisance that is unacceptable or impractical.

How do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?

The indigenous species of trees within the site are an important component of local biodiversity.

With mixed native broadleaved trees providing habitat for hundreds of insect species due to the varied habitat they create, they also provide a food source and nesting sites for many birds and mammals of different species.

OBJECTIONS TO THE MAKING OF THE TPO AND TREE OFFICERS RESPONSE:

The Council has received one formal objection on 4 June to **TPO (2019 No.6)** which was made by Mr. Richard Holmes the owner of No.4 Oak Tree Close, Cantley.

Objections of Mr Richard Holmes

'I would like to make a formal objection to the above referenced TPO, there are five trees (mature limes) that border the rear of my property at 4 Oak Tree Close, Cantley, NR13 3GZ that I refer two only, not the complete site.

The reasons for my objections are:

''The owner of the trees does not maintain them and basically are an excess size and grow out of control, Broadland council has been involved in the past to discuss with the owner on maintaining, a copy of the council report is available from me on requested but should be with the council. Also a tree survey for planning purposes on my property highlighted a health and safety issue on one of the trees that the owner has not really dealt with before.

In the past trees have blown over on this location and if any of the five trees blow over it could potentially cause extensive damage to me property. There is often dead wood falling out of the trees onto my property which has a issue to me access my garden due to safety.

Because the owner does not maintain the trees and not has not engaged with dealing with them, before I had common law to allow me to trim to the boundary, this now has considerable change now the trees have a TPO, Other items to consider is the effect of light on my property, a survey for solar panels said I could not have them because of the trees making them non effective. TV signal gets effected in summer months when leaf on trees but not sure how much of a cause this is.

A survey of the trees by the council would aid in this formal objection.

Tree Officer Responses to these objections are:

> *The Council has a duty under the Town & Country Planning Act to ensure that significant trees and woodlands are protected.*
>
> *The government's current Planning Practice Guidance states 'The risk of felling need not necessarily be imminent before an Order is made. Trees may be considered at risk generally from development pressures or changes in property ownership, even if intentions to fell are not often known in advance, therefore precautionary Orders may be considered to be expedient'*
> *The order was served as the site was subject to a Planning Application, as the future risks to the trees from this potential change of land use were unknown.*

Mr Holmes comments relating to the owners lack of maintenance of the trees and past planning history doesn't directly influence if the trees should be protected, as the Tree Preservation Order has been made in relation to the current threat to the trees, due to the current Planning Application.

No recent evidence has been provided to identify that the five mature Lime trees located on the boundary of 4 Oak Tree Close, would be considered at risk of blowing over (The Tree Report referred to was produced approximately 12 years ago and the 5 Lime trees have not suffered any catastrophic failures in that time). The removal of dead wood can be carried out without having to gain the Councils consent.

Mr Holmes is correct in stating that the TPO will remove his 'common law rights' to allow him to automatically trim back to the boundary any overhanging branches, due to now having to gain consent from the Council to undertake such works, however if the works required were necessary and undertaken following the recommendations within British Standard 3998 Tree Works, the works would be consented, the process of gaining consent is also free of charge.

Loss of direct light, TV reception and installation of solar panels has also been raised, my thoughts on this are that as the trees are located on a third party's land, whether the trees are protected or not, Mr Holmes has no automatic right to carry out or insist on works being undertaken, to reduce the height of the trees to lessen the perceived impact the trees may have.

CONCLUSION

The group of trees identified within the Provisional Tree Preservation Order (PTPO) add significantly to both the biodiversity and visual amenity value of the local area.

The trees are not considered to be in an unsafe condition at this time.

I do not believe the trees will cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.

This PTPO has been implemented and served in a just and appropriate manner. Therefore, I request that the Order is confirmed with the modifications shown on the accompanying plan**.**

Considerations may also be made that not all the trees are worthy of protection and the Appeals Panel may decide to request further modification, removing additional trees from the order or that none of the trees should be protected and allow the order to lapse.

Date: 11 July 2019

Mark Symonds - Conservation Officer (Arboriculture & Landscape)

Appendix

- THE CASE FOR MAKING A TREE PRESERVATION ORDER (TPO)

    - Within Chapter 8, Part VIII, Special Controls, Chapter I under Sections 197, 198 & 201 of the Town and Country Planning Act 1990 the Council has powers to protect and plant trees where it appears 'expedient in the interest 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'.

    - 'Amenity' is not defined in law, so authorities need to exercise judgement when deciding whether it is within their powers to make an order.

    - However, in March of 2014 the Department for Communities and Local Government (DCLG) issued a guide to all LPAs on TPOs entitled – Tree Preservation Orders and trees in conservation areas. This guide indicates that:
    -

- A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interest of amenity.

- An order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of any size or species.

- Local Planning Authorities (LPAs) should be able to show that a reasonable degree of public benefit in the present or future would accrue before TPOs are made or confirmed. The trees, or at least part of them, should normally be visible from a public place such as a road or footpath.

- The risk of felling need not necessarily be imminent before an Order is made. Trees may be considered at risk generally from development pressures or changes in property ownership, even intentions to fell are not often known in advance, therefore precautionary Orders may be considered to be expedient.

- The guidance also indicates that LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured way, taking into account the following criteria:

    - Visibility
    - Individual & collective impact
    - Wider impact
    - Other Factors
    - Size and form;
    - Future potential as an amenity;

- Rarity, cultural or historic value;
- Contribution to, and relationship with, the landscape; and
- Contribution to the character or appearance of a Conservation Area.

- Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change.

- The guidance further indicates that it is important to establish a consistent approach, therefore the following points are considered before recommending a TPO:

    - Does the tree that is the subject of this report make a significant contribution to the local environment?

    - Is there a reason to fear that any of the trees may be dangerous?

    - Can the trees be expected to live for longer than ten years, barring unforeseen circumstances?

    - Do the trees in their present locations show signs of causing a nuisance in the future which is unacceptable or impractical?

    - Do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?

BROADLAND DISTRICT

Tree Preservation Order

2019 No.6 Modified

Key

Groups G1

No. 2 Ash (A)
No.6 Beech (B)
No.1 Cherry Plum (C)
No.1 Hawthorn (H)
No.7 Oak (O)
No.17 Lime (L)
No.1 Silver Birch (S)

NORTH

Scale as shown

Broadland District Council

Thorpe Lodge, 1 Yarmouth Road

Thorpe St Andrew, Norwich, NR7 0DU.

Tel (01603) 431133

E-mail conservation@broadland.gov.uk

Tree Preservation Order

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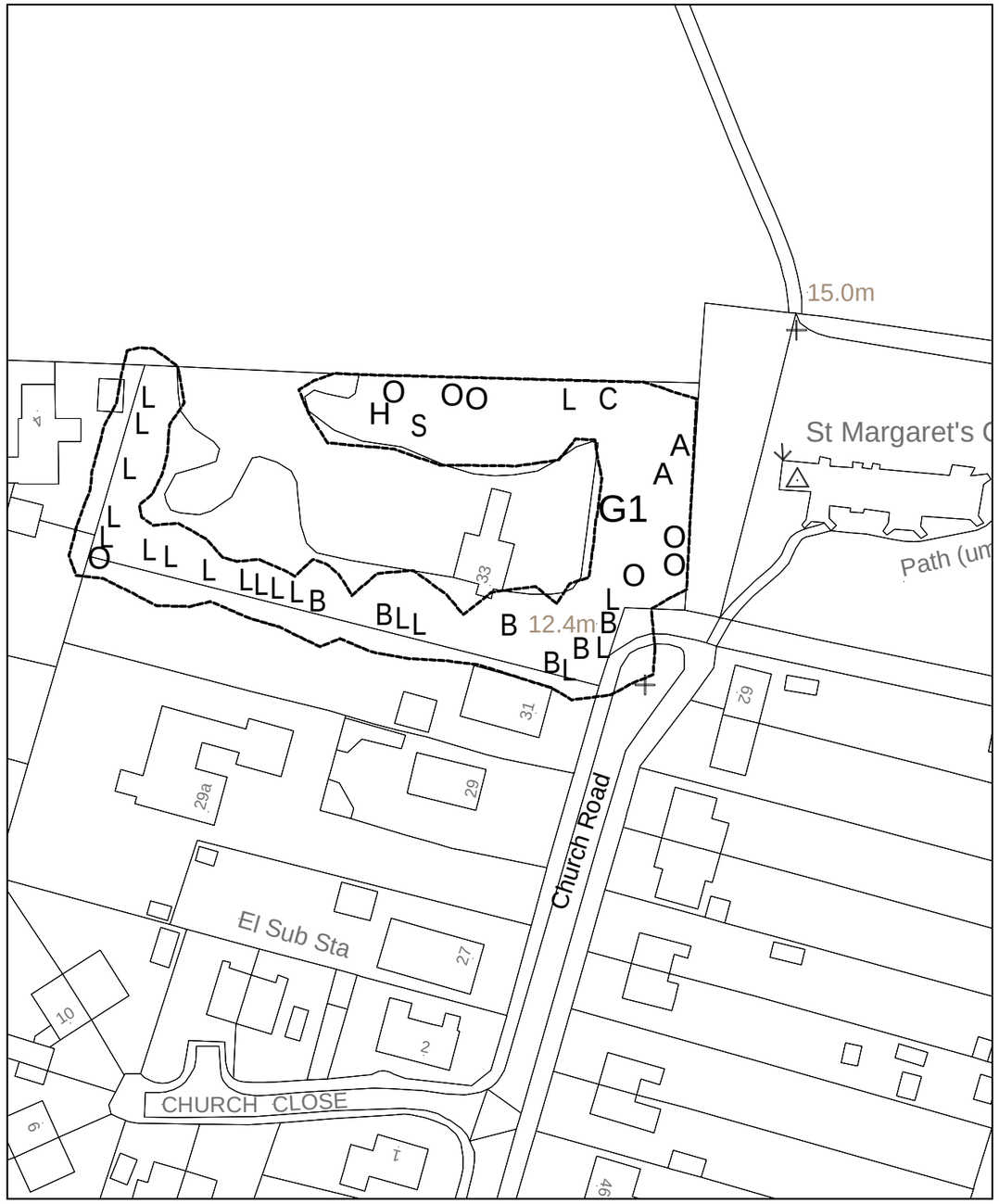
Cantley



Tree Preservation Order 2019 No. 6 Modified

33 Church Road, Cantley, NR13 3SN

Scale 1:1000

From:	richard holmes
To:	Conservation
Subject:	Formal Objection on Tree Preservation Order 2019 No.6
Date:	04 June 2019 13:24:50

FAO: Broadland District Council

Ref: Formal Objection on TPO 2019 No.6 (33 Church Road, Cantley, NR13 3SN

Good Afternoon, I would like to make a formal objection to the above referenced TPO, there are five trees (mature limes) that border the rear of my property at 4 Oak Tree Close, Cantley, NR13 3GZ that I refer two only, not the complete site.

The owner of the trees does not maintain them and basically are an excess size and grow out of control, Broadland council has been involved in the past to discuss with the owner on maintaining, a copy of the council report is available from me on requested but should be with the council. Also a tree survey for planning purposes on my property highlighted a health and safety issue on one of the trees that the owner has not really dealt with before.

In the past trees have blown over on this location and if any of the five trees blow over it could potentially cause extensive damage to me property. There is often dead wood falling out of the trees onto my property which has a issue to me access my garden due to safety.

Becasue the owner does not maintain the trees and not has not engaged with dealing with them, before I had common law to allow me to trim to the boundary, this now has considerable change now the trees have a TPO,

Other items to consider is the effect of light on my property, a survey for solar panels said I could not have them because of the trees making them non effective. TV signal gets effected in summer months when leaf on trees but not sure how much of a cause this is.

A survey of the trees by the council would aid in this formal objection. Please confirm receipt of this email and out come.

Thanks and regards

Richard Holmes

4 Oak Tree Close,

Cantley

Norfolk

NR13 3GZ

From: richard holmes
To: Dawn Matthews
Subject: Re: Appeals Panel to consider representations made to the making of a Tree Preservation Order
Date: 09 July 2019 10:09:40

Hi Dawn,

As per my call stating the forwarding of additional information in regards tree reports that I am aware of since I have lived at 4 Oak Tree Close Cantley NR133GZ, that may assist in the meeting. I have attached the two reports / information as follows: -

1. Tree Survey - By A.T.Coombes JUNE 2007

2. Council Report - By Mark Symonds NOVEMBER 2012

The information are scanned documents so if you require better quality documents then please let me know and I can drop them off in the Broadland Offices but the text can be read ok.

I believe on the site visit on the 24th July 2019 if would be beneficial to see the trees from 4 Oak Tree Close, Cantley side of the fence and hence give my permission for this, please confirm the council will attend, there is sufficient parking at the property for about 4 additional cars as Oak Tree Close is restricted for room when it comes to parking. I will be at the property on that day but will advise if this changes. I will also like to attend the meeting at the Broadland offices on the 24th July if possible.

Can you please acknowledge the information attached has arrived ok.

Thanks and regards

Richard Holmes

On 27 June 2019 at 14:54 Dawn Matthews <dawn.matthews@broadland.gov.uk> wrote:

Dear Sir/Madam

I understand that you have made representations regarding the making of a tree preservation order.

I am writing to let you know that a date has been set for a meeting of the Council's Appeals Panel to consider the representations made. This will be held on 24 July 2019. The detailed arrangements are yet to be finalised and further information will follow nearer the time together with an agenda for the meeting. It is likely the meeting will be in the morning and will be preceded by a site visit. All those who have made representations are invited to attend the meeting and the preceding site visit.

If you have any queries, please do not hesitate to email or ring me.

Regards

Dawn Matthews
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Two Councils One Team

Broadland District Council
Community at heart

South Norfolk Council

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COUNCIL REPORT

File Note following a site visit to 33 Church Road, Cantley to inspect the Lime trees on the west boundary

I arrived at the site to meet the owner Mr Adrian Groth at 13:00 HRS on Friday 30th November.

Mr Groth explained that he had been contacted by Mr Holmes the owner of 4 Oak Tree Close regarding two Lime trees located on the west boundary, Mr Holmes had requested that works be undertaken to them as he was concerned they may fail and damage his property.

Mr Groth had emailed and phoned a local Tree Surgeon company, Eden Tree Care to inspect the trees, unfortunately he has heard nothing from them.

I explained to Mr Groth that Mr Holmes had contacted the Council regarding the trees and that I had to assess whether the Lime trees appeared to be imminently dangerous and would fall within the scope of the Miscellaneous Provisions Act.

I showed Mr Groth a copy of a Preliminary Arboricultural Implications Assessment (PAIA) undertaken by A.T.Coombes on the 8th June 2007 and specifically the Tree Survey Schedule and the comments on the tree condition and recommended works, carried out on 14th March 2007.

He said his parents lived at the property in 2007 and he was not aware of the PAIA and the Tree Survey, I explained that as tree Lime T2 had not failed in the last 5 years, since the initial survey, it was unlikely the tree would be considered imminently dangerous.

Mr Groth said he was happy to arrange any remedial works required to make the trees safe.

I then undertook a Visual Tree Assessment (VTA) of the two lime trees on the west boundary and also photographed the trees.

T1 Lime, observations

I noticed that there had been significant growth of basal suckering, since the survey in 2007, the historic damage to the roots on the west side was still evident.

The suckering growth maybe a reaction to the historic root damage, however this can also be a characteristic of the species.

The extent of any decay associated with the root severance is difficult to quantify using VTA, due to the restricted access and this would require further investigation to verify.

There is suckering and epicormic growth still evident within the crown as are the branch stubs from the past pruning and also some branch unions with included bark.

The crown contains significant amounts of dead wood, some of which has broken off and is lodged within the canopy.

Recommended remedial works T1

Crown clean, removing dead wood, diseased, broken and any weakly attached branches.

T2 Lime, observations

As for T1, there is significant growth of basal suckering which maybe as a result of the historic root damage, which is still evident and any associated decay is difficult to quantify with out further investigation outside the scope of VTA .

There appears to a small patch of necrotic bark located low on the northern side of the buttress, the weak stem union is still evident; although there does not appear to be any recent movement as the rib formation has a blunt edge and the co-dominant stems have formed a crotch with a sunken cup appearance, which is recognised as more resistant to splitting than a union with just bark to bark contact.

The main stem and lower scaffold limbs are covered with Ivy making visual assessment difficult.

The trees crown still appears to have low vitality and is of poor form with the historic, poor pruning stubs and dead wood still evident.

Recommended remedial works T2

Pollard back to suitable branch forks, leaving stub lengths, of approximately 3-5 times the diameter of their basal diameter.

Remove the Ivy from the main stem and scaffold limbs to facilitate a closer visual inspection.

Conclusions

It is evident that the two Lime trees are not immanently dangerous and the use of the Miscellaneous Provisions Act would be inappropriate in this case, especially as tree owner has acknowledged that some remedial works will be required and is willing to employ a Tree Surgeon to undertake the works.

It was also noted that the other Lime trees on the west boundary have some significant dead wood within the crowns, which should be removed as a precaution.

MCS

03/12/2012

PRELIMINARY ARBORICULTURAL IMPLICATIONS ASSESSMENT AT 4 OAK TREE CLOSE CANTLEY

Prepared for Mr Richard Holmes
By A. T. Coombes NDF MICFor
Chartered Forester
6 Chapel Street
Barford
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NR9 4AB
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TREE SURVEYS

Contents

1 Terms of Reference

2 Site Description

3 Tree Survey Details

4 Tree Constraints Plan

5 Preliminary Arboricultural Implications Assessment

6 Replacement Planting and Tree Management

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9 Conclusions

Appendices

Appendix 1 Tree Survey Schedule

Appendix 2 Notes on Column Headings in Appendix 1

Appendix 3 Tree Constraints Plan

Appendix 4 Tree Protection Plan (TPP)

Appendix 5 Arboricultural Method Statement (AMS)

Appendix 6 Time Table For Implementation of the Tree Protection Works

1. Terms of Reference

1.1 The aim of the assessment is to survey trees that may be affected by the proposed construction of a detached garage in the rear garden of the property.

1.2 The assessment addresses the likely impact of the proposed building works on two mature Lime trees situated just beyond the rear boundary of the property. A third Lime tree in the row has not been included because it is considered too far away to be affected by the proposed building. The assessment also provides recommendations for the protection of the tree during construction work based on BS 5837: 2005 "Trees in relation to construction-Recommendations".

1.3 A set of drawings were provided showing the footprint of the proposed garage, details of the elevations and method of construction. The plan showing the footprint of the building has been used as a basis for the Tree Constraints Plan (TCP) which forms Appendix 3.

2. Site Description

2.1 The proposed site for the garage is in the rear garden of the property close to the boundary fence and the two Lime trees. The property has recently been constructed and the garden is not yet established the Lime trees are the only significant vegetation in the area. The trees, which are growing on open ground to the rear of the property, are situated at a higher level than the garden. This is illustrated in Figure 1 where a fencing panel has been lifted to show the change levels. Figure 2 shows where roots have been severed either during the ground works for the existing property or to facilitate construction of the fence.

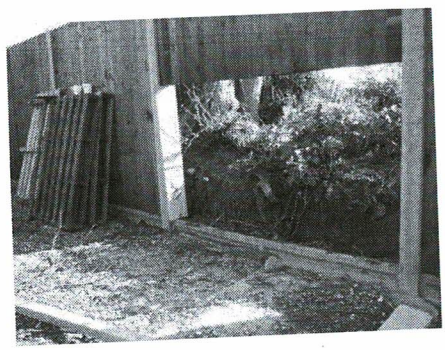


Fig. 1 above Fig. 2 left

3. Tree Survey Details

3.1 The tree was surveyed on 14th March 2007; it was not climbed, but surveyed from ground level.

3.2 Appendix 1 the Tree Survey Schedule gives the survey findings in tabular form, which conforms to the example given in Annex D of the Standard. Appendix 2 gives a full explanation of the survey headings.

3.3 The details recorded during the tree survey have been collected independently of the any development proposals and the categorisation of the quality and amenity value of the trees is made on purely arboricultural grounds.

3.4 Please note that any work specified in column 9 of Appendix 1 is prescribed for health and safety or arboricultural grounds, and is distinct from any proposed tree work or tree removal required for development purposes, as may be set out section 5.

4. Tree Constraints Plan

4.1 The influence the trees will have on the layout of the development is set out in the context of the Tree Constraints Plan which forms Appendix 3. The plan provided has been used as a basis for this drawing.

4.2 Appendix 3 shows the position of the trees by a small circle coloured according to the quality assessment category (as detailed in Appendix 1).

4.3 The plan deals with constraints the tree may place on the development in two areas as follows:

4.4 • Below ground Constraints

The Root Protection Area (RPA) for the trees is shown as a coloured circle to match the category colour. The RPA will be used to fix the boundary of the temporary fencing needed to protect the trees during construction forming a Construction Exclusion Zone (CEZ).

4.5 • Above Ground Constraints

The branch spread of the trees has been shown by a green broken line.

The current and predicted ultimate height of the trees, estimated on the basis of personal experience, is shown on the plan. The predicted ultimate branch spread

of the trees has also been shown with an orange broken line.

4.6 A shade patterns for the trees are shown forming an arc from north west to due east. This gives an indication of the pattern of shadow created by the tree around mid day in the summer. This is as recommended in BS 5837 but actual shade patterns throughout the year will vary widely.

5. Preliminary Arboricultural Implications Assessment

5.1 Tree 1 has been assessed as Category "B" based mainly on its size, vigour and landscape impact as part of a row. This tree is in separate ownership and will be retained.

5.2 Tree 2 has been categorised as Category "C" due to its impaired condition again the tree is in separate ownership and will be retained.

5.3 The proposed building encroaches into the Root Protection Area (RPA) of Tree 1 and Tree 2. BS5837 states that root morphology must be taken into consideration when fixing the RPA it is clear a large proportion of the surface roots have been severed in the past. However a circular RPA remains appropriate as there are likely to be residual roots in the vicinity of the proposed building.

5.4 The building is to be of relatively light construction with timber supports. To avoid root damage the foundations will be of a slab and beam type with minimum 200mm of concrete (deepening at the edges or where the load posts are) with 50 mm sand/or Hoggin base. The ground falls towards the fence therefore no excavation will be necessary at the rear of the building close to the trees. An excavation of 175 mm will be necessary at the front of the building to form a level base. The work will be carried out by hand and under arboricultural supervision and any surface roots encountered will be pruned back to the edge of the trench. A cross-sectional drawing showing the profile of the excavation will be submitted as part of the planning application.

5.5 Any soak away for roof water will sited outside the RPA of the trees.

5.6 The current and predicted ultimate branch spreads are shown on the TCP. It can be seen that both the current and predicted ultimate branch spread of both trees extend over the proposed building which is approximately 4 m in height. It will be necessary to raise the crown of Tree 1 to a sufficient height to accommodate the building; Tree 2 already has sufficient clearance.

5.7 The indicative shade patterns for the trees are clear of the building and shading does not form a constraint.

5.8 The current and ultimate heights of the trees are shown on the TCP. Growth towards the ultimate height will be relatively slow and the size of the trees is

unlikely to cause concern in the context of this utility building.

6. Tree Management

6.1 The trees are under separate ownership however it would be prudent to draw the owners at attention to the recommendations in Appendix 1 particularly those concerning Tree 2. Any comments on the trees relating to health and safety remain valid for 12 months from the date of this report after which the trees will require re-inspection.

7. Further Arboricultural Input into the Design Process, Construction and Aftercare

7.1 A Draft Tree Protection Plan (TPP), Arboricultural Method Statement (AMS) and Timetable for implementation of Tree Protection Works form Appendices 4, 5 and 6 respectively.

7.2 The AMS contains a timetable for implementation of the tree protection works. No work should commence until the protective fencing is in place.

7.3 The AMS and TPP will need revising in light of any design changes and in the context of the Finalised AIA.

8. Permissions and Constraints

8.1 To assist the planning process the Local Planning Authority should be provided with a copy of this report and invited to comment on the proposals.

9. Conclusions

9.1 Both trees can be retained and given proper protection as set out in BS5837:2005 If the tree protection measures detailed in the AMS and TPP are implemented in full the impact of the building works on the trees will be minimal.

9.2 There are no problems the current or the predicted ultimate branch spreads of the trees due to the utility nature of the building. Given the position of the trees to the north of the building shading will not be a problem.

A. T. Coombes 8th June 2007

1	2	3	4	5				6	7	8	9	10	11	12	13
Tree No.	**Species**	**Ht (m)**	**Stem dia (mm)**	**Branch spread**				**Ht of clearance (m)**	**Age Class**	**Condition**	**Work needed**	**Estimated remaining contribution**	**Category grading**	**Radius of RPA (m)**	**RPA (sq m)**
				N	**S**	**E**	**W**								
1	Lime	17.1	1020	5.9	5.9	4.1	6.2	2.9	M	The tree has three stems from 1.6m. The crown is untidy with suckers and epicormic throughout. There are many pruning cuts on the house side with some branch stubs. Small amounts of dead wood are present throughout the crown. There are also some weak branch unions. There has been a change of levels on the house side of the tree and many roots have been severed.	Clean out the crown pruning back any poorly pruned branches to a branch bark collar.	20 to 40	B	12.2	470.7
2	Lime	14.7	730	2	6.3	3.1	3.8	4.6	M	The stem is forked at 1.2 m forming a weak union with included bark. As for Tree 1 the roots on the house side of the tree have been cut back extensively. The tree has low vitality and has been poorly pruned on the house side leaving branch stubs. There is dead wood present in the crown.	Given the defect noted, for health and safety reasons, the tree should be pollarded back to the fork and allowed to form a new compact crown.	10 to 20	C	7.3	167.4

Sheet 1 of 1

APPENDIX 2 - NOTES ON COLUMN HEADINGS IN APPENDIX 1

Column No.	Title	Notes
1	Tree No.	Tree numbers to correspond with those shown on the TCP.
2	Species	Each tree has been identified and the common name given in each case.
3	Ht (m)	The tree height in metres to the highest point or tip measured from ground level.
4	Stem dia (mm)	The stem diameter measured in millimetres at 1.5 metres above ground. If forked or multi-stemmed the diameter has been measured just above the root flair or buttress.
5	Branch spread (m)	The branch spread measured in metres from the stem to the tip of the outer branches has been measured in four directions of the compass North, South, East and West.
6	Ht of clearance	The height of clearance in metres from the ground to the lowest branches.
7	Age class	The age class of the tree has been assessed into one of the following categories: Young, Middle Aged, Mature, Over mature and Veteran.
8	Condition	The British Standard recommends that a note is made of the structural and physical condition of the tree, these have been combined into a single column commenting on each aspect as appropriate.
9	Work needed	This column includes all work considered necessary to, as far as is practicable, ensure health and safety and for the good arboricultural management of the trees. These works are not associated with the development proposals. All work to be carried out to BS 3998: 1989 "Recommendations for Tree Work". Recommendations given in respect of Health and Safety remain current for 12 months from the date of this assessment after which further inspection is recommended. It should be noted that trees are dynamic structures subject to the forces of nature, which can fail without showing external symptoms.
10	Estimated remaining contribution	The estimated remained contribution of each tree in years has been assessed, using personal experience, into the following groupings: < 10 = Less than 10 years 10 to 20 years 20 to 40 years >40 = More than 40 years
11	Category grading	**R** = Those in such a condition that any existing value would be lost within 10 years and which should in the current context, be removed for reasons of sound arboricultural management. (Trees that have serious, irremediable structural defects, such that their early loss is expected due to collapse including trees that will become at risk due to the loss of other R category trees). **A** = Those trees of high amenity quality and value in such a condition as to be able to make a substantial contribution (A minimum of 40 years is suggested) **1.** *Trees that are particularly good examples of there species if rare unusual or essential components of groups or formal or semi formal arboricultural features*

APPENDIX 2 - NOTES ON COLUMN HEADINGS IN APPENDIX 1

11	Category grading Cont.	**2.** *Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views in or out of the site, or those of particular visual importance.* **3.** *Trees groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran tree or wood pasture)* **B** = Those of Moderate quality and amenity value: those in such a condition as to a significant contribution (a minimum of 20 years is suggested) **1.** *Trees that might be included in the high category but are downgraded because of impaired condition (e.g. remediable defects)* **2.** *Trees and woodland forming that form distinct landscape features but do not form essential components* **3.** *Trees with clearly identifiable conservation or other cultural benefits.* **C** = Those of low quality and amenity value currently in adequate condition to remain until new planting is established (minimum of 10 years is suggested). **OR** trees under 150 mm stem diameter. **1.** *Tree not qualifying in higher categories* **2.** *Trees present in groups or woodlands but not with a significantly higher landscape value and or offering low or temporary screening benefit.* **3.** *Trees with very limited conservation or other cultural benefits.* **Note**: Category C trees will usually not be retained where they would impose significant constraint on development. Trees with a stem diameter under 150mm could be considered for relocation.
12	Radius of RPA (m)	The distance that would form the radius of a circular protection zone is given in metres calculated by multiplying the stem diameter given in column 4 by 12 in the case of single stemmed trees and 10 where multi-stemmed trees have been measured above the root flare.
13	RPA (sq m)	The area of the RPA is given in square metres calculated by the following formula: **Single Stemmed Trees** $\text{RPA M}^2 = \left[\frac{\text{Stem diameter mm @ 1.5m X 12}}{1000}\right]^2 \times 3.142$

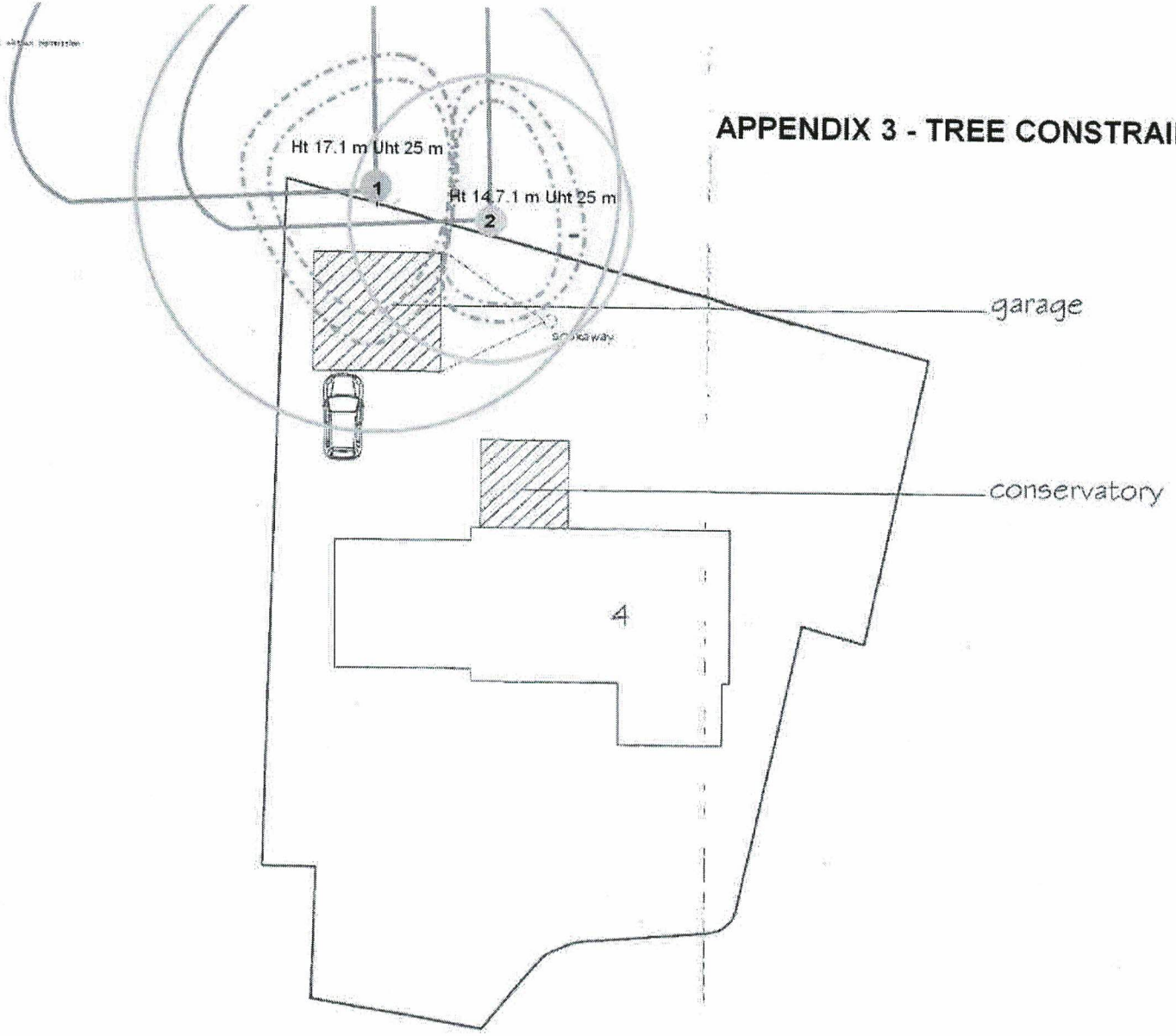
APPENDIX 2 - NOTES ON COLUMN HEADINGS IN APPENDIX 1

13	RPA (sq m) Cont.	**Double or Multi -Stemmed Trees** $\text{RPA } M^2 = \left(\frac{\text{Basal diameter mm} \times 10}{1000} \right)^2 \times 3.142$

APPENDIX 3 - TREE CONSTRAINTS PLAN

20061814

BROADLAND DISTRICT COUNCIL
01 DEC 2006
PLANNING CONTROL



Not to scale distances proportional

Oak Tree Close

KEY

CURRENT BRANCH SPREAD.

ROOT PROTECTION AREA

PROJECTED BRANCH SPREAD

SHADE PATTERN

Scale 1:50 (metres)
0 1 2 3 4

Scale 1:100 (metres)
0 1 2 3 4 5 6 7 8

Scale 1:200 (metres)
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

site layout

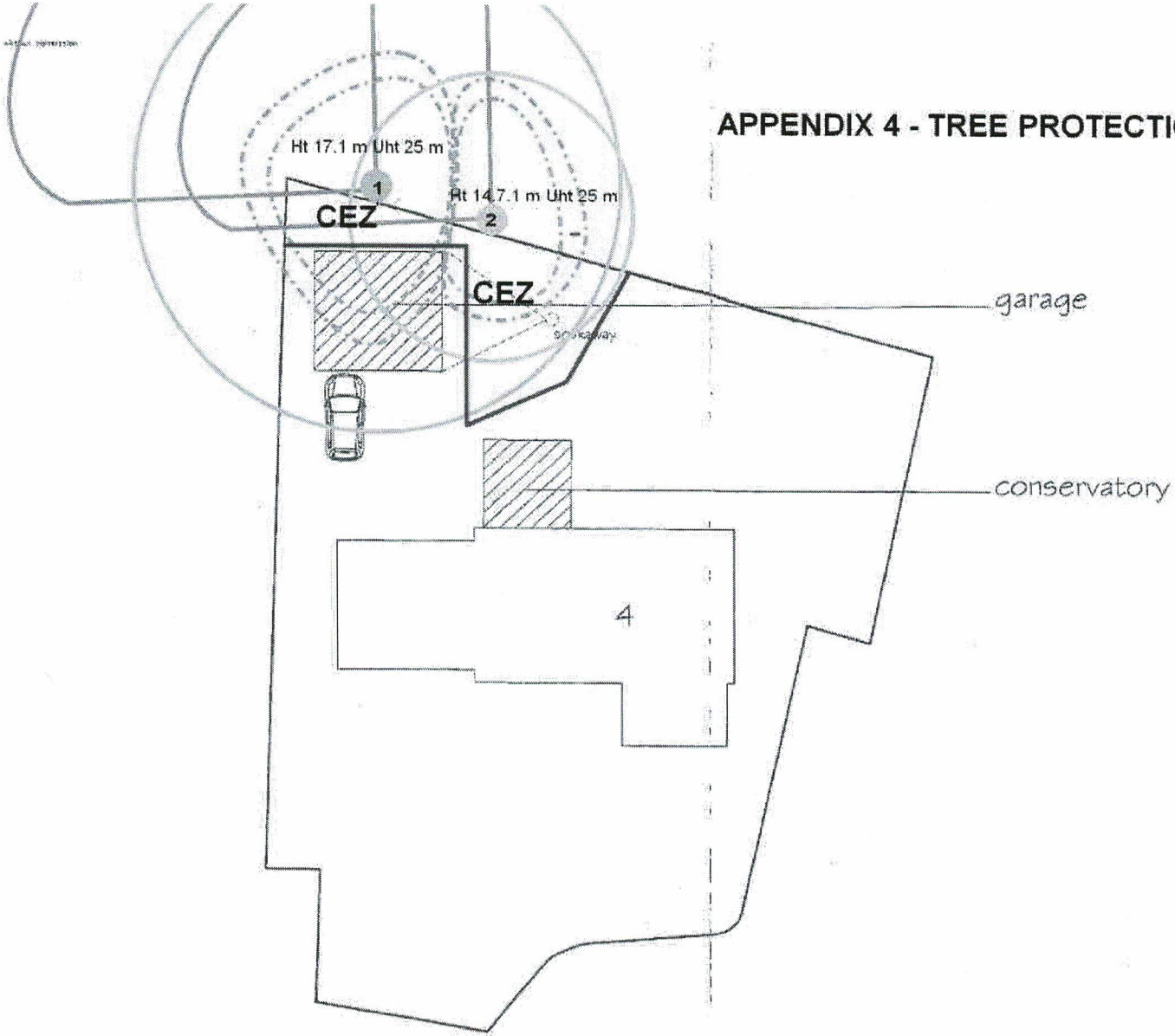
scale 1.200

7

APPENDIX 4 - TREE PROTECTION PLAN (TPP)

20061814

BROADLAND DISTRICT COUNCIL
01 DEC 2006
PLANNING CONTROL



Not to scale distances proportional

Oak Tree Close

KEY

CURRENT BRANCH SPREAD.

ROOT PROTECTION AREA

PROJECTED BRANCH SPREAD

SHADE PATTERN

SUGGESTED LINE OF PROTECTIVE FENCING

CONSTRUCTION EXCLUSION ZONE CEZ

Scale 1:50 (metres)
0 1 2 3 4

Scale 1:100 (metres)
0 1 2 3 4 5 6 7 8

Scale 1:200 (metres)
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

site layout

scale 1.200

7

APPENDIX 5

ARBORICULTURAL METHOD STATEMENT FOR A DEVELOPMENT AT 4 OAK TREE CLOSE, CANTLEY

1.0 Scope of the Works

1.1 The document provides a methodology for protection of the tree during the alterations and construction of an extension at the above site, and should be read in conjunction with the Tree Protection Plan Appendix 4 and Timetable for Protection Works Appendix 6.

2.0 Timing of Works

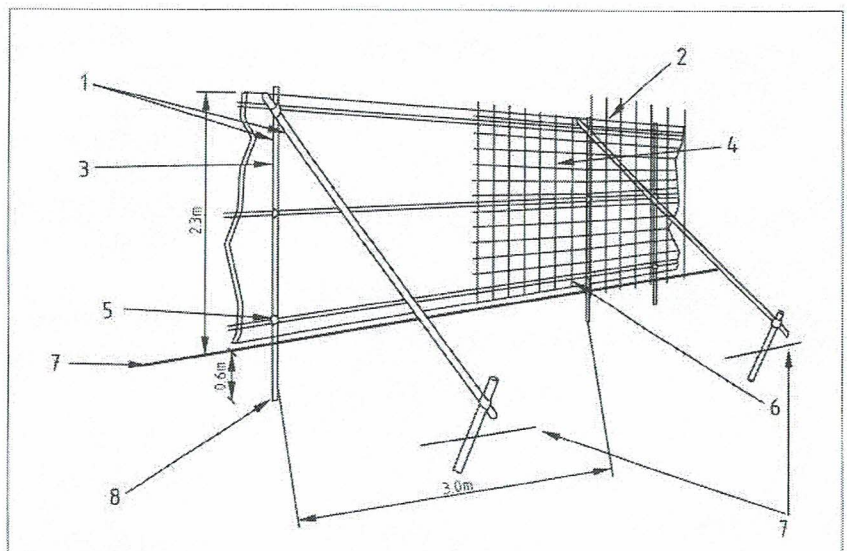
2.1 Tree protection works will be completed as detailed below according to the attached timetable Appendix 6.

2.2 The exact commencement date is not known however the timetable provided gives the order that the works need to be implemented to ensure the tree is fully protected.

3.0 Temporary Fencing

3.1 One Construction Exclusion Zone (CEZ) will be created as shown on the attached Tree Protection Plan (TPP).

3.2 Temporary fencing will be erected as shown by the green lines on the TPP to form the CEZ. The fencing will consist of Heras panels supported on a framework of scaffold poles as shown on the attached extract from BS5837:2005



1 Standard scaffold poles
2 Uprights to be driven into the ground
3 Panels secured to uprights with wire ties and where necessary standard scaffold clamps
4 Weldmesh wired to the uprights and horizontals
5 Standard clamps
6 Wire twisted and secured on inside face of fencing to avoid easy dismantling
7 Ground level
8 Approx. 0.6 m driven into the ground

Figure 2 — Protective barrier

The fence will exclude all access to the CEZ.

3.3 Signs will be erected at four places on the CEZ fence stating "Construction Exclusion Zone Keep Out "

3.4 Fencing will be maintained throughout the duration of the works, ensuring that access is denied to the CEZ throughout the process.

3.5 Protective fencing will be removed only when all construction work is completed.

4.0 Site Access

4.1 Access to the site will be via the existing entrance and will be outside the CEZ.

6.0 Site Huts and Temporary Buildings

6.1 All site huts and temporary buildings will be sited out side the CEZ.

7.0 Facilitative Pruning

7.1 No pruning will be required.

8.0 General Protection Measures

8.1 No cement, oil, bitumen or any other products likely to be detrimental to tree growth will be stored within 10m of the trunk of the tree, or materials of any type stored within 10m.

8.2 The following general protection measures will be implemented throughout the construction period:

- Concrete mixing will not be carried out within 10m of the tree.
- No fires will be lit within 20m of the tree.
- Hydraulic cranes, forklifts, excavators or piling rigs (Other than small rigs used for mini piling) will not be used under and in the immediate vicinity the crown of the tree.

9.0 Service Trenches

9.1 All service trenches will be routed outside the CEZ.

9.2 All trenching for services will follow guidelines given in the National Joint Utilities Group Publication number 10, "Guidelines for the Planning and Installation and Maintenance of Utility Services in Proximity to Trees"

10.0 Arboricultural Supervision and Aftercare

10.1 Supervision will be carried out throughout the construction phase by a nominated arborist who will be responsible for consultation with Broadland Council's Tree Officer.

10.2 The arborist will complete regular site visits to check that the Tree protection measures are being carried out. The frequency of the visits will be dictated by the level of activity and degree to which the tree protection measures are being respected. A note of the date of each visit and a summary of the findings will be forwarded to both the Tree Officer and the Main Contractor.

10.3 On completion of the works the tree will be inspected by the arborist to check the condition of the tree and advise if any remedial work is necessary.

A.T. Coombes 8th June 2007

APPENDIX 6 TIMETABLE FOR TREE PROTECTION WORKS AT OAK TREE CLOSE CANTLEY

Item	Operation *	Before Commencing Construction Works	During Construction Works	On Completion
1	Erect temporary protective fencing on edge of the CEZ.	X		
2	Erect two warning signs on fencing around the CEZ stating " Construction Exclusion Zone - Keep Out".	X		
3	Maintain Protective fences and signs in good condition.		X	
4	Arboricultural supervision and advice including site visits during the course of the works to check the CEZ and liaison with Broadland District Council	X	X	X
5	Remove protective fencing.			X
6	Check condition of the protected trees and consider if remedial works are necessary.			X
	* All work to comply with the attached Arboricultural Method Statement and BS5837: 2005 Trees in relation to construction - Recommendations.			

Sheet 1 of 1

Broadland District Council

TOWN AND COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012

Town and Country Planning Act 1990
The Broadland District Council Tree Preservation Order 2019 (No.6)

The Broadland 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 Broadland District Tree Preservation Order 2019 (No.6)

Interpretation

2. (1) In this Order "the authority" means the Broadland 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, 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 9th day of May 2019

The Common Seal of the Broadland District Council was affixed to this Order in the presence of—

Head of Democratic Services and Monitoring Officer

7938

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
NONE	NONE	NONE

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

Reference on map	Description	Situation
A1	All trees of whatever species	TG 38061 04140

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

Reference on map	Description (including number of trees in group)	Situation
NONE	NONE	NONE

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
NONE	NONE	NONE

BROADLAND DISTRICT

Tree Preservation Order

2019 No.6

Key

Area A1

All trees
of whatever
species

NORTH

Scale as shown

Broadland District Council

Thorpe Lodge, 1 Yarmouth Road

Thorpe St Andrew, Norwich, NR7 0DU.

Tel (01603) 4311 33

E-mail conservation@broadland.gov.uk

Tree Preservation Order

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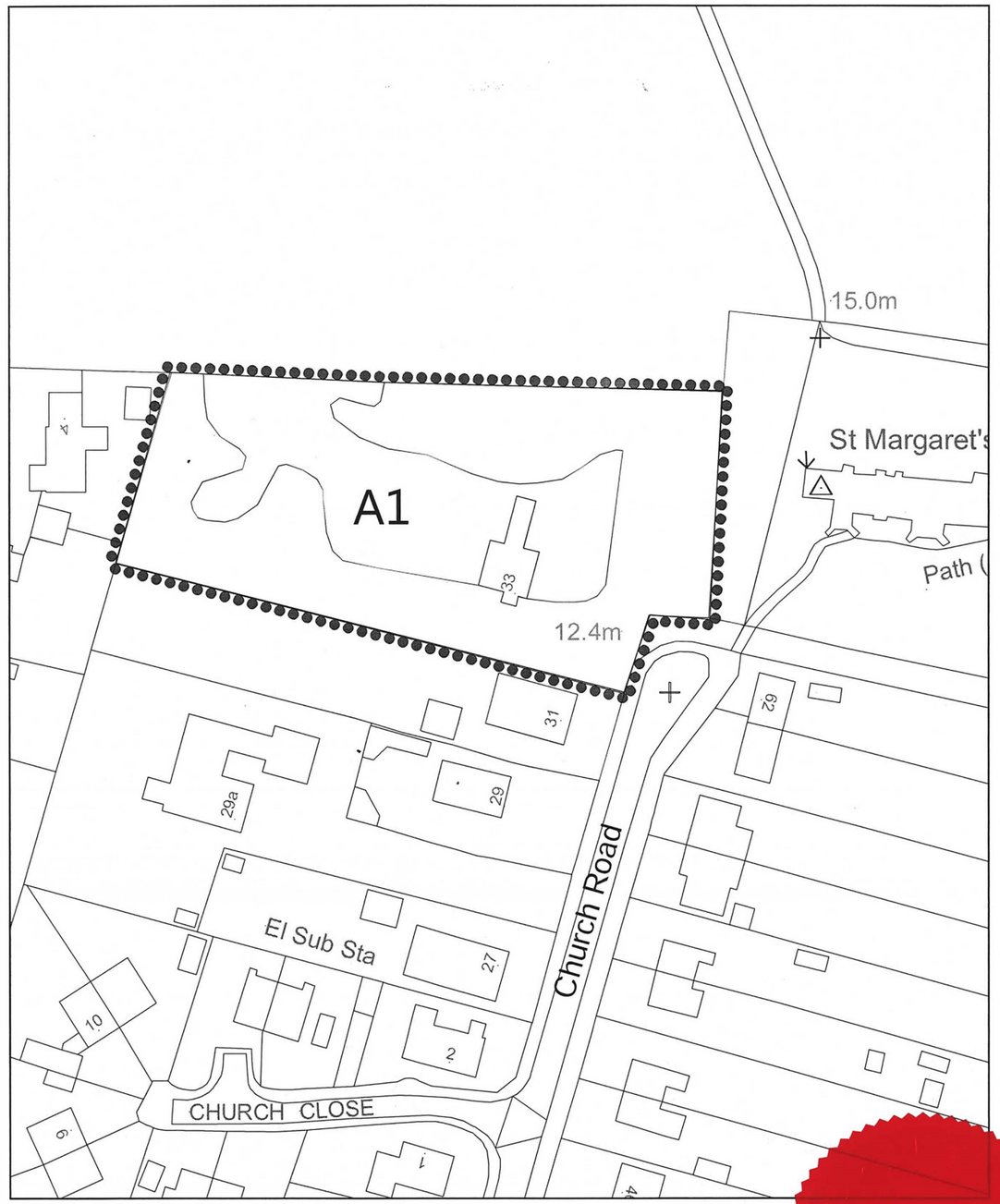
Cantley



Tree Preservation Order 2019 No. 6

33 Church Road, Cantley, NR13 3SN

Scale 1:1000

Head of Democratic Services and Monitoring Officer

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012

The Broadland District Tree Preservation Order 2019 (No. 6)
Broadland District Council

To: Owner/Occupier, 33 Church Road, Cantley, NR13 3SN.

THIS IS A FORMAL NOTICE to let you know that on 09th May 2019 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Procedures,* produced by the Department of Transport, Local Government and the Regions.

The Council has made the order to safe guard the significant visual amenity and biodiversity value offered by the trees to the immediate area and the wider environment.

The Order took effect, on a provisional basis, on 9th May 2019. It will continue in force on this basis for a maximum of 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations *(including your support)* about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 07th June 2019. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr P Courtier (Head of Planning) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Mark Symonds at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430560.

Dated this 9th day of May 2019

Mr P Courtier
Head of Planning

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012

The Broadland District Tree Preservation Order 2019 (No. 6)
Broadland District Council

To: Owner/Occupier, 3 Oak Tree Close, Cantley, NR13 3GZ.

THIS IS A FORMAL NOTICE to let you know that on 09th May 2019 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Procedures,* produced by the Department of Transport, Local Government and the Regions.

The Council has made the order to safe guard the significant visual amenity and biodiversity value offered by the trees to the immediate area and the wider environment.

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Broadland District Council

To: Owner/Occupier, 31 Inglehurst, Church Road, Cantley, NR13 3SN.

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Broadland District Council

To: Owner/Occupier, Beckhithe Farms Ltd, Hall Farm, Reedham, NR13 3HW.

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TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012

The Broadland District Tree Preservation Order 2019 (No. 6)
Broadland District Council

To: Diocese of Norwich, Diocesan House, 109 Dereham Road, Easton, Norwich, NR9 5ES.

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Dated this 9th day of May 2019

Mr P Courtier
Head of Planning

COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) REGULATIONS 2012

Objections and representations

6(1) Subject to paragraph (2), objections and representations –

(a) shall be made in writing and –

(i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected

Ask for Conservation
Direct Dial 01603 430560
Email conservation@broadland.gov.uk
Our Reference TPO 2019 No. 6
Date 09/05/2019

Mr Colin J Smith, CJS Planning & Building Services
Down Ampney
Well Hill, Clint Green
Yaxham
Dereham
NR19 1RX

Dear Mr Smith

Town and Country Planning Act, 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
The Broadland District Preservation Order 2019 No. 6
Trees on land at Hillcrest, 33 Church Road, Cantley.

Enclosed for your information are copies of a Tree Preservation Order, Formal Notice and letter, which have today been served.

Yours sincerely

Mr P Courtier
Head of Planning

Broadland District Council
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

Tel: (01603) 431133

Broadland District Council
www.broadland.gov.uk

Ask for Conservation
Direct Dial 01603 430560
Email conservation@broadland.gov.uk
Our Reference TPO 2019 No. 6
Date 09/05/2019

Owner/Occupier,
33 Church Road,
Cantley,
Norwich
NR13 3SN.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam

Town and Country Planning Act, 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
The Broadland District Tree Preservation Order 2019 No.6

Section 197 of the Town and Country Planning Act places an express duty on the Local Planning Authority when granting planning permission to ensure whenever appropriate that adequate conditions are imposed to secure the preservation or planting of trees and that any necessary Tree Preservation Orders are made under section 198 of the Act.

The Council, as Local Planning Authority, has decided that it is expedient in the interests of amenity to ensure the preservation of certain trees on land of which you are the owner and/or occupier, or an owner and/or occupier of adjoining land on which the trees stand.

It is deemed necessary to serve a Preservation Order to cover trees as set out in the First Schedule and Map of the attached Order, to ensure their protection and continued integration into any future site development proposals.

The long-term protection of trees should be secured by Tree Preservation Orders rather than condition, following government advice in Circular 11/95. Therefore a copy of the Order is enclosed, together with a formal Notice of its making.

The Order is of immediate effect. You have the right to object or endorse the Council's actions in protecting trees within your Parish. Particulars are given in the formal Notice.

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www.broadland.gov.uk

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Norwich
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Owner/Occupier
Beckhithe Farms Ltd
Hall Farm
Reedham
Norwich
NR13 3HW

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Church Road
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Norwich
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Date 09/05/2019

Diocese of Norwich
Diocesan House
109 Dereham Road
Easton
Norwich
NR9 5ES

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Our Reference TPO 2019 No. 6
Date 09/05/2019

Mr Colin J Smith, CJS Planning & Building Services
Down Ampney
Well Hill, Clint Green
Yaxham
Dereham
NR19 1RX

Dear Mr Smith

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The Broadland District Preservation Order 2019 No. 6
Trees on land at Hillcrest, 33 Church Road, Cantley.

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Yours sincerely

Mr P Courtier
Head of Planning

Broadland District Council
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

Tel: (01603) 431133

IN TRAN communication for all
broadland LIFE

www.broadland.gov.uk

Application Number
20190731

CJS Planning & Building Services
FAO Mr Colin Smith
Down Ampney
Well Hill
Yaxham
Dereham
NR19 1RX

Date Of Decision : 04 June 2019
Development : 9 Self Build/Custom Build Dwellings
Location : Hillcrest,33 Church Road,Cantley,NR13 3SN
Application Type: Permission in Principle

Town & Country Planning Act 1990

The Council in pursuance of powers under this Act **REFUSES PERMISSION IN PRINCIPLE** for the development referred to above for the following reasons:-

The location of the proposed development adjacent to the grade II* listed St Margaret's Church would erode the rural undeveloped setting of the church which would harm its significance contrary to the provision of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and contrary to paragraph 200 of the National Planning Policy Framework.

It would not possible to provide nine dwellings on-site, without causing harm to the existing mature trees of site which are subject to a Tree Preservation Order. Furthermore, it is considered that a development of nine dwellings would represent an overdevelopment of the site which would adversely affect the low density character of the area, which provides a transition to the open countryside. For these reasons the scheme is considered to be contrary to Policies GC4 and EN2 of the Broadland Development Management Development Plan Document.

INFORMATIVE

The Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraph 38 of the National Planning Policy Framework. However, in this instance is has not been possible for the proposal to overcome the in principle reasons for refusal associated with the proposed development.

Signed

Mr P Courtier
Head of Planning
Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

Information relating to appeals against the decision of the Local Planning Authority.

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be made within **6 months** of the date of this notice unless the proposed development is for minor commercial development (shop fronts and similar) in which case any appeal must be made within **12 weeks** of the date of this notice.

However if an enforcement notice has been served for the same or substantially the same development within the period of two years before this application was made, or subsequently, then the period within which an appeal can be lodged is reduced to **28 days** from the date of this decision or 28 days from the serving of the enforcement notice, whichever is the later.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 00 00 or via the Planning Portal at https://www.gov.uk/appeal-planning-inspectorate

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

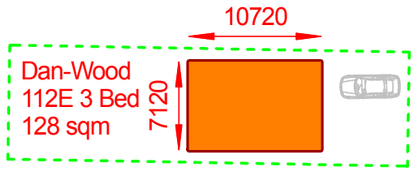
In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

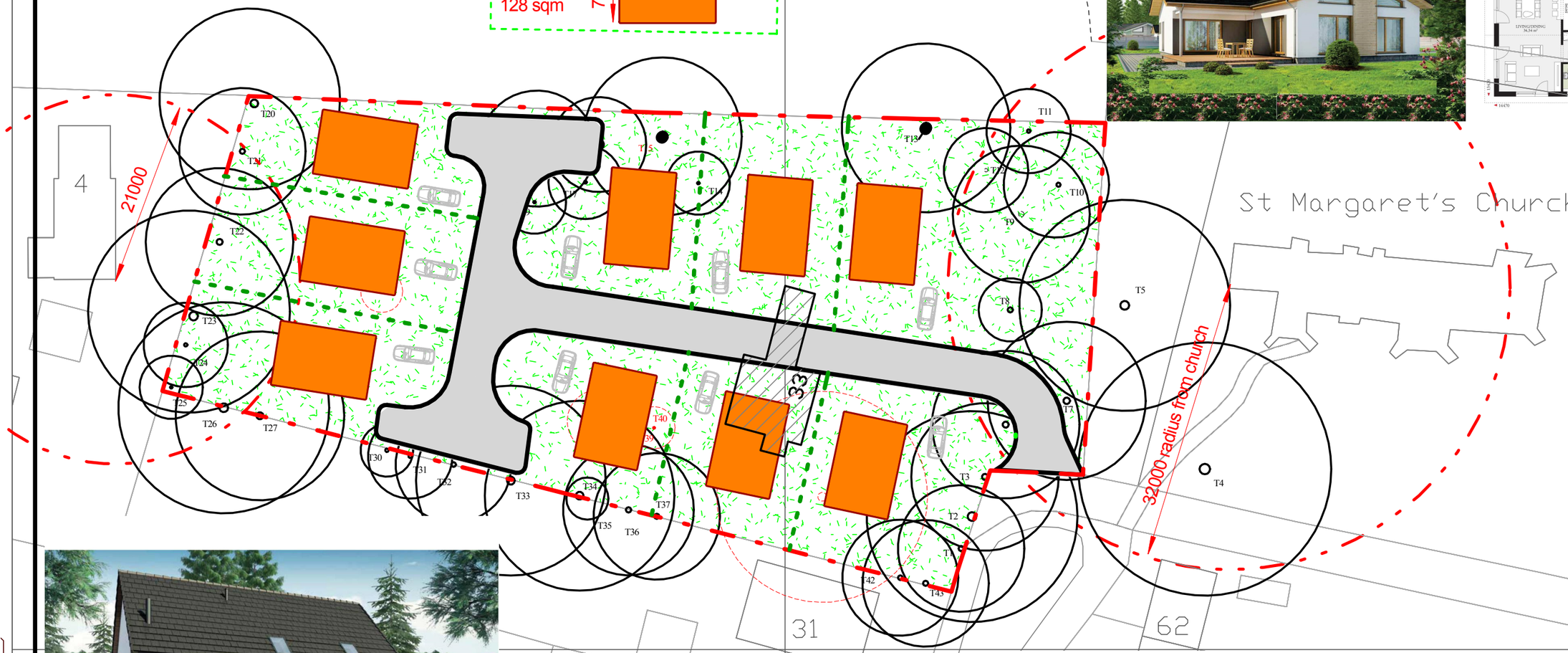
Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

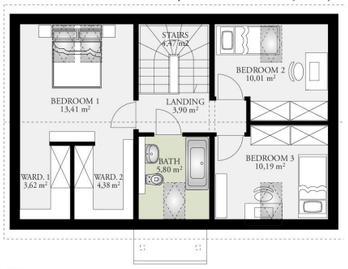
In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Do not copy or issue this drawing without permission.
Do not scale this drawing
Report all ommissions and discrepancies
Check information on site before work is put in hand.





Ground floor area:
64,49 m²
(694 sq. ft.)



First floor area:
59,34 m²
(638 sq. ft.)

0 10 20 30 40 m

BROADLAND DISTRICT COUNCIL
30 Apr 2019
20190731
PLANNING CONTROL

CJS PLANNING & BUILDING SERVICES
Telephone 01362 690779

PROPOSED DEVELOPMENT
Land at Hillcrest Church Road
Cantley Norfolk NR13 3SN

Indicative Site Layout

SCALE	DATE	Drawing
1:500	MAR 2019	152 / 10

STATEMENT OF CASE

Tree Preservation Order 2019 No. 1 (1294)

Address: 11 Station New Road, Brundall, NR13 5PQ

BACKGROUND TO THE MAKING OF TPO 2019 No. 1

Provisional TPO 2019 No. 1 was made on 6 February 2019 by Broadland District Council. The Order protects eleven Douglas Fir trees to the front of 11 Station New Road, Brundall.

On 21 November 2018 an outline planning application to erect a self-build dwelling to the rear of 11 Station New Road, Brundall was received by Broadland District Council (planning application reference: 20181885).

The application was recommended for refusal by the Planning Officer with the potential impact on trees being one of the main reasons for refusal as well as concerns about backland development and the character of the area. An Arboricultural Impact Assessment was submitted with the application which highlighted the tree constraints. The application went to Planning Committee on 6 February 2019 and outline consent was refused.

The trees were subsequently protected when planning permission was refused in order to safeguard them in the landscape. The applicant has also lodged an appeal with the Planning Inspectorate against the refusal of the outline planning permission.

THE CASE FOR MAKING TPO 2019 No. 1

Taking the above points into consideration, please note the following:

How do the trees, the subject of this report, make a significant contribution to the local environment?

The 11 Douglas Fir trees stand to the front of 11 Station New Road, Brundall. Station New Road is an informal road with larger detached houses in a setting of mature trees. Many of these trees are already protected by Tree Preservation Orders including the woodland to the south of 11 Station New Road which joins up with the wider woody network of the Mid-Yare National Nature Reserve within the Broads Authority area to the south.

The contribution of the Douglas Firs to the local environment is therefore twofold. Firstly, the trees confer significant visual amenity value to the property and to Station New Road, maintaining the leafy setting enjoyed by residents and standing out as impressive landscape features. Secondly, the Firs help to create a network of trees alongside those to the west and south of the property that together provide valuable habitat corridors for local wildlife, improved air quality and climate change mitigation.

Is there a reason to fear that the trees may be dangerous?

There is no evidence to suggest that the trees are dangerous.

An Arboricultural Impact Assessment (AIA) v1.4 dated 23 January 2019 was undertaken by BH Trees and Woodland for the planning application. This included a survey of the all the trees on the site, including the Douglas Fir trees, where ”the presence and condition of bark and stem wounds, cavities, decay, fungal fruiting bodies and any structural defects that could increase the risk of structural failure were noted”.

The resulting Tree Survey (Appendix A of the AIA) did not note any of the above defects and found that 9 of the Douglas Firs had “Good” physical condition and two had “Fair” physical condition (T6 and T2 on the TPO map). Nevertheless, the AIA states in paragraph 5.2 that “the Douglas Fir trees, T1 – 9 [as labelled on the Tree Constraints Plan which has different tree numbering to the TPO] constitute an impressive landscape feature but are reduced to a Category B grading as they are reaching maturity and are vulnerable to wind damage.”

The Council’s view is that the trees have grown and adapted to live in their location and as such should be more resilient to wind forces than the average plantation grown Douglas Fir. Trees do naturally shed branches occasionally and this is not considered a valid reason to not protect them. The majority of the trees do not have branches that are falling distance of the property, T7-T9 are the closest to the property and it would be advised to regularly inspect these trees. The Council would consider an application to selectively reduce those branches overhanging the property to reduce end weight loading and the risk of branch breakout if found necessary following an inspection.

What is the expected lifespan of the trees, barring unforeseen circumstances?

The Douglas Firs in question are semi mature with some variation in size between the 11 individuals. Douglas Fir is a very long lived species. As the Douglas Fir was first introduced to Britain in 1827 by the Scottish Botanist and plant hunter David Douglas the age potential of the species in this country is not yet known, in their native range they can live in excess of 500 years. Many individuals first planted in Scotland in the late 1800s are still alive and well today.

Do the trees, in their present locations, show signs of causing a nuisance in the future which is unacceptable or impractical?

The trees do not show any signs of posing an unacceptable nuisance to the owners. The trees are positioned to the north and west of the property so shading is not an issue and the canopies are high and not causing any obstruction.

How do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?

As the Douglas Fir is a particularly long lived species, over time it can provide valuable deadwood cavities for birds and bats to shelter. Their height can also provide suitable nesting for larger birds of prey such as buzzards and sparrowhawks.

Douglas Firs also produce seeds which are eaten by finches and small mammals and spruce carpet and dwarf pug moths feed on the needles.

The Douglas Firs contribute to the wider treed habitat including the woodland to the south and the Mid –Yare Nature Reserve over the train line which increase the habitat and food available for wildlife in the area.

OBJECTION AND SUPPORT TO THE MAKING OF THE TPO AND TREE OFFICER'S RESPONSE:

One letter of support to **TPO 2019 No. 1** was made on **11 February 2019** by:

Richard G Farley – Brundall Tree Warden

His comments were:

"Dear Sir
Today I looked at the trees on the property at 11 STATION ROAD, BRUNDALL, NR13 5PQ.
I fully support that the 11 Douglas Firs should be protected by a Tree Preservation Order. They look health and are established trees that are a feature to the area. They were viewed from the roadway.
Yours Faithfully
Richard G Farley
Brundall Tree Warden"

One objection to **TPO 2019 No. 1** was made on **4 March 2019** by:

Mr and Mrs Clarke, 11 Station New Road, Brundall, NR13 5PQ

Below are the main objections in bold with Tree Officer responses in italics below:

Objection 1: "The TPO appears to be the result of a recent planning application 20181885 submitted by us that was refused by BDC Planning on 6 February 2019. The following day the new TPO notification was delivered to us which appears to be a very cynical act and personal. During the whole of the planning application process, which has been ongoing since early 2017, neither of us have considered cutting down or damaging any of these 11 trees. It is an insult to our integrity to even suggest that. We have maintained, cared for and nurtured these trees since we have lived here and that will not change."

> *Response: Local Planning Authorities, under section 197 of the Town and Country Planning Act 1990, have a duty to consider the preservation of trees in the planning process, particularly when significant unprotected trees may come under threat as a result of a refusal of planning permission.*
>
> *The TPO was served as a result of the planning application which cited tree constraints as one of the main reasons for refusal. The Arboricultural Impact Assessment submitted with the application showed that one Douglas Fir tree (T6 on the TPO) would need to be removed to facilitate a new access to the proposed new dwelling and the root protection areas of six Douglas Fir trees would be partially covered with hard surfacing for the driveway.*
>
> *Additional arboricultural impacts, outside the scope of this TPO appeal, were also outlined in the report including the removal of three trees in the protected woodland to the rear and the unsustainability of nestling a house amongst the*

semi-mature woodland trees in terms of shade and seasonal nuisances such as leaf fall and bird nesting which would put pressure on these trees for removal.

Objection 2: "In our opinion the confirmation of this TPO would diminish our efforts to continue to manage, preserve and care for these trees, which incidentally has been nothing but exemplary."

Response: A Tree Preservation Order protecting the Douglas Firs would not prohibit sound arboricultural management of the trees. Tree work applications to gain consent to do works to protected trees are free of charge and the Council would not object to works that were justified and in accordance with the British Standard 3998:2010 Tree Work – Recommendations.

Objection 3: "In regard to the 11 trees covered by this dubiously raised TPO, we have during our communications with BDC commissioned numerous Arboriculture Reports and statements which capture all of the information about these trees as well as the many others on our land. This information is filed under BDC application number 20180640 & 20181885. The Arboriculture Reports and advice state the following:

a) None of the 11 trees are high quality i.e. Category A trees
b) Trees T1, T3, T4, T5, T7, T8, T9, T10 and T11 are Category B trees
c) Trees T2 and T6 are low quality Category C trees
d) All 11 trees are reaching maturity and are very vulnerable to wind damage and present a potential health and safety risk to the owner

In addition previous arboriculture advice was: -

e) Removal of poor quality trees T5 & T6 would benefit the lifespan, health and wellbeing of the better specimen T7
f) Removal of poorer quality trees T8 and T10 would benefit the lifespan, health and wellbeing of the better specimens T9 & T11
g) Tree T3 suffered damage from a fallen but now removed conifer tree in 2013 and previous arboriculture advice was that it would always remain vulnerable in the future
h) Due to the nature of Douglas Firs, damage from fallen branches will regularly occur during any high winds

Our unique and considered knowledge of the plot/area combined with the arboriculture advice points to the fact that only trees that may contribute to the 'significant visual amenity offered by the trees to the immediate area and wider environment would be trees T1, T4, T7, T9, and T11."

Response: The Council does not agree that only trees T1, T4, T7, T9 and T11 are worthy of protection with a TPO. The arboricultural surveys submitted with the planning applications (20180640 & 20181885) were both undertaken by BH Trees and Woodland and state that 9 of the Douglas Firs are in "Good" condition and 2 Firs are in "Fair" condition. No significant structural defects or

health problems were noted or apparent on site when I visited for the planning application.

One of the "Fair" condition trees (T6 on the TPO map) was proposed for removal to make way for the access road. This tree has developed a poorer form than its neighbours and it is likely to be supressed over time as its neighbours continue to grow. Nevertheless at the present time the tree does not pose an unacceptable risk and should be retained as long as possible.

In my opinion it is the group of Firs as a whole that is important from an amenity point of view. Removing a significant number of trees would reduce the value of the group and also open up the remaining trees to greater wind forces. All individuals within the group should be protected to retain the feature as a whole; if certain individuals were to decline over time then the Council would consider an application for consent to do remedial works.

Objection 4: "The primary reason for our objection to the TPO is that it adds no value and seems to have been raised in a very cynical and dubious manner."

Response: The TPO ensures that the trees will be retained for the duration of their lives and managed appropriately by both the current and all future residents of the property. The appellant has stated that they are happy to retain the trees and manage them appropriately so the TPO is therefore unlikely to be an unacceptable burden.

I would strongly disagree with the assertion that the TPO adds no value. It is important to note that the appellant has made a separate appeal against Broadland District Council's refusal of outline planning permission for one dwelling to the rear of 11 Station New Road, Brundall. The presence of a TPO on the Douglas Fir trees would confer greater weight to the potential negative impacts of the development on the trees when the Planning Inspector is considering the application.

In the event that consent is granted for the new dwelling, the planning consent would override the TPO and allow the removal of T6 to facilitate the access road. However, the TPO would still be valuable in ensuring that every precaution is taken to avoid root damage when installing the proposed driveway.

The AIA submitted with the application stated that a no-dig driveway would be constructed in order to avoid root damage to the Douglas Firs (see the next page for the Tree Constraints Plan taken from the AIA for planning application 20181885).

In the arboricultural comments to the Planning Officer, concerns were raised about the feasibility of installing the proposed "no-dig" driveway whereby hard surfacing would be laid down on top of the existing grassed area thereby avoiding the need to excavate and potentially cause root damage. The British Standard 5837:2012 Trees in relation to design, demolition and construction –

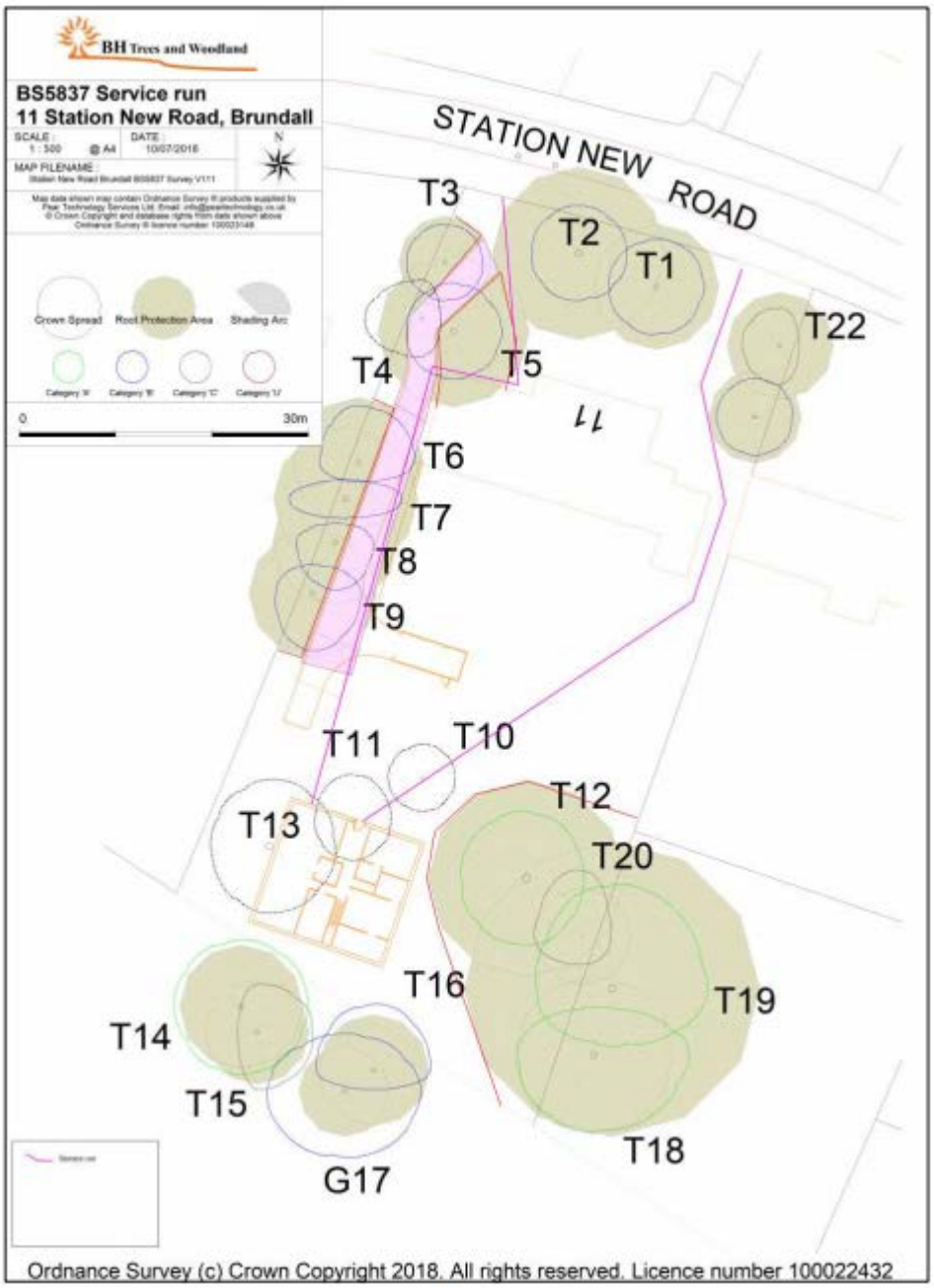
Recommendations states that no more than 20% of a tree's Root Protection Area (RPA) should be covered by hard surfacing as hard surfacing interferes with the tree's ability to access water and nutrients. This advice is reiterated in the AIA in the information provided in Appendix E from the driveway manufacturer (page 28 of the AIA under "Other useful notes on Tree Protection"). The AIA nonetheless states that all 6 Douglas Firs adjacent to the drive would have more than 20% of their RPA covered by the hard surfacing, contrary to the British Standard and manufacturers of the driveway.

In addition, the grassed area on which the Douglas Firs stand is on a higher level that the existing driveway for 11 Station New Road. Concerns were raised at the planning stage again that building the driveway on top of this already higher level would create a large bump up from the road level and it may mean that the product would have to be dug in to prevent this with subsequent damage to the rooting systems of six Douglas Firs being highly likely.

If planning consent were given the TPO would give the Council greater powers to enforce compliance with the Arboricultural Impact Assessment thereby reducing the risk of root damage occurring which could lead to the loss of the trees.

In the event that the Planning Inspector dismisses the appeal the TPO would ensure that the trees are not removed before any further applications are submitted.

Tree Constraints Plan from the Arboricultural Impact Assessment by BH Trees and Woodland showing the proposed access in pink and Root Protection Areas in block green.



CONCLUSION

The trees identified within the Provisional Tree Preservation Order (PTPO) add significantly to both and visual amenity and biodiversity value of the local area.

The trees are not considered to be in an unsafe condition at this time.

I do not believe the trees will cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.

This PTPO has been implemented and served in a just and appropriate manner. Therefore, I request that the Order is confirmed.

Considerations may also be made that the trees are not worthy of protection therefore a resolution is met to not confirm the Order.

Date: 11/7/2019

Alex Lowe – Assistant Conservation Officer

Appendix

- THE CASE FOR MAKING A TREE PRESERVATION ORDER (TPO)

    - Within Chapter 8, Part VIII, Special Controls, Chapter I under Sections 197, 198 & 201 of the Town and Country Planning Act 1990 the Council has powers to protect and plant trees where it appears 'expedient in the interest 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'.

    - 'Amenity' is not defined in law, so authorities need to exercise judgement when deciding whether it is within their powers to make an order.

    - However, in March of 2014 the Department for Communities and Local Government (DCLG) issued a guide to all LPAs on TPOs entitled – Tree Preservation Orders and trees in conservation areas. This guide indicates that:

- A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interest of amenity.

- An order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of any size or species.

- Local Planning Authorities (LPAs) should be able to show that a reasonable degree of public benefit in the present or future would accrue before TPOs are made or confirmed. The trees, or at least part of them, should normally be visible from a public place such as a road or footpath.

- The risk of felling need not necessarily be imminent before an Order is made. Trees may be considered at risk generally from development pressures or changes in property ownership, even intentions to fell are not often known in advance, therefore precautionary Orders may be considered to be expedient.

- The guidance also indicates that LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured way, taking into account the following criteria:

    - Visibility
    - Individual & collective impact
    - Wider impact
    - Other Factors
    - Size and form;
    - Future potential as an amenity;

- Rarity, cultural or historic value;
- Contribution to, and relationship with, the landscape; and
- Contribution to the character or appearance of a Conservation Area.

- Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change.

- The guidance further indicates that it is important to establish a consistent approach, therefore the following points are considered before recommending a TPO:

    - Does the tree that is the subject of this report make a significant contribution to the local environment?

    - Is there a reason to fear that any of the trees may be dangerous?

    - Can the trees be expected to live for longer than ten years, barring unforeseen circumstances?

    - Do the trees in their present locations show signs of causing a nuisance in the future which is unacceptable or impractical?
    - Do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?

TOWN AND COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012

Town and Country Planning Act 1990
The Broadland District Council Tree Preservation Order 2019 (No. 1)

The Broadland 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 Broadland District Tree Preservation Order 2019 (No.1)

Interpretation

2. (1) In this Order "the authority" means the Broadland 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, 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 6th day of February 2019.

The Common Seal of the Broadland District Council was affixed to this Order in the presence of—

Head of Democratic Services and Monitoring Officer

7919.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Douglas Fir	TG 33088 08013
T2	Douglas Fir	TG 33091 08024
T3	Douglas Fir	TG 33078 08029
T4	Douglas Fir	TG 33069 08031
T5	Douglas Fir	TG 33057 08032
T6	Douglas Fir	TG 33054 08027
T7	Douglas Fir	TG 33057 08023
T8	Douglas Fir	TG 33048 08012
T9	Douglas Fir	TG 33046 08007
T10	Douglas Fir	TG 33045 08003
T11	Douglas Fir	TG 33043 07997

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

Reference on map	Description	Situation
NONE	NONE	NONE

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

Reference on map	Description (including number of trees in group)	Situation
NONE	NONE	NONE

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
NONE	NONE	NONE

BROADLAND DISTRICT

Tree Preservation Order

2019 No. 1

Key

Individual Trees

T1 - 11
Douglas Firs

NORTH

Scale as shown

Broadland District Council

Thorpe Lodge, 1 Yarmouth Road

Thorpe St Andrew, Norwich, NR7 0DU.

Tel (01603) 431133

E-mail conservation@broadland.gov.uk

Tree Preservation Order

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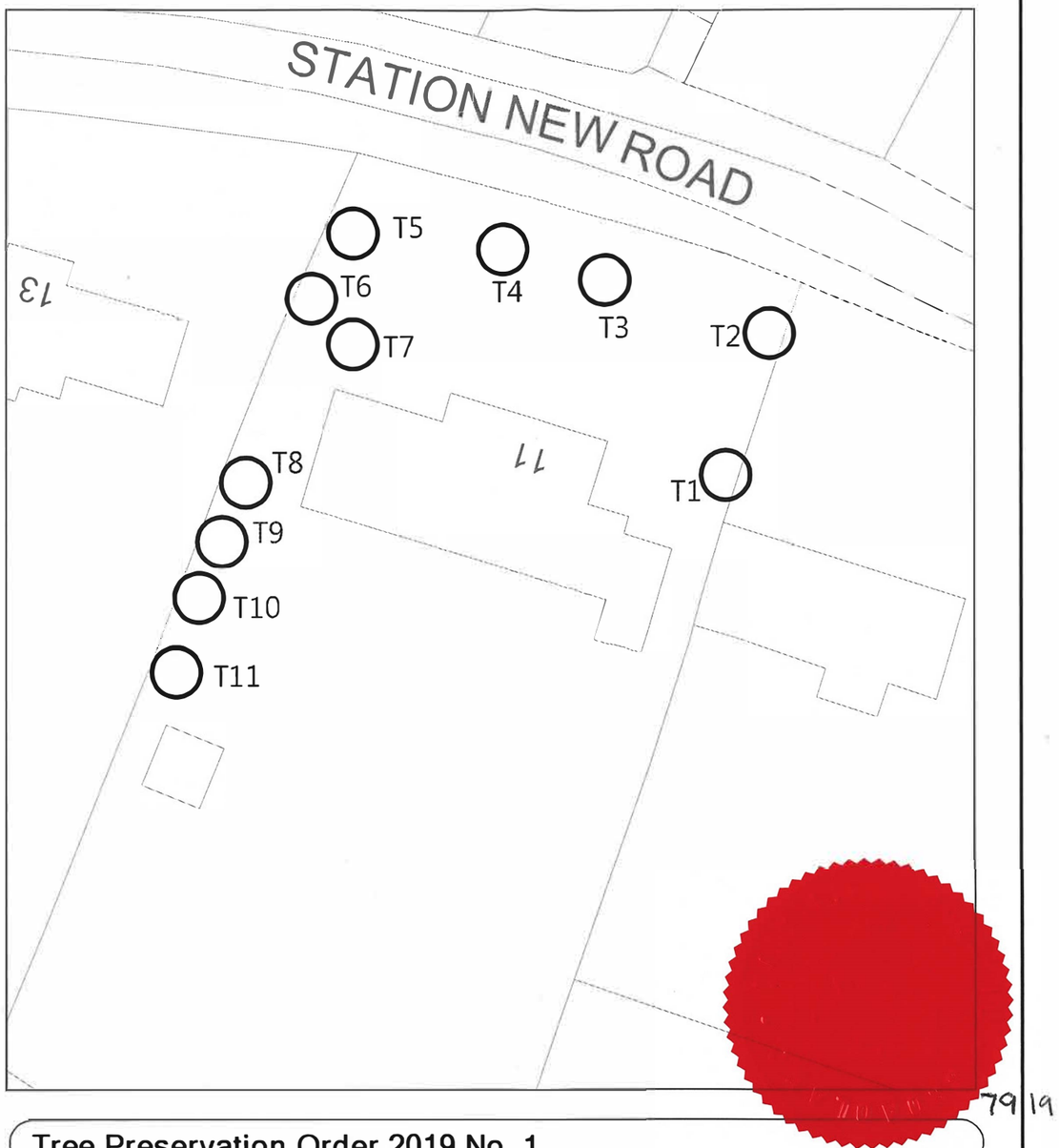
Brundall



79/19

Tree Preservation Order 2019 No. 1

11 Station New Road, Brundall, NR13 5PQ

Scale 1:500

Head of Democratic Services and Monitoring Officer

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012

The Broadland District Tree Preservation Order 2019 (No. 1)
Broadland District Council

To: Mr and Mrs Clarke, Water Meadows, 11 Station New Road, Brundall, Norfolk, NR13 5PQ

THIS IS A FORMAL NOTICE to let you know that on 6th February 2019 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Procedures,* produced by the Department of Transport, Local Government and the Regions.

The Council has made the order to safeguard the significant visual amenity offered by the trees to the immediate area and the wider environment.

The Order took effect, on a provisional basis, on 6th February 2019. It will continue in force on this basis for a maximum of 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations *(including your support)* about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 8th March 2019. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr P Courtier (Head of Planning) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Conservation at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430560.

Dated this 6th day of February 2019.

Mr P Courtier
Head of Planning

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012

The Broadland District Tree Preservation Order 2019 (No. 1)
Broadland District Council

To: Owner/Occupier, Saxon Croft, 13 Station New Road, Brundall, Norfolk, NR13 5PQ

THIS IS A FORMAL NOTICE to let you know that on 6th February 2019 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Procedures,* produced by the Department of Transport, Local Government and the Regions.

The Council has made the order to safeguard the significant visual amenity offered by the trees to the immediate area and the wider environment.

The Order took effect, on a provisional basis, on 6th February 2019. It will continue in force on this basis for a maximum of 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations *(including your support)* about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 8th March 2019. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr P Courtier (Head of Planning) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Conservation at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430560.

Dated this 6th day of February 2019.

Mr P Courtier
Head of Planning

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012

The Broadland District Tree Preservation Order 2019 (No. 1)
Broadland District Council

To: Owner/Occupier, St Brigid, 9 Station New Road, Brundall, Norfolk, NR13 5PQ

THIS IS A FORMAL NOTICE to let you know that on 6th February 2019 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Procedures,* produced by the Department of Transport, Local Government and the Regions.

The Council has made the order to safeguard the significant visual amenity offered by the trees to the immediate area and the wider environment.

The Order took effect, on a provisional basis, on 6th February 2019. It will continue in force on this basis for a maximum of 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations *(including your support)* about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 8th March 2019. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr P Courtier (Head of Planning) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Conservation at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430560.

Dated this 6th day of February 2019.

Mr P Courtier
Head of Planning

COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) REGULATIONS 2012

Objections and representations

6(1) Subject to paragraph (2), objections and representations –

(a) shall be made in writing and –

(i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected

From: Alan Clarke
Date: Tuesday, 05 Mar 2019, 8:31 am
To: Phil Courtier
Subject: Objection letter and attachments to Broadland District Council Tree Preservation Order No. 1 (2019)

Dear Mr P Courtier
Please find attached our objection letter and two attachments to Broadland District Council Tree Preservation Order No. 1 (2019)
The original copy of the letter has been posted by registered post today.
Please contact us if there are any issues

Kind Regards

Alan & Bee Clarke
11 Station New Road, Brundall, Norwich NR13 5PQ

Mr and Mrs Clarke
11 Station New Road
Brundall
NR13 5PQ

4th March 2019

Mr P Courtier
Head of Planning Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU

BDC Reference: Broadland District Council Tree Preservation Order No. 1 (2019)

Dear Mr Courtier

This letter is a strong objection to the above referenced TPO raised by Broadland District Council on 6th February 2019. The reasons for our objection are detailed below.

The TPO appears to be the result of a recent planning application 20181885 submitted by us that was refused by BDC Planning on 6th February 2019. The following day the new TPO notification was delivered to us which appears to be a very cynical act and personal. During the whole of the planning application process, which has been ongoing since early 2017, neither of us have considered cutting down or damaging any of these 11 trees. It is an insult to our integrity to even suggest that. We have maintained, cared for and nurtured these trees since we have lived here and that will not change. We have always been fully engaged with BDC at all times, and always addressed any concerns raised but shamefully that approach has not been reciprocated.

Therefore, the primary reason for objection to the TPO is that it adds no value and it seems to have been raised in a very cynical and dubious manner. In our opinion the confirmation of this TPO would diminish our efforts to continue to manage, preserve and care for these trees, which incidentally has been nothing except exemplary.

Cross Reference Note: Please refer to email sent on 21.02.19 to our local Councillor and copied to Mr P Courtier. Re-copied via email to Mr P Courtier on 05.03.19

In regard to the 11 trees covered by this dubiously raised TPO, we have during our communications with BDC commissioned numerous Arboriculture Reports and statements which capture all of the information about these trees as well as the many others on our land. This information is filed under BDC application number 20180640 & 20181885. The Arboriculture Reports and advice state the following: -

a) None of the 11 trees are high quality i.e. Category A trees
b) Trees T1, T3, T4, T5, T7, T8, T9, T10 and T11 are Category B trees
c) Trees T2 and T6 are low quality Category C Trees

d) All 11 trees are reaching maturity and are very vulnerable to wind damage and present a potential health and safety risk to the owner

In addition previous arboriculture advice was: -

e) Removal of poor quality trees T5 & T6 would benefit the lifespan, health and wellbeing of the better specimen T7
f) Removal of poorer quality trees T8 & T10 would benefit the lifespan, health and wellbeing of the better specimens T9 & T11
g) Tree T3 suffered damage from a fallen but now removed conifer tree in 2013 and previous arboriculture advice was that it would always remain vulnerable in the future.
h) Due to the nature of Douglas Firs, damage from falling branches will regularly occur during any high winds

Our unique and considered knowledge of the plot/area combined with the arboriculture advice points to the fact that the only trees that may contribute to the 'significant visual amenity offered by the trees to the immediate area and wider environment would be trees T1, T4, T7, T9, and T11.

Reference Note: Please refer to arboriculture report '20181885 Amended Arboricultural Report v1.4 recd 240119', copied via email to Mr P Courtier on 05.03.19

Objection Summary

The primary reason for objection to the TPO is that it adds no value and it seems to have been raised in a very cynical and dubious manner. In our opinion the confirmation of this TPO would diminish our efforts to continue to manage, preserve and care for these trees, which incidentally has been nothing except exemplary.

In addition all 11 trees are reaching maturity and are very vulnerable to wind damage and present a potential health and safety risk to the owner and third parties. These health and safety risks are better controlled and made more manageable without the restrictions imposed by an unnecessary TPO.

If a TPO was to be confirmed, which in our opinion would be wrong for the numerous reasons stated above and should be avoided at all costs, and then it should only apply to trees T1, T4, T7, T9, and T11.

Finally one last word, no one cares more than us for any of the trees on our land and that will continue without this TPO.

Yours sincerely

Alan & Bee Clarke

Document References:
1. Email sent on 21.02.19 to our local Councillor and copied to Mr P Courtier. Re-copied via email to Mr P Courtier on 05.03.19
2. Arboriculture report '20181885 Amended Arboricultural Report v1.4 recd 240119', copied via email to Mr Courtier on 05.03.19

Alan Clarke

From: Alan Clarke
Sent: 21 February 2019 12:11
To: 'Cllr Andrew Proctor'
Cc: phil.courtier@broadland.gov.uk
Subject: RE: New Tree Preservation Order at 11 Station New Road, Brundall

Dear Andrew

We were made aware because we received the TPO notification the day after the planning committee meeting held on the 6th February.

We would agree with you that it is very cynical and it seems to be personal.

We must say the performance and manner of the Broadland planning team has been very disappointing to say the least. We have always been fully engaged with the process at all times and always addressed any concerns raised fully but shamefully that approach has not been reciprocated.

We cannot understand why the planning team have selected our application as a mission to pursue refusal at all costs particularly when we are just a normal couple looking to self-build a new single dwelling for us both to live in. The whole process has baffled us both.

The issuing of this TPO notification reinforces that this has become a personal mission by the Broadland Planning team.

In regard to the 11 trees covered by this uniquely created TPO, we have nurtured, maintained and preserved these trees, as well as the many others on our land, since we have lived there. The issuing of this TPO notification is an insult to our integrity, it adds no value.

We are not sure what to do next because we have never encountered this sort of cynicism before.

Kind Regards

Alan & Bee Clarke
11 Station New Road, Brundall, Norwich NR13 5PQ

From: Cllr Andrew Proctor [mailto:Cllr.Andrew.Proctor@Broadland.gov.uk]
Sent: 17 February 2019 08:27
To: Alan Clarke
Subject: FW: New Tree Preservation Order at 11 Station New Road, Brundall

Dear Alan

I presume you have been made aware of this?

Regards

Andrew

Councillor Andrew J Proctor

Member for Brundall Ward on Broadland District Council
(Brundall, Cantley, Postwick with Witton and Strumpshaw)
Tel: 07889 090456

From: Alex Lowe <alex.lowe@broadland.gov.uk>
Date: Monday, 11 Feb 2019, 3:59 pm
To: Cllr Andrew Proctor <Cllr.Andrew.Proctor@Broadland.gov.uk>
Cc: Phil Courtier <phil.courtier@broadland.gov.uk>
Subject: RE: New Tree Preservation Order at 11 Station New Road, Brundall

Dear Councillor Proctor,

Thank you for your email, I am happy to give you some more information about the TPO.

A Tree Preservation Order was not expedient whilst the planning application was being considered because only one of the 11 now protected Douglas Firs was recommended for removal in order to facilitate the planning application. Furthermore, the applicant was working with us to try to find a solution to the arboricultural constraints through the Arboricultural Impact Assessment and therefore the trees were not under threat at this time.

On 6th February Planning Committee refused to grant planning permission for the development and the arboricultural constraints, particularly those posed by the Douglas Firs, were one of the concerns raised about the feasibility of the development. As a result of the refusal there is now a risk that these important trees could now be felled in advance of a future similar planning application. The TPO was a last resort and we try to always give the applicant seeking planning permission the chance to work around the trees and retain them where possible.

If you have any further questions please don't hesitate to ask.

Kind regards,

Alex

Alex Lowe
Assistant Conservation Officer (Arboriculture and Landscape)
t 01603 430453 e alex.lowe@broadland.gov.uk

Two Councils One Team
Broadland District Council Community at heart
South Norfolk Council

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From: Cllr Andrew Proctor
Sent: 09 February 2019 17:47
To: Alex Lowe

Cc: Phil Courtier
Subject: RE: New Tree Preservation Order at 11 Station New Road, Brundall

Can you please explain why this was served on 6 February, the date of an admittedly unsuccessful planning application at 11 Station New Road?

Given the key issue around this application was the protection of trees there why wasn't it done before if they are regarded as requiring protection? Doing it now seems a bit cynical.

Regards

Councillor Andrew J Proctor

Member for Brundall Ward on Broadland District Council
(Brundall, Cantley, Postwick with Witton and Strumpshaw)
Tel: 07889 090456

From: Alex Lowe <alex.lowe@broadland.gov.uk>
Date: Wednesday, 06 Feb 2019, 3:43 pm
To: Alex Lowe <alex.lowe@broadland.gov.uk>
Subject: New Tree Preservation Order at 11 Station New Road, Brundall

Dear Sir/Madam,

Please note that Tree Preservation Order (TPO) 2019 No. 1 (1294) was served on 6th February 2019 to protect 11 Douglas Fir trees at 11 Station New Road, Brundall. A copy of the TPO document is attached for your reference.

If you would like to make any objections or other comments please make sure we receive them in writing by 8th March 2019.

Kind regards,

Alex

Alex Lowe
Assistant Conservation Officer (Arboriculture and Landscape)
t 01603 430453 e alex.lowe@broadland.gov.uk

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Arboricultural Report

Proposed development on land at

11 Station New Road

Brundall

Norfolk

23rd January 2019 (revised

BH Trees and Woodland

AMENDED

BROADLAND
DISTRICT COUNCIL
24 Jan 2019
20181885
PLANNING CONTROL

Client & Site

Mr A Clarke
11 Station New Road
Brundall
Norwich
Norfolk
NR13 5PQ

Planning authority

Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich
Norfolk
NR7 0DU

Document	Arboricultural Report
Version	1.4 (Revised 23rd January 2019)
Date	11th February 2018
Author	Ben Hogben BSc Hons, Dip Surv (Rural), MICFor
Reviewer	

BH Trees and Woodlands Consultancy Limited
299 Wroxham Road
Norwich
Norfolk
NR7 8RN

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Appendix A	**Tree survey detail**
Appendix B	**Photographic record of trees**
Appendix C	**Default Specification for Protective Barrier**
Appendix D	**BS 5837:2012 Table 1 Cascade chart for tree quality assessment**
Appendix E	**TERRAM ™ Geocell product sheet and installation guidance**
Appendix F	**Schedule of arboriculturalist monitoring**

Summary

- This report provides the results of a tree survey of land at 11 Station New Road, Brundall and an arboricultural constraints assessment of the site, and may be used to inform the planning process.
- The local planning authority is Broadland District Council and the landowner confirms that Tree Preservation Order 1994 No7 through an Area order, affects the southern part of the site but that no part of the site stands within a Conservation Area.
- There are a number of good quality trees on the site, the vast majority, including all the category "A" trees, can be successfully retained. It is proposed to remove an ornamental flowering cherry in the garden and a bifurcated ash tree to make space for development. These are smaller specimens with limited landscape contribution which can be replaced in a more suitable location.
- A fair quality oak tree is also proposed for removal.
- It is recommended that a No dig construction technique is implemented for the access driveway and turning area.
- Recommended root protection areas are mapped in this report. No construction activities should take place within root protection areas, except as indicated in the detailed method statement.
- We consider that development can be accommodated with acceptable impacts on the arboricultural interest of the site.

1. INTRODUCTION

1.1. BH Trees and Woodland Consultancy Ltd has been commissioned to prepare an arboricultural report for land at 11 Station New Road, Brundall, Norfolk.

1.2. The site access is located at grid reference TG 33061 08038.

1.3. The report includes a survey of those trees that may be affected and an assessment of the potential arboricultural impact of the proposed development on the trees.

2. METHODOLOGY

2.1. The tree survey and arboricultural aspects have been prepared in accordance with recommendations provided in BS 5837:2012, Trees in relation to design, demolition and construction – recommendations.

2.2. The site survey included trees, within the boundaries of the site and those considered to be potentially affected by development proposals, with a stem diameter over 75mm at 1.5m height.

2.3. The tree inspection took place from ground level using visual tree assessment methods, with the use of binoculars and Suunto clinometer. The presence and condition of bark and stem wounds, cavities, decay, fungal fruiting bodies and any structural defects that could increase the risk of structural failure were noted.

2.4. Details for each tree were recorded with management recommendations if deemed necessary, a category grading according to BS 5837:2012, and tree protection distance.

Constraints

2.5. No internal decay devices or other invasive tools to assess tree condition were used.

2.6. No soil excavation or root inspection was carried out.

2.7. The survey has not considered the effect that trees or vegetation may have on the structural integrity of future building through subsidence or heave.

3. DESKTOP REVIEW

3.1 The proposed development site is located in the village of Brundall, Norfolk. Brundall is located on the north bank of the River Yare opposite Surlingham Broad and about 7 miles east of the city of Norwich. This is a rapidly growing village as a commuter satellite of Norwich with railway links to the city.

3.2 The development proposal is for the erection of a residential dwelling with associated infrastructure to include driveway access, garage and a turning area.

3.3 The local planning authority is Broadland District Council and the landowner confirms that Tree Preservation Order 1994 No7 affects the southern part of the site but that no part of the site stands within a Conservation Area.

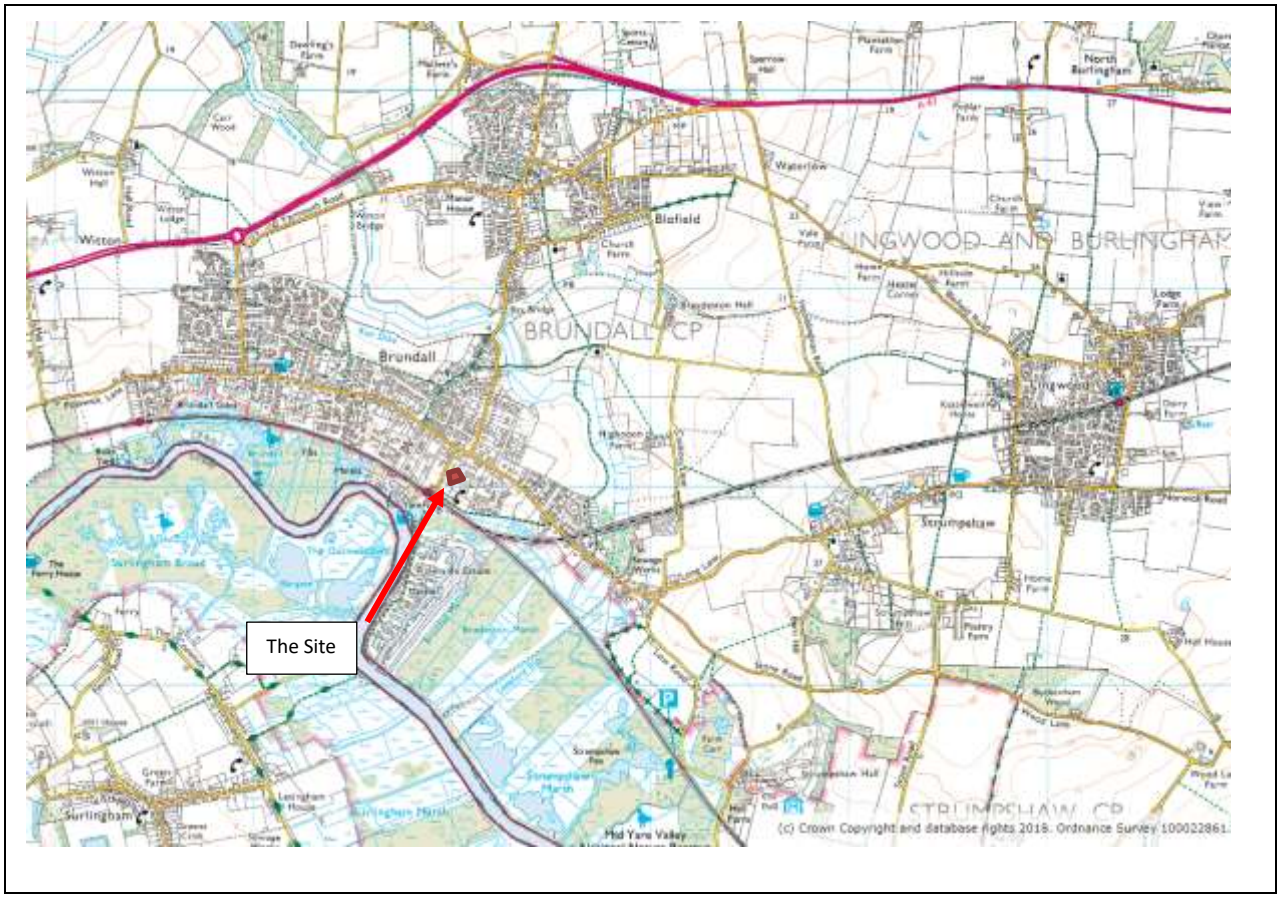


Figure 1. Site location

4. FIELD STUDY

4.1 The trees on the site are plotted on a plan shown in Figure 2 below. A schedule of the detailed survey data is reproduced in a table at appendix A.

4.2 The development site is within the enclosed the back garden currently used as mostly grass lawn. The soils are freely draining, slightly acid, loamy soils. They are characterised by low fertility and moderately resistant to disturbance and compaction. The National Landscape Character Area is The Broads, located predominantly in the county of Norfolk together with a small part of north Suffolk, between the peripheral urban areas of Norwich in the west and Great Yarmouth and Lowestoft in the east. Its boundary follows the edge of the level, open marshland and valleys drained by the three principal rivers, the Yare, Bure and Waveney, and their tributaries, the Thurne, Ant, Wensum and Chet, giving the NCA its very distinctive shape. The rivers flow east into the sheltered estuary of Breydon Water, which lies at the confluence to the Broads river system..

4.3 The First Edition OS map suggests the whole area was farmland in the late 1880s, but is developed by the time of the 1946 aerial photograph.

The trees by the road are evident and selected trees to the south of the house but the whole woodland area between the railway line and the bottom of the garden has arisen since that time. There are no public views onto the site and extensive development is underway on adjacent land. It is considered that the proposed development would cause minimal visual intrusion which can be mitigated by care with the design and suitable landscaping proposals.

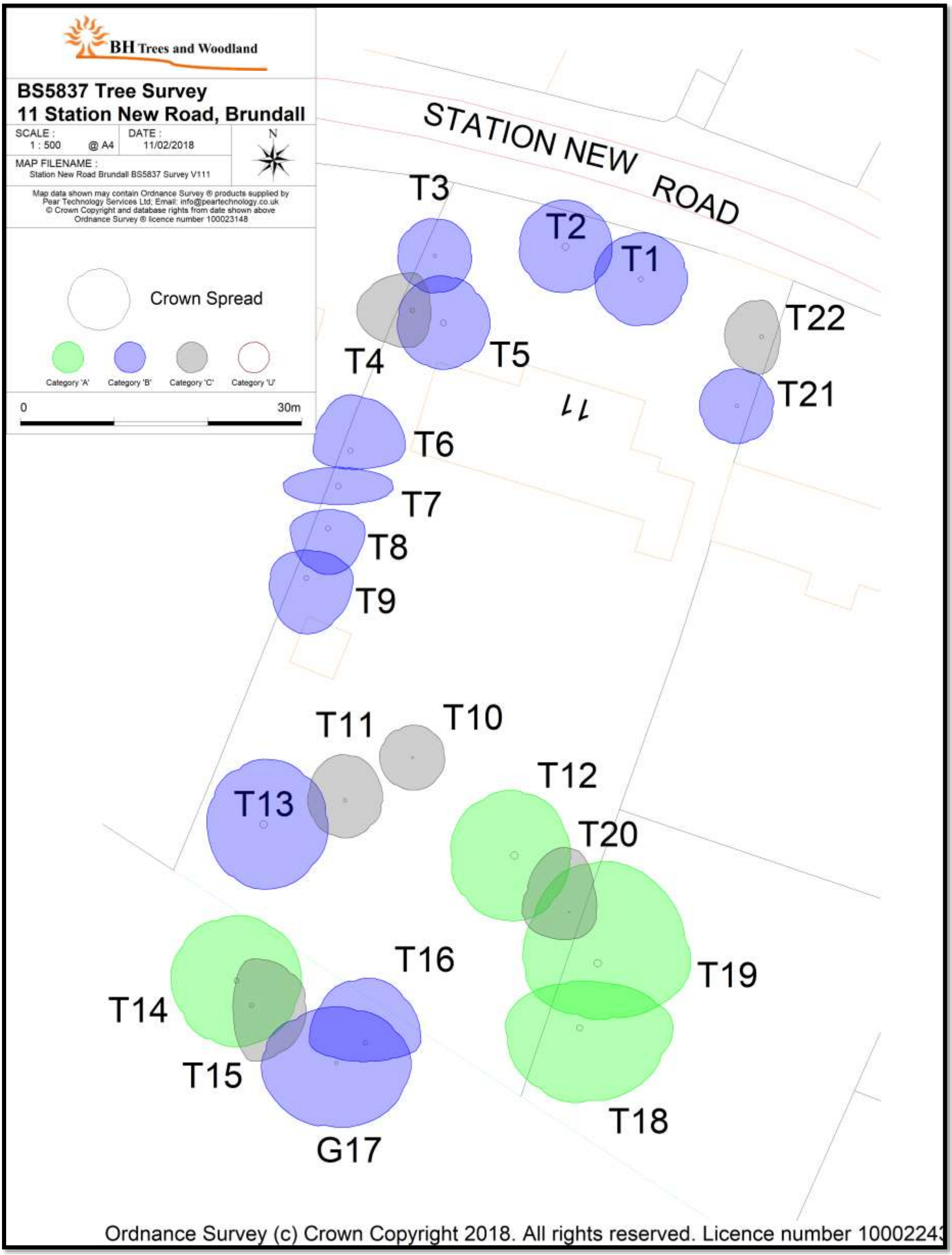


Figure 2: Tree Survey

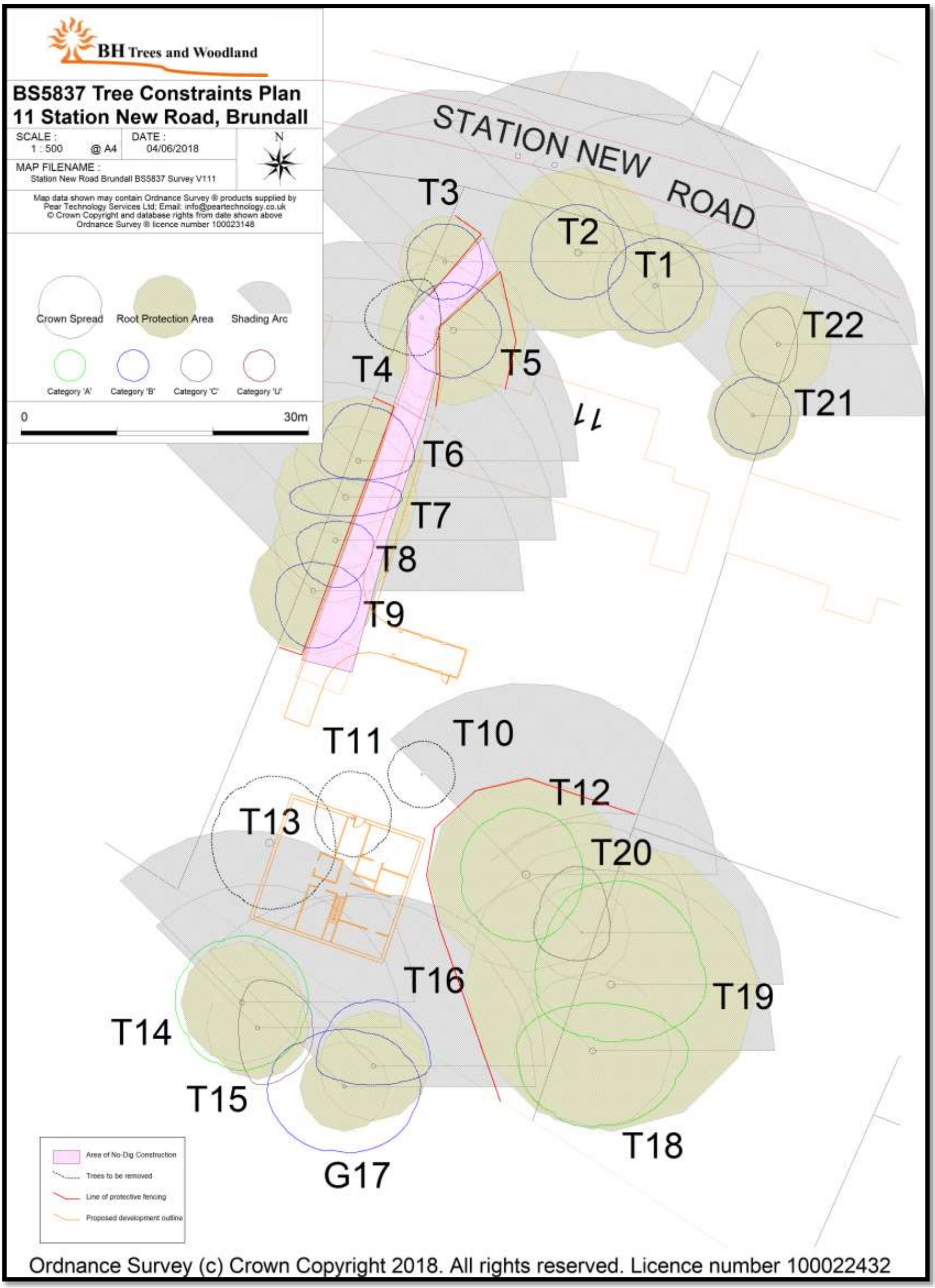


Figure 3: Tree Constraints Plan

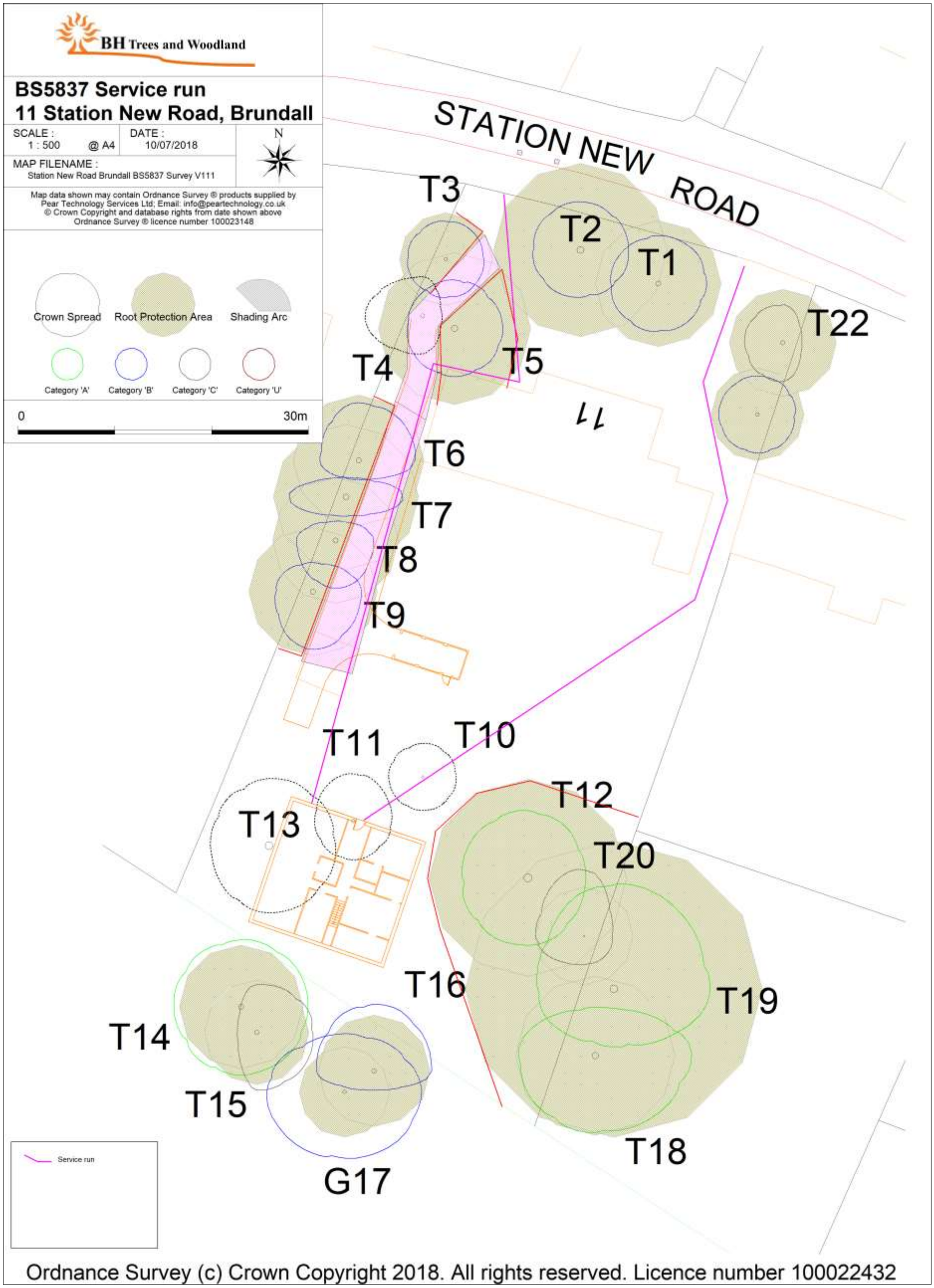


Figure 4: Options for services

5 ASSESSMENT OF ARBORICULTURAL IMPLICATIONS

5.1 The Tree Constraints Plan in figure 3 shows the trees intended for removal and those which are to be retained after development. The woodland to the south is beyond the impacts of the development.

5.2 The high quality category "A" trees, namely a fine group of beech and a promising oak tree to the east and south of the proposed development respectively are successfully retained. The Douglas fir trees, T1 – T9 constitute an impressive landscape feature but are reduced to a category B grading as they are reaching maturity and are vulnerable to wind damage. The cascade chart for tree quality assessment from BS5837:2012 is reproduced in appendix D.

5.3 The access driveway is 3m wide and passes between the existing house and the firs, the closest stem will be 1m away from the driveway. It is recommended that the access drive is designed by employing a No-dig construction technique with permeable surfacing to minimise impacts on the retained row of Douglas fir trees. Clearly this crosses the Root Protection Areas (RPA) of the fir trees and the BS recommends no more than 20% of the RPA being covered by a hard surface. The table below quantifies the extent of the rpa coverage by the driveway surface for each tree. It should be noted that this is based on a theoretical RPA, i.e. a circular area centred on the stem and it is more likely that the RPA is skewed in favour of the other three cardinal points away from the existing building where the tree roots would seek to exploit more favourable rooting conditions.

Tree ID	T3	T5	T6	T7	T8	T9
Total area occupied by access drive in rpa	19 m^2	44 m^2	30 m^2	34 m^2	31 m^2	39 m^2
Total rpa area from Appendix A	69 m^2	185 m^2	137 m^2	168 m^2	127 m^2	132 m^2
Expressed as a percentage	27.7%	24%	22%	20.3%	24.6%	29.5%

Whilst the coverage does exceed the recommended 20% threshold, four of the trees exceed it by less than 5% and the remaining two by less than 10%. Given that there is to be no excavation and that a permeable structure is proposed, it is considered that impacts on the trees is acceptable. The trees are already mature and exposed to the elements, they are likely sustain natural crown reduction through wind damage causing them to begin to lose some of

their aesthetic quality over the next 20 years, by which time they may be of such proportions as to pose an unacceptable threat to the existing property.

5.4 It is proposed to remove one poor quality Douglas fir to facilitate access. This tree is outside the scope of the TPO and has lost its apical dominance. Further tree removal is required to make space for the development. An ornamental cherry and an ash tree, these are smaller specimens with limited landscape contribution which can be replaced in a more suitable location. The cherry is certainly outside the scope of the TPO but the ash tree is less obviously so. It is also proposed to remove a fair quality oak tree. This tree does appear to be within the area TPO but it does have a multiple stem with inclusions and potentially weak unions.

5.5 The "options for services" plan in Figure 4 illustrates two options for connecting services for the new dwelling. The services could be routed either side of the existing building. Running down the western side has the advantage of limiting disturbance since it will run along the proposed new access drive and allows the services to remain on land owned by the new occupier. Routing services down the eastern side of the existing building has the advantage of avoiding tree roots and can share a trench with the services to the existing building as far as they extend.

5.6 An analysis of the average shading arc is also illustrated on the tree constraints plan. This analysis suggests that up to half the building may be in shade for most of the day during the summer, which may result in future pressure to reduce or remove the adjacent trees T14-17 which are protected by the area TPO. These trees appear to be in different ownership. It should be noted that the illustrative shading arc is based on the tree height and the shading will therefore be exaggerated due to the drop in levels across the site from north to south.

5.7 Table 1 –Quality assessment of trees recorded in survey in accordance with BS5837:2012

	Trees	**Groups**	**Hedges**	**TOTALS**	**To be removed**
Category U	0	0	0	0	0
Category A	4	0	0	4	0
Category B	10	1	0	11	1
Category C	5	0	0	5	3
TOTALS	19	1	0	20	4

6 ARBORICULTURAL METHOD STATEMENT

Tree Work

6.1 No tree work is required to the retained trees at the present time.

6.2 Any tree work should be undertaken to the standards set out in BS 3998:2010 British Standard Recommendations for Tree Work.

Tree and Root Protection – Constraints on Development

6.3 The Tree Constraints Plan in Figure 3 shows the trees to be removed and the distance that construction should normally be kept away the from retained trees to provide recommended RPA in BS 5837: 2012. Full protection of the RPAs should be reinforced by the erection of protective fencing constructed to at least a minimum standard as prescribed in BS 5837: 2012 and described in the Appendix C. A suggested line for protective fencing is shown on the constraints plan in fig 3.

6.4 Access for the development is proposed from the existing gateway off the public road. It is recommended that a No-Dig construction technique is adopted over the area shown on the Tree Constraints Plan. A schedule of monitoring by the arboricultural consultant is recommended to supervise the installation of the tree protection measures.

No-Dig Construction

6.5 It is recommended that where encroachment into an RPA occurs, a No Dig construction technique is employed. Where it is necessary to achieve a level surface, the level should be built up using permeable materials and minimum compaction.

6.6 The access should be constructed without excavation apart from the removal of turf/organic matter, which should be carried out by hand. Excavators, dumpers and other site traffic should not be allowed to track on the No-Dig areas until the roots are protected by the No-Dig surfacing.

6.7 The construction sequence of a commonly used engineering solution for a No Dig surface involves the following steps (see Appendix F for detail):

- Topsoil/turf/gravel surfacing should be removed carefully by hand to a maximum of 50mm, or less if the roots are found nearer the surface.
- Following levelling with subsoil or sand, a permeable membrane (BGT100 Geotextile Fabric) should be laid.
- TERRAM™ Geocell Tree Root Protection (Appendix F) cellular confinement system should then be constructed to manufacturer's instructions on top of the geotextile.

- The cellular confinement system should be filled with clean (no fines), washed angular, 5mm to 45mm stone to provide load support, while allowing air and moisture to permeate to the root zone.
- Install the permeable pavement layer/wearing course e.g. BodPave®85, on top of the TERRAM ™ Geocell according to the manufacturer's instructions.

6.8 Removed turf/topsoil can be used to grade surrounding ground levels.

General Measures

6.9 No construction activity should be allowed within root protection areas, except as detailed in an agreed method statement.

6.10 No mixing of cement or concrete, or storage of fuel should take place within 10m of retained trees, or in any position where the slope of the ground could lead to contamination of the root protection area.

6.11 Fires should not be lit in a position where their flames could extend to within 5m of foliage, branches or trunks.

6.12 Every effort should be made to route services without encroaching on the RPAs. If for whatever reason, installation within the RPAs is required, the local authority will need to be notified. Trenching for the installation of underground services may sever roots and change the hydrology in a way that adversely affects the health of trees. For this reason particular care will be taken in the routing and methods of installing underground services. Wherever possible they should be kept together and arboriculturally sensitive methods of excavation used. Reference should be made to the National Joint Utilities Group publication Volume 4 issue 2 for guidance, but any approach must be brought to the attention of the local authority.

7 CONCLUSIONS

7.1 Recommended root protection areas are mapped in this report. No construction activities should take place within root protection areas, except as indicated in the method statement.

7.2 Based on the proposed tree constraints plan and recommended tree protection measures, we consider that development can be accommodated on this site with minimal impacts on the arboricultural interest of the site.

8 BIBLIOGRAPHY

British Standards Institution (2012), *BS 5837:2012, Trees in relation to design, demolition and construction – recommendations*

British Standards Institute , BS 3998:2010 *Recommendations for tree work.*

Fay, N., Dowson, D.C. and Helliwell, R. (2005), *Guidance Note 7, Tree Surveys: A Guide to Good Practice,* The Arboricultural Association

Lonsdale, D. (1999), *Principles of Tree Hazard Assessment and Management,* Research for Amenity Tree No. 7, Stationery Office, London.

Mattheck, C. and Breloer, H. (1994), *The Body Language of Trees*, Research for Amenity Trees No.2, Stationery Office, London.

Appendix A Tree Survey Detail

Tree ID	Common Name	Maturity	Height (m)	Height and direction of first significant branch (m)	Diam (mm)	RPA radius (m)	RPA Area (m2)	Spread - N (m)	Spread - E (m)	Spread - S (m)	Spread - W (m)	Category	Sub category	Life Expectancy	Phys Condition	Tree work recommendations	Comment
T1	Douglas Fir	Mature	18	6m S	530	6.4	127	5				B	1;2	20 to 40 yrs	Good	No action	
T2	Douglas Fir	Mature	19	6m S	730	8.8	241	5				B	1;2	20 to 40 yrs	Good	No action	
T3	Douglas Fir	Mature	18	12m W	390	4.7	69	4				B	1;2	20 to 40 yrs	Good	No action	
T4	Douglas Fir	Mature	14.5	5m W	450	5.4	92	4	2	4	6	C	1;2	20 to 40 yrs	Fair	No action	
T5	Douglas Fir	Mature	22	7m E	640	7.7	185	5				B	1;2	20 to 40 yrs	Good	No action	
T6	Douglas Fir	Mature	23	9.5m E	550	6.6	137	6	6	2	4	B	1;2	20 to 40 yrs	Good	No action	
T7	Douglas Fir	Mature	23	10m E	610	7.3	168	2	6	2	6	B	1;2	20 to 40 yrs	Good	No action	
T8	Douglas Fir	Mature	23	9m S	530	6.4	127	2	4	5	4	B	1;2	20 to 40 yrs	Good	No action	
T9	Douglas Fir	Mature	22	5m S	540	6.5	132	3	5	6	4	B	1;2	20 to 40 yrs	Good	No action	
T10	Flowering cherry	Semi-mature	6	1.5m N	250	3.0	28	3.5				C	1;2	20 to 40 yrs	Good	No action	
T11	Common Ash	Semi-mature	12	3m E	*361	4.3	59	5	4	4	4	C	1;2	20 to 40 yrs	Fair	No action	
T12	Copper Beech	Mature	20	4m S	830	10.0	312	7	6	7	7	A	1;2;3	>40 yrs	Good	No action	
T13	Common Oak	Mature	18.5	2m S	*812	9.7	298	7	7	7	6	B	1;2	>40 yrs	Fair	No action	
T14	Common Oak	Mature	18	3.5m S	520	6.2	122	7	7	7	7	A	1;2;3	>40 yrs	Good	No action	
T15	Common Oak	Semi-mature	15	4m S	440	5.3	88	5	6	6	2	C	1;2	>40 yrs	Poor	No action	
T16	Common Oak	Semi-mature	18	6m N	470	5.6	100	7	6	2	6	B	1;2	>40 yrs	Fair	No action	
G17	Common Ash	Mature	20	5m W	*380	4.6	65	6	8	7	8	B	1;2	>40 yrs	Fair	No action	
T18	Common Beech	Mature	19	3.5m S	670	8.0	203	5	10	8	8	A	1;2;3	>40 yrs	Good	No action	
T19	Common Beech	Mature	18	3m W	800	9.6	290	11	10	6	8	A	1;2;3	>40 yrs	Good	No action	
T20	Common Hazel	Mature	11.5	n/a	130	1.6	8	7	3	3	5	C	1;2	20 to 40 yrs	Good	No action	
T21	Douglas Fir	Mature	18	12m W	390	4.7	69	4				B	1;2	20 to 40 yrs	Good	No action	
T22	Douglas Fir	Mature	14.5	5m W	450	5.4	92	4	2	4	4	C	1;2	20 to 40 yrs	Fair	No action	

Key Age class: **Young** (1st qtr of life expectancy) **Semi-mature** (2nd qtr of life expectancy) **Early-mature** (3rd qtr of life expectancy) **Mature** (final qtr of life expectancy)

Over mature (beyond life expectancy and declining naturally)

Veteran (of great age for its species and possibly of conservation value)

*** derived measurement using protocols in BS5837**

† Sub category "1" Arboricultural values
Sub category "2" Landscape values
Sub category "3" Cultural values

Appendix B

Photographic record of selected trees

Existing entrance and Douglas firs	Douglas firs T6-T9

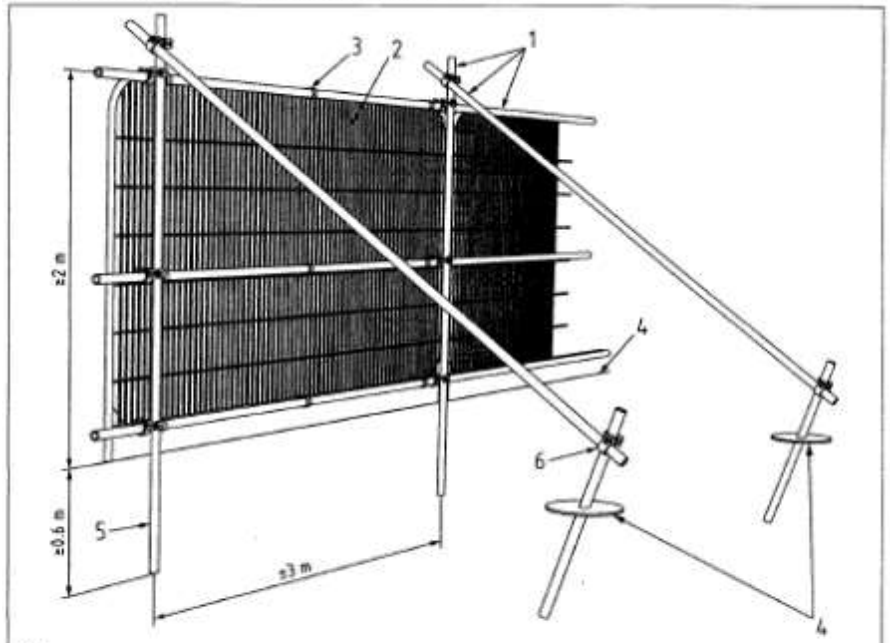
Ash T11 in foreground and oak T12 behind proposed for removal	Oaks T13 and T14 to be retained

Large copper beech to be retained	Woodland with ash group G17 in centre

Appendix C

British Standard BS 5837:2012 Default specification for protective barrier

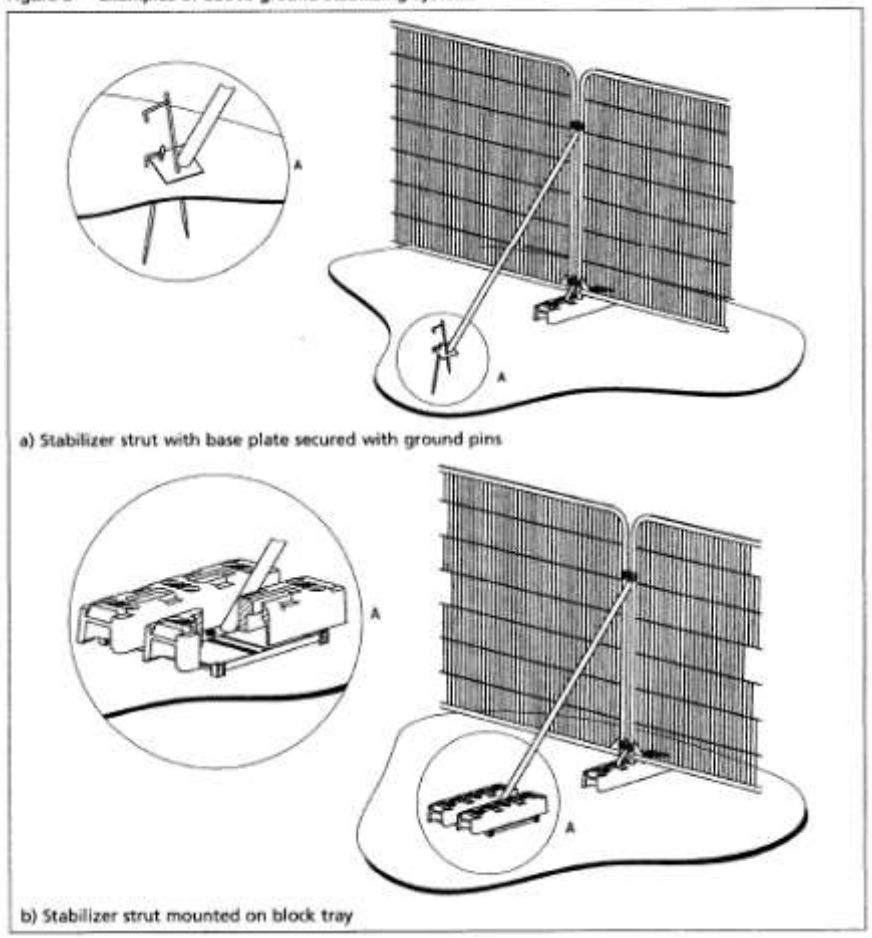
Figure 2 **Default specification for protective barrier**



Key

1 Standard scaffold poles
2 Heavy gauge 2 m tall galvanized tube and welded mesh infill panels
3 Panels secured to uprights and cross-members with wire ties
4 Ground level
5 Uprights driven into the ground until secure (minimum depth 0.6 m)
6 Standard scaffold clamps

Figure 3 **Examples of above-ground stabilizing systems**



Appendix D

BS 5837:2012 Table 1 Cascade for tree quality assessment

Table 1 **Cascade chart for tree quality assessment**

Category and definition	Criteria (including subcategories where appropriate)		
Trees unsuitable for retention (see Note)			
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	• Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) • Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline • Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality *NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.*		
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation
Trees to be considered for retention			
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value

Appendix E

TERRAM™ Geocell product sheet and installation guidance

TERRAM
Geosynthetics you can trust

TERRAM geocells

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Product Data Sheet

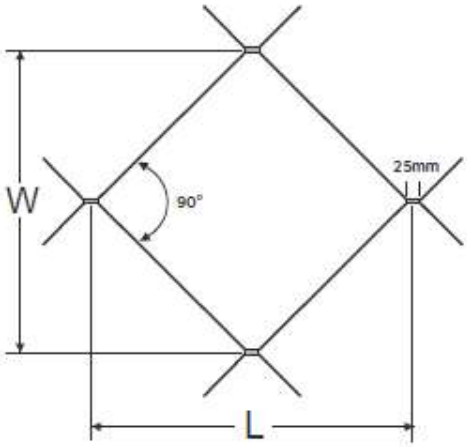
Issue: 02 Date: 15.06.12 Page: 1 of 2

Panel Grade		22/20	25/10	25/15	35/10	35/15
Physical Properties						
Cell Nominal Diameter	mm	220	250	250	350	350
Cell Length (L)	mm	275	295	295	415	415
Cell Width (W)	mm	230	250	250	370	370
Cell Depth[1]	mm	200	100	150	100	150
Panel Length[1]	mm	6176	5175	5175	5199	5199
Panel Width[1]	mm	3227	7300	7300	7438	7438
Panel Weight	kg	20	17	25	11	17
Cells per m^2 (nominal)		30	26	26	12	12
Mechanical/Hydraulic Properties						
Cell Wall Tensile Strength[2]	kN/m	20.7	20.7	20.7	20.7	20.7
Cell Junction Peel Strength[3]	kN/m	10.0	10.0	10.0	10.0	10.0
Cell Wall Permeability[4]	l/m^2s	45.0	45.0	45.0	45.0	45.0

1. Other sizes are available to order.
2. Results derived from wide-width tensile test (EN ISO 10319).
3. Terram internal test method.
4. Results derived from a single cell wall Permeability Test (EN ISO 11058).

Results quoted are family mean values derived from testing over periods of time.

Colour: dark grey - other colours available to order



igs CE 0338

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Durability

This product is predicted to be durable for more than 25 years in soils with a pH in the range 2 to 14 and with a temperature of less than 25°C.

Chemical resistance
Polypropylene and polyethylene are unaffected by the chemicals which normally exist in soils.

Biological resistance
Polypropylene and polyethylene are not nutrients for micro-organisms and do not provide nourishment for animals & insects.

UV exposure
Fiberweb Geosynthetics' products are delivered to site in polyethylene wrapping to protect against the effects of ultra-violet radiation. It is recommended that the products remain wrapped until their installation.
Once unwrapped, the products should be completely covered with fill within 14 days to avoid exposure to UV radiation.

Versions of most products can be manufactured with enhanced UV performance by incorporating stabilisers. These versions carry the suffix UV.
The remaining properties are identical to the corresponding standard grade.
Adequate precautions should always be taken to protect all products from UV radiation to achieve the stated durability.

Notes:

1. Refer to the *Terram Jointing Methods* (downloadable from www.terram.com) for when simple overlaps are required for subsequent and adjacent roll lengths. However, pegging, sewing, stapling or gluing can also be used depending upon the application, the sub-grade conditions, the loading, the convenience and the cost.
2. These figures relate to standard product weights and roll sizes. Other weights, sizes and colours may be available on request. For further information please contact Fiberweb Geosynthetics' Technical Support.

As part of its continual improvement process Fiberweb Geosynthetics Ltd reserve the right to change the properties listed on this data sheet without prior notice.

TM indicates a trade mark of Fiberweb plc or a Fiberweb Group company, many of which are registered in a number of countries around the world.

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GEOCELL FOR TREE ROOT PROTECTION

MS 456 Issue 3: Feb 2012

SPECIFICATION & INSTALLATION GUIDANCE

TERRAM GEOCELL CONFINEMENT SYSTEM FOR TREE ROOT PROTECTION

Terram Geocell is a geocellular sub-base confinement system designed for the protection of tree roots where the construction of roads, car parks and access routes are required in the vicinity of trees and where Tree Preservation Orders (TPO) may be enforced. The structure confines and stabilises the sub-base stone ensuring that vehicle loads are dissipated, rutting and soil compaction is prevented and damage to tree roots is avoided. When installed as advised, Terram Geocell will also allow the continued passage and circulation of air, water and nutrients to tree roots to sustain a healthy growing environment as recommended by the following 2 documents:

- British Standard BS5837: 'Trees in Relation to Construction' (2005).
- Arboricultural Advisory and Information Service: Practice Note 1 – 'Driveways Close to Trees' (APN1)

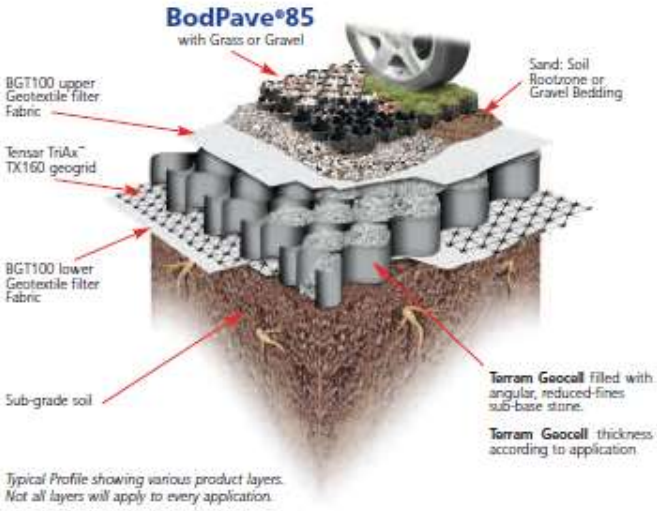
Tree Root Protection is supplied flat packed and opens to form a strong geocellular structure. It is simply pinned in place using metal fixing pins as described.

In this type of 'Reduced-Dig' or 'No-Dig' Tree Route Protection application, Terram Geocell is intended for use in conjunction with a water and gas permeable SuDS (Sustainable Drainage System) compliant pavement surface product such as BodPave®85 cellular plastic paving, Concrete Porous Block Paving or Porous Asphalt surfaces. Although Terram Geocell can be used by traffic in isolation for a very limited period when filled; it is not advised that Terram Geocell is used as the permanent surface finish for vehicle access routes. Exceptions may arise where Terram Geocell is installed as a temporary haul road for example as a site access route and may be removed and disposed of or fully re-surfaced after use. Refer to installation method details for further information.

GENERAL INSTALLATION ADVICE FOR ALL APPLICATIONS

Prior to commencing works it is advisable to seek the professional opinion and approval of the Local Planning Department and Arboriculture Officer. Specific design limitations may be determined by Tree Officers, Engineers or Planners and must be closely adhered to. All applications will vary according to the site conditions and specific tree species involved. The ground and tree roots within the tree root protection zone must be protected from compaction and damage at all stages of the construction works. Works may involve varying degrees of excavation or build-up where edge retention is required, which must avoid root damage and soil compaction. The use of mechanical equipment or even low ground pressure machinery in the tree root protection zone must be avoided and hand tools may be the only method of excavation close to the root system.

Typical Profile



Typical Profile showing various product layers. Not all layers will apply to every application.

SPECIFICATIONS

PRODUCT	PANEL SIZE	CELL DIAMETER & DEPTH	PANEL WEIGHT	MATERIAL	LOADING APPLICATION	PART No.
Geocell™ 250/100	5m x 7m	250mm x 100mm	18kg	Non-woven Polypropylene	Pedestrians	051397
Geocell™ 250/150	5m x 7m	250mm x 150mm	25kg	Non-woven Polypropylene	Cars/Light vehicles	051403
Geocell™ 220/200	6m x 3m	220mm x 200mm	20kg	Non-woven Polypropylene	HGV's	051380

PRODUCT	MATERIAL	SIZE	UNIT	PART No.
Fixing U-Pin	Steel rod	550mm long x 8mm dia	Each	082834

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GEOCELL FOR TREE ROOT PROTECTION

MIS 456 Issue 3: Feb 2012

INSTALLATION METHOD FOR PERMANENT ACCESS ROUTES AND CAR PARKS

1. Obtain the approval of the Local Planning Department and Arboriculture Officer that this method of construction is appropriate and acceptable for the application and to determine the limits of construction and proximity to the tree.
2. Prepare the site by carefully removing all debris and reducing surface levels to the allowable reduced dig as appropriate to the specification, whilst strictly avoiding soil compaction and tree root damage. Build-up directly on the existing surface levels may be necessary.
3. Ensure that the prepared surface is reasonably even and fill any localised depressions with sharp sand to achieve an even surface profile. Do not roll or consolidate the area.
4. Install tanalised timber edging boards or other approved edge retention to the perimeter of the construction zone as appropriate to the total layer profile thickness. Avoid damage to tree roots when placing fixing posts and pegs. Concrete kerbs are unlikely to be appropriate or allowed.
5. Install a layer of BGT100 Geotextile Fabric across the site, overlapping adjacent rolls by a minimum of 150mm. It may be necessary to lightly pin the Geotextile in place until the overlying layers are installed.
6. An optional layer of Tensar TX160 TriAx™ Geogrid may be required at this stage, possibly determined by the site soil strengths (i.e. weak CBR% strength*), the proposed application and applied load such as HGV's. In some cases the TX160 layer may also aid the reduction of the required layer thickness of Terram Geocell where an extremely limited allowable excavation or build-up has been applied. Place the Geogrid layer over the Geotextile Fabric layer and fix down using steel pins to hold flat. Overlap adjacent rolls by minimum 150mm. Avoid tree root damage and soil compaction.
7. Open out and lay the specified layer thickness of Terram Geocell (100mm/150mm/200mm deep) and pin in place between the edging boards. It may be necessary to cut the Terram Geocell to size using a sharp knife or it can be left uncut and folded up against the edgings if preferred.
8. Pin the Terram Geocell in place using Steel Fixing Pins or similar approved. The pins are generally used to maintain the cells in an open and fully expanded position whilst the cells are being filled and also to stop the structure from being pushed up by migrating aggregate during the filling process. Pin spacing will vary according to the site conditions, but will generally be required at 1m – 2m centres on flat surfaces, mainly placed around the perimeter of the area and where adjacent sections of Terram Geocell abut each other , with less in the middle of the area. Drive the pins in so that they are just touching the top of the cells but do not compress the fabric. Avoid tree root damage during the pinning process.
9. Fill the Terram Geocell, working toward the tree from the furthest point away and using the filled Terram Geocell as a platform. The cells must be filled with clean, open graded angular aggregate, normally in the particle size range of 5mm - 45mm. Not single sized or rounded aggregate. The project engineer may determine alternative fill materials such as clean 4/20 or 4/40 stone or a reduced-fines DoT Type 1X sub-base. It is not acceptable to use a standard DoT Type 1 Sub-base within the cells for tree root protection. Do not roll the surface, a light vibratory compaction plate (whacker) may be permitted to settle the stone into the cells, seek advice from the specifier or Tree Officer on this detail. Do not contaminate the filled cells with site debris, soil or mud.
10. Install the permeable pavement layer/wearing course i.e. BodPave®85, Block Paving, Porous Asphalt, on top of the Terram Geocell according to the manufacturers recommendations. Each porous pavement layer will have a specific design layer requirement; therefore for example, where a sand or sand:soil bedding layer is specified or a contaminant filtration layer is required, then a layer of BGT100 Geotextile Fabric shall be placed above the Terram Geocell prior to the pavement bedding layer being installed and finished according to manufacturers instructions. The Geotextile will stop the pavement bedding layer from migrating down into the aggregate voids within the Terram Geocell.

For installation recommendations for BodPave®85 cellular paving for Grass & Gravel, refer to BodPave®85 Specification and Installation Guidance Notes. For all other pavement layer products, refer to the specific manufacturers' guidance.

INSTALLATION METHOD FOR TEMPORARY ROADS AND SACRIFICIAL PAVEMENT LAYERS IN HAUL ROADS

In some applications Terram Geocell may be installed as a temporary haul road base and completely removed after use. Alternatively it may have a sacrificial stone layer placed over it which is removed and replaced with a permanent permeable pavement solution when use of the haul road is complete.

1. Obtain the approval of the Local Planning Department and Arboriculture Officer that this method of construction is appropriate and acceptable for the temporary access and to determine the limits of construction and proximity to the tree.
2. Apply all construction detail as for items 2 to 9 above for 'Permanent Access Routes'.
3. Place a layer of BGT100 Geotextile or greater strength Geotextile (i.e Terram 2000) onto the Terram Geocell surface. The geotextile grade will be determined by the specific site design criteria and degree of haul road traffic proposed. This layer will be removed and replaced later if a porous pavement surface is being installed on the Terram Geocell.
4. Place a minimum 100mm thick layer of either clean graded stone or DoT Type 1 sub-base stone onto the surface. This will be the sacrificial pavement layer to be removed later. Aggregate specification will be determined by the project manager.
5. During use of the access route, routinely check for erosion of the surface and repair with stone as required to avoid exposure of the geotextile.
6. After the haul road use is completed, remove the sacrificial layer of stone and geotextile and replace with the preferred permeable pavement layer in accordance with manufacturers recommendations. Alternatively remove the entire construction profile to return the site to its original status. is critically important to avoid contamination of the remaining layer of open-graded stone within the Terram Geocell where partial removal is carried out and at all times to avoid damage to tree roots and soil compaction during removal and disposal of the construction layers.
7. Where complete removal of Terram Geocell is required, seek the specifiers' advice on renovation and restoration of the landscaped surfaces within the tree protection zone.

Typical Profile Construction

Other useful notes on Tree Root Protection

- In most applications the total porous pavement area should not exceed 20% of the tree root protection area.
- It is advisable to seek an Engineers advice on the required Terram Geocell layer thickness related to local soil strengths and proposed traffic loadings.
- Soil compaction will severely affect the trees ability to take up water and oxygen; similarly, raising soil levels around trees will deprive roots of oxygen and cause stress and dieback.
- In most cases 80% - 90% of a trees root system are in the upper 1m of soil and the small fibrous tree roots are the most important to a trees health. The fine roots enable transport of oxygen, water and nutrient to the tree via the larger roots which also anchor the tree and provide stability. Severing only a small proportion of the fine surface root structure can severely affect the tree, causing stress, dieback and loss of stability.

* CBR% Strength = California Bearing Ratio – a measure of subgrade soil strength.

Further Reading

- British Standard: BS5837 1991 / 2005 – Trees in Relation to Construction - Recommendations.
- Arboricultural Advisory and Information Service: Practice Note 1 – 'Driveways Close to Trees' (APN1).
- 'Tree Root Systems'. (M. Dobson 1995) – Arboricultural Research Information Note 130/ARB/95.
- 'Driveways Close to Trees' (M. Dobson / D. Patch 1996). Arboricultural Practice Note 1.
- 'Guidance for Trees: Conflict or Compliment?'. (R. Nicholson 2001). Arboricultural Journal No. 25.

The information contained herein is, to the best of our knowledge, accurate in all material respects. However, since the circumstances and conditions in which such information and the products mentioned herein can be used may vary and are beyond our control, no representation or warranty, express or implied, of any nature whatsoever is or will be made and no responsibility or liability is or will be accepted by us, any of our affiliates or our or their respective directors, officers, employees or agents in relation to the accuracy or completeness or use of the information contained herein or any such products and any such liability is expressly disclaimed.

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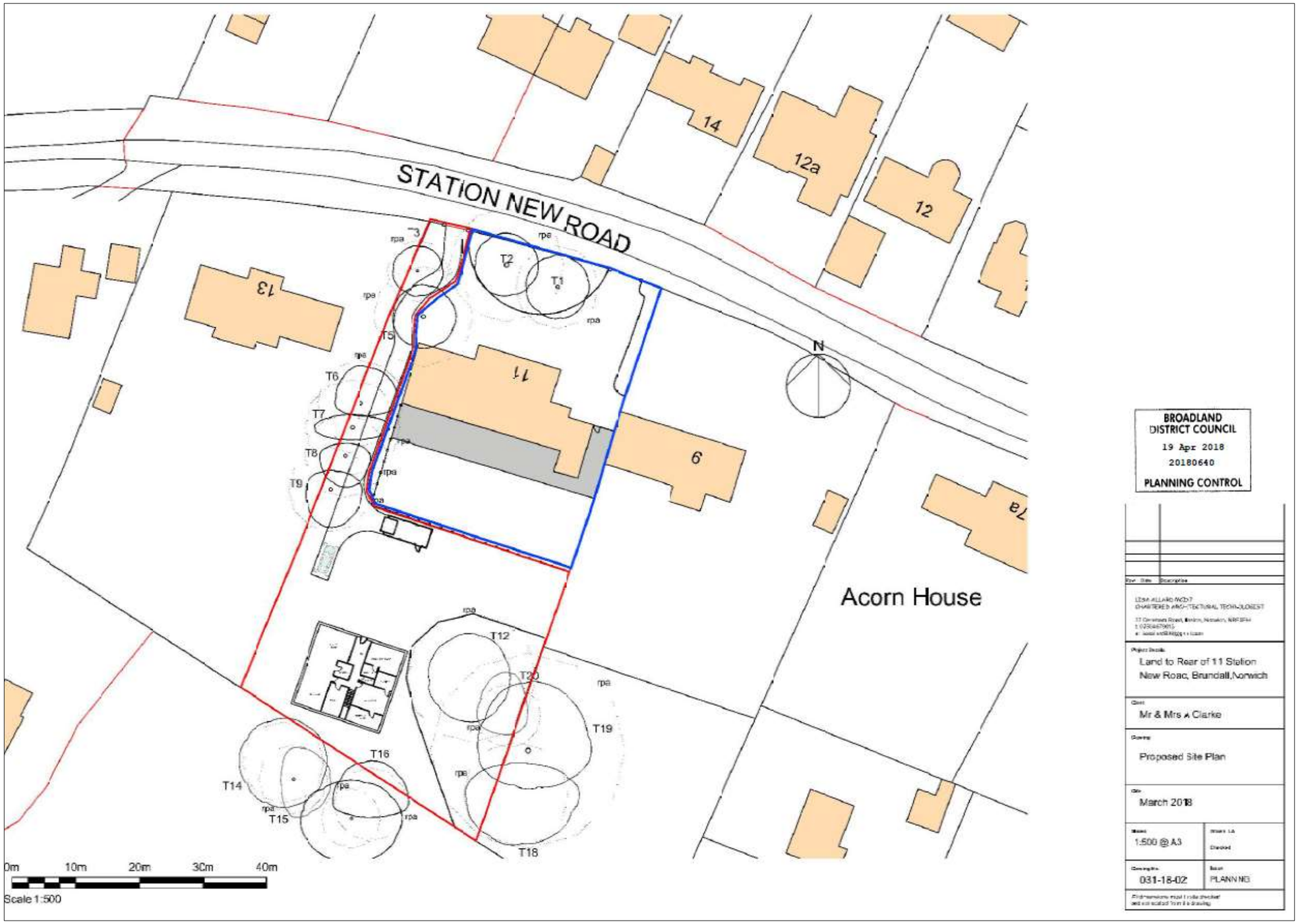
Fiberweb

Appendix F - Schedule of arboricultural site monitoring

Activity	Arboricultural supervision required, and by whom?	Date action undertaken
Undertaking of suggested tree work	No	
Erection of protective fencing	Yes, by arboriculturist and site supervisor	
Installation of ground protection in no-dig zones	Yes, by arboriculturist and site supervisor	
Dismantling of protective measures	Yes, by site supervisor	
Inspection of replacement planting	n/a	

Appendix G – Proposed site plan



From:	Richard Farley
To:	Alex Lowe
Cc:	"Sharon Smyth"
Subject:	Proposed TPO 2019 NO 1
Date:	12 February 2019 08:45:35

Dear Sir

Today I looked at the trees on the property at 11 STATION ROAD,BRUNDALL.NR135PQ.

I fully support that the 11 Douglas Firs should be protected by a Tree Preservation Order.

They look health and are established trees that are a feature to the area.

They were viewed from the roadway.

Yours Faithfully

Richard G Farley

Brundall Tree Warden