

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*