Appeals Panel

Agenda

Members of the Appeals Panel

The Panel will comprise the following 3 Members:

Mrs L Hempsall (Chairman)
Mrs C Bannock
Mr M Snowling MBE

Date

Tuesday 16 January 2018

Time and Place

9:30 am – Old Catton
10:30 am – Broadland District Council offices

(Please see schedule overleaf for details)

Contact

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Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU

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Ward Members:
Old Catton - Mr S Dunn, Mr K Leggett, Mrs K Vincent

Parish/Town Councils:
Old Catton

If any member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Head of Service.

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 of the meetings held on

(1) 26 July 2017 **5 – 14**

(2) 3 August 2017 **15 – 18**

4 The Broadland District Tree Preservation Order 2017 (No 18) (1276) – Land to the West of St Faiths Road, Old Catton **19 – 58**

To hear and determine objections to the making of the Order

A copy of the procedure to be followed is attached **3 – 4**

P C Kirby
Chief Executive

	Schedule – 16 January 2018
9:30 am	Meet on site at Plot 9/10 St Faiths Road, Old Catton (on the left just after the mini roundabout) to inspect the trees. The site may be muddy.
10:30 am	Convene at Broadland District Council Offices, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU to determine the Order

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) The panel then deliberates in private.

(11) During its deliberations the panel will be advised on procedural matters by the chief executive or his appointed representative.

(12) Once the deliberations are concluded the panel's decision is formally announced to interested parties.

(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.

Minutes of a meeting of the **Appeals Panel** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew on **Wednesday 26 July 2017** at **10:15am** when there were present:

Mrs L Hempsall – Chairman

Mrs C H Bannock Mr D Harrison

Also in attendance were:

(1) Mr and Mrs Hussain of 1 Post Mill Close, Sprowston, Norwich (Minute no:5) - objecting (site visit and hearing)

(2) Mr D Sayer, Parks and Estates Manager, Thorpe St Andrew Town Council (Minute no: 5 hearing only – observing and Minute No 6 hearing only - supporting)

(3) Mr M Few of 4 Newcastle Close, Thorpe St Andrew, Norwich (Minute no: 6 - site visit and hearing – objecting)

(4) Mr P Few, supporting his son, Mr M Few of 4 Newcastle Close, Thorpe St Andrew, Norwich (Minute no: 6 - site visit and hearing – objecting)

(5) Mr and Mrs Dickinson-Wood of 17 Association Way, Thorpe St Andrew, Norwich (Minute no: 6 - site visit and hearing – objecting)

(6) Mrs J Taylor of 19 Association Way, Thorpe St Andrew, Norwich (Minute no: 6 - site visit and hearing – objecting)

(7) Mr R Mison of 15 Association Way, Thorpe St Andrew, Norwich (Minute no: 6 site visit only – objecting)

(8) Mrs J Woodruff of 14 Parliament Court, Thorpe St Andrew, Norwich (Minute no: 6 - hearing only – supporting)

(9) The Council's Conservation Officer (Arboriculture & Landscape) (Minute no: 5 - hearing only and Minute no: 6 – site visit and hearing)

(10) The Council's Assistant Conservation Officer presenting the Council's case for Minute no: 5 and 6 (site visit and hearing)

(11) The Committee Officer (DM) – advisor to the Panel (site visit and hearing)

4 MINUTES

The Minutes of the meeting held on 25 May 2017 were confirmed and signed by the Chairman as a correct record.

5 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2017 (NO: 6) REF: 1264 – 1 POST MILL CLOSE, SPROWSTON, NOWICH, NR7 8UA

The Panel had previously visited the site at 9:15am to inspect the Silver Birch tree shown as T1 on the map attached to the provisional Tree Preservation Order (PTPO). Mr and Mrs Hussain were present for the site meeting.

Members had viewed the tree from Post Mill Close noting its location, size and form. The Council's Assistant Conservation Officer drew the Panel's attention to low lying branches which could easily be removed as part of any permitted works to lift the crown and avoid overhanging the pavement and parked cars. In answer to questions, the Assistant Conservation Officer commented that, whilst the tree would continue to grow a little taller, as a mature specimen, it would not get overly large. The species was not as long living as some such as an Oak but could be expected to live perhaps 60-70 years.

The Panel then convened at 10:15am to consider the objections to the PTPO. Mr and Mrs Hussain were in attendance. The Chairman outlined the procedure to be followed.

The Panel noted that the Order had been made following an inquiry from the landowner if the tree was protected as they wished to fell the tree.

Mrs Hussain stated that their objections were as submitted in writing and she did not understand why so many obstacles had been put in their way. They wanted to replace the tree with a different species. She acknowledged that the overhanging branches could be reduced to remove the problem for the cars but there was still the issue of insurance and land movement. In answer to a question, Mrs Hussain stated they had purchased their property last year.

The Council's Assistant Conservation Officer then explained why the Order had been made, highlighting that the tree was a reasonable distance from the house, was of a good form and a good species for its urban location. It provided a welcome green aspect in a largely paved area. It was a maiden tree which had not had any work undertaken and it would be possible, with consent, to overcome any nuisance of overhanging foliage on the pavement and cars by removing low lying branches and lifting the crown.

Mrs Hussain said she felt it was unfair that the Council placed an Order on a tree but then the landowner was expected to pay for the maintenance of the tree. The Assistant Conservation Officer stated that the works needed would not be excessive and a routine trimming of the lower branches every 4/5 years would probably suffice. This was a factor which could have been taken into account when the house was purchased. Mrs Hussain stated that she had contacted the Council to enquire if the tree could be felled and was advised that it could as no TPO was present. A short time after this call, the Council had served the TPO. She did not understand why a compromise could not be reached whereby she could plant replacement fruit trees which her family could benefit from and she could maintain and prune herself. The TPO would add to her difficulty in getting insurance for her house and would put people off purchasing her house. The Assistant Conservation Officer stated that with or without the TPO the tree would be the responsibility of the land owner. Any replacement tree(s) would take a number of years to provide the same amenity value as that offered by the current tree, and the landowner would still have the same maintenance responsibilities for the replacement trees as the existing tree. In response to a question about the modification of Orders, Officers explained that Orders could be modified to exclude one or more trees from a group of trees in an order which did not apply in this case. It was also possible to make a new order identifying the position of a number of new trees which when planted would be protected.

The Conservation Assistant, the Conservation Officer (Arboriculture & Landscape) and Mr and Mrs Hussain then left the room whilst the Panel considered the objections 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 were that the criteria for making the Order had been met; the tree added significantly to both the biodiversity and visual amenity value of the local area; the tree was not considered to be in an unsafe condition at this time and the tree would not cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.

Accordingly, it was

RESOLVED:

to confirm the Broadland District Tree Preservation Order 2017 (No: 6) Ref: 1264.

The objector was advised of the right of appeal.

6 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2017 (NO: 5) REF: 1263 – 4 NEWCASTLE CLOSE, THORPE ST ANDREW, NORWICH, NR7 0TJ

The Panel had previously visited the site at 9:45am to inspect the Oak tree shown as T1 on the map attached to the provisional Tree Preservation Order (PTPO). The following were in attendance: Mr M Few, Mr P Few, Mr Mison, Mr and Mrs Dickinson-Wood and Mrs Taylor.

Following introductions of all present, the Chairman invited those present 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 tree from the approach to Newcastle Close, from within Newcastle Close and from the garden of No 4 Newcastle Close. Mr Few referred to a Holly tree growing adjacent to the Oak, which would be a replacement for the Oak if removed. He also asked Members to note the difficulty of accessing the tree to undertake work. Members also viewed the tree from within the garden of no: 17 Association Way and were asked to note how close the tree was to the house and conservatory and to note the state of the grass which was patchy and lumpy. They were asked to note how the garden suffered from much shading and leaf/acorn/branch debris and bird droppings and that the roof of the sheds suffered as did the guttering which had to be cleaned regularly and the guttering at the front of the house had needed replacing. Decking had had to be removed as it did not last in the garden. The Assistant Conservation Officer pointed out the relatively high compact nature of the canopy of the tree and that lower branches were not in contact with any structures. Having regard to the orientation of the houses, the gardens of no: 17 and no: 19 Association Way were shaded by the tree. Members then viewed the location of the tree in relation to another Oak tree nearby which the Assistant Conservation Officer commented was in a comparable position. Others present commented that this tree was not in a garden. Members then walked to the carpark area at the rear of no: 4 Newcastle Close, belonging to the residents of Parliament Court and viewed the tree from this location, which it was claimed was the only realistic point of accessing the tree to undertake any work.

The Panel then convened at 11:00am to consider the objections to the PTPO, when the following were in attendance: Mr M Few, Mr P Few, Mr and Mrs Dickinson-Wood, Mrs Taylor, Mr D Sayer and Mrs J Woodruff.

The Chairman outlined the procedure to be followed.

The following representations were then made:

Mr M Few – stated that he had purchased his house in 2007 and had been apprehensive about the large tree and its proximity to the house and was concerned about falling branches and nuisance to his neighbours. He had checked the status of the tree with the Council prior to purchase and had been told there was no TPO. It was therefore reasonable to assume the Council was not interested in the tree. He proceeded to purchase the house assuming he would be able to reduce the size of the tree or fell it if necessary. In 2010 and 2011 crown reduction work had been carried out which had little effect on the overall size and impact of the tree. It was not possible to get a platform to the tree and works had to be carried out by climbing the tree which was more expensive.

The consensus among him and his neighbours was that something needed to be done and the tree needed to be removed and so in 2016 he had asked a contractor to undertake the work and had spoken to the owners of the adjacent car parking area about consent to access the carpark to carry out work. Arising from this, the PTPO had been served on the tree. This TPO had subsequently lapsed without him being informed. He was then told that, in the absence of the PTPO, the tree could be felled and he again instructed contractors to undertake the work. The contractor was unable to do the work until February 2017. In the intervening period, he had been notified that another PTPO had been served following receipt by the Council of a petition. The petition referred to the tree as a Beech and was not a valid petition as it was not signed but had however been the catalyst for the serving of the PTPO. Mr Few went on to point out that, when the development had been built, the tree had been included in his garden and there was no public access to it and public amenity was therefore limited. He added that the tree was referred to in the PTPO as an Oak when it was actually a Turkey Oak which was not a native species as described. The wasp larvae of the Turkey Oak was damaging to acorns of British Oaks and the MOD had acknowledged this problem. With regard to the nearby Oak, Mr Few commented that this was not located in a garden so could not be compared to the tree in his garden. He expressed his disappointment that the matter had taken 15 months to come to a conclusion.

Mr P Few – reiterated the comments above stating that the Council had not seen fit to put a TPO on the tree when the development had first been built in 1990 or when the house had previously been sold and had allowed the PTPO to lapse. If the contractor had not been busy, the tree would have been felled between September and February. Following receipt of the petition, a second PTPO had been made. The petition was not valid yet the Council considered this sufficient to be the catalyst to make the PTPO. His son had on two occasions engaged contractors to deal with an unprotected tree and had had to cancel them. This was disgraceful. Access to the tree was a real problem and no help had been forthcoming from the Council with this. They had ended up door knocking to get consent to access the carpark to carryout works to the tree. At that time, the residents of Parliament Way did not appear too concerned about the proposals and one person appeared to have objected

on behalf of several residents.

Mr D Dickinson-Wood – said he was worried about large branches falling in an area where children played and that it was unfair that he had to pay for work on his house, such as cleaning the gutters, as a result of a tree in someone else's garden. The houses owned by Wherry Housing had these works paid for by them.

Mrs S Dickinson-Wood – said that she supported everything that had been said and that the petition was not a legitimate one. If the contractor had been available earlier the tree would have been felled. The gutters at her property were a constant problem and she had to pay to have them cleaned through no fault of her own. A friend had recently witnessed a falling Oak tree just missing her house. She commented that her house was the most affected by the tree and it was a danger and a constant worry.

Mrs J Taylor – said she felt the way the PTPO had been made had been mishandled and that whatever the outcome, as a minimum, the crown of the tree needed a significant reduction.

Mr D Sayer – on behalf of Thorpe St Andrew Town Council, stated that the Town Council was concerned about protection of trees in the Town and felt this particular tree needed to be retained. It had been preserved as part of the Development and was shown on ordinance survey/tithe maps dating back to 1836 and 1702 and had significant historical value. In response to a question from Mr Few, Mr Sayer confirmed that the Oak was a Turkey Oak as were some of the other Oaks in the Town and that this species had been found in the Country for the last 400 years.

Mrs J Woodruff – stated that she had lived in her house for 22 years and not had a problem with the tree. Leaves and acorns fell from the tree but these could easily be cleared up as could any sap. She was not aware of any branches falling from the tree into the carpark area. The tree was good for wildlife and for oxygenation. She also commented that the residents of Parliament Court owned the carpark and could if they wanted prevent access to it to get to the tree. She believed that the tree had been trimmed 4/5 times in the last 19 years. She made reference to visits by the tree owner's father to residents on Parliament Court informing them that the reason they wanted to fell the tree was because it was too costly and because of neighbours throwing leaves back over the fence. She felt the tree should remain – it was a strong specimen and there was no good reason to remove it. In response to a question, she confirmed that she had not witnessed any branches falling from the tree even during storms/gales in the last 22 years. She made reference to a complaint about lack of light to gardens but that solar panels had been installed. The owner of the solar panels commented that special measures had been put in place to charge the solar panels because of the lack of light.

The officers then presented the case for making the Order. The Oak tree had first been protected in 2016 by PTPO 2016 No: 6, following a phone call from a tree surgeon regarding access to the shared residents' car park that was needed to allow for the tree to be felled. In accordance with the Town and Country Planning Act 1990, the Council had a duty to protect the amenity value of a tree and if it was considered that a tree was under threat, an Order could be served to protect the tree; hence why the Order had been made. Unfortunately due to a lack of staff resource that year, PTPO 2016 No: 6 did not progress to an appeal and the protection lapsed on 2 September 2016. The landowner contacted the Council at this time and was advised that the Order had lapsed and that he was not constrained as to what he could do with the tree at that time. In early February 2017 a phone call was received explaining that the tree owner at 4 Newcastle Close was intending to fell the tree the week after. The day immediately following this phone call, a letter was received from the residents of six addresses at nearby Parliament Court strongly expressing a wish for the tree's protection to be reinstated to prevent the scheduled felling. The matter had been dealt with by a member of staff who had since left the team and it was not sure if a further site visit had been made but, in any event, a decision was made that the tree had not changed in its significance or condition and was still worthy of protection and a new PTPO (No 5) was served on 6 February 2017. The tree was defined in the PTPO as an Oak and not a Turkey Oak but case law supported the opinion that it was the position of the tree in its location which took precedence in the Order over the naming of the species. The prompt for the serving of the PTPO had been the perceived threat to the tree and not the validity or otherwise of the representations made by letter/petition. The Council had accepted that this matter had not been dealt with as efficiently as was expected and a letter of apology had been sent to the tree owner by the Council.

The Assistant Conservation Officer went on to point out that in accordance with the Planning Practice Guidance, the tree was visible from a public highway, indeed it could be seen from a number of public places. The tree was one of a pair of historic trees which had been prioritised as needing retention during the Dussindale development. Trees were not necessarily formally protected by an Order at this stage of development as Orders were not served unless trees were under threat. Regarding the issue of lack of light to the gardens, there were measures which could be taken to help improve this such as a crown reduction/thinning.

With regard to the validity of the letter of objection from the residents of Parliament Court, officers commented that the original letter had been signed but that all letters included within the agenda had had their signatures removed for data protection reasons. In response to a question about the weight given to the letter/petition in making the PTPO, officers confirmed that the trigger for serving the Order was that the tree met the five criteria for making an Order, had significant visual amenity and the fact that the tree was under threat. The trigger was not the strength and nature of the representation made.

In response to questions from Mrs Dickinson-Wood, officers confirmed that the duty of care for a tree following the making of a TPO remained with the tree owner. The process for making an application for consent for tree works was free but the tree owner was responsible for maintenance and the costs of this. Mrs Dickinson Wood stated that this was unreasonable and as the Council wanted the tree to remain they should be responsible for its upkeep. Officers commented that the legislation did not allow for this. The only recourse if the TPO was confirmed would be to submit an application for works to fell the tree which, if refused by the Council, could be appealed to the Planning Inspectorate. If evidence was provided that the tree was causing damage, the Council would consider this. Mrs Dickinson-Wood commented that the Panel had seen how lumpy and bumpy her grass was in the garden caused by the roots and she was worried how close these were to her house. Officers acknowledged that the grass appeared lumpy and patchy but this could be due to a number of reasons and that evidence would be needed in the form of an engineer/survey report that demonstrated that damage had been caused by the tree. Mrs Dickinson-Wood commented that she had suffered damage to her guttering to which officers commented that this was caused by seasonal leaf fall which could be mitigated against.

Mr P Few questioned that the Council appeared to be overstating the visual significance of the tree as the public could only see the top of it and the whole tree could only be seen from within the private garden. Officers quoted from the Guidance which confirmed that “trees, or at least part of them, should normally be visible from a public place such as a road or footpath….”. The tree added an element of “green” to the development and made it less sterile. Mr Few also questioned why the Council had not acted in the time between the Order lapsing and the petition being received. Officers stated that this had been due to staffing constraints at the time and the relevant conservation officers being made aware that the Order had lapsed.

At this point the Chairman invited interested parties to leave the meeting whilst the Panel considered the objections. Before deliberating the matter however, they returned to the meeting at the request of the Chairman to give their closing statements and any final comments they wished to make.

Mr M Few reiterated his concerns about access to undertake work and about the length of time this matter had taken to be resolved. He paid council tax and was frustrated and upset by the process.

Mr P Few stated that everyone had had their say and he had nothing further to add.

Mr Dickinson-Wood said he felt it was unfair that his neighbour should have to pay to maintain a tree which the Council had put a TPO on. It was a beautiful tree if it was in a different position – it was too close to the houses.

Mrs Dickinson-Wood said her main concern was that the tree was dangerous with falling branches on her conservatory and her garden was horrendous. The tree did not have the amenity value claimed and was not a safe distance from houses.

Mrs Taylor confirmed her objection stating the tree was not in a place which could be enjoyed and the costs were an issue. Until something awful happened, their concerns were not being taken into account.

Mr Sayer reiterated his objection to the felling of the tree and felt it could be managed. He would support any remedial work but not the felling.

Mrs Woodruff stated she wanted to see the tree remain as did her neighbours. It was a lovely tree and no branches had fallen – even during hurricane Doris. Acorns and leaves could be cleared up and she did not have a problem with it.

The Assistant Conservation Officer stated that the tree was one of only two large Oaks remaining on the Dussindale estate and that it had a historical link to the old field boundary. The tree had significant visual amenity and was a home to much wildlife. The tree provided an essential element of “green” on the skyline and, with a degree of remedial work could continue to thrive in its location along-side the residents as it had done for many years.

The Conservation Officer (Arboriculture & Landscape) added that, he understood the points raised by the objectors about the disjointed way the Order had been administered and apologised for this. However, the PTPO had been served in accordance with the required legislation and the tree met all the criteria for making an Order. There was no evidence the tree was unsafe, and it could continue to be managed in its current location as it had in the past.

All those present with the exception of the 3 Members of the Panel and the Committee Officer then left the room whilst the Panel considered the objections and made its decision. They subsequently re-joined the meeting and were advised that, having listed 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 were that that the criteria for making the Order had been met; the tree added significantly to both the biodiversity and visual amenity value of the local area; the tree was not considered to be in a dangerous condition at this time and the tree would not cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future. Members accepted that the administration of the Order had not been as efficient as it should have been and did not reflect how matters were usually dealt with but in any event the Order had been served in accordance with the requirements. It was therefore unanimously

RESOLVED:

to confirm the Broadland District Tree Preservation Order 2017 (No: 5) Ref 1263.

The objector was advised of the right of appeal.

The meeting closed at 12:20pm

Minutes of a meeting of the **Appeals Panel** held at Acle Recreation Centre, Bridewell Lane, Acle, NR13 3PA on **Thursday 3 August 2017** at **9:30am** when there were present:

Miss S Lawn – Chairman

Mrs C H Bannock Mr F Whymark

Also in attendance were:

(1) Mrs Bloomfield and Mr Mixer of 32 New Close, Acle (Minute no: 2) - objecting (site visit only)

(2) Sue Lake, Clerk to Aylsham Town Council (Minute no: 3) – supporting (hearing only)

(3) The Council's Conservation Officer (Arboriculture & Landscape) presenting the Council's case (site visits and hearings)

(4) The Senior Committee Officer – advisor to the Panel (site visits and hearings)

7 MINUTES

The Panel noted that the Minutes of the meeting held on 26 July 2017 would be presented at its next meeting.

8 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2017 (NO: 9) REF: 1267 – 30 NEW CLOSE, ACLE, NR13 3BG

The Panel had previously visited the site at 9:15am to inspect the Oak tree shown as T1 on the map attached to the provisional Tree Preservation Order (PTPO). Following introductions of all present, the Chairman invited the objectors 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 had viewed the tree from the path outside nos: 30 and 32 new Close and then within the rear garden of no: 32 New Close. The Council's Conservation Officer (Arboriculture & Landscape) explained that substantial works had recently been undertaken to the tree in relation to the risks identified in the report commissioned by Mr Horner (owner of the tree) and these were now complete. He pointed out areas of the tree which had been the subject of inappropriate works in the past by the contractor on behalf of the occupiers of no: 32. As the objectors were unable to attend the hearing, the Chairman allowed them to express their views at the site meeting. In their opinion, the tree was rotten and they did not consider they should have to pay for works to be carried out to branches which overhung their property when

the tree belonged to the occupier of no: 30.

The Panel then convened at 9.30am to consider the objections to the PTPO. The Chairman outlined the procedure to be followed.

The Panel noted that the Council had been approached by the tree owner, Mr Horner, who had suggested that the tree should be protected due to its age and significance within the landscape. Mr Horner was concerned that the tree might be at risk of being lopped as the neighbouring property (23 Oxcroft) was for sale and the sellers had already asked for the adjacent protected Oak tree (to the rear of no: 30 New Close) to be cut back. The Council had decided to make the TPO in order to protect the Oak for its significant visual amenity.

In response to the comment made by the objectors in their letter to the Council dated 5 March 2017 that they had been told by a Council officer in 2006 that "this tree was too rotten to have such an Order..", the Council's Conservation Officer (Arboriculture & Landscape) advised the Panel that no records were available of the conversation and therefore, it could not be verified. It was accepted that the tree was not in perfect condition but it did have significant visual amenity. Mr Horner had applied for and got permission to carry out remedial works. Unfortunately, the tree had been subjected to heavy lopping on the side adjoining the property at no: 32. The Conservation Officer (Arboriculture & Landscape) questioned whether the overhanging of branches was excessive and unreasonable.

In response to a question on whether the owner had an obligation to stop branches overhanging a neighbour's property, the Conservation Officer (Arboriculture & Landscape) advised that, in the case of an unprotected tree, there was a common-law right for a neighbour to cut branches back to their boundary. However, in the case of this significant Oak tree, a tree works application would be required and consent obtained before any works were carried out. As the owner of the tree, Mr Horner had a duty of care for the future maintenance of the tree and the Council only had a responsibility if it refused tree works to be carried out. For rare events such as a hurricane, for example, ie an Act of God, then an individual should / would have the relevant insurance.

The Council's Conservation Officer (Arboriculture & Landscape) then left the room whilst the Panel considered the objections and made its decision. He subsequently rejoined the meeting and was advised that, having listed 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 were that the criteria for making the Order had been met; the tree added significantly to both the biodiversity and visual amenity value of the local area; the tree was not considered to be in an unsafe condition at this time and the tree would not cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.

Accordingly, it was

RESOLVED:

to confirm the Broadland District Tree Preservation Order 2017 (No: 9) Ref: 1267.

The Panel adjourned at 9.50am and reconvened at 11:20am in the Green Room, Aylsham Town Hall, Market Place, Aylsham, NR11 6EL when all of the Members listed above were present.

9 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2017 (NO: 11) REFF: 1269 – 7 FORSTER CLOSE, AYLSHAM, NR11 6BD

The Panel had previously visited the site at 11am to inspect the Oak tree shown as T1 on the map attached to the provisional Tree Preservation Order (PTPO).

Members had viewed the tree from outside nos: 5, 6 and 7 Forster Close. The Council's Conservation Officer (Arboriculture & Landscape) commented that some minor works had been carried out to the tree. He also pointed out that it was the branches of an adjacent Cherry tree and not the Oak which were overhanging the amenity land.

The Panel then convened at 11:20am to consider the objections to the PTPO, when Sue Lake, Clerk to Aylsham Town Council, was in attendance. The Chairman outlined the procedure to be followed.

The Panel noted that a provisional TPO had been made on 9 March 2017 after the Council received a phone call from a member of the public who was concerned that the mature Oak tree was at risk of being felled and it was considered that the tree had significant visual amenity.

The Conservation Officer (Arboriculture & Landscape) presented the case for making the Order. He advised that a meeting had taken place with the objectors on site to discuss their concerns, which related to the nuisance caused by falling leaves and acorns, birds' mess landing on cars and a fear that the tree was unsafe. However, there was no evidence that the tree was unsafe in its present condition. Although there was dead wood within the crown of the tree, it was in good structural condition. An application for canopy lifting had been approved and the works carried out. The Conservation Officer (Arboriculture & Landscape) emphasised that the tree was a fine specimen with a nice form and a sturdy framework of branches. In response to comments made by the objectors about the proximity of the roots to their properties, he advised that this was determined by calculating the diameter of the stem from 1.5m above ground level and multiplying this by 12

which would determine the radius of a circle and thereby an estimation of the rooting area to the outer edges. For this particular tree, the measurement was a 15m radius. He pointed out that there were utility services within the highway which was within the 15m radius. Some pruning to the tree had been undertaken in the past when the original services to the housing development had been installed.

In support of the PTPO, Sue Lake advised the Panel that Aylsham Town Council was very supportive of trees. She had been to visit the tree and considered it to be a very nice specimen. In the Town Council's opinion, the objections had no grounding and whilst it was accepted that falling leaves etc could be a nuisance, this did not justify removing the TPO.

The Conservation Officer (Arboriculture & Landscape) together with Sue Lake then left the room whilst the Panel considered the objections and made its decision. They subsequently rejoined the meeting and were advised that, having listed 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 were that that the criteria for making the Order had been met; the tree added significantly to both the biodiversity and visual amenity value of the local area; the three was not considered to be in an unsafe condition at this time and the tree would not cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.

Accordingly, it was

RESOLVED:

to confirm the Broadland District Tree Preservation Order 2017 (No: 11) Ref: 1269.

The meeting closed at 12:06pm

STATEMENT OF CASE

Tree Preservation Order 2017 No.18 (1276)
Address: Land West of Saint Faiths Road, Old Catton.

BACKGROUND TO THE MAKING OF TPO 2017 No.18 (1276)

The location at which the trees are growing is subject to a current planning permission which grants consent for twelve self-build plots located on the western side of St Faiths Road. The Council made the decision to safeguard the existing trees, following the approval of full planning consent for the majority of the plots.

The trees protected were those considered to be the most prominent due to their age, form and significance within the landscape.

The Council decided to make the above TPO in order to protect the Oaks, which are considered to have significant visual amenity, for the reasons stated within the Regulation 5 Notice shown below:

The trees in question contribute to the visual amenity of the immediate and surrounding land and are significant landscape features to the street scene of St Faiths Road.

THE CASE FOR MAKING TPO 2017 No.18 (1276)

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 Oak trees in question are mature specimens are visible from the public highway and footpath on St Faiths Road and form an attractive frontage to the new residential development.

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

The trees subject to the order have all been inspected by independent Arboricultural Consultants as part of the planning application process, Remedial works were recommended for some of the trees, some of which has already been undertaken. The trees would not be considered dangerous at this time and any recommended remedial works which were considered necessary would be approved if a formal tree work application was made to the Council.

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

The English Oak is a long lived tree with a lifespan often exceeding two hundred years of age. These particular trees would be considered a mature specimen with a useful remaining life span of at least forty 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?

Whilst the trees produce fallen leaves and acorns, and the clearance of these maybe considered a burden, the trees predate the residential development by many decades. The seasonal nuisance of removing debris would not be considered unacceptable or impractical. During the planning process, practical engineering solutions and carefully considered layouts have been found to allow the implantation of the planning consents; whilst still retaining the trees.

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

Oak trees provide habitat for hundreds of species of insects and birds. They also provide habitat for more than three hundred and sixty species of lichens and bryophytes, supporting greater biodiversity than any other trees native to the British Isles.

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

One objection to TPO 2017 No.18 (1276) was made on the 15 August 2017 by Mr S Cook of 121 St Marys Grove, Sprowston and the owner of plot 10.

Objection: 'I am writing to object about the late decision by the Council to put a TPO on trees along St Faiths Road in Old Catton.

This late decision may, probably will incur costs to myself and others who had bought the plots the trees affect.

Why is it now the Council has acted and what benefit is it to anyone to keep T6 & T7 both of which are hardly great specimens? Indeed the two trees I had to have removed were better specimens; I had to remove were better looking than these two so cannot understand the Councils position.

I would have been happy to keep one of the trees on my plot but both were in poor condition and were a danger to both my new house and the public yet before the plots were sold the Council had only put a TPO on one tree further down the road.

I am not one for simply having trees removed but were people have invested their own monies the Council should be working with the plot holders and not simply acting after the event to be seen doing something that others are asking for.

I hope the Council will be so helpful when I need to have the tree (T6) pruned and not expect me to have to pay for it '

Tree Officer response to the objection is:

The making of the TPO was carefully considered by the Council and had been requested by the Old Catton Parish Council and supported by the Ward Member for Old Catton and Sprowston, Cllr Karen Vincent.

With regard to the late decision to make the Order, it was always the Council's intention to protect the most significant trees and the timing of the making of the TPO was a decision the Planning Projects and Landscape Manager (Ben Burgess) made.

Ben was the Planning Case Officer that administered the original outline planning permission No.20141955 which included the self-build plots, Condition 33 of the consent, required that the existing trees should be fully considered as part of the proposed development.

The buyers of the plots would have been aware of condition 33 when the land was acquired and were able to consider the implications and constraints of purchasing plots which contained trees.

The decision to protect the trees was made because it was considered they were under threat and it meets the five criteria the Council uses to determine if a TPO should be made.

A second objection to TPO 2017 No.18 (1276) was made on 17 December 2017 by Mr A & Mrs B Clarke of 331 St Faiths Road, Old Catton and the owners of plot 9.

Although this objection was received after the 28 day deadline, it was agreed by the Council's Committee Officer, it could be considered, having regard to the fact that the plot owner's Agents (A Squared Architects) who had been notified of the Order had not forwarded the TPO documents to their clients.

Objection: 'Prior to the purchase of the self-build plot in September 2016 we had a number of conversations with a Mr Ben Burgess of Broadland District Council who confirmed there were no tree preservation orders in place that would affect us and also that the council were in agreement that the existing trees could be removed and suitably sized native trees could be replanted. This statement from Mr Burgess provided us with the reassurance from the council and fully aligned with our plans and thus prompted us to proceed to purchase the self-build plot'

Tree Officer Responses to these objections are:

I have discussed the detail of this part of the objection with Mr Burgess who is the Councils Planning Projects & Landscape Manager and Mr Burgess has no recollection of these conversations. As the Council Officer who has to authorise the making of TPO's he is fully in agreement that the trees should be protected.

Mr Burgess was also the Planning Case Officer that administered the original outline planning permission No.20141955 which included the self-build plots. Condition 33

of the consent required that the existing trees should be fully considered as part of the proposed development.

Whilst replacement planting with native trees goes some way towards mitigating the loss of smaller lower value trees, it would be at least one hundred and fifty years before any replacements would provide the landscape and ecological value the existing trees exhibit.

Objection: 'During the initial pre-application planning stage we were informed that both T6 & T7 would definitely need to be removed following advice from the Broadland Council Highways Team. The trees were deemed a safety hazard that would mean that compliance with the required visibility splays could not be met. During the pre-application stage it was agreed that the removal of both T6 & T7 would definitely improve safety but it was also duly noted that the removal of only T6 due to its central position and close-proximity to the road would greatly improve safety'

It is agreed that to provide the optimum visibility splays, a completely clear line of sight is desirable and that this is usually the Highway Officer's advice. This opinion is based on their area of expertise and often the impact of the optimum visibility splays on the existing trees is not considered until consultation with the Councils Arboricultural Officers is undertaken. This was indeed the case with this application and the opinion of the Highways Officer changed. The required visibility splays were downgraded, due to the impact on the trees and the existing low volume of traffic using that part of St Faiths Road which is predicted to decrease further with the proposed road improvements planned for the surrounding area.

Objection: **'**At the application stage the Arboricultural Report OAS/17-029-AR01 produced by Oakfield Arboricultural Services recommended the removal of the larger tree T7 for a number of reasons including: -

- Improved highway visibility
- Improved safety
- Removal of adverse RPA impact on building development
- Reduction of excessive costs being forced upon self-build venture
- Creation of services corridor'

My thoughts on the highways safety element of the objections are covered in my previous comments. The retention of T7 was always the Council's intention and this is acknowledged within section 3.1.2 of the Arboricultural Report.

Although the development proposals are constrained by the Root Protection Area (RPA) of Oak T7, it does not prevent the development or associated service corridors. It only introduces the requirement to use specialist methods of design and construction to minimise any root damage. This follows the recognised recommendations within BS 5837 'Trees in relation to design, demolition and construction' which informs and guides best practice.

Objection: **'**More recent communications have highlighted the problems that retention of these two trees will present to the self-build development. It was accepted that trees will add to the character of the local area but it is firmly believed

that removal of T6 & T7 followed by replanting of some appropriately positioned native trees would be the best plan. This approach would then align with the Broadland Planning scheme to build more houses across Norfolk but also align with the environmental requirements and not impose unfair financial burdens upon the self- builder. It is strongly believed that that the constraints imposed by the retention of the 2 trees are not fair particularly because pre-purchase advice from Ben Burgess was so different'

My response to the replacement planting element of the objection is covered in my earlier comments. Whilst the trees do constrain the area for development compared to a plot with none, it was always the Council's intention that the existing trees would be considered as required by condition 33 of the outline Planning Permission No. 20141955. Any perspective purchasers would have had to take this element of the consent into account, before acquiring the land; and not assume that the trees could be removed.

Broadland District Council does support new development, but this is not at any cost. 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.

Objection: 'The situation regarding self-build plot 9 is unfortunate because it is the only plot where the division of the west side of St Faiths Road in to 12 self-build plots has resulted in two trees (T6 & T7) being on the highway boundary with St Faiths Road. I am of the opinion that at the initial Broadland planning stage before 2016 this problem could have been negated by a number of measures such as having only 10 plots or creating a road island which could have accommodated all of the existing trees. Obviously at the time this was not a concern to Broadland planning and it definitely seems unfair now to create constraints on an individual self-builder. Broadland should abide by the original pre-purchase advice as communicated'

The situation re the positioning of the self-build plots was agreed at the outline planning stage. Given this, the purchaser of plot 9 was fully aware of the positioning of the two trees when he acquired it. Conditions were attached to the outline planning permission which sought to protect the trees on the site; so to claim that their preservation was not a concern is incorrect. The Council was not involved with the sale of the plots and any pre-purchase advice from a third party is not its responsibility.

CONCLUSION

The trees identified within the Tree Preservation Order 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. The TPO has been implemented and served in a just and appropriate manner. Therefore, I request that the Order is confirmed.

The Panel may consider that not all the trees are worthy of protection and the Order should be modified by removing some of the trees. It may also consider that none of the trees are worthy of protection and decide not confirm the Order.

Date: 3 January 2018

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?

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

Town and Country Planning Act 1990
The Broadland District Council Tree Preservation Order 2017 (No.18)

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 2017 (No.18)

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 27th day of July 2017

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

Head of Finance and
Revenue Services

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Oak	TG 3113 3264
T2	Oak	TG 3099 3217
T3	Oak	TG 3090 3199
T4	Oak	TG 3078 3195
T5	Oak	TG 3088 3189
T6	Oak	TG 3066 3130
T7	Oak	TG 3062 3120

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

2017 No 18

Key

Individual Trees ○

T1-T7
7 No. Oak

NORTH

Scale as shown

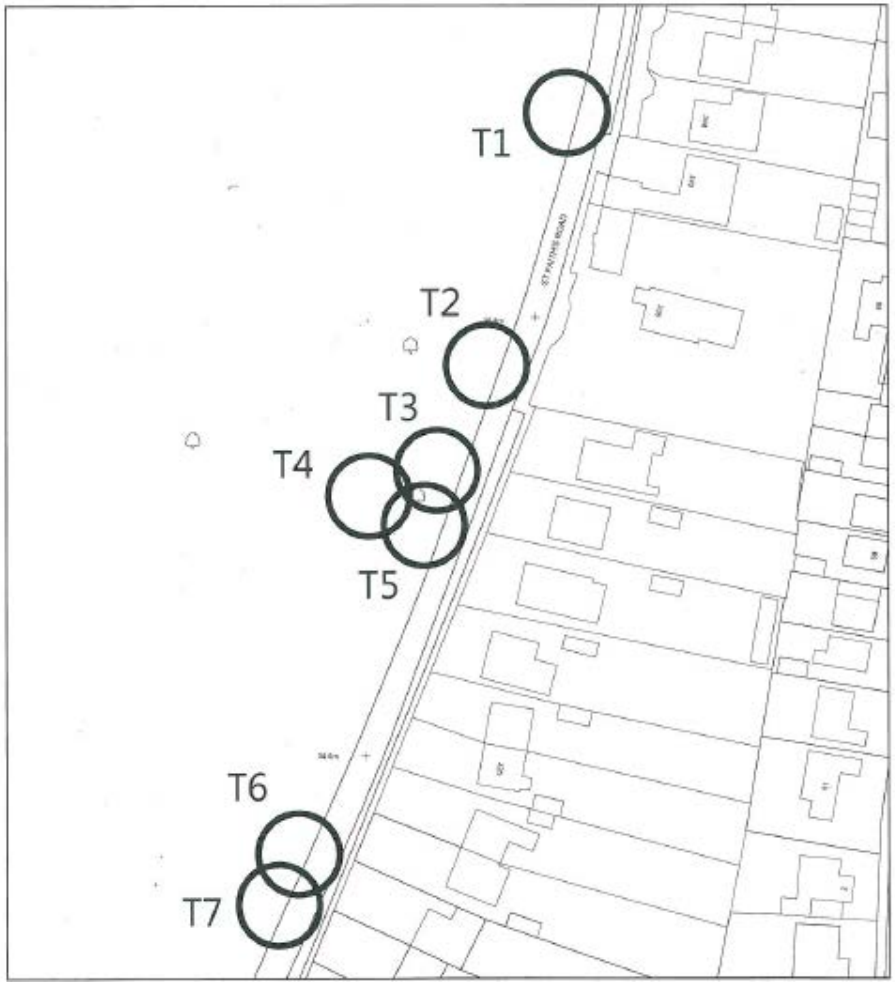
Broadland District Council

Thorpe Lodge, 1 Yarmouth Road
Thorpe St Andrew, Norwich, NR7 ODU
Tel (01603) 431133
E-mail conservation@broadland.gov.uk

Tree Preservation Order

Head of Finance and Revenue Services

Old Catton



Tree Preservation Order 2017 No. 18
Land to west of Saint Faiths Road, Old Catton, Norfolk
Scale 1:1000

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 2017 (No. 18)
Broadland District Council

To: Mr Simon Cook, 121 St Marys Grove, Sprowston, NR7 8DL.

THIS IS A FORMAL NOTICE to let you know that on 27th July 2017 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 and biodiversity value offered by the trees to the immediate area and the wider environment.

The Order took effect, on a provisional basis, on 27th July 2017. 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 25th August 2017. 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 Conservation Officer (Arboriculture & Landscape) at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430560.

Dated this 27th day of July 2017

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.

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 2017 (No. 18)
Broadland District Council

To: A Squared Architects, FAO: Mr Robert McVicar, 1 Netherconesford, 93-95 King Street, Norwich,
NR1 1PW.

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Mr P Courtier
Head of planning
Broadland district council
Thorpe lodge
1 Yarmouth road
Norwich
NR7 0DU

Ref:TPO 2017 No 18

Dear Mr Courtier

I am writing to object about the late decision by the council to put a TPO order on trees along St Faiths road in Old catton.

This late decision may, probably will incur costs to myself and others who had bought the plots that the trees affect.

Why is it now the council has acted and what benefit is it to anyone to keep T6 and T7 both of which are hardly great specimens? Indeed the two trees I had to have removed were better looking than these two so cannot understand the councils position.

I would have been happy to keep one of the trees on my plot but both were in poor condition and were a danger to both my new house and the public yet before the plots were sold the council had only put a TPO on one tree further down the road.

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I hope the council will be so helpful when I need to have the tree (T6) pruned and not expect me to have to pay for it.

Yours sincerely

Simon cook
Plot 10

121 St marys grove
Sprowston
NR7 8DL

Ask for: Conservation
Direct Dial: 01603 430560
E-mail: conservation@broadland.gov.uk
Our ref: TPO (1276)

Mr Cook
121 St Marys Grove
Sprowston
Norwich
Norfolk
NR7 8DL

Date: 10/10/2017

Dear Mr. Cook

The Broadland District Tree Preservation Order 2017 No. 18

Thank you for your letter, addressed to Mr. Courtier, which has been passed to me for reply.

Your letter has been recorded as a formal objection to the order. If this is not resolved then the Appeals panel will be convened before the provisional TPO lapses (six months after service of the order).

Before a formal hearing is arranged, it would be beneficial to meet you at the site to discuss the points you have raised within your letter.

Please can you contact me to arrange a mutually convenient date and time to meet at the site.

Yours sincerely

Mark Symonds
Conservation Officer (Arboriculture and Landscape)

Mr. A. & Mrs. B. Clarke
331 St Faiths Road
(Self-build Plot 9)
Old Catton
Norwich
NR6 7BL

17th December 2017

Mr P. Courtier
Head of Planning
Thorpe Lodge
l Yarmouth Road
Thorpe St Andrew
Norwich NR7 ODU

Reference: Broadland District Council Provisional Tree Preservation Order 2017 (No. 18)

Dear Mr Courtier

Following a meeting that we requested last week with Mr M. Symonds to discuss some building plot problems it came to our attention that a provisional tree preservation order was being considered that would encompass 2 trees (T6 & T7) which are located on our self-build plot. The meeting with Mr Symonds was arranged to raise our concerns about the issues that these two trees were presenting to the development of a new home on the plot. During this meeting a proposal was presented to Mr Symonds which would address the building development concerns and still appease all other parties but it was at this point that Mr Symonds mentioned the potential future TPO matter. Mr Symonds then informed us that we should submit an objection letter to the provisional TPO. Hence this letter was then drafted as a formal objection to the inclusion of T6 & T7 within the proposed TPO.

The objection is substantiated by the following reasons:

1. Prior to the purchase of the self-build plot in September 2016 we had a number of conversations with a Mr. Ben Burgess of Broadland District Council who confirmed there were no tree preservation orders in place that would affect us and also that the council were in agreement that the existing trees could be removed and suitably sized native trees could be replanted. This statement from Mr Burgess provided us with the reassurance from the council and fully aligned with our plans and thus prompted us to proceed to purchase the self-build plot.

2. During the initial pre-application planning stage we were informed that both T6 & T7 would definitely need to be removed following advice from the Broadland Council Highways Team. The trees were deemed a safety hazard that would mean that compliance with the required visibility splays could not be met. During the pre-application stage it was agreed that the removal of both T6 & T7 would definitely improve safety but it was also duly noted that the removal of only T6 due to its central position and close-proximity to the road would greatly improve safety.

3. At the application stage the Arboricultural Report OAS/I 7-029-ARO 1 produced by Oakfield Arboricultural Services recommended the removal of the larger tree T7 for a number of reasons including:
    - Improved highway visibility
    - Improved safety
    - Removal of adverse RPA impact on building development
    - Reduction of excessive costs being forced upon self-build venture
    - Creation of services corridor
    - Etc.

4. More recent communications have highlighted the problems that retention of these two trees will present to the self-build development. It was accepted that trees will add to the character of the local area but it is firmly believed that removal of T6 & T7 followed by replanting of some appropriately positioned native trees would be the best plan. This approach would then align with the Broadland Planning scheme to build more houses across Norfolk but also align with the environmental requirements and not impose unfair financial burdens upon the self-builder. It is strongly believed that that the constraints imposed by the retention of the 2 trees are not fair particularly because pre-purchase advice from Ben Burgess was so different.

5. The situation regarding self-build plot 9 is unfortunate because it is the only plot where the division of the west side of St Faiths Road in to 12 self-build plots has resulted in two trees (T6 & T7) being on the highway boundary with St Faiths Road. I am of the opinion that at the initial Broadland planning stage before 2016 this problem could have been negated by a number of measures such as having only 10 plots or creating a road island which could have accommodated all of the existing trees. Obviously at the time this was not a concern to Broadland planning and it definitely seems unfair now to create constraints on an individual self-builder. Broadland should abide by the original pre-purchase advice as communicated.

In order to compromise and reach an equitable arrangement that would appease all parties can I propose the following solution:

- Trees T6 & T7 are removed as stated pre-purchase in 2016 and suitably positioned native trees are replanted along the west boundary of St Faiths Road

- An alternative, but less favoured proposal by us would be to remove T6 but retain T7. T7 is the larger tree of the two trees and is situated close to the southern boundary of plot 9 and set back 1.75m from the highway. T6 is the smaller tree which is set more central to the plot but is only 1.25m from the highway. Removal of T6 will make access to the plot much easier and produce many benefits including improved safety, improved highway visibility, financial savings, easier construction, etc. The removal of T6 can also be compensated by planting an appropriately position native tree that will provide arboricultural benefits with no adverse impact on development, safety or highways.

Yours sincerely,

Mr. A. & Mrs. B. Clarke

Broadland District Council

www.broadland.gov.uk

Application Number
20141955

SGP (Land & Developments) Ltd
FAO: Mrs Nicola Pickering
17 Broadhurst Drive
Northampton
NN3 9XB

Date Of Decision : 18 May 2016
Development : Mixed Use Development of 340 Residential Dwellings with 5,640 sqm of Small Business Units (Outline)
Location : Land at St Faiths Road, Old Catton
Applicant : SGP (Land & Developments) Ltd
Application Type: Planning Application Outline

Town & Country Planning Act 1990

The Council in pursuance of powers under this Act **GRANTS OUTLINE PLANNING PERMISSION** for the development referred to above in accordance with the submitted plans and application forms subject to the following **conditions:-**

1 Application for approval of "reserved matters" amounting to at least 150 units must be made to the Local Planning Authority not later than the expiration of THREE years beginning with the date of this decision. With the remaining reserved matters to be submitted within FIVE years beginning with the date of this decision.

The development hereby permitted must be begun in accordance with the "reserved matters" as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

2 Application for the approval of the "reserved matters" for each parcel of land or phase of development shall include plans and descriptions of the:

i) details of the layout;
ii) scale of each building proposed
iii) the appearance of all buildings including the precise details of the type and colour of the materials to be used in their construction;
iv) the landscaping of the site.

Approval of these "reserved matters" must be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in accordance with the details as approved.

33 The plans and particulars submitted in accordance with condition 32 above shall include:

(a) a plan showing the location of, and allocating a reference number to every tree on the site which has a stem with a diameter, measured over the bark at a point 1.5metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread and Root Protection Area of each tree to be retained. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 4.6.1 of BS5837 2012 Trees in relation to design, demolition and construction - Recommendations) or general landscape factors) must be shown.

(b) the details of each tree as required at para 4.4.2.5 of BS5837: 2012 in a separate schedule.

(c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruned or subject to other remedial or preventative work.

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within Sm of the Root Protection Area (para. 4.6.1 of BS5837: 2012) of any retained tree including those on neighbouring ground.

(e) details of the specification and position of all appropriate tree protection measures for the protection of every retained tree from damage before and for the entire duration of the course of the development.

(f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
In this condition, 'retained tree' means an existing tree which is to be retained in accordance with paragraph (a) and (b) above.

34 Prior to the commencement of any construction upon each phase or parcel of land, situated within the instrument landing system glide path as shown on plan A full details of the layout of said phase or parcel shall be submitted to and, if acceptable, approved in writing by the Local Planning Authority in consultation with Norwich International Airport Any subsequent amendments to the development as may have been approved shall be subjected to the same process.

OAKFIELD
ARBORICULTURAL SERVICES

Arboricultural Implications Assessment and Preliminary Method Statement

OAS/17-029-AR01
Rev A

for
Plot 9 St Faiths Road, Norwich

Stephen Milligan
Dip Arb L4- Tech Arbor A
March 2017

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1.0 Introduction

1.1.1 Oakfield Arboricultural Services were instructed to undertake a tree survey and provide arboricultural advice on the site known as Plot 9 St Faiths Road, Norwich to accompany a planning application.

1.1.2 A detailed survey was undertaken by Stephen Milligan and was carried out in accordance with BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'

1.2 Scope of Works

1.2.1 The scope of 'Trees in relations to construction' is to provide recommendations and guidance on how trees and other vegetation may be satisfactorily integrated into construction and development projects. The overall aim of this is to ensure the continued longevity and quality of amenity contribution that trees appropriate for retention and protection provide. This report and its appendices follow precisely the strategy for arboricultural appraisal and input intended to provide councils with evidence that trees have been properly considered throughout the development process.

1.2.2 This is a preliminary assessment from ground level and observations have been made solely from a visual perspective for the purposes of assessment in terms relevant to planning and development. No invasive or other detailed internal decay detection devices have been used in assessing internal conditions.

1.2.3 Any conclusions relate to conditions found at the time of inspection. Any significant alteration to the site that may affect the trees that are present or have a bearing on planning implications (including level changes, hydrological changes, extreme climatic events or other site works) will necessitate a re-assessment of the trees and the site and render any previous advice/ findings invalid.

1.2.4 This is an arboricultural report and no such reliance must be given to comments relating to buildings, engineering, soil or ecological issues.

1.3 Documentation

1.3.1 The following documentation has been made available

- Topographical survey
- Drawing of proposed layout
- Previous arboricultural survey

2.0 Site & Tree Discussion

2.1 Site Description

3.1.1 The site is a single plot located on St Faiths Road in Norwich. The plot is part of a larger proposed development that has outline planning permission which will see the field the plot is associated with developed to provide 300+ homes. The site is agricultural in nature and is mainly flat open ground with trees located to the boundary to St Faiths Road.

2.2 Tree Discussion

2.2.1 A total of two[1] individual trees were assessed in detail with the information taken from the previous arboricultural survey. The Tree Survey Schedule, at Appendix 2, details the trees in respect of dimension and quality in accordance with the methodology set out in the British Standard 5837:2012. The following categories were recorded

- Category A- two individual trees
- Category B- none
- Category C- none
- Category U- none

2.2.2 As per paragraph 4.6.2 of the BS:5837 document the root protection areas have been modified by 15% to represent the likelihood of root deviation and severance due to the construction and maintenance of St Faiths Road. This has had the consequence of roots being shown to be further within the field side of the tree stem. It should also be noted that due to agricultural operations over the years it is unlikely that significant roots will be

[1] T3 previously shown has since been found to be structurally unsound and will be removed on arboricultural grounds. All references to the tree have been removed

found, except in proximity to tree stems, in the top 500mm which is the normal depth for deep ploughing operations.

2.2.2 The trees are native Oak and what would be described as typical of an agricultural landscape. In good condition the trees offer significant landscape and arboricultural value.

2.2.3 Further issues will most likely have a bearing on the overall tree retention

- Construction of adjacent plots - as shown root protection areas (RPA) cross over to both adjacent plots and cumulative construction on all three plots may well have a significant impact upon tree retention in the long term.

3.0 Development Implication Assessment

3.1 The proposal

3.1.1 The proposal is to develop the plot to provide a detached single dwelling with all associated services, access point, driveway and open space.

3.1.2 Given the amount of accumulative incursion from both plot 9 and plot 8 of T1 within its associated root protection area and construction required it is my opinion that the tree will likely suffer directly and indirectly so as to affect its future health that will result in its decline and therefore removal. However at the request of the LPA the tree is to be retained and therefore specialist construction techniques will be employed so as to limit the damage to T1 and its associated root protection area. It is recommended that future owners regularly survey the tree for health and stability so as to satisfy their legal obligations.

3.2 Access and driveway

3.2.1 To aid in the healthy retention of T1 and T2 the access point and driveway will need to be constructed using a no dig type of construction to prevent damage to tree roots. This will be constructed as part of the initial phase and before any heavy equipment enters the site so as to be utilised as ground protection. Final surface layer for residential purposes can be installed post construction.

3.2.2 Part of the access may be required to be constructed to an adoptable standard where it connects to the highway and as such excavation will take place. This should ensure that any roots discovered less than 25mm in diameter are severed cleanly with roots larger than 25mm in diameter being retained where possible. If larger roots must be severed consultation must be sought via the project arboriculturalist and relevant trees officer as to if the tree is viable to be retained.

3.3 Demolition

3.3.1 No demolition is required and therefore not of concern.

3.4 Construction

3.4.1 Foundations are located within the RPA of retained trees but to a minimal amount, less than 10 %. Given the lands previous use it could be expected that tree roots would be minimal and therefore pre-construction root pruning will take place to prevent ripping type damage to tree roots associated with conventional excavation methods. This operation is unlikely to have an overall detrimental consequences to tree health in the long term. It is recommended that this operation be monitored by the project arboriculturalist.

3.4.2 Hard surfaces, driveway, will be constructed using a no-dig method of construction and will be constructed form or above existing ground levels.

3.4.3 Services have not been detailed but are to be routed via the driveway due to connectivity reasons. To limit excavation a single trench will be excavated to required depths, likely in the region of 2m at its deepest. To limit damage to roots the trench should be excavated with the use of an air pick and hand tools to avoid mechanical damage to tree roots. Roots will be expected to be found but limited to a single area of depth approximately 600mm. They are to be retained where possible with service pipes and cable runs thread under or through the region of root mass. If roots have to be removed it should only be done once consultation with the project arboriculturalist and relevant tree officer has taken place

with pruning carried out by competent qualified persons only. It is recommended that this operation be supervised by the project arboriculturalist.

3.5 Cultural implications for retained trees

3.5.1 Tree works and shading issues are likely to be low due to a reasonable tree building relationship and age of trees meaning they are unlikely to grow in size significantly. Periodical pruning will be required to maintain access clearance, such works would be classed as general maintenance and are unlikely to have any detrimental impact upon tree health.

3.5.2 Detritus from leaf litter, pollen and bird waste should be considered with regard to car parking with gutter and drain guards installed to prevent blockages.

3.5.3 Boundary fencing located within the RPA of retained trees must excavate post holes by hand only and accommodate the possible need to deviate hole location if significant tree roots are discovered, roots greater than 25mm in diameter. Plastic sheeting will also need to be inserted into post holes to prevent damage to tree roots via the concrete leeching into the soil.

3.6 Tree protection

3.6.1 Tree protection fencing will be required to be installed as shown on the Tree Protection Plan OAS 17-029-TS01. Fit for its purpose fencing must be installed post any tree works and before construction begins on site and will remain in situ throughout the construction phase.

3.6.2 Access for construction within the RPA will necessitate the installation of ground protection which must be of a standard as required for its need i.e. pedestrian or vehicular access. In this instance the new driveway can act as ground protection but must be installed prior to other works commencing on site. Any final surface layer for residential purposes can be added post construction.

3.7 Site storage, routes and compound areas

3.7.1 Adequate room is available for the locating of compounds and material storage within the site boundaries and outside of any measured RPA.

4.0 Conclusions

4.1.1 The following conclusions are made

- The driveway will be constructed using a no dig method of construction
- Pre-construction root pruning will take place prior to foundations being excavated
- Service runs to be installed using hand tools only and under supervision

Preliminary Method Statement

1.0 Summary

1.1 The purpose of this report is to aid the preservation of trees shown to be retained at and adjacent to the site shown on the attached plan OAS/ 17-029-TS01 Rev A. Trees can easily be retained and effectively protected during the proposed redevelopment of the site, by clearly setting out the tree protection methods, construction techniques and working practices. This document provides this information; principles that are approved and enforced by the local planning authority.

1.2 This document gives site specific instructions on the methods required to protect the existing tree stock agreed to be retained. These methods are set out in a logical sequence of operations

1.3 The BS recommendations are made for appropriate barriers to exclude construction from RPA's: The RPA for each tree or group is provided in the tree survey schedule. The protective barriers are sacrosanct and no construction activities shall take place within this zone. This fencing should be erected in position prior to any construction and be maintained in position for the duration of the development process.

1.4 The Tree Protection Plan (TPP) will indicate retained trees, trees to be removed, the precise location of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for site materials storage and other construction related facilities. This document and the associated TPP will be endorsed by planning conditions, agreement or obligation as appropriate.

2.0 Important Tree Information

2.1 As the majority of tree roots are found in the upper metre of soil, development works, including for example even shallow excavation, soil compaction and soil contamination, can be harmful to trees in close proximity. Trees differ in their tolerance of root loss or

disturbance, according to their age, species and/or condition. All protection works within this document will be in accordance with BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'

2.2 An assessment of the site's tree stock has been undertaken and those trees to be retained are clearly shown on the Tree Protection Plan (TPP). A calculation has been made of the volume of soil required to ensure the survival of these and this is represented by the Root Protection Area (RPA) indicated by the magenta circles or squares around the retained tree on the plan.

2.3 The RPA has been used to inform the Construction Exclusion Zone (CEZ), the area to be protected during development by the use of barriers, ground protection and specialised construction techniques - outlined below:-

3.2 Sequenced Methods of Construction and Tree Protection

P1.0 Phase 1- Pre Contract Meeting

P1.1 An onsite meeting will be held, if required with all relevant parties including the developer, appointed arboricultural supervisor and Local Planning Authority (LPA) representative. The purpose of this meeting is to record site features including tree condition, agree tree works (detailed below), location of permanent and temporary access, location of site storage and the location of tree protection barriers.

P2.0 Phase 2- Execute Agreed Tree Works

Tree No	Proposed Works	Comments
T1, T2	Crown lift above access to allow adequate clearance. 5.2m	Prevent accidental striking damage to tree and or vehicles

P2.1 All tree work is to conform to BS 3998:2010 and to current arboricultural best practice. Tree works are to be undertaken by a professional and specialist arboricultural contractor,

who carries the appropriate experience and insurance cover and following formal approval from the LPA

P3.0 Phase 3- Tree Protection Barriers and ground protection

P3.1 In order to protect the tree stems from significant construction activity, protection barriers will be erected. See Plan for fencing location. Fencing should be of a reasonable standard and suitable for the purpose of preventing machinery entering the protected zones see example given below in appendix 1.

P3.2 Once the barriers have been properly erected in position, they are to be considered as sacrosanct and are not to be removed or altered in any way without prior approval from the LPA.

P3.3 Clear notices are to be fixed to the outside of the fencing with words such as 'PROTECTED AREA – NO ACCESS AND NO STORAGE OR WORKING WITHIN THIS AREA'. All operatives and other relevant personnel are to be informed of the role of the exclusion barriers and their importance.

P3.4 The location of the protection barriers is indicated on the TPP. The barriers will be erected prior to any works on site in the vicinity of retained trees, including the delivery of machinery, materials, plant or equipment to the site or any adjacent land. The barriers will remain in situ until final completion or a time agreed by the LPA and Contractor.

P3.5 Where it has been agreed, as shown on the plan, access for construction operations can be located within a tree's RPA a combination of barriers and ground protection should be adopted to form the CEZ. Alternatively the no dig driveway may be utilised see Phase 4

- For pedestrian access, a single thickness of scaffold boards placed on a driven scaffold frame, so as to form a suspended walkway or on a compressive- resistant layer such as, e.g. woodchip 100mm min, laid onto a geotextile membrane will be sufficient.

- For pedestrian operated machinery up to a gross weight of 2t inter linked ground protection boards places on top of a compression- resistant layer, as above, will be required.
- For machinery greater than 2t and engineered specification will be required.

P4.0 Phase 4 - Construction of Driveway and Parking Bays

P4.1 The sections below relate to the construction of hard surfaces, for example, roads and paths, parking areas and bases for bicycle or bin stores not required to be to an adoptable standard and within the CEZ of retained trees. If to be used as ground protection this must be installed prior to other construction works commencing on site. Please note the sections below are guidelines and any product used should use the product installation guidelines.

P4.2 With reference to BS 5837, where the construction of permanent hard surface is approved within the CEZ, a non-dig design should be used to avoid root loss caused by excavation.

P4.3 The construction area is to be levelled by filling hollows and removing protrusions and hard landscaping. No soil excavation, other than the removal of a 'turf or vegetation layer' is to be carried out during this process and filling material should be of a porous nature to allow water and oxygen to reach the soil below. In the unlikely event that roots are required to be pruned, sharp cutting tools are to be used to ensure that minimum damage is caused. No roots, greater than a diameter of 25mm, are to be pruned without prior agreement with the appointed arboricultural supervisor or LPA representative.

P4.4 A geo-textile membrane (Terram or similar) is then to be laid over the whole surface, including any retained hard surfaces. This is to be fixed firmly into position with ground pegs.

P4.5 Where edging blocks or stone are to be used to retain the drive surface within the CEZ, the mix into which they are set will be laid directly onto the geo-textile membrane over the supporting base or above ground pegged boards can be used. No deeper excavations are to be made to accommodate the footing of the edging detail.

P4.6 A geoweb material is then placed over the membrane and also fixed into position. An aggregate sub-base material is then introduced in to the geoweb. The depth of the sub-base aggregate should be the same depth as the geoweb and no less than 100mm. The aggregate should be a granular no fines material (typically 40-20mm). Not only will this material dissipate load and reduce soil compaction, it will permit easy passage of air (oxygen) to the rooting area of the tree below the surface.

P4.7 The sub-base material is to be compressed into position ready for the final surface treatment. This surface can also be used as a temporary works access route prior to the laying of the final surface.

P4.8 Final surface details for residential purposes will be of a porous nature such as gravel, block paviors or small paving slabs and should be approved by the LPA. In the usual way these should be bedded into a lean mix that is also highly porous. Final surface treatment can be installed as part of the landscaping works.

P5.0 Phase 5 - Ground works

P5.1 Spoil, including soil and rubble surplus to requirements will be removed from site and not stored against any protective fencing.

P5.2 Foundations require pre- construction root pruning to occur before they can be excavated. A trench should be excavated outside the line of foundation closest to the tree by hand or with the use of an air pick to a depth of 600mm. Roots discovered less than 25mm in diameter may be cut, roots greater than 25mm in diameter must only be cut after consultation with the project arboriculturalist and or the LPA. Once roots have been cut conventional excavation can be carried out.

P5.3 Service runs location to be confirmed. Under supervision a trench will be excavated to required depths using hand tools and air picks where possible. Mechanical excavation may occur but only if tree roots not being present is confirmed by the arboriculturalist. Where roots are discovered they will be retained until such time as all excavation has

taken place, exposed roots will covered in damp hessian at all times to prevent desiccation.

P5.4 Installation of pipeline and cable runs will be thread through or under the medium of roots. Roots less than 25mm in diameter may be removed using appropriate tools, roots greater than 25mm in diameter will be retained. If roots > 25mm must be removed this must only be done after consultation with the project arboriculturalist and relevant LPA tree officer. roots will be pruned by competent qualified persons only.

P5.5 Where service runs extend beyond privately owned boundaries they must be installed following the guidelines as set out in National Joint Utilities Guidelines Volume 4, see Appendix 3.

P6.0 Phase 6 - Dismantling Protection Barriers and Landscaping Works

P6.1 A minimum of seven days notice will be given to the LPA prior to the dismantling of the protection barriers.

P6.2 All landscaping once the barriers have been removed will avoid soil re-grading and disturbance within the CEZ and no soil levels be altered after the protection barriers have been removed. All vehicles are strictly prohibited from entering any RPA once barriers are removed.

P6.3 Fence post holes to be dug by hand only within the root protection areas. Holes to have plastic sheeting inserted before pouring of concrete mixture. Accommodation must be made for the finding of significant roots, > 25mm in diameter, and the moving of post hole location.

4.0 General Principles for Tree Protection

4.1 A copy of this AMS and the attached TPP is to be retained on site at all times and all personnel associated with the construction process will be made familiar with the principles within.

4.2 No fires are to be lit on site at any stage during the construction process.

4.3 A designated storage area is to be created away from retained trees. All materials for construction purposes are to be stored in this compound. Care must be taken to avoid the leakage or leaching of noxious materials into the soil.

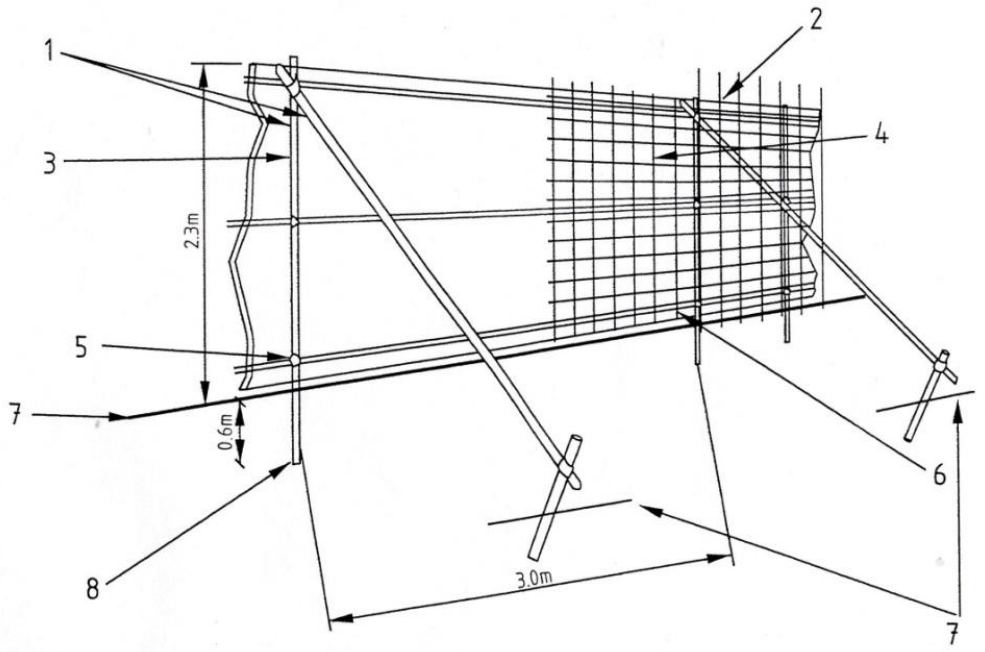
4.4 No materials will be stored or left stacked in positions around the site other than within the storage compound area.

5.0 Communication Details, Monitoring and Compliance

5.1 In order to ensure that the principles of tree protection set out in the statement are adhered to, it is important to set out communication details for key individuals and tasks that require monitoring. These details should be retained by all relevant parties and available on site at all times. Relevant parties will be advised of any changes in personnel or contractor during the development process.

5.2 Before construction begins written confirmation that the developer/contractor or its agents agree to comply in full with the principles set out within this Method Statement will be lodged with the LPA.

Appendix 1: Tree Protection Fencing



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

Appendix 2 Tree Survey Schedule

			Canopy Spread													
Tree Ref. No.	Species (Common Name)	Height (m)	N	E	S	W	Grnd Clrnc	DBH (mm)	RPR (cm)	RPA (m)	Age class	Gen Cond	Structural Defects/Comments	Estimated remaining contribution (BS 5837)	BS Cat	BS Sub Cat	Prelim Tree Work Recommendations
T1	Oak	16	4	5	4	6	1	1100	1320	547.11	MA	F	Prolific ivy, deadwood	40+	A	2	
T2	Oak	14	5	7	7	6	2	700	840	221.56	MA	F	Prolific ivy, deadwood	40+	A	2	

Tree Schedule Explanatory Notes

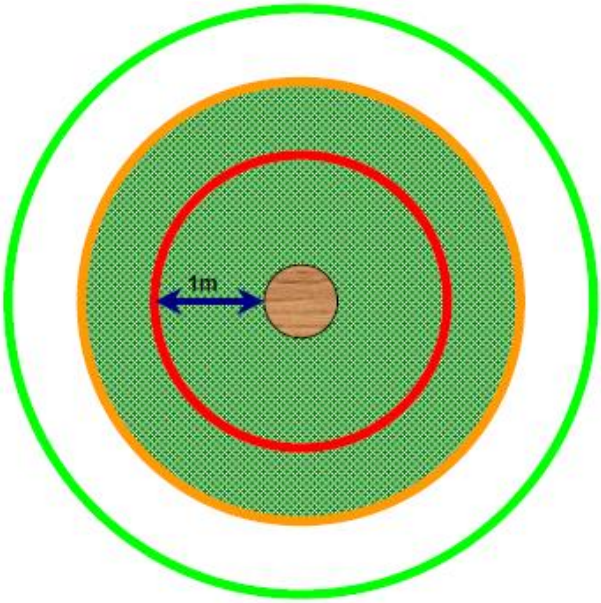
Ref.no	Identifies trees, groups and hedges on the accompanying plan.
Species	Common names are provided to aid wider comprehension.
Height	Describes the approximate height of the tree measured in metres from ground level
Canopy Spread	Indicates the crown radius from the base of the tree in four compass directions, recorded to the nearest metre.
Ground Clearance	Height of crown clearance above adjacent ground in metres.
DBH (mm)	DBH is the diameter of the stem measured in cm at 1.5m from ground level for single stemmed trees or just above root flare for multi-stemmed trees. Stem Diameter may be estimated where access is restricted.
RPR (cm)	Root Protection Radius (RPR) is area required to be protected measured radially from the trunk centre.
RPA (m^2)	Root Protection Area (RPA) is the minimum rooting area in m^2 which should remain undisturbed around each tree.
Age Class	Age of the tree expressed as Y- Young, MA- Middle-Aged, EM- Early Mature, M- Mature or OM- Over-Mature
General Condition	Overall condition of tree expressed as :Good, Fair, Poor, Dead
Structural defects/Comments	May include general comments about growth characteristics, how it is affected by other trees and any previous surgery works. Also specific problems such as dead wood, pests, diseases, broken limbs. Etc
Estimated Remaining Years	Categorised in year bands of less than 10, 10+, 20+, 40+
BS Category	B.S. Cat refers to (BS 5837:2005 Table 1) and refers to tree/overall group quality and value; 'A' - High; 'B' - Moderate; 'C' - Low; 'U' - Remove.
Sub Category	Sub Cat refers to the retention criteria values where 1 is arboricultural, 2 is landscape and 3 is cultural including conservational, historic and commemorative

Appendix 3 NJUG Volume 4

The National Joint Utilities Group

NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees

FIGURE 1 – Tree Protection Zone



Key

Trunk of tree

Canopy or branch spread

PROHIBITED ZONE – 1m from trunk. Excavations of any kind must not be undertaken within this zone unless full consultation with the local authority Tree Officer is undertaken. Materials, plant and spoil must not be stored within this zone.

PRECAUTIONARY ZONE – 4 x tree circumference. Where excavations must be undertaken within this zone the use of mechanical excavation plant should be prohibited. Precautions should be undertaken to protect any exposed roots. Materials, plant and spoil should not be stored within this zone. Consult with the local authority Tree Officer if in any doubt.

PERMITTED ZONE – outside of the precautionary zone. Excavation works may be undertaken within this zone, however caution must be applied and the use of mechanical plant limited. Any exposed roots should be protected.