

Appeals Panel Agenda

Members of the Appeals Panel

(Three members needed for this meeting highlighted in bold and underlined)

Cllr N J Brennan (Chairman)

Cllr S Prutton (Vice-Chairman)

Cllr S J Catchpole

Cllr S M Clancy

Cllr K E Lawrence

Cllr M L Murrell

Cllr J L Thomas

Date & Time:

Tuesday 21 September 2021

09:30 am for site inspection

10.30 am for meeting

Place:

Site Inspection – Wood Green Salhouse NR13 6NS

Meeting: Council Chamber Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich

Contact:

Dawn Matthews tel (01603) 430404

Email: committee.services@broadland.gov.uk

Website: www.broadland.gov.uk

PUBLIC ATTENDANCE:

You may register to speak by emailing us at committee.services@broadland.gov.uk no later than 5pm Thursday 16 September 2021. Please see further guidance on the options for public speaking at page 2 of this agenda.

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

Rules on Public Speaking and Attendance

All public speakers are required to register to speak at public meetings by the date / time stipulated on the relevant agenda. Requests should be sent to:
committee.services@broadland.gov.uk

Public speaking can take place:

- Through a written representation (which will be read out at the meeting)
- In person at the Council offices

Please note that the Council cannot guarantee the number of places available for public attendance but we will endeavour to meet all requests.

All those attending the meeting in person are invited to sign in on the QR code for the building and promptly arrive at, and leave the venue. Hand sanitiser are provided and you are invited to observe social distancing. Further guidance on what to do on arrival will follow once your request to attend or speak has been accepted.

AGENDA

1. **To receive declarations of interest from members;**
(guidance and flow chart attached – page 4)
2. **To report apologies for absence and to identify substitute members;**
3. **To confirm the minutes of the meeting on 7 April 2021** (minutes attached – page 6)
4. **Matters arising from the minutes;**
5. **The Broadland District Tree Preservation Order 2021 (No 2) - Land at Wood Green, Salhouse - to consider representations received to the making of the Order**
(procedure to be followed for the meeting attached at page 12 and report attached at page 14)

DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





APPEALS PANEL

Minutes of a remote meeting of the Appeals Panel of Broadland District Council, held on Wednesday 7 April 2021 at 10am.

**Committee members present:
Speakers present:**

Councillors: S Lawn (chairman) and K Lawrence

A Cornish – Planning Officer (Persimmon Homes – Objecting)
S Milligan – Arboricultural Consultant (Persimmon Homes – objecting)
Cllr S Gurney – district/county councillor for Hellesdon –supporting
N Carver – Hellesdon parish clerk - supporting
T Anderson – local resident – supporting
J Packham – local residents – supporting

Other Members in Attendance:

Councillors: S Prutton and D King - observing

Officers in Attendance:

The Planning Area Team Manager (BB), the Conservation and Tree Officer (IM) – presenting the case for the Order, the Democratic Services Officers (DM & JH) – advisor and host to the Panel.

15 MINUTES

The minutes of the meeting held on 10 February 2021 were agreed as a correct record.

16 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2020 No 9 (1311) FORMER ROYAL NORWICH GOLF CLUB, DRAYTON HIGH ROAD, HELLESDON

The Chairman welcomed everyone to the meeting and explained the procedure for the Hearing. The Panel members had previously had the opportunity to view the whole site.

The following representations had been received to the making of the Order: One objection from Howes Percival on behalf of Persimmon Homes Ltd. Fourteen representations in support of the Order from local residents.

The Panel then heard from Ms A Cornish who gave a detailed statement of the reasons for the objection from Persimmon Homes to the making of the

Order (full copy attached at appendix 1 to the signed copy of these minutes). They had strong views that the Order was inappropriate and un-necessary and was not expedient in the interest of amenity and so the legal test had not been met. The trees were already being managed, they were not under threat, they were not all in good condition and worthy of protection. They were not visible from a public highway and as such made a limited contribution to local amenity. No detailed assessment had been carried out by the Council prior to making the Order and this could have been undertaken despite COVID restrictions.

To date all works to trees on the site had been carried out in consultation with the District Council and, at the request of the local residents and the parish council, a number of trees had been removed following a site meeting. A significant Oak tree had also been identified for retention. There was no intention to alter the ongoing engagement with the local community and an arboricultural consultant had been engaged to support this work.

The principal of development of the site and subsequent removal of some trees had already been agreed. The progress of the development of the site, in particular the completion of phase 1 and starting of phase 2 now added confusion to the status of the trees and the Area Order.

A better approach to the ongoing protection of the trees would be the serving of individual orders for each phase of the development.

In response to the assertion by Ms Cornish that the Council had not undertaken detailed surveys of the location and species of individual trees in the time available, a question was raised as to whether the developer should have undertaken these. Ms Cornish stated that Persimmon Homes had produced information as part of the EIA (Environmental Impact Assessment submitted with the planning application) detailing trees to be retained/felled/retained in part and this information had formed part of the original indicative master plan used to inform the planning applications. Further detailed investigations had then taken place as part of each phase of the development and discussed with the district council which had resulted in modifications to detailed layouts and changes to accommodate the constraints of the site and drainage requirements and a last minute request from the parish council for formal recreation space. She stated that Persimmon Homes had developed a detailed portfolio of information on the trees. She did not believe the Council had done this or undertaken a detailed assessment of individual trees. It was noted the plans referred to were now out of date and had changed since the original planning permission had been granted some 4 years ago. For clarification, Cllr Gurney confirmed that the parish council request for formal recreation pitches was not last minute and had been part of the original proposals as an allocation of 4 ha but had been reduced to 2 ha.

The Panel then heard from the Conservation Officer who confirmed that detailed information regarding the trees was still to be secured. Following the progression of phases 1 and 2 of the site, the Council would now be able to assess in detail the extent of the order relating to these phases. She added

that the Order could only be varied once confirmed and not prior to this. The trees were an important local amenity.

In response to questions, the Conservation Officer confirmed that whilst she had not undertaken a detailed assessment of the visual amenity of the trees from the wider area, the raised profile of the site was such that it could be seen from some distance. She also confirmed that the mixed native trees and hedgerows on the site offered a valuable wildlife habitat and that the loss of some of the trees on the site would have an impact on wildlife and the diversity of the site. Efforts were being made to implement a tree planting scheme to replace this loss in the longer term.

In response to a question as to why the Council had not undertaken a more detailed assessment of the individual trees on the site, the Planning Area Team Manager commented that the Council had been actively involved in negotiations with the developers and had sought detailed plans/proposals for the site as a whole to appreciate the wider impact of the development and to enable officers to work with the developers to determine what trees could/could not be retained. This information had not been forthcoming. Pressure on staff time and limited resources had been a factor in the decision to make an Area Order as opposed to individual/group orders which would have involved a considerable amount of officer time. Further information was now becoming available with progress on phases 1-3 of the development and, subject to confirmation of the Area Order, further detailed assessments could now be undertaken.

Mr S Milligan commented that principally, the objection related to the appropriateness of the use of an Area Order instead of group orders and that information about the groups to be retained/felled/partly retained had been provided to the Council in 2014/15.

In response to a question, the Planning Area Team Manager confirmed that preparing a number of group orders would have involved considerably more resources than the Area Order but that the ultimate intention once the site had some protection was to take the opportunity to fully assess the trees and replace the Area Order with individual/group orders.

Ms Cornish commented that planning permission granted had included conditions to protect the trees on the site and she asked why these were now considered to not be sufficient to control tree retention and the Council had seen the need to make a TPO. The Conservation Officer responded that as each phase had progressed, changes had been made and there had been some concern locally with activity on the site in relation to the trees which had led to the decision to make the order to protect the future of the trees.

The Panel then heard from Cllr S Gurney – local member for Hellesdon in support of the TPO. Cllr Gurney drew the Panel's attention to references to the site in the Planning Committee minutes when the planning application was first considered for the site. It referred to the site as being unique and offering the opportunity for a development different to any other in Broadland. The

developers had given assurances to the parish council that as many trees as possible would be retained on the site. She disagreed with the view of Ms Cornish regarding the amenity value of the trees and was concerned about the impact of the loss of the valuable amenity to existing and new residents of the development once built as the indicative plan demonstrated an abundance of trees. Considerable concerns had been raised by local residents about the loss of trees on the site and she gave examples of some discrepancies in what appeared in documents and what actually existed on the ground or was proposed. She welcomed the opportunity to now fully assess the actual detailed situation on site and felt the planning conditions were not sufficiently robust to provide the necessary protection whilst the assessment was undertaken. She raised concerns that dialogue between the developer and the parish council had ceased since 2015 and that the District Council had prompted a need to return to open dialogue. The parish had accepted that there would be a degree of tree loss as a result of the planning permission granted but not at the levels currently being witnessed.

In response to a question, Cllr Gurney confirmed that the concern of residents was widespread in the parish and not just those living in the vicinity.

The Panel then heard from Tina Anderson – local resident in support of the Order. She had lived nearby the golf course for over 35 years. She was aware the site was private land with no public access but was extremely concerned about the impact of the loss of trees on wildlife and on the environment and the climate. She was surprised the developers were promoting the site in their marketing strategy as a unique site with undulations and mature trees and this was not going to be the case.

The Panel then heard from Ms N Carver of Hellesdon Parish Council who confirmed that Persimmon Homes had contacted the parish council in December 2020 with regard to phase 2 of the development. Prior to that the last contact had been in 2018 and there had been no dialogue between the developer and the parish council in the intervening period. Mr S Milligan stated he had met with Cllr S Gurney on 7 January 2020 regarding the removal of conifers along the boundary – Cllr Gurney refuted this claim.

The Panel then heard from Ms J Packham - local resident supporting the order. She raised concerns about the felling of mature trees on the site which was contrary to the Hellesdon Neighbourhood Plan. The trees were vital to support the environment and wildlife and their removal was destroying valuable habitats. She detailed the range of wildlife and birds found at the site and said she was also worried about the impact on flooding of the area with the removal to trees and the impact on air quality. The Hellesdon Neighbourhood Plan raised concerns about the lack of green space in the parish and the removal of trees on this site would exacerbate this. Persimmon Homes had promised the retention of the natural landscape but she could not see how they could achieve this. The availability of green open space was crucial to mental wellbeing and any new development should contribute to the

provision of green space. The trees needed to be retained to preserve the historical and amenity value of the site.

The Conservation Officer was then invited to submit her closing statement. She stated that the Council was working hard to secure the retention of trees at the site where possible and that the Area Order would be varied in time to reflect the evolving situation on site. She wanted to work closely with the developer in achieving this but felt it was important to have the Area Order in place.

Ms Cornish then presented her closing statement. She stated that Persimmon Homes had been working hard over the last 2 years to put together a master plan based on the most up to date information available. The constraints of the site had caused issues which had impacted on the overall development. The requests for more detailed information had not been ignored but it had taken some time to present this information to facilitate an informed discussion on the future of individual and groups of trees. They were very aware this needed to be undertaken. With regard to engagement with the parish council, Ms Cornish commented that she had been with the company for 2 ½ years and the intention was to talk to the parish council once the detailed information had been secured to fully inform the master plan. This work was still ongoing and the situation changing. The developer was fully aware of the responsibility to fully engage with the local community. She referred to community benefits of the development which included the retention of the existing woodland and the opening of this for public access and discussions were ongoing with regard to future management of this. She stressed that it was not the developer's intention to wilfully remove trees and that they too wanted to retain as many as possible and follow due process. She had no objection to the trees being protected but reaffirmed their objection to the use of an Area Order. The reasons this was considered inappropriate included the fact that the trees were already being managed, there was no threat to the trees, the expediency test had not been met, the trees had limited visibility, the condition of some of the trees did not warrant their protection and the order was inappropriate in relation to phases 1 and 2 of the development. Instead, she considered that specific TPOs should be used for each phase to avoid the confusion caused by the relationship of the Area Order and the granted planning permissions. She stressed that, whilst a number of trees needed to be removed to facilitate development, a scheme of replanting was proposed.

The Chairman sought clarity on the relationship between the Area TPO and the planning permission granted and the Planning Area Team Manager explained the situation. Whilst the Order was relevant to the whole site and all phases of the development, any planning consent granted necessitating the removal of trees covered by the Order to facilitate permitted development would take precedence over the TPO.

The Panel members (with the administrative support of the Democratic Services Officer (DM)) then left the meeting to deliberate their decision. They

were subsequently readmitted to the meeting and Chairman announced the Panel's decision.

Having regard to all the information before them, both written and oral, and having regard to the criteria used to make the Order, the Panel decided to confirm the Order.

The Panel was satisfied that the provisional TPO had been implemented and served in a just and appropriate manner and that the making of the Order was expedient in the interests of amenity to make provision for the protection of the trees. The trees the subject of the Order made a significant contribution to the local environment and they had significant amenity value to the residents. The trees contributed to the biodiversity of the wider area and offered a wildlife habitat. A number of trees on the site had historical and cultural value and contributed to the landscape and character of the area. It was accepted that planning permission had been granted for the site for up to 1000 homes and accepted that there should continue to be good communication between the Council and the developer to ensure the site was re developed and the trees preserved in line with the visible, historical, amenity and environmental impact of the trees.

It was, accordingly,

RESOLVED to confirm the Broadland District Tree Preservation Order 2020 No 9 (1311) former Royal Norwich Golf Club, Drayton High Road, Hellesdon.

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

(The meeting concluded at 11:55am)

Chairman

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 Before or on the day of the hearing, members of the appeals panel may visit the site to inspect the trees subject of the appeal. If the trees are not visible from the highway, arrangements will be made with the objectors for members to gain access to the area
- 1.2 Where it is not possible to hold a site visit, photographs of the trees will be made available to members.

2. The Hearing

- 2.1 All parties (public, local parish council/district council ward representatives, council officers directly involved in the TPO, and the objector) may attend the meeting which will be held in public. If any party cannot attend the meeting, they may appoint someone to act on their behalf or they may submit written representations for consideration. Note: If the objector cannot attend the meeting nor appoint an agent to act on his behalf and they decide to submit written representations, no cross question will be allowed of any party.
- 2.2 The chairman of the panel formally opens the hearing and explains the procedure.
- 2.3 The objector presents the case for objecting to the making of the order and calls any witnesses in support of their case.
- 2.4 The council's officer and panel members ask questions (if any) of the objector and their witnesses.
- 2.5 The council's officer puts the case for the making of the order and calls any witnesses in support of their case.
- 2.6 The objector and panel members ask questions (if any) of the council's officer and their witnesses.
- 2.7 Any parish council representative, or any district councillor (who is not a member of the panel) or member of the public present, may speak to the panel.
- 2.8 The panel, the objector and the council's officer ask questions (if any) of anyone speaking at 2.7 above.
- 2.9 The Council's officer makes a closing statement

- 2.10 The Objector makes a closing statement
- 2.11 A final opportunity is given to panel members to seek clarification on any outstanding matter
- 2.12 The panel members then retire to consider their decision in private (the representative of the assistant director governance and business support will accompany them to give advice on procedural matters).
- 2.13 The panel will re-join the public meeting and its decision will be announced in public with a summary of the reasons for making its decision.
- 2.14 The chairman will advise the objector of the right of appeal, as follows:

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

STATEMENT OF CASE

Provisional Tree Preservation Order (TPO 2021 No.2)

Address: Land at Wood Green, Salhouse, Norfolk.

BACKGROUND TO THE MAKING OF TPO (2021 No.2)

Protected tree – (T1) Leyland Cypress (x Cupressocyparis leylandii)

Wood Green is located to the south of Station Road in Salhouse, with the Leyland Cypress tree in question, growing on a piece of unregistered land at the entrance to the Wood Green Industrial Estate.

Originally the Cypress tree was protected by Provisional Tree Preservation Order (PTPO) 2020 No.3, which was served on the 09th March 2020, following a TPO suggestion made by a resident of Wood Green, the TPO request was made because the resident had been made aware that the tree was at risk of being removed due to another resident having arranged to have the tree felled by a local Tree Contractor.

Following the serving of the original PTPO the Council received four letters of support and six letters of objection to the making of the provisional order.

Unfortunately due to the six months provisional period falling within the same period that the country was under lockdown measures due to the COVID 19 Pandemic, it wasn't possible to convene an Appeals Panel Hearing and the original provisional order lapsed.

On the 31st March 2021 the order was re-served as Provisional TPO 2021 No.2.

The Council confirmed it would take all previous letters of support or objection into account at the time an Appeals Panel Hearing could be held.

The Council decided to make the PTPO in order to protect the Leyland Cypress for the reasons stated within the Regulation 5 Notice shown below:

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

THE CASE FOR MAKING TPO 2021 (No.2)

Taking the background information into consideration, please note the following:

How does the tree, subject of this report, make a significant contribution to the local environment?

The Leyland Cypress tree is significant due to its location and size, contributing to the visual amenity of the immediate and surrounding area, being a very prominent street scene feature and providing screening to the industrial estate, which is located to the south west

The tree is the largest and most visible tree within the street scene of Wood Green, which has few other trees of this size.

Is there a reason to fear the tree may be dangerous?

No compelling evidence to demonstrate that this tree would be considered to be in a poor structural or physiological condition has been provided, or to verify the statements that it should be considered as dangerous.

Whilst it is acknowledged that sometimes Leyland Cypress can shed limbs, this is often only associated with previous, inappropriate works such as ‘topping’ (Department of Transport & Local Government and the Regions publication -Research for Amenity Trees No.7 – by David Lonsdale)

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

At the present time the tree would be considered as early mature and if it remains healthy, should have a considerable remaining life span in excess of 10 years.

Although as the species is a Hybrid between the Nootka (*Chamaecyparis nootkatensis*) and Monterey Cypress (*Cupressus macrocarpa*), which is thought to have first been recorded in a garden in Wales in the 19th century, it is still not known what the species ultimate lifespan will be.

Does the tree, in its present location, show signs of causing a nuisance in the future which is unacceptable or impractical?

Due to the trees location and its potential for growth, it will require some intervention in the future to help influence its form and reduce encroachment above the road and entrance to the Industrial Estate.

I would envisage that this situation can be resolved by the sympathetic pruning or crown lifting to any longer or low branches, and consent for such remedial pruning works, could be obtained by making a formal Tree Work Application, and in my opinion, the future management of the tree will not be the cause of a nuisance that is unacceptable or impractical.

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

Whilst the Leyland Cypress is a hybrid of garden origin and not a native species of the UK, it would be considered to have some benefits for wildlife.

With the trees canopy having the potential to provide nesting sites and shelter for many species of garden birds, due to the trees dense foliage, which also creates habitat for invertebrates, providing a food source for our native birds.

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

The Council has received four formal letters of support and six formal letters of objection to TPO 2021 (No.2).

I have summarised the points of support and objection made by the residents of Wood Green.

Comments made in support

- The tree is a community asset and visually important to almost all the residents in the vicinity and in these times is important for the environment, I appeal to Broadland District Council to protect this tree as an important amenity for the local residents.
- I wholeheartedly support the TPO, I can see no reason for its removal or reduction.
- Having been a resident of Wood Green since 1996 I would like to support the protection of this tree, it is a large striking tree giving high amenity value and character to the cul de sac and one of the reasons I chose to live there, being evergreen it gives some year round screening from the industrial estate behind, both visually and from the noise, I have not had any reason to think it is a danger in itself or in the use of the road alongside it, I also believe it should be protected as it is inherently supporting wildlife.
- We have lived in Wood Green for 36 years and the tree was in situ before we arrived here, the tree makes a clear statement in our area, it is quite magnificent as you enter Wood Green, it is an important part of our environment and supports a good mixture of bird life and provides a clear division to the residential to industrial parts of our road, removal of this tree would make a huge impact on the landscape and we wholeheartedly support a TPO being made.

Comments made in objection

- This conifer has grown out of all proportion and once it has a TPO against it, trimming, cutting and general maintenance will become virtually impossible and Uk Power Networks (UKPN) and Open Reach will now have to gain consent to undertake routine maintenance to the overhead cables, the tree has no significant historical interest, no birds nest in it and no wildlife reside in it apart from pigeons, which are a pest as they deliver their daily toilet habits on my property and vehicles, the tree blocks light from 15:15 HRS daily.

- The tree obstructs the daily deliveries to the industrial estate and it restricts the vision of the drivers entering back on to Wood Green, causing near collisions.
- The road surface and drains are continually covered in needle debris which have to be cleared up for the safety of pedestrians, cyclists and motor cyclists and the roots have disturbed the pavement causing a safety hazard.
- The tree is extremely tall and out of control, dangerous and unstable and at risk of uprooting and falling or collapsing in strong winds and could cause damage to my property, garden wall or vehicles.
- There are numerous dead branches which will at some point fall onto the road/pavement, and due to its size and general poor state, should it fall, considerable damage and not inconceivably loss of life could result.
- There has been interruption to telephone services due to the overhead cables running through the canopy of the tree.

Tree Officer Responses to the main points of objection

Having inspected the tree, I could not identify any significant structural defects, which would raise concerns that the tree would be considered dangerous.

I did observe some branches which are damaged and also dead wood within the trees canopy, this appears to be mostly branches of a small diameter and would not be considered a significant hazard.

There are also some small areas of dead foliage, which is a common occurrence with Cypress trees and is often due to colonization by Coryneum Canker (*Seridium cardinale*), which is caused by a fungus and is only significant, if large areas of the trees canopy are impacted.

The removal of dead wood or dead branches is exempt works and doesn't require consent from the Council, any additional pruning works to live wood and which were considered necessary, could be undertaken after making a formal tree work application to gain consent, the application process is also free of charge.

Concerns have been raised about the consequences if the tree should totally fail and be blown over, however the risk of this appears extremely low, as there is no visible evidence that the trees stability has been compromised.

Whilst it should also be acknowledged that healthy and structurally sound trees do get blown down during extreme weather events, the risk of death or serious harm from trees in the UK has been calculated by the Centre of Decision Analysis & Risk

Management at Middlesex University as an overall risk of approximately one in ten million (National Tree Safety Groups publication).

When we compare this with other risks we all take, going about our daily lives, it is evident that the risk of harm, from falling trees or branches is very low and the removal of healthy and structurally sound trees *'just in case they fail'*, would be a disproportionate action and which would also remove the many benefits that trees provide.

The points raised regarding the obstruction to high sided vehicles visiting the Industrial Estate and also encroachment to the overhead cables, could be easily resolved with some remedial pruning to create sufficient clearance above the road and around the cables.

The cost of undertaking such remedial works would also be significantly less than having the tree removed.

Seasonal nuisances such as needle fall do undoubtedly cause additional work, and have to be cleared from the highway, footpath and drains, however these would not be a valid reasons to justify the removal of a healthy protected tree.

The cleaning of the public highway, footpath and highway gulley's is routinely carried out by the Local Councils and the repair of this infrastructure is the responsibility of the local Highway Authority.

Due to the trees canopy not extending above any residential properties boundaries, it is very unlikely that the tree is the cause of bird fouling onto vehicles parked on resident's driveways.

Overshadowing to the adjacent residential properties will be limited to the afternoon due to the trees location, with the majority of the shadow cast, covering the front gardens of No.1, No.8 & Cleome, Wood Green and would not be considered excessive or unreasonable.

CONCLUSION

The Leyland Cypress tree identified as T1 within the Provisional Tree Preservation Order (PTPO) contributes to both the visual amenity and biodiversity of Wood Green.

The tree is not considered to be in an unsafe condition at this time.

The tree should have a remaining lifespan exceeding ten years, barring any unforeseen circumstances.

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

This PTPO has been implemented and served in a just and appropriate manner.

Therefore, I recommend that the order is confirmed.

Considerations may also be made by the members of the Appeals Panel that the tree is not worthy of protection and the panel may decide, that the tree should no longer continue to be protected and allow the tree to be removed.

Date: 31th August 2021

Mark Symonds – Conservation & Tree Officer (Majors Team)

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:

Broadland District Councils Five Criteria to Justify Making 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 the tree may be dangerous?
- Can the tree be expected to live for longer than ten years, barring unforeseen circumstances?
- Does the tree in its present location show signs of causing a nuisance in the future which is unacceptable or impractical?
- Does the tree contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?



Tree Preservation Order Suggestion

Online form: Suggest a Tree Preservation Order

A TPO is a special form of control that applies to certain trees.

TPOs are almost always used to protect trees that are visually significant and/or can be seen from a public place, so that they contribute to the look of the local surroundings.

TPOs are made when trees are under threat of being cut down or damaged. It is illegal to cut down, prune, or damage a tree that is protected by a TPO without the Council's consent. The unauthorised lopping or felling of such a tree is a serious criminal offence and can result in a fine of up to £20,000.

Details of the tree

Number of trees	<input type="text" value="1"/>
Species of tree:	<input type="text" value="Fir"/>
Why do you consider the tree to be under threat?	<input type="text" value="Neighbour wishes to cut it down"/>

Photos of the tree

If you have taken any photos of the tree please upload your image files below.

☐ Photo 1:

☐ Photo 2:

☐ Photo 3:

☐ Photo 4:

☐ Photo 5:

Location of the tree

Site location plan

If you are able please upload a location plan for the site of the tree.

☐ Site location plan:

Site location

Please describe the location of the tree(s) as accurately as you can and tell us in which parish you think they are located.

Describe the location:

At the entrance to the small industrial estate in Wood Green, NR13
6NS area

Select parish:

Salhouse

Details of the owner of the tree

Name of the owner of the tree

Do you know the identity of the
owner of the tree?

No

Thank you, please proceed to the next page.

Online form: Suggest a Tree Preservation Order

Your name

Title

Mrs

First name

Ann

Last name

Shorten

Your contact details

Please provide your contact details so we can let you know whether we intend to make an tree preservation order and the reasons for our decision. In some cases in we may need clarification of the location or the reasons for your suggestion.

Your details will be treated as confidential and so will not be revealed to any third party.

How would you like to be
contacted?

By email

Email

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 2021 (No. 2)
Broadland District Council

To

THIS IS A FORMAL NOTICE to let you know that on 31 March 2021 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 value offered by the tree to the immediate area and the wider environment.

The Order took effect, on a provisional basis, on 31 March 2021. 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 28 April 2021. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr P Courtier (Head of Planning) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Mark Symonds at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430509.

Dated this 31 day of March 2021

Helen Mellors
Assistant Director 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

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

Town and Country Planning Act 1990 The Broadland District Council Tree Preservation Order 2021 (No.2)

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 2021 (No.2)

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 31 day of March 2021

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

Deputy Monitoring Officer

Linda Mackford

26



8102

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Leyland Cypress	TG 29291 13717

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

2021 No.02

Key

Individual Trees T1 etc. ○

T1 Leyland Cypress



Scale as shown



Thorpe Lodge, 1 Yarmouth Road

Thorpe St Andrew, Norwich, NR7 0DU.

Tel (01603) 431133

E-mail conservation@broadland.gov.uk

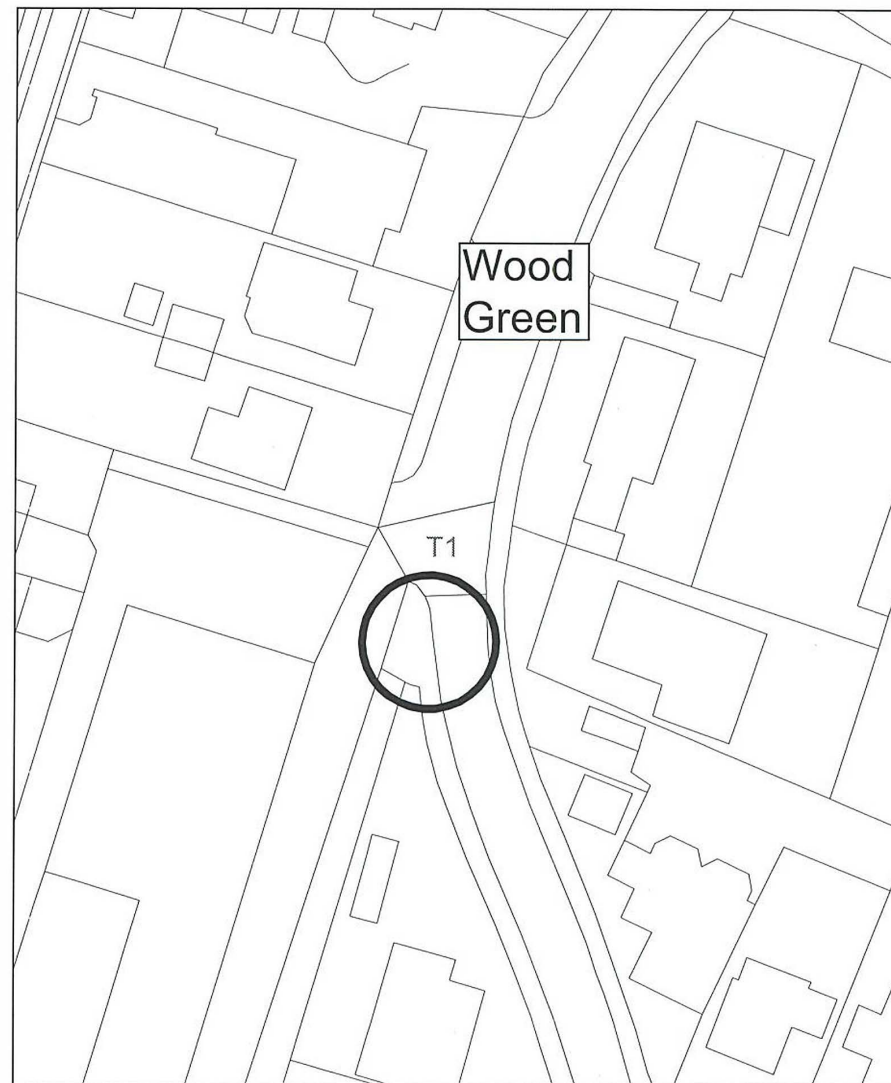
**Tree Preservation
Order**

Deputy Monitoring Officer

Reproduced by permission of Ordnance Survey on behalf
of HMSO. © Crown copyright and database right 2020.
Ordnance Survey Licence number 100022319

This copy has been produced specifically to
supply an individual with authority information.
No further copies may be made

Salhouse



Tree Preservation Order 2021 No. 02

Land at Wood Green Salhouse

Scale 1:500