

Appeals Panel Agenda

Members of the Appeals Panel

(Three members needed for this meeting highlighted)

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 R E Potter

Cllr J L Thomas

Date & Time:

Wednesday 9 March 2022

9:30am for the site inspection

10.30am for the meeting

Place:

Site Inspection: 5 Lake View Close, Great Witchingham, NR9 5SB

Meeting: Council Chamber, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, NR7 0DU

Contact:

Dawn Matthews tel (01603) 430404

Email: committeebdc@southnorfolkandbroadland.gov.uk

Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

You may register to speak by emailing us at

committeebdc@southnorfolkandbroadland.gov.uk no later than 5pm on Friday 4 March 2022

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.

AGENDA

1. **To receive declarations of interest from members;**
(guidance and flow chart attached – page 3)
2. **To report apologies for absence and to identify substitute members;**
3. **To confirm the minutes of the meeting held 10 November 2021;**
(minutes attached – page 5)
4. **Matters arising from the minutes;**
5. **The Broadland District Tree Preservation Order 2021 (No 9) – 5 Lake View Close, Great Witchingham, NR9 5SB** - to consider representations received to the making of the Order;
(procedure to be followed attached at page 17 and report attached at page 19)

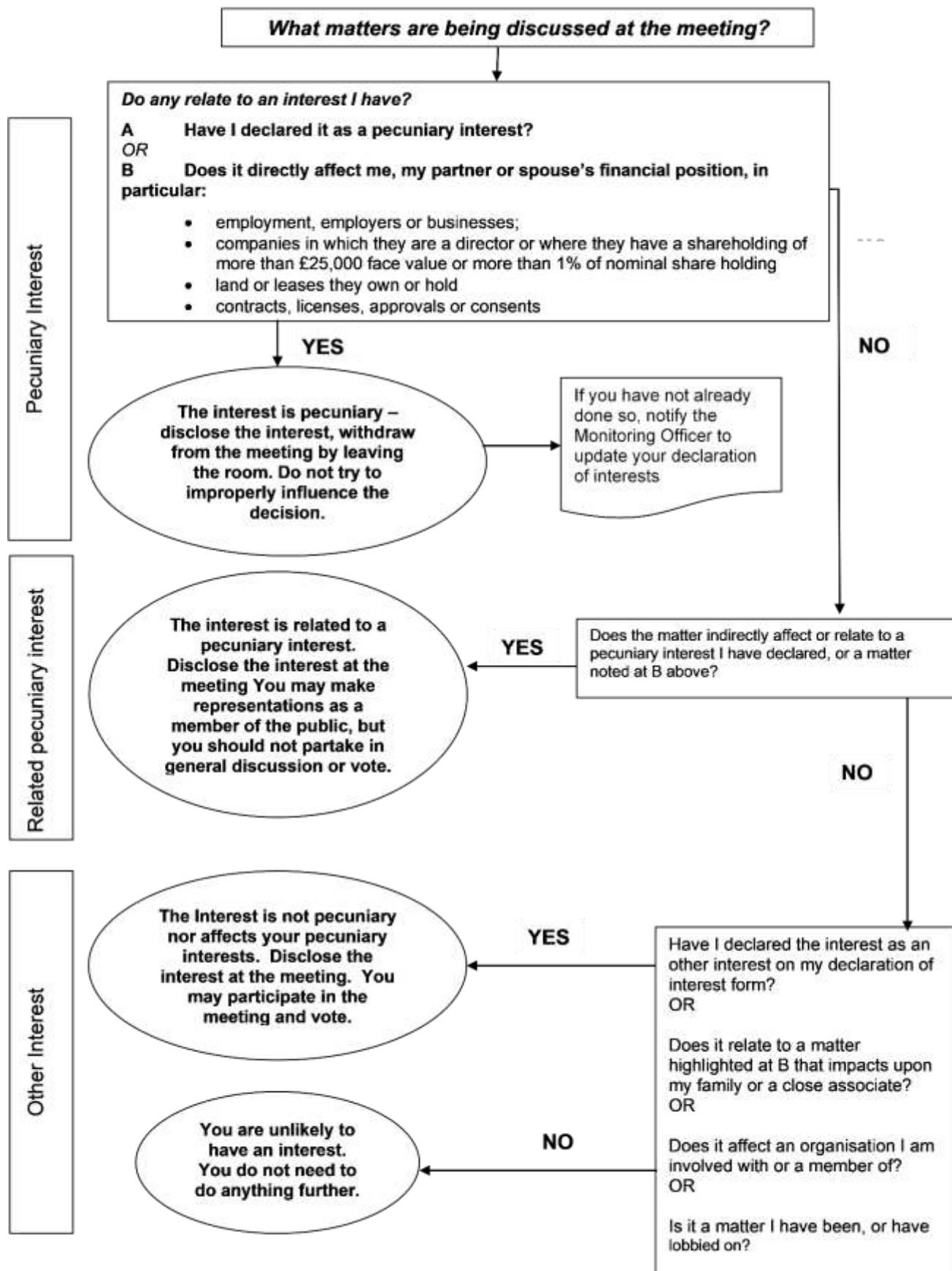
DECLARATIONS OF INTEREST AT MEETINGS

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 meeting of the Appeals Panel of Broadland District Council, held on Wednesday 10 November at 10.30am at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich.

Committee Members Present: Councillors: N J Brennan (Chairman), K Lawrence and S Prutton

Speakers present: Darren Wood - objecting
Amanda Bean – objecting
Mrs Doughty – objecting
Mr S Vincent – supporting

Officers in Attendance: The Conservation and Tree Officer (MS) – presenting the case for the Order and the Democratic Services Officer (DM)

5 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

All members present declared that they knew Mr Vincent was a fellow district councillor. They confirmed that they had not discussed the trees with Mr Vincent at any time.

6 APOLOGIES FOR ABSENCE

No apologies were received.

7 MINUTES

The minutes of the meeting held on 21 September 2021 were confirmed as a correct record and signed by the Chairman.

4 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2021 (No 4) LAND AT 19 SYDNEY ROAD SPIXWORTH NR10 3PG

The Chairman welcomed everyone to the meeting and explained the procedure. Prior to the meeting, the Panel had taken the opportunity to visit the site and view the trees and their location. Their viewing of the trees took place from within the gardens of numbers 15 and 19 Sydney Road, Spixworth

and numbers 2, 4 and 6 St Peter's Way. Mr Wood and Ms Bean had been in attendance at all sites and Mrs Bush, Mr Harman and Mrs Doughty had been in attendance at parts of the site meeting.

The Chairman commented that the purpose of the site meeting was to view the trees only and not at that time to listen to any representations made to the Panel. Those present were reminded of this during the site visits.

The Chairman then invited Mr Wood to make his case. Mr Wood stated that he was speaking on behalf of himself and Ms Bean. He had lived at his current address for 16 years. In his work capacity he had much experience of investigative work and the importance of ensuring investigations were detailed, balanced, factual, bespoke and informative, ensuring transparency and openness. This approach was reflected in the guidance associated with the making of Tree Preservation Orders. He then detailed why he felt the process being undertaken in relation to this Order did not meet those guidelines and objectives. The papers had only been received on 2 November and appeared to be generic and not bespoke, evidenced by reference to a previous site location in the report, and lacked care and attention. They were also incomplete in that they did not include all the information made in the residents' representations and some important information had been omitted. Mr Wood stated that, because of the short timescales, several objectors had not been able to make arrangements to attend the meeting and this was no grounds to dilute their evidence. He had been given permission from Mr Bush and Mr Harman to make representations on their behalf and he read out their written representations in full for the Panel. In summary, these representations included reference to the fact that the trees had doubled in size since the owner had first moved to the property, they were top heavy and dangerous. They caused stress and added to ill health. A tree of the same species nearby, with a similar form to tree T2, had dropped a significant branch which had caused damage to the fence and a trampoline in a neighbouring garden and the tree had been removed. There had been no objection to this tree being removed. The neighbours were frightened of the trees and their potential impact. There was a lot of overhanging dead branches, some of a significant size, and there was concern about these falling. Trees T1 and T2 needed to be removed and replaced with a more suitable species.

Mr Wood went on to state that he had purchased land containing the trees from Mrs Bush in 2019 in an attempt to help find a resolution to the worries about the trees for all concerned. His garden in particular, being closest to the trees, suffered from falling branches, cones and needles. He had replaced felt and guttering on this property. He felt the Tree Officer (*Conservation and Tree Officer*) had not taken into account the poor state of the trees.

Mr Wood then went on to make further reference to particular paragraphs of the government guidance and good practice and stated that the local authority could not confirm an order unless it had fully considered all the representations. It was necessary for a site meeting to take place to assess the amenity value of the trees and the trees needed to be assessed by a

qualified arboriculturalist; a full dialogue was encouraged to clarify any issues and full consideration should be given to all the representations made. Mr Wood suggested these procedures had not been followed by the Council and that the report favoured the applicant and the council.

Mr Wood stated that the order had been made in June 2021 and interested parties given 28 days to reply. Four months had since then passed with no contact until 26 October when a site meeting had been arranged by the council with the then landowner. Mr Wood had not been given the opportunity to attend. The final papers had only been sent out on 2 November and had asked for interested parties to confirm if they wished to attend by 5 November. There had been no time for residents to plan or prepare for the meeting and arrange time off or carers. He felt the meeting needed to be adjourned.

Mr Wood then went on to refer to the summarised objections in the report and the Tree Officer's response to the main points of objection. He stated again that these were incomplete. He went on to make references from his submission sent to the officer in July. He drew attention to the fact that there had originally been four scots pine trees in the location. A significant branch from one of the trees had fallen in his garden smashing his fence and trampoline. He stated that if a child had been playing on the equipment, they would have been killed. One of the trees in the order had similar characteristics to that tree. Mr Wood had discussed the matter with the tree owner and had subsequently helped to arrange for two of the four trees to be removed. The residents could not afford to remove the remaining two trees at that time. These trees had remained a cause of stress and anxiety since then and all the neighbours felt they were unsafe and could cause injury or death of a child. This evidence had been omitted from the council report to dilute the case against the order. The report stated that there was no evidence that the trees were dangerous but Mr Wood stated that the evidence of the history of the other tree had been omitted and that the factual knowledge of the other tree could not be ignored. He reemphasised that T2 had the same characteristics as the tree that had shed a large branch.

Mr Wood commented that all the objectors and supporters had lived in the area for some time and that there had been no objections raised at the time the original two trees had been felled. He could not understand why there was now concern about the trees and why the order had been made. He questioned who had applied for the order and suggested that the issue may have arisen out of spite because of a dispute over fencing and boundaries.

With regard to reference in the report to a letter of opinion from a local tree surgeon being withdrawn, Mr Wood stated that the tree surgeon had not asked for his representation to be withdrawn.

With regard to the recommendations contained in the Tree Officer's report, Mr Wood made reference to other options available in addition to those referenced including his offer to plant replacement trees but this had not been offered as an option and the recommendations did not therefore present a balanced picture.

With regard to reference in the report to the visibility of the trees, Mr Wood questioned the accuracy of the claims regarding visibility. He stated the trees could only be seen from limited places between the gaps in houses and the trees sat in a natural dip in the landscape so visibility was limited and the report was skewed. He offered to circulate photographs taken of a panoramic view of other trees on the skyline but the Chairman stated that this was not necessary as the Panel had visited the site and seen all they needed to. With regard to the visual amenity of the trees, Mr Wood questioned their visual amenity and suggested that a proper evaluation, such as the matrix scoring method used in the Torbay test case, could have been referenced.

Having regard to the fact that his property sat at lower level than the base of the tree and some of the surrounding properties, Mr Wood stated the tree was even more daunting. He suffered from a lack of light in his garden and he had a video evidencing that at 16.38pm on 13 June his whole garden was in shade. He had been told he could not share this with the Panel. The Tree Officer had made reference in his report to overshadowing but had stated that this was not unreasonable as it was limited to late afternoon. Mr Woods commented that the officer did not have to live with this and that it could not be ignored.

The chairman thanked Mr Woods for his representation. He apologised for the typographical error in the report which referenced Wood Green and not the current order but this had been nothing more than human error. The timeframes for publishing council papers was prescribed at law and had been complied with. With regard to the publication of full representations in the papers, the council was mindful of the requirements of GDPR and, whilst the representations in the report were summarised, those making representations had been given the opportunity to attend the meeting to present their views or submit written statements to be read out at the meeting if unable to attend. The Tree Officer added that many of the paragraphs in the report were taken from guidance and were common to the determination of all tree preservation orders and appeared in all reports.

Mr Wood then answered questions from members and the Tree Officer. He was asked if he had sought the opinion of an arboriculturalist rather than relying on the historical evidence of events relating to another similar tree. He confirmed that the tree surgeon consulted at the time about the cost of removing the trees had expressed his opinion and that he still stood by this and had not withdrawn his view as had been suggested.

The Tree Officer commented that his conversation with the tree surgeon conflicted with the view expressed by Mr Woods. He also commented that the process for determining whether to confirm an order was not a criminal investigation but instead one which was governed by local authority process. With regard to timescales referred to, the Tree Officer commented that the interested parties had been advised of the date of the hearing some weeks

before the papers were published. With regard to the claim that there had been no inspection of the trees by an arboriculturalist, the Tree Officer stated that he had inspected the trees and was a fully qualified arboriculturalist and had been for 37 years. He asked Mr Wood if he had sought a factual report from a suitably qualified tree expert to which Mr Woods stated he understood the Council was required within the guidance to do this. The Tree Officer reiterated that, as a qualified expert, he had undertaken such an inspection but this was not independent and it would be for other parties to seek such an independent opinion if required. He added that if he had been of the view that the trees were unsound or dangerous he would have referenced this in the report. The trees did include a lot of dead wood but this could be resolved with management to remove dead wood. There was no sign of decay, bark necrosis or cavities on the trees. The contorted form of the trees was common for the species and did not warrant the trees being condemned as this would be disproportionate to the risk posed by the trees.

The Panel then heard from Ms Bean. She stated that they had not taken this matter lightly and were willing to plant anything else the Council required in place of the two trees. She was not against trees and had a beautiful copper beach tree in the front garden that they would not dream of removing. The Scots Pine trees were a real hindrance and had an impact on them and she was very worried about her children in the garden. She believed the issue of the Order had been raised because of a dispute with a neighbour and had been done out of nastiness.

In response to questions, Ms Bean and Mr Wood confirmed that they had lived in their house since 2006 and the tree branch had fallen approximately 4 years later – approximately 10 years ago.

The Panel then heard from Mrs Doughty who explained that her husband had made their submission but was unable to attend the hearing so she wanted to make representations on his behalf. She read out the full submission made by Mr Doughty in response to the serving of the Order. In summary the submission referred to the fact that the opinions expressed therein were his own based on his opinion of the trees and he had not been influence by anyone else. The visual appearance of the trees from their garden was very poor, mainly old damaged wood with no foliage on one side and much of the tree missing. This was different to the view from Crostwick Lane. The sun was lost from their garden from 5pm onwards which was time when the family could enjoy the garden. They were concerned about limbs breaking off the trees and the trees falling. The trees were exposed and at risk of wind damage. They suffered with much debris from the trees in the garden and regularly had to clean the garden, guttering and down pipes. They did not believe the trees had any real value for wildlife – only pigeons whose droppings caused damage to parked cars. There was a belief that the Order had arisen because of a vendetta from residents on Crostwick Road. Having

witnessed the damage caused by the falling branch, they were concerned about the safety of their children playing in their garden and their neighbours' garden. The tree was not a suitable type to be in a garden and was more suited to a forest. The village was not short of trees and there was local access to woodlands – making the trees safe should be the priority.

In answer to questions, Mrs Doughty confirmed that she lost light in her garden in the early evening and members noted the orientation of the sun in relation to the property. Mrs Doughty was asked if her property was 2 dwellings along from the trees and if there was another pine tree much closer to her property which might be causing her loss of light. She responded that she was 2 dwellings away and that the nearest pine tree did not contribute to the loss of sun in her garden nor did the other trees (laurel and magnolia) in her garden which had a lot of foliage. They were well maintained and she did not lose light because of them.

The meeting then adjourned for a short comfort break.

The Panel then heard from the Conservation and Tree Officer. He reported that, following receipt of a request for the two trees to be protected by a Tree Preservation Order, he had followed the required procedure and assessed if the trees met the five criteria used by the Council. The Council had been using the five criteria as a basis of assessment for a number of years and did not use other systems adopted by some other councils such as TEMPO which was a numeric based assessment. In his opinion the two trees met the five criteria. They offered a visual amenity from a number of locations between properties including from public highways/footpaths and there was no requirement for them to be in full view. The majority of their canopy was visible. With regard to the form of the trees and concerns about the safety, the Tree Officer acknowledged that the trees contained a lot of dead wood which could easily be removed without the need for any application for tree works to be made. The removal of this dead wood would, in his opinion, remove the risk of branches falling but it could not be said for sure that a branch would never fail. Whilst this was always a possibility, it was disproportionate to remove any tree in a domestic garden in case a branch failed. The Tree Officer stated that, mindful of their biodiversity value and their positive contribution to climate change, the retention of the trees was important notwithstanding their visual amenity. The height of the trees had been calculated and, being situated roughly half way between neighbouring properties, the trees were not within falling distance of the dwellings and it was unlikely any falling branches would impact on the properties. The species of tree had a long life expectancy and, barring unforeseen circumstances, could live in excess of 300 years. The trees were capable of growing in a variety of habitats, from wetlands to sandy heathlands, and the morphology of their root systems adapted accordingly. He believed the roots of the trees in their current position had been able to exploit a rooting good depth.

With regard to the nuisance caused by the trees, the issue of falling dead wood could be addressed. With regard to overshadowing, this was localised and limited and was not unreasonable when compared to the benefits of the trees. The needle fall was a seasonal nuisance and was not sufficient justification to warrant removal of the trees. With regard to references to pigeon droppings causing nuisance/damage to parked cars, the location of the trees was such that it was not possible to park cars near the trees and if the trees were removed, the pigeons were likely to remain using nearby roof ridges instead of the trees.

With regard to the wildlife habitat, the tree offered a habitat to a wide range of insects and this species was a feature in many domestic locations as well as forests.

In summary, the Tree Officer stated there was no evidence the trees were dangerous or compromised and they had met the five criteria and he recommended that the order be confirmed.

In response to questions, the Tree Officer explained the method/equipment used to calculate the height of the trees and that they had been measured from within the garden in which they were located. He explained why tree T2 had likely grown in its current form with a “U” shaped branch union and this was not uncommon. Removal of the main “contorted” branch would be inadvisable. Trees with a “V” shaped branch union were more likely to fail as the structural integrity of the “V” was compromised due to bark to bark contact and was known as a tight compression fork whereas a more “U” shaped branch union as was the case with T2 did not have such a compression fork to form a weakness. He was satisfied that there was good strength in the branches of tree T2 barring any unforeseen future decay. With regard to the falling distances of the trees, the Tree Officer confirmed that he had estimated the trees to be 10m and 12m in height and the distance to the nearest properties was 14m and 17m. He also confirmed that, given the current soil conditions, the trees would have a good tap root system.

In answer to questions from Mr Wood, the Tree Officer confirmed that the five criteria used to determine the making of an order had been set out in the agenda papers for the meeting and circulated to all interested parties 5 days before the meeting. The options open to the members of the Panel to either confirm the order, not confirm, or confirm with modifications were in accordance with the legislation; the Panel did not have the option to consider other proposals including replacement trees. With regard to the suggestion that other councils offered this facility, the Tree Officer commented that it was possible once an order had been confirmed for a tree works application to be made which culminated in replacement trees being planted depending on the circumstances. He also made reference to the Appeal process in relation to

appeals lodged against an authority in respect of a tree works application and that these were determined by an independent planning inspector. Mr Wood stated that he was willing to comply with any requirement to plant replacement trees. The Tree Officer commented that the presence of the TPO on a tree would protect the tree, or any replacement tree, in the event of a change of ownership as it related to the property and not the owner/occupier. If an order was confirmed and a tree works application was submitted, this would be carefully considered and if the proposals were necessary and conformed to the required British standards, and would not be detrimental to the tree, they could be authorised. If works were not deemed suitable or acceptable and the application was refused, there was a right of appeal as mentioned before and an option for this to be considered by written representations.

Ms Bean asked about the possibility of removing the low branch from T2 and raised concerns about the safety and integrity of tree T2 with its “u” shaped branch and her worry about its potential to injure or kill a child playing in the garden; she was not concerned about the buildings being damaged as these could be replaced, a child could not. She referred to a nearby Scots Pine tree which had been cut back significantly and was still growing strong. The Tree Officer stated that the species was very resilient and despite poor management would respond and continue to grow. However, the deliberate opening of a large wound such as that which would occur if one of the main scaffold branches was removed would provide an entry point for decay and disease pathogens and possibly increase the risk of failure; it was not best practice. He confirmed that the removal of dead wood from the tree would not help solve concerns about the lower branch failing but it would limit other debris falling and causing damage. He suggested a climbing inspection of the tree might be helpful to assess it more fully and to look at options for shortening the longer lateral branches. He added that tree T2 would not automatically follow the pattern of the tree that had lost a branch referred to by residents; the particular circumstances of that tree were unknown and there could have been many variables at play. Based on known facts, the risk of T2 failing was very low; the risk from trees only registered very low on the Health and Safety Executive tolerability of risk scale and was about 1 in 10million. Cases of tree failure causing injury were tragic but had to be judged in context with the huge benefits offered by trees. If a defect was identified that increased the risk to the point that it was unacceptable, consideration could be given to undertaking remedial/removal works.

In answer to further questions from Mr Wood, the Tree Officer explained how he had calculated the height of the tree and its distance from the neighbouring property and that these measurements were not affected by the change in ground level at Mr Wood’s property. Mr Wood commented that he had a planning application in process to replace his conservatory with a garden room which would be bigger than the current building and therefore nearer to the tree. He only had a small garden area and this was used for children to

play. The proximity of the tree was overbearing on the garden. Ms Bean commented that the overhanging branch of T2 was leaning excessively and questioned if it could impact on the house. The Tree Officer stated he did not believe this branch was leaning excessively and was a natural growth pattern for the species. He added that he had not raised any concerns regarding Mr Wood's proposed extension to the property to provide a garden room when consulted as part of the planning application process as he was satisfied the building works would not impact on the root network of the tree. He added that should evidence be provided to indicate that the tree was compromised or diseased or had an increased risk of potential to fail, the situation could be reviewed.

The Panel then heard from Mr Vincent in support of the order. He stated that he understood the emotions associated with this situation and fully appreciated the concerns raised about the impact of the trees on the use of residents' homes. However these fears were all emotionally based and not based on evidence or fact. The trees had been assessed by an expert whose opinion was they were not diseased and were healthy. They were superb specimens which had not been well maintained and one had been badly cut. He referred to a situation in his own garden concerning 2 poplar trees which were considered by a neighbour to be dangerous and needed removing, however, following an inspection by an expert, they had been found to be sound. He questioned reference to a previous tree surgeon's concerned about the trees. He stated that there had in the past been a huge number of trees in this area and now very few were left. These trees had been deliberately retained as part of the development and had been in place for a considerable number of years with new occupants being aware of them when they purchased their properties. The trees were good examples of the species and offered important biodiversity value. With regard to references made to the small garden area available, Mr Vincent said the garden area had been reduced as a result of a number of extensions to the property and an additional planned extension, and this was a personal choice. The allotment referred to some representations had only been in place over recent years. He understood that the local member for the area was in support of the making of the order on the basis that mature trees not damaged should be preserved to protect the environment and not detract from it. Mr Vincent then went on to make reference to the Spixworth Neighbourhood Plan which, despite being delayed in its adoption because of the pandemic, had received the support of 88% of residents in the recent referendum. A key objective of the plan was to protect and enrich the local landscape, support biodiversity and retain the existing tree canopy where possible. The protection and retention of these trees supported the aims of the Plan. He stated that the criteria set out in the report to assess the making of the tree had all been met and that the order should be confirmed.

In response to a question from the Panel as to his motivation for supporting the making of the order, Mr Vincent responded that he lived in the local area and had a view of the trees. He was a lover of trees and, mindful of climate change, would seek to ensure they were protected where it was warranted; the removal of trees should only be undertaken when it was essential.

In response to a question about other supporters of the order, Mr Vincent stated he believed there was an additional neighbour who supported the making of the order but was unable to attend the hearing. He also understood the parish council were in support of the order.

Mr Wood and Ms Bean questioned the motives for the request for the trees to be protected stating that they had only spoken to one neighbour about their intentions regarding the trees. They believed the motives were vindictive and misguided and in response to a neighbour dispute. They loved living in their street and got on well with their neighbourhood. They had been willing to plant replacement trees and were puzzled as to why the Order had only now come about when the trees had been in place for many years and could have been protected in the past. Mr Vincent responded that the order had come about because there was a perception that the trees were now at risk – there had been no awareness that the trees were at risk in the past. He was then asked why other trees in the area had not been subject to an order and he commented that he believed these had been damaged and therefore had been removed. It was put to Mr Vincent that the trees the subject of the order were, in part, dead and damaged. Mr Vincent commented that they might contain dead wood and have a high canopy with little growth lower down but this was a typical feature of this species of tree.

In response to a question from the chairman, officers confirmed that Mr Vincent had requested the making of the order. There were a number of ways by which the council could be asked to consider making a tree preservation order (public/parish council/tree surgeon/neighbour/landowner) all of which would be considered in accordance with the processes in place.

The Chairman then invited all present to make their closing statements.

The Tree Officer stated that the trees met the Council's five criteria for the making of an Order. There was no evidence available at the current time that the trees were dangerous. There was a degree of overshadowing limited to late afternoon/evening which he considered was not unreasonable. In the event of things changing in the future and evidence being available that the trees were dangerous, the situation could be reviewed. The making of the order had followed the correct process. Changes had been made to the way in which representations were shared with the Panel in the light of General Data Protection Regulations and every effort had been made to present the important facts fairly. Some elements had been excluded due to the sensitivity of the information and or they were not relevant to the making of the order.

The information had not been summarised with any intention of bias but with a view to ensuring the Panel was aware of all the main relevant elements of concern about the trees. The Tree Officer stated his recollection of a conversation held on site with Mr Harman was that the safety or structure of the trees had not been discussed in any detail and he had not included details of the site meeting in the papers as he did not feel it was necessary on this occasion.

He invited the Panel to confirm the order.

In summing up Mr Wood stated that the timescales involved in the decision making process were unfair and that the objections raised had been filtered out. The process was heavily weighted towards the applicant's case and was not a two way process and was not transparent. There was information missing in the report and corroborated facts from Mr Bush and Mr Harmon not presented. The supporter had made reference to his love of trees but he did not have children playing in his garden with the knowledge of evidence of previous falling of branches. Information not contained in the report would not have been presented to the Panel unless residents were able to attend the hearing. He was taken back by the lack of care and attention to the process. There was no evidence the trees were safe and previous history should carry weight. He referred to the Torbay method of assessing the making of orders and referred to the issue of information not being available to the Panel until 5 days before the hearing. He asked that the TPO be dismissed as the trees were unsafe, they were unsightly, they had lots of dead areas, they had no canopy in parts, they were too large and had limited amenity value. The order had come about through spite and there had been no previous action to protect the tree until now. He was willing to plant replacements and he hoped the Panel appreciated the importance of this matter.

With the exception of the Democratic Services Officer, all present then left the meeting whilst the Panel deliberated its decision. They were subsequently readmitted to the meeting and Chairman announced the Panel's decision.

The Panel was satisfied that all interested parties had been given the opportunity to have their views represented at the Hearing and that these had been carefully considered. They were satisfied that the provisional TPO had been implemented and served in a just and appropriate manner.

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 (unanimously) to confirm the Order. The reasons for the decision to confirm the Order were that the criteria for making the Order had all been met: the trees made a significant contribution to the local environment, there was no reason to believe they were dangerous, they had a life span in excess of 10 years, they did not present an unacceptable or impracticable nuisance and contributed to the biodiversity of the immediate area.

It was, accordingly,

RESOLVED to confirm the Broadland District Tree Preservation Order 2021 (No 4) Land at 19 Sydney Road Spixworth.

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 2.30 pm)

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.9)
5 Lake View Close, Great Witchingham, NR9 5SB.**

Report Author(s): Mark Symonds
Conservation and Tree Officer (Majors Team)
01603 430452
mark.symonds@southnorfolkandbroadland.gov.uk

Portfolio: Planning

Ward(s) Affected: Great Witchingham

Purpose of the Report:

To brief the Panel on the representations received to the making of a Provisional Tree Preservation Order and invite the Panel to consider the representations made and decided whether to confirm, confirm with modification or not to confirm.

Recommendations:

1. It is recommend that the Panel consider the representations received and determine whether to confirm the Order or not.

1. Summary

- 1.1 This report sets out the reasons why an Order was made, the representations received and the officer's response to those representations.

2. Background

- 2.1 5 Lake View Close is located to the west of Lady's Row and south of The Street in Great Witchingham, with the Maidenhair tree(Ginkgo biloba) in question, growing within the front garden of the property and on the west boundary with No.9 Milcot Lady's Row.
- 2.2 The Council was contacted by the owner of No.5 Lake View Close, who submitted a Tree Preservation Order suggestion form as they were concerned that a planning application (20211586) for the redevelopment of No.9 Lady's Row may have a detrimental impact on the trees roots and future health of the tree and there was a risk the trees overhanging branches would be heavily cutback, unbalancing the trees canopy.
- 2.3 The Council decided to make the Provisional Tree Preservation Order (PTPO) in order to protect the Maidenhair tree for the reasons stated within the Regulation 5 Notice: *'The tree in question contributes to the visual amenity of the immediate and surrounding area and is a significant landscape feature'*
- 2.4 Following the serving of the original PTPO the Council received one letter of objection from the owners of No.9 Milcot, Lady's Row.
- 2.5 Application No.20211586 for a replacement dwelling at No.9 Milcot, Lady's Row is detailed in the link below, this has now been determined and approval has been given, subject to conditions, which include measures to ensure that the Maidenhair tree is protected, during the demolition and construction works.
- 2.6 <https://secure.broadland.gov.uk/MVM/Online/dms/DocumentViewer.aspx?PK=773800&SearchType=Planning%20Application>

3. Current position/findings

- 3.1 The case for making the order is set out at appendix 1.
- 3.2 The representations received to the making of the order and the officers comments on these are attached at appendix 2.
- 3.3 The criteria used to determine the making of an order is set out at appendix 3.

4. Proposed action

- 4.1 The officer's view is that the order should be confirmed without modification.

5. Other options

- 5.1 Members could also come to the conclusion that the tree is not worthy of protection and the order should not be confirmed.

6. Issues and risks

- 6.1 The risks involved in not protecting the tree are that it could have its overhanging branches pruned back to the boundary, potentially unbalancing the trees canopy and the trees rooting area could be compacted or the roots damaged through excavation.
- 6.2 **Resource Implications** – none
- 6.3 **Legal Implications** – none
- 6.4 **Equality Implications** – none
- 6.5 **Environmental Impact** – there are potential environmental implications if the trees health was compromised due to root damage resulting from excavation within the trees Root Protection Area (RPA).
- 6.6 **Crime and Disorder** – none

7. Conclusion

- 7.1 The Maidenhair tree identified as T1 within the Provisional Tree Preservation Order (PTPO) contributes to the visual amenity of Lake View Close & Lady's Row, due to its form and prominent location.
- 7.2 The tree is not considered to be in an unsafe condition at this time.
- 7.3 The tree should have a remaining lifespan exceeding ten years, barring any unforeseen circumstances.
- 7.4 I do not believe the tree will cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.
- 7.5 This PTPO has been implemented and served in a just and appropriate manner.

8. Recommendations

- 8.1 It is recommended that the Order be confirmed without modification.

Appendices attached

Appendix 1 – Case for making the order

Appendix 2 – Representations received and officer comments on these
Appendix 3 – Criteria used for making an order

Appendix 4 – Photo

Appendix 5 – Objection to the order

Appendix 6 – Copy of the Order/notice/letter to residents

Appendix 1 – Case for making the TPO 2021 (No.9)

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

The Maidenhair tree is significant due to its form and prominent location, contributing to the visual amenity of the immediate and surrounding area, clearly visible to the public from both Lake View Close and Lady's Row and further afield from the junction of The Street and Lady's Row

The tree is one of only two trees which are within the street scene of Lake View Close and Lady's Row.

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

No evidence has been provided to identify that the tree would be considered to represent an unacceptably high risk or that it is in a poor physiological condition to validate the statement that it poses a danger to persons or property.

Whilst it is acknowledged that the tree has an asymmetrical canopy and a co-dominant scaffold limb union, this isn't unusual for this species and I believe that through the combination of the appropriate implementation of remedial pruning and installation of a non-invasive flexible restraint system, the structural integrity and appearance of the tree can be conserved.

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

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

It is acknowledged that Maidenhair trees are a slow growing but very long lived trees having now reached over 260 years in age, as an introduced species in the UK and having been acknowledged as reaching 3500 years in their wild populations in China.

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

The tree is located adjacent to a low brick wall which is thought to be under the same ownership as the tree, due to its close proximity there is the potential for future damage, as the trees lower trunk increases in diameter, however this is not thought to be an issue that couldn't be resolved, if the section of wall adjacent to the lower trunk is re-designed to allow for this, often this can be achieved using a pile and beam construction design.

It has been raised that the tree roots maybe close to the surface and have started to crack the tarmac driveway of No.9 Milcot, Lady's Row and may cause a trip hazard and this is evident in a photograph provided by the owners of that property.

The presence of surface roots is a common occurrence and there are straightforward engineering solutions, which can be used to accommodate surface roots and allow the unhindered use of the driveway by pedestrians and vehicles.

Maidenhair trees are acknowledged as being a suitable species for gardens due to their slow growth, branching habit and low leaf density, which limits the seasonal and natural processes of leaf fall or the nuisance associated with honey dew covering parked cars.

In my opinion, the future retention 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

Maidenhair trees are not a native species of the UK and can now only be found growing in the wild within a small area of China, where they are thought to be on the brink of extinction, due to logging pressure.

The species are recorded on the red list as '*endangered*' by the International Union for Conservation of Nature and Threatened Species (IUCN).

The tree was thought to be introduced to Britain in 1758 and since then has been increasingly planted within gardens, parkland and botanical collections and is particularly associated with urban environments to which it appears to be well suited.

Its value for wildlife in Britain would be limited to perching, shelter and nesting sites for birds and small mammals.

Appendix 2 - The representations received to the making of the order and the officer's comments on these

The Council has received one formal TPO suggestion letter and one letter of objection to TPO 2021 (No.9).

I have summarized the points made in support and objection below.

Comments made in support

- 1 The planning application for the redevelopment of 9 Lady's Row may damage the trees root structure.
- 2 Another Holly tree has had the branches which were overhanging number 9 hacked off, leaving the tree looking awful, with just half of its foliage remaining.
- 3 With the proposed redevelopment of the site and with trucks and heavy machinery going past, it's only a matter of time before someone hacks off overhanging branches to make access easier, so unbalancing the tree, and with no regard to the health of the tree at all.

Comments made in objection

- 1 The Gingko tree did not form part of the original landscaping of the development but was planted by a previous occupier of 5 Lake View Close. The tree is not mature and has the potential to grow to 24 meters in height, I query the suitability of the species having being planted in such close proximity to a residential property. The centre of the tree stands only 5 meters from the bungalow, Milcot, 9 Lady's Row. It stands substantially further from the owner's property, 5 Lake View Close which is not affected.
- 2 The canopy spread is extensive and will soon overshadow the existing bungalow and any further development of the plot unless attended to. Therefore pruning is urgently required.
- 3 The tree has already caused significant damage to the adjacent boundary wall, which is now unstable, and to the driveway of Milcot. The damaged driveway is a trip hazard for my 80 year old mother who is resident there. It would be very difficult to repair or replace this without root damage occurring due to the fact that they extend across the full width of the driveway from the boundary wall to the bungalow. There is no alternative access to Milcot.
- 4 The Gingko tree has a co-dominant stem which is likely to have inherent weakness at the stem union. The tree leans towards Milcot and therein lies further potential to pose a danger to persons or property.

Tree Officer Responses to the main points of objection

- 1 The planting of the tree would have been many years after the property was constructed(circa 1980), although the legislation doesn't require that a tree has to have been planted as part of the original landscaping, before it can be protected. Due to the tree being semi-mature it does have the potential to significantly increase in size, however it is also possible to manage the trees size through carefully implemented crown lifting and reduction works. At this point in time it is true that the tree is located closer to Milcot, 9 Lady's Row and further from No. 5 Lake View Close, however the new development consented for the location, places the dwelling a considerable distance from the tree.
- 2 It cannot be disputed that the trees canopy extends over the boundary, although the tree owner has confirmed that the tree has been pruned back in the past and it is their intention to have similar crown lifting and reduction works undertaken again and the Council would consent such works, if a formal Tree Work Application is made.
- 3 Having viewed the boundary wall and driveway of Milcot it is evident that some minor damage has occurred to both. To mitigate this I have suggested solutions within my comments on the '*nuisance*' element of the Councils five criteria. The access to Milcot is fixed due to its position and this is not due to the location of the tree, the continued use of the access will still be possible with the tree retained and construction design solutions for the surfacing within the trees Root Protection Area (RPA) have been specified within the Arboricultural Impact Assessment (AIA) produced for Planning Application No.20211586.
- 4 The tree does have a twin co-dominant stem and slightly asymmetric canopy shape which is agreed, and which I have addressed within my comments on the '*is there a reason to fear the tree may be dangerous*' element of the Councils five criteria. Research into the available evidence on the frequency of 'weak fork' failures, suggests for Maidenhair trees the risk of failure is '*very low to low*' (Principles of Tree Hazard Assessment and Management by David Lonsdale, page 335). If a formal tree work application was received by the Council to undertake remedial works which were thought necessary to mitigate the risk of the stem failure, these would be consented.

Appendix 3 - The criteria used to determine the making of an order

- 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?





recycle
for Broadland

From:
Sent: 17 October 2021 13:01
To: Conservation
Subject: TPO 2021 No.9 Objection

Dear Mr Symonds,

I wish to object to the TPO 2021 No.9 relating to the Ginkgo tree at 5 Lake View Close, Lenwade, NR9 5SB on the following grounds:

- 1) The Ginkgo tree did not form part of the original landscaping of the development but was planted by a previous occupier of 5 Lake View Close. The tree is not mature and has the potential to grow to 24 meters in height, I query the suitability of the species having being planted in such close proximity to a residential property. The centre of the tree stands only 5 meters from the bungalow, Milcot, 9 Ladys Row, Lenwade, NR9 5SF. It stands substantially further from the owners property, 5 Lake View Close which is not affected.
- 2) The canopy spread is extensive and will soon overshadow the existing bungalow and any further development of the plot unless attended to. Therefore pruning is urgently required.
- 3) The tree has already caused significant damage to the adjacent boundary wall, which is now unstable, and to the driveway of Milcot. The damaged driveway is a trip hazard for my 80 year old mother who is resident there. It would be very difficult to repair or replace this without root damage occurring due to the fact that they extend across the full width of the driveway from the boundary wall to the bungalow. There is no alternative access to Milcot.
- 4) The Ginkgo tree has a co-dominant stem which is likely to have inherent weakness at the stem union. The tree leans towards Milcot and therein lies further potential to pose a danger to persons or property.

I have attached some illustrative photographs for your attention. Please note the telegraph pole leans significantly towards Milcot.

Kind Regards





Sent from my iPad

Photo from Objector



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

Town and Country Planning Act 1990 The Broadland District Council Tree Preservation Order 2021 (No.9)

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.9)

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

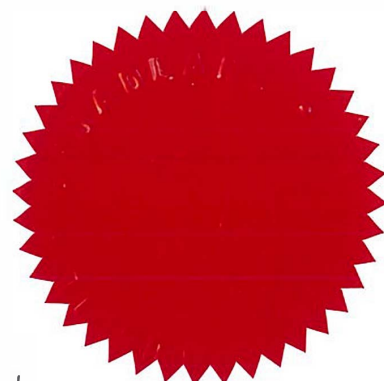
4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect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

Dated this 24 day of September 2021

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

Deputy Monitoring Officer

Hinda Mockford
34



8156

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Maidenhair Tree	TG 609966 318180

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.9

KEY



Individual trees (T1 etc.)

T1 - Maidenhair Tree



Groups (G1 etc.)

Inner edge of broken line denotes boundary



Areas (A1 etc.)

Inner edge of dots denotes boundary



Woodland (W1 etc.)

Inner edge of line denotes boundary



Scale as shown



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

Tel (01603) 431133

E-mail: conservation@broadland.gov.uk

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GREAT WITCHINGHAM



TREE PRESERVATION ORDER 2021 No.9

5 Lake View Close, Great Witchingham

Deputy Monitoring Officer

Scale 1:500

Lake View Close
Great Witchingham
Norwich
NR9 5SB

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam

Town and Country Planning Act, 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
The Broadland District Tree Preservation Order 2021 (No. 9)
5 Lake View Close, Great Witchingham, NR9 5SB

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

It is deemed necessary to serve a Preservation Order to cover trees as set out in the First Schedule and Map of the attached Order, to ensure their protection.

The trees in question have been made the subject of a Tree Preservation Order under Section 198 of the Town and Country Planning Act, 1990. A copy of the Order is enclosed, together with a formal Notice of its making.

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

Yours sincerely

Helen Mellors
Assistant Director of Planning

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

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

The Broadland District Tree Preservation Order 2021 (No. 9)
Broadland District Council

To: XXXXXXXXXXXXX, Great Witchingham, Norwich, NR9 5SB

THIS IS A FORMAL NOTICE to let you know that on 24 September 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 as the tree in question contributes to the visual amenity of the immediate and surrounding area and is a significant landscape feature.

The Order took effect, on a provisional basis, on 24 September 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 22 October 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 Ms T Lincoln (Development Manager) 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 24 day of September 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