

Appeals Panel Agenda

Members of the Appeals Panel

(Three members needed for this meeting highlighted)

Cllr N J Brennan (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:

Thursday 19 January 2023

9:00am for the site inspection

9:45am for the meeting

Place:

Site Inspection: 17/18 Hilly Plantation Thorpe St Andrew NR7 0JN

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

Contact:

Dawn Matthews tel (01603) 430404

Email: committee.bdc@southnorfolkandbroadland.gov.uk

Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

You may register to speak by emailing us at committee.bdc@southnorfolkandbroadland.gov.uk no later than 5pm on Monday 16 January 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 consider the minutes of the meeting held on 10 November 2022:**
(minutes attached – page 5)
4. **Provisional Tree Preservation Order (TPO 2022 No 10) 17 / 18 Hilly Plantation
Thorpe St Andrew NR7 0JN** - to consider representations received to the making of
the Order;

(procedure to be followed attached at page 8 and report attached at page 10)

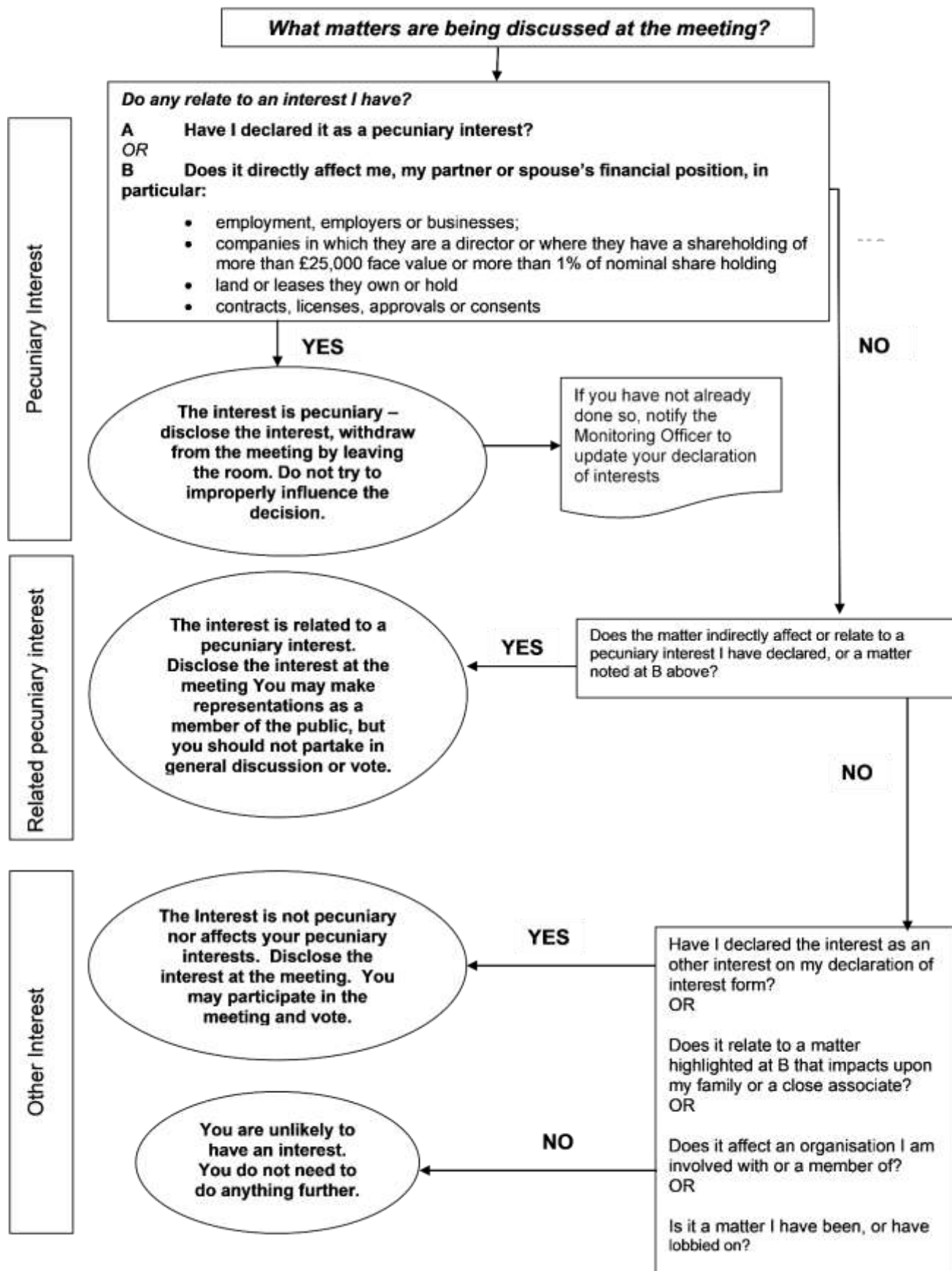
DECLARATIONS OF INTEREST AT MEETINGS

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 Thursday 10 November 2022 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

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

No declarations were made.

6 APOLOGIES FOR ABSENCE

No apologies were received.

7 MINUTES

The minutes of the meeting held on 19 July 2022 were confirmed as a correct record and signed by the Chairman.

8 PROVISIONAL TREE PRESERVATION ORDER (TPO 2022 No 8) 87 CAWSTON ROAD, AYLSHAM, NR11 6ED

The Chairman welcomed everyone to the meeting. Prior to the meeting, the Panel had taken the opportunity to visit the site. They viewed the trees from the public highway and from within the gardens of no: 83 and no: 87 Cawston Road. Mrs Barwick was in attendance for that part of the site meeting within the garden of no: 83 Cawston Road. The owners of No 83 and no 87 did not attend the formal meeting.

In presenting his case, the Conservation and Tree Officer stated that the provisional order had been made following a request by the owner of the trees

for an order to protect the trees because of the unknown future of the property. Her family had originally planted the mix of native tree species at the site and were keen to see them retained in the future. Objections had been received to the order in relation to two of the twelve trees: T6 - Beech tree and T7 - Silver Birch tree. The objections related to the impact of tree T6 on the boundary treatment and the overhanging from both trees. The Conservation and Tree Officer stated that reasonable measures could be taken to mitigate the objections. These included an application to undertake remedial works to reduce the impact of any overhanging and aligning any boundary treatment around the trunk of the tree. He did not therefore feel the trees caused an unreasonable nuisance. He stated that, whilst trees T6 and T7 were not as visible from a public vantage point as other trees in the order situated to the front of the site, they were still visible and formed a significant feature on the skyline and had amenity value.

In response to questions from members, the Conservation and Tree Officer confirmed that remedial works could include reductions to branch length and a canopy lift. He also confirmed it was not uncommon for trees to be located on property boundaries.

The Conservation and Tree Officer invited the Panel to confirm the Order.

With regard to the overhanging branches, members noted the significant distance from the property and main garden area at no 83 and the location of trees T6 and T7. They also noted the nature of the use of the area of land at the rear of no 83 adjacent to the trees.

The Conservation and Tree Officer then left the meeting whilst the Panel deliberated its decision. He was subsequently readmitted to the meeting and the 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 (unanimously) to confirm the Order. The Panel was satisfied that the provisional TPO had been implemented and served in a just and appropriate manner and was expedient in the interests of amenity to make provision for the preservation of the trees. The Panel was also satisfied that the Council's criteria for making the Order had 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 2022 (No 8) 87 Cawston Road, Aylsham

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 11.35am)

Chairman

DRAFT

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 (PTPO 2022 No.10) 17 & 18 Hilly Plantation, Thorpe Saint Andrew.

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

Portfolio: Planning

Ward Affected: Thorpe St. Andrew

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 decide whether to 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 with modifications or not to confirm the Order.

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 T1 to T37 are located within the front and rear gardens of No.17 and 18 Hilly Plantation and the Provisional Tree Preservation Order (PTPO) protects individual trees of the following species: Beech, Corsican Pine, Douglas Fir, English Oak, Scots Pine and Sweet Chestnut.
- 2.2 No.17 and 18 Hilly Plantation are both residential properties which are located east of Thunder Lane and north of Hillside Close and sit on an elevated ridge above the River Yare. Many of the existing trees in the surrounding area are already protected by Tree Preservation Orders (TPOs) with the trees located at No.20 Tree Tops, Hilly Plantation and Nos 56, 56a, 56b and 70 Thunder Lane protected by TPO 1982 No.7 and additional Orders also protecting the significant trees growing on the ridge to the west, which includes the former Pinebanks site and wooded dells located at South Avenue.
- 2.3 The PTPO was requested on the 3 August 2022 by the agent (C.J.Yardley Landscape Survey & Design LLP) to the owners of No.18 Hilly Plantation. Mr C.J. Yardley stated that he has over ten years of previous professional involvement with different properties located on Hilly Plantation and had become concerned that the existing trees could be under future development pressure, which would result in tree losses.
- 2.4 Following receipt of the TPO suggestion the Council decided to make an precautionary 'Area' PTPO to protect all the trees at the two properties for the reasons stated within the Regulation 5 Notice: *'The Council has made the order as the trees in question contribute to the visual amenity of the immediate and surrounding land and are significant landscape features'*.
- 2.5 Following the serving of the original 'Area' PTPO the Council received one letter of objection from the son-in-law of the owner of No.17 Hilly Plantation on the owner's behalf.
- 2.6 The 'Area' Order designation is used only as a temporary measure and while the Order is still provisional, following a joint site visit undertaken by the both the Council's Assistant Tree & Conservation Officer and the Tree & Conservation Officer, the trees which are considered most significant have been included in a Modified Order, protecting 37 individual trees. At this site visit, the concerns of the objector were also discussed.
- 2.7 A copy of the proposed Modified Order showing the trees to be protected at 17 Hilly Plantation was shared with the objectors, who confirmed they would not be in agreement with all the trees listed being protected and want to see T24 and T32 (Scots Pines) and T33 (Corsican Pine) removed from the Modified Order and that they wished to maintain their objection to the making of the Order.

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 officer's 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.
- 3.4 Objection to the order is attached at appendix 4.
- 3.5 Copy of the Order/notice/letter to residents set out at appendix 5.
- 3.6 Copy of the draft Modified Order attached at appendix 6.

4. Proposed action

- 4.1 The officer's view is that the Order should be confirmed with the modifications shown in the draft Order.

5. Other options

- 5.1 Members could also come to the conclusion that not all the trees are worthy of protection and modify the order further, removing protection from some additional trees, or that additional trees which are located within the boundary of the original 'Area' Order should be included or that decide none of the trees merit protection and that the order should not be confirmed.

6. Issues and risks

- 6.1 The risks involved in not protecting the trees are that they could be felled in the future.
- 6.2 **Resource Implications** – none
- 6.3 **Legal Implications** – none
- 6.4 **Equality Implications** – none
- 6.5 **Environmental Impact** – the felling of the trees would deplete the tree cover within the district and remove the many benefits the trees provide, including the sequestration of carbon through the removal of carbon dioxide from the atmosphere and the destruction of the habitat they provide for wildlife.

6.6 Crime and Disorder – none

7. Conclusion

- 7.1 The trees identified as T1 to T37 within the draft Modified TPO contribute to both the visual amenity and biodiversity of Hilly Plantation, Hillside Close, Hillside Avenue and Hillside Road and are an important component which form part of the wooded ridge of Thorpe St. Andrew, which runs east to west and stands as a significant landscape feature above the River Yare Valley. Additionally due to the varied species, form and location the trees also provide valuable habitat, shelter, nest locations and a food source for the local wildlife.
- 7.2 The trees are not considered to be in an unsafe condition at this time
- 7.3 The trees should have a remaining lifespan exceeding ten years, barring any unforeseen circumstances.
- 7.4 I do not believe the trees 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 with the modifications shown within the draft Order provided in Appendix 6.

Appendices attached

Appendix 1 – Case for making the Order
Appendix 2 – Representations received and the officer comments on these
Appendix 3 – Criteria used for making the Order
Appendix 4 – Objection to / support for the Order
Appendix 5 – Copy of the Order/notice/letter to resident
Appendix 6 – Copy of draft Modified Order

Appendix 1 – Case for making the TPO 2022 (No.10)

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

The trees are significant due to their size, age and location, contributing to the visual amenity of the immediate and surrounding area, visible to the public from the highway and footpaths located on Hilly Plantation and to a lesser degree when viewed further afield from Hillside Close, Avenue and Road.

It is also well recognised that the tree lined escarpment which extends from 'Lion Wood' west of Harvey Lane to 'Garglehill Plantation' to the west of Pound Lane, is a prominent feature of the landscape of Thorpe Saint Andrew and the wider setting of the Yare River Valley.

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

To date no evidence has been provided to identify that any of the trees would be considered dangerous.

The trees at both addresses which are shown as included in the draft Modified Order all show signs of good vitality and physiological health, with on evidence of significant decay or compromised stability being observed.

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

The trees protected by the PTPO are a mix of species which have varying lengths of approximate life expectancy in an urban UK environment, with Douglas Fir and Pine attaining around 200 years and Oak, Beech and Sweet Chestnut living to 200 to 300+ years.

At the present time the majority of the trees would be considered as mature and if they remain healthy, should have a considerable remaining life span well in excess of 10 years.

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

Due to the size of the front and rear gardens, the majority of the trees listed for protection are growing at locations some distance from the dwellings and they don't present any significant constraints.

The following protected trees are located within the front and rear gardens of No.17 and 18 Hilly Plantation, T27 Sweet Chestnut, T28 Oak, T30 Douglas Fir, T31 Sweet Chestnut, T32 Scots Pine and T33 Corsican Pine, these located closest to the existing built structures and may require some remedial works in the future.

Following receipt of a formal Tree Work Application to undertake a canopy raise and/or a canopy spread reduction, this remedial work would be consented by the Council if the specification followed the recommendations within BS 3998 Tree Work and recognised good Arboricultural practices.

In my opinion, the future protection and retention of the trees will not be the cause of a nuisance that is unacceptable or impractical for the foreseeable future.

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

Six different tree species are protected by the draft Modified TPO, three of which (Beech, Oak and Scots Pine) are all native species.

The biodiversity value of native trees is well recognised and their importance in providing, food, shelter and nesting sites for mammals, invertebrates and birds.

As the trees are also part of the tree cover of Thorpe Ridge and are a component of the biodiversity corridor which helps maintain the ecological connectivity of this important habitat.

Mature trees also provide dead wood habitat for insects and nest holes for birds and roosting sites for Bats.

In addition, the three non-native species (Corsican Pine, Douglas Fir and Sweet Chestnut) add diversity to the species mix of the location, which helps future-proof the local tree stock from the pressures of climate change and plant disease pathogens, which are increasingly having a negative impact on the health of our native trees.

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

The Council has received one letter of objection to the making of TPO 2022 (No.10).

Comments made in objection (in summary form):

Received on behalf of the owner of No.17 Hilly Plantation:

- 1 The property has been in the family for at least 60 years and there have been no previous issues with abuse of trees/woodland.
- 2 Many of the trees on the property are as a result of the 1987 storm are self-seeded and shallow rooted.
- 3 There are many trees within the boundary of 17 Hilly Planation and as I explained to the Tree & Conservation Officer I felt this was using a sledgehammer to crack a nut. I understand the TPO advice was from a tree consultant employed by neighbours at 18 Hilly Plantation who has no knowledge of our property.
- 4 In light of the letter from the neighbour's tree consultant it seems disingenuous to impose TPO's to potentially inhibit development when their property has and still is in the process of being developed.

Tree Officer Responses to the main points of objection

- 1 This statement would appear to be accurate as the tree cover at this location appears to be well stocked.
- 2 Following the hurricane event of October 1987 it is estimated that fifteen million trees were blown over within the east and south east of England, which inevitably resulted in the establishment of naturally re-generating trees within the areas were trees had been lost, research surveys since that storm event, undertaken by the Forestry Commission (Regeneration of broadleaved woodlands following the Great Storm of October 1987- Forest Research) have shown that the regeneration of broadleaved trees has been successful on most sites, and no evidence has been published that the regenerating trees have established with unusually shallow roots.
- 3 The Tree Consultant has mentioned in the TPO suggestion that he was familiar with the location of Hilly Plantation and had completed various works for different properties over a period of 10+ years, which would suggest that whilst not having been directly employed by the objector to inspect the trees at No.17, he would have viewed the trees when undertaking surveys at adjacent properties and has expressed that in his opinion, due to the significant historical, ecological and landscape value the trees provide, the request to protect the trees, meets the required criteria set out within the Town and Country Planning Acts.

- 4 Protection with a TPO requires the landowner to gain consent to remove trees or undertake pruning works. However, if planning permission is granted which would require the removal of a trees protected with a TPO, that planning consent overrides the TPO protection and the trees can be removed. What the TPO does provide is protection to prevent the removal of any trees prior to a planning permission being sought and reduces the risk of the unnecessary loss of trees.

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 TPO 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 Council's Five Criteria to Justify Making a TPO

- Do the trees that are subject of this report make a significant contribution to the local environment?
- Is there a reason to fear that the trees may be dangerous?
- Can the trees be expected to live for longer than ten years, barring unforeseen circumstances?
- Do any of the trees in their present location show signs of causing a nuisance in the future which is unacceptable or impractical?
- Do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?

From:
Sent: 02 September 2022 17:22
To: Planning (BDC) <planning.bdc@southnorfolkandbroadland.gov.uk>
Subject:

Dear Ms Lincoln

Following my conversation with Mark Symonds on the 1st September he advised that a site visit would be the way forward with this. However I wish to issue a holding objection to the above preservation order for the following reasons:

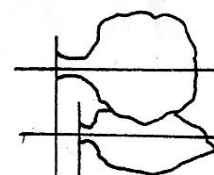
- * The property has been in the family for at least 60 years and there have been no previous issues with abuse of trees/woodland
- * Many of the trees on the property are as a result of the 1987 storm are self seeded and shallow rooted
- * There are many trees within the boundary of 17 Hilly Planation and as I explained to Mark I felt this was using a sledge hammer to crack a nut. I understand the TPO advice was from a tree consultant employed by neighbours at 18 Hilly Plantation who has no knowledge of our property. In light of the letter from the tree consultant it seems disingenuous to impose TPA's to potentially inhibit development when their property has and still is in the process of being developed.

Please note I am writing this on behalf of my mother-in-law, who at 87 years of age is distressed by this situation as her late husband was a keen member of the Woodland Trust.

I look forward to hearing from you.

Yours sincerely

C.J. Yardley Landscape Survey & Design LLP, Larkhill Cottage, Priory Lane,
Ingworth NR11 6PG
01263 479691 / 07931 434162 chris.yardley@cjyardley.co.uk



C. J. Yardley: Landscape Survey, Design and Management

Our Ref; 22/18/17 Hilly Plantation / 01
Your Ref: TPO 00170
Mr M Symonds, Tree Officer
Broadland District Council
Old Yarmouth Road
Norwich
3rd August 2022

Dear Mr Symonds

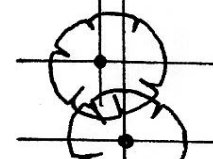
Re: Recommendation for serving of Tree Preservation Order at 17/18 Hilly Plantation, Thorpe St Andrew, Norwich NR7 0JN

Further to the online application which I have made to recommend a tree preservation order on trees (various) at the above location.

The owners of number 18, initially engaged my professional services prior to them submitting planning permission to extend their property, which has subsequently been granted. The application and recommendation I have made follows my recent design visit to number 18 to assess how some recent landscape works had progressed. The owners having planted a significant number of mature specimen trees on the site to enhance the area.

I have also known Hilly Plantation for many years (both professionally and non-professionally) and have completed various works there over the past 10+ years for different properties in relation to planning and tree management issues. In the past short while, I have become concerned that there may be future pressure for development of existing properties – particularly 17 and 18 - which would result in tree losses or future pressure for tree removals.

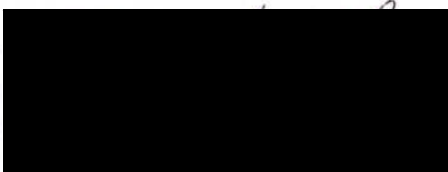
A significant number of the trees on both sites (17/18) are of public amenity value, and can be seen from a number of locations in the Parish – particularly along Hilly Plantation roadway, but also forming a tree lined backdrop to the views towards this ridge area from Hillside Close, Hillside Avenue and Hillside Road to the south. Some of the views are prominent, and others are glimpsed, but all contribute to the character and setting of the area of Thorpe St Andrew in which they are located. The tree lined ridge along Hilly Plantation is a continuous line of trees with spurs or groups of trees which extend down into the rear gardens of several properties. These form a contiguous grouping of what amounts to a wooded ridge area to the settlement, and link back to the main line of trees to the north of properties. The presence of housing along Hilly Plantation both to the south and north of the roadway is considerably reduced in massing and impact by the presence of the trees, which set and screen the buildings, and give the area a semi-rural character which is unique and special in its scale and visual value as a feature within a suburban area. Similarly, the woodland contains a large number of older (some very old) mature trees which both individually and cumulatively, substantially add to the ecological value of the area and form significant corridors of movement for a wide variety of mobile species (birds, mammals and invertebrates).



The value of the woodland is much enhanced by the contiguous nature and area of spread of the woodland features – beside and south of houses as well as to the north of them – all clearly visible on the hillside topography of the sites. Fragmentation of these features would substantially reduce both the ecological and visual value as well as the historical integrity of this area which is called – very rightly ‘Hilly Plantation’

Therefore, I would strongly suggest that the provision of a TPO on this land to safeguard the trees in their current form and extent is both expedient and very necessary, and fully conforms to the required criteria set out in the legislation (Town and Country Planning Acts) underpinning the provision of such Orders

Yours sincerely



A black rectangular redaction box covers the signature area. Below the box, a handwritten mark resembling a checkmark or the letter 'l' is visible on the document.

Chris Yardley



Ask for: Conservation
Direct Dial: (01603) 430452
Email: planning.bdc@southorfolkbroadland.gov.uk
Our ref: TPO 2022 No.10
Date: 10 August 2022

Ms P Page
17 Hilly Plantation
Thorpe St Andrew
Norwich
NR7 0JN

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 2022 (No. 10)
17 & 18 Hilly Plantation, Thorpe St Andrew, NR6 0JN

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 2022 (No.10)
Broadland District Council

To: Ms P Page, 17 Hilly Plantation, Thorpe St Andrew, Norwich, NR7 0JN

THIS IS A FORMAL NOTICE to let you know that on 10 August 2022 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 trees in question contribute to the visual amenity of the immediate and surrounding land and are significant landscape features.

The Order took effect, on a provisional basis, on 10 August 2022. 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 7 September 2022. 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 Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430452.

Dated this 10 day of August 2022

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 2022 (No.10)

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 2022 (No.10)

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,

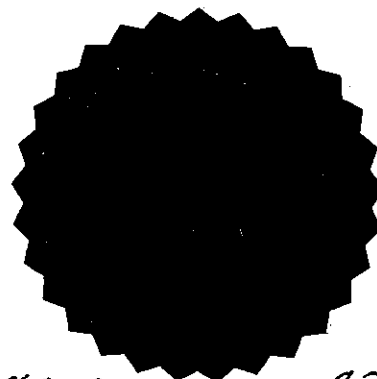
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

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 10 day of August 2022

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



Director of Resources

8222

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
NONE	NONE	NONE

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

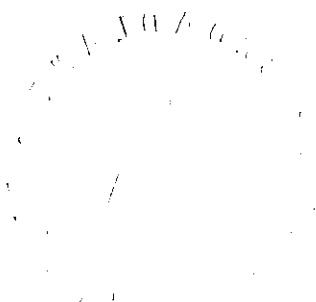
Reference on map	Description	Situation
A1	All trees of whatever species	TM 26619 08978

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 2022 No.10

KEY



Individual trees (T1 etc.)



Groups (G1 etc.)

Innner edge of broken line denotes boundary



Areas (A1 etc.)

Innner edge of dots denotes boundary

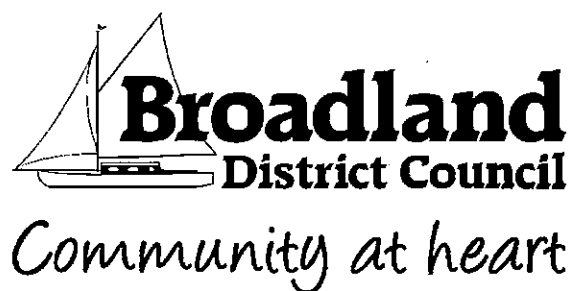


Woodland (W1 etc.)

Innner 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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Thorpe St Andrew

Appendix 5



TREE PRESERVATION ORDER 2022 No.10

17 & 18 Hilly Plantation, Thorpe St Andrew, NR7 0JN

Scale 1:1,250

Director of Resources



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

**Town and Country Planning Act 1990
The Broadland District Council Tree Preservation Order 2022 No.10**

This order was confirmed by the Broadland District Council, subject to the modifications indicated on the attached map and schedule.

Dated this day of

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

SCHEDULE 1**SPECIFICATION OF TREES**

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Corsican Pine	TG 26592 09032
T2	Corsican Pine	TG 26598 09033
T3	Beech	TG 26604 09034
T4	Fir	TG 26592 09020
T5	Beech	TG 26595 09025
T6	Fir	TG 26597 09021
T7	Fir	TG 26605 09024
T8	Fir	TG 26610 09025
T9	Beech	TG 26609 09036
T10	Fir	TG 26613 09032
T11	Scots Pine	TG 26627 09034
T12	Scots Pine	TG 26629 09040
T13	Scots Pine	TG 26636 09040
T14	Sweet Chestnut	TG 26625 09026
T15	Beech	TG 26594 09010
T16	Beech	TG 26606 09014
T17	Sweet Chestnut	TG 26599 09004
T18	Oak	TG 26609 09009
T19	Beech	TG 26615 09012
T20	Oak	TG 26622 09017
T21	Sweet Chestnut	TG 26655 09020
T22	Sweet Chestnut	TG 26639 09016
T23	Sweet Chestnut	TG 26637 09007
T24	Scots Pine	TG 26624 09007
T25	Beech	TG 26615 08999
T26	Sweet Chestnut	TG 26605 08988
T27	Sweet Chestnut	TG 26601 08975
T28	Oak	TG 26624 08995
T29	Oak	TG 26638 08999
T30	Fir	TG 26622 08967
T31	Sweet Chestnut	TG 26640 08985
T32	Scots Pine	TG 26628 08963
T33	Corsican Pine	TG 26630 08956
T34	Fir	TG 26626 08941
T35	Corsican Pine	TG 26632 08938
T36	Fir	TG 26647 08946
T37	Scots Pine	TG 26648 08938

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 2022 No.10

KEY



Individual trees (T1 etc.)



Groups (G1 etc.)

Innner edge of broken line denotes boundary



Areas (A1 etc.)

Innner edge of dots denotes boundary

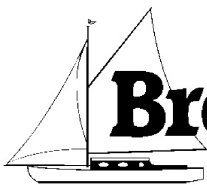


Woodland (W1 etc.)

Innner edge of line denotes boundary



Scale as shown



Broadland
District Council

Community at heart

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

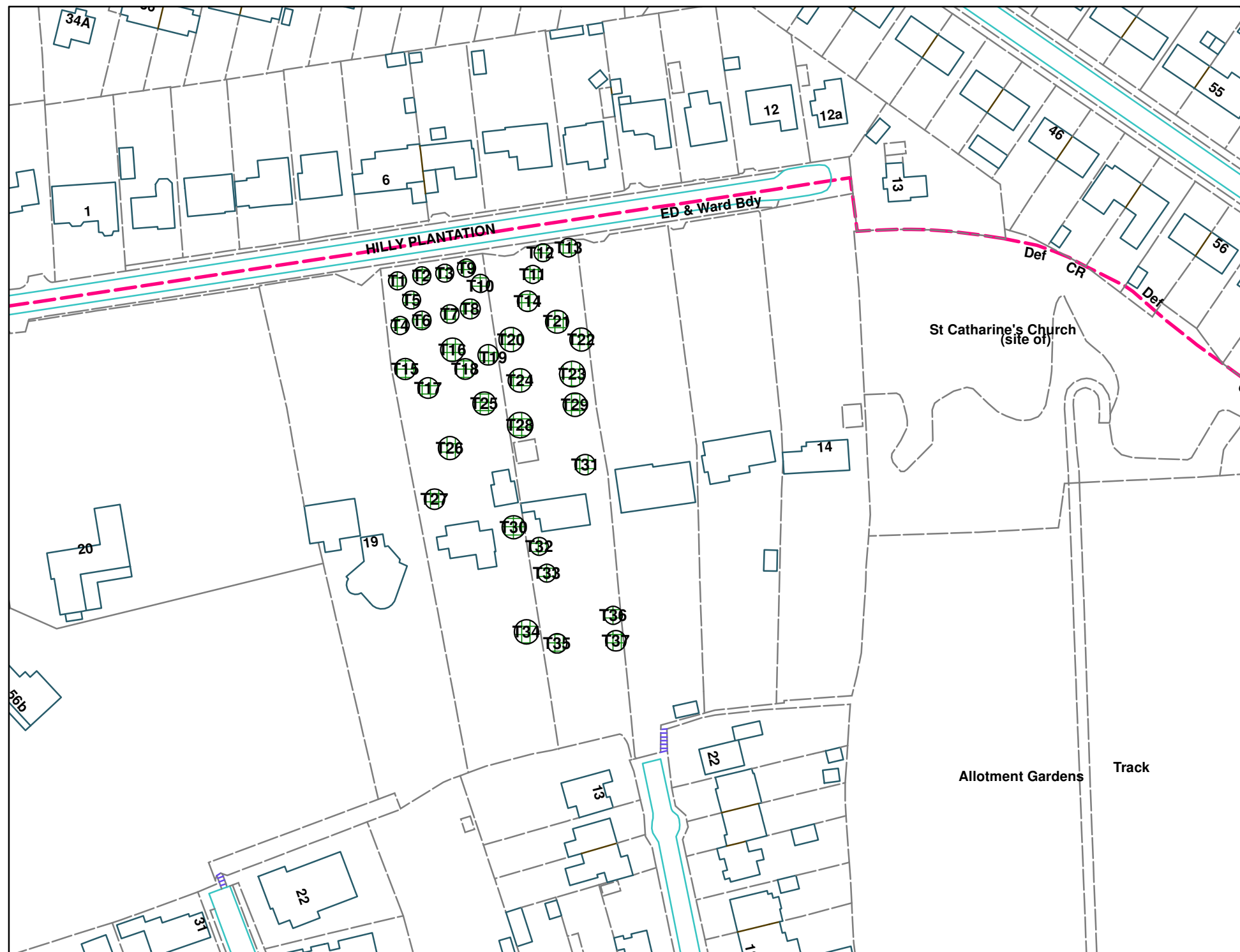
Tel (01603) 431133

E-mail: conservation@broadland.gov.uk

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THORPE ST ANDREW



TREE PRESERVATION ORDER 2022 No.10

17 & 18 Hilly Plantation, Thorpe St Andrew, NR7 0JN

Scale 1:1,250