

Confirmation of Tree Preservation Orders

Report by Historic Environment Manager

Summary:	<p>The identification of trees worthy of preservation and their protection by means of a Tree Preservation Order (TPO) is an ongoing process. The Broads Authority has delegated its TPO obligations to the Planning Committee.</p> <p>Since the beginning of August 2018 officers have issued 2 new TPOs. A consultation was carried out following the orders being served, and it is recommended that the new TPOs are confirmed.</p>
Recommendation:	<p>That the Planning Committee confirm the two new TPOs that have been issued.</p>

1 Introduction

- 1.1 The power to make a Tree Preservation Order is contained in The Town and Country (Tree Preservation) (England) Regulations 2012. This specifies that a Local Planning Authority (LPA) may serve a TPO on tree(s), which are considered to be of amenity value and are under threat, subject to the tree(s) meeting the criteria set out in the Regulations. As part of its obligation as an LPA, the Broads Authority is required to serve TPOs as necessary.
- 1.2 Under the legislation, all TPOs require formal confirmation by the LPA before they finally come into force.
- 1.3 The Broads Authority's scheme of delegation requires that all new and any amendments to existing TPOs will be determined and confirmed by the Planning Committee.

2 Tree Preservation Order Procedure

- 2.1 The Broads Authority has a statutory obligation to protect trees worthy of preservation by means of TPOs. There are national criteria set out against which a tree should be assessed in order to determine whether it is worthy of preservation. When trees are considered potentially worthy of protection, they will be assessed against the prescribed criteria and if the tree meets these criteria then a provisional TPO will be served.
- 2.2 The provisional TPO requires confirmation by the LPA within 6 months of being served; if it is not formally confirmed it will lapse.

- 2.3 After a provisional order has been served there is an opportunity for interested parties to comment on, or object to the new order prior to confirmation and also to appeal against the confirmation.
- 2.4 Should an objection be lodged against the serving of a TPO, the Authority's procedure is that a Planning Committee site visit will be undertaken, during which the objection will be assessed.
- 2.5 The Authority's procedure also requires that each TPO will be brought before the Planning Committee for decision as regards confirmation, irrespective of whether or not there has been an objection.
- 2.6 Once confirmed a TPO remains in place in perpetuity unless expressly revoked. The confirmation of a TPO will not necessarily prevent the owner of the tree from carrying out appropriate works to that tree, but means instead that the works need approval from the LPA.

3 Application for consent to carry out works to protected trees

- 3.1 At present, any application to carry out the work to protected trees (either trees which are the subject of a TPO or trees within a Conservation Area) is submitted on a standard form setting out reasons for the application and including any justification / reports from relevant experts.
- 3.2 The application is then assessed by the Broads Authority's arboricultural consultant, and as long as the work is deemed to constitute sound arboricultural practice it can proceed. Work that is deemed unnecessary or considered to damage the amenity value of the tree will generally be resisted. If the tree is dead, dying or dangerous then the appropriate measures will be permitted including if necessary the felling of the tree. In this instance replacement planting will often be required.
- 3.3 It is not the intention to issue a TPO on every tree in the Broads Authority area which is of some value. There are strict criteria to be met before a tree is considered worthy of a TPO. The purpose is to ensure that those trees which contribute most significantly to the landscape and character of the area are protected in order to maintain that character.

4 Orders issued since August 2018

- 4.1 In August 2018 officers served 2 provisional TPOs to protect trees considered to be under threat. These were as follows:
 - BA/2018/0020/TPO at Little Barn, Low Road, Shipmeadow, Suffolk; and
 - BA/2018/0021/TPO at The Old Vicarage, Horning Road, Hoveton St John, Norfolk.
- 4.2 The provisional orders were served as the trees were considered to be under threat and were assessed as being of high amenity value.

- 4.3 In the case of BA/2018/0020/TPO (Little Barn, Low Road Shipmeadow), inappropriate work was being carried to the trees. This was reported to the Authority.
- 4.4 In the case of BA/2018/0021/TPO a potential threat from development was identified as part of the planning pre-application process.
- 4.5 Both provisional orders were subsequently served on the recommendation of the Broads Authority arboricultural consultant, following assessment against the prescribed criteria within the legislation.
- 4.6 The Authority served BA/2018/0020/TPO on the 2nd August 2018 and BA/2018/0021/TPO on the 15th August 2018. These new orders then became provisional orders.
- 4.7 The process of service comprised placing a notice on or near the trees as well as writing to the owner advising them of the serving of the Order. Neighbouring properties and Parish Councils were also notified. Under the relevant legislation owners have a 6 week period to lodge any objection to the provisional order.

5 Consultation and confirmation

- 5.1 During the consultation period no objections were received to either of the provisional TPOs.
- 5.2 In the case of BA/2018/0020/TPO at Shipmeadow, one representation was received commenting that the trees had been subject to recent work. This comment referred to the work which had prompted the serving of the provisional Order.
- 5.3 As no objections were received it is recommended that both BA/2018/0020/TPO and BA/2018/0021/TPO be confirmed. Details of the Orders and the trees they protect is attached at Appendix 1.

6 Financial implications

- 6.1 A major review of all existing TPOs was completed in 2016. These 2 new Orders result from the identification of a threat to unprotected trees worthy of preservation. There is a minor financial implication in terms of officer time committed to issuing of the new TPOs if confirmed and in the monitoring and administration of them.
- 6.2 Given the Broads Authority's responsibility for protecting the special character of the area and preserving trees worthy of protection, it is considered that the modest financial implication is justified.
- 6.3 The Broads Authority has an existing annual budget of £30,000 for the provision of Arboricultural and Historic Building advice.

7 Conclusion

- 7.1 The Broads Authority has a duty to identify trees that are of amenity value and are at risk, and if the trees meet the necessary criteria protect them by means of a Tree Preservation Order.
- 7.2 It is considered that the trees identified within the provisional orders at Appendix One meet the strict criteria contained in the statutory guidance regarding amenity and conservation value.
- 7.3 No objections have been received within the statutory period in the case of BA/2018/0020/TPO and BA/2018/0021/TPO.

8 Recommendation

- 8.1 It is recommended that Members confirm the provisional TPOs BA/2018/0020/TPO and BA/2018/0021/TPO.

Appendices: Appendix A – List of Tree Preservation Orders for confirmation

Background Papers: Nil

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List of Tree Preservation Orders for confirmation

BA 2018/0020/TPO

Little Barn, Low Road, Shipmeadow, Suffolk: Area Order covering 10 Beech and 1 Elm.

BA 2018/0021/TPO

The Old Vicarage, Horning Road, Hoveton St John, Norfolk: Area Order covering mixed species including Ash, Beech, Bay, Copper Beech, Cedar, Lawson Cypress, Leyland Cypress, Lime Laurel, Norway Spruce, Oak, Scots Pine, Sycamore.