

Confirmation of Tree Preservation Orders
Report by Historic Environment Manager

Summary:	<p>Members will be aware that the identification of trees worthy of preservation and their protection by means of a Tree Preservation Order (TPO) is an ongoing process and TPOs are confirmed by the Planning Committee. The Authority has recently served 3 TPO's which was carried out under Officers' delegated powers.</p> <p>The purpose of this report is to provide Members with the feedback from the consultation and to make a recommendation on the confirmation of the 3 new TPOs.</p>
Recommendation:	<p>The Planning Committee confirm 3 new Tree Preservation Orders that have been recently issued and in the case of 2017/0002/TPO and 2017/0003/TPO revoke the existing order numbered BA/2016/0041/TPO.</p>

1 Introduction

- 1.1 As part of its obligation as a Local Planning Authority (LPA) the Broads Authority is required to serve Tree Preservation Orders (TPOs) on trees which are considered to be of amenity value and are under threat. There are criteria set out in The Town and Country (Tree Preservation) (England) Regulations 2012 against which a tree must be assessed before it can be considered for preservation.
- 1.2 Under the legislation all TPOs require 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 TPO Procedure

- 2.1 As previously stated the Broads Authority is obliged 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.

- 2.2 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.
- 2.3 After the initial serving of the TPO there is an opportunity for interested parties to comment on or object to the new orders prior to their confirmation and also appeal against their 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. A subsequent report will be taken to Planning Committee prior to a decision being made in respect of the confirmation of the order.
- 2.5 The Authority's procedure also requires that each TPO, will be brought before the Planning Committee for decision as regards confirmation of the TPO, irrespective of whether or not there has been an objection.
- 2.6 Once confirmed a TPO remains in place in perpetuity unless expressly revoked, however this will not necessarily prevent the owner of the tree from carrying out appropriate works provided they have 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 TPO trees 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 arboriculture 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 value because, as previously stated, 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 The 2017 Orders.

- 4.1 In May 2017 the Broads Authority served 1 TPO BA/2017/0004/TPO at Stokesby in response to development proposals.
- 4.2 The Authority served a further 2 orders, BA/2017/0002/TPO and BA/2017/0003/TPO at Burgh Castle in response to representations made

regarding an existing order. The owner of the site requested that individual specimen trees were identified for protection rather than the existing area order which covered the whole of their garden.

- 4.3 The Authority served the 3 TPOs during May 2017 and these new orders then became provisional orders. The process of service comprises placing a notice on or near the tree as well as writing to the owner advising them of the serving. Neighbouring properties were also notified. Under the relevant legislation owners have a 6 week period to lodge any objection to the provisional order. The provisional orders then require formal confirmation within 6 months of the date that they were served, at which point they become final TPOs.

5 Consultation and confirmation

- 5.1 During the consultation period no representations or objections to the orders were received.
- 5.2 As no objections or representations were received it is not proposed to carry out site visits in this instance and it is recommended that the 3 new TPOs to which no objection was received are confirmed. A list of these trees and TPOs is attached at Appendix 1.
- 5.3 In the case of the orders BA/2017/0002 and BA/2017/0003 it is also necessary that the existing single TPO BA/2016/0041/TPO covering the sites is revoked.

6 Financial implications

- 6.1 An extensive review of existing TPOs was completed in 2016. These new orders are a result of the continuing need to ensure that trees meeting the appropriate criteria within the Broads executive area are protected by means of a TPO. There is a minor financial implication in terms of officer time committed to this process and the issuing of the new TPO's 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 that in the main trees worthy of protection will be identified through the existing planning process it is considered that the modest financial implication is justified.
- 6.3 The Broads Authority has an existing Cultural Heritage budget of £30,000 which includes the provision of Arboricultural and Historic Building advice.

7 Conclusions

- 7.1 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, to protect them by means of a Tree Preservation Order.

- 7.2 It is considered that the trees identified in Appendix One meet the strict criteria contained in the statutory guidance the amenity value and the conservation value of the trees in question and therefore orders have been re-served on them.
- 7.3 No objections have been received within the statutory period in the case of the 3 TPO's identified in Appendix One
- 7.4 Therefore, it is recommended that the Committee;
- 1) confirms 3 new Tree Preservation Orders that have been issued, (listed in Appendix one) and in the case of BA/2017/0002/TPO and BA/2017/0003/TPO revoke the corresponding existing order BA/2016/0041/TPO.

Background Papers: Nil

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List of Appendices: Appendix 1 - List of Tree Preservation Orders to be confirmed.

APPENDIX 1

List of Tree Preservation Orders to be confirmed:

BA/2017/0002/TPO The Lodge, Church Road Burgh Castle –W1	W1 mixed species mainly sycamore, cherry, elm and cypress
BA/2017/0003/TPO The Old Rectory, Church Road Burgh Castle	W1- mixed species comprising beech, horse chestnut, sycamore, lime, elm and yew. G1 2 x beech, G2 4 x beech, 3 x lime, 1 x oak, 1 x sycamore, 1 x scots pine, 1 x weeping beech and 1 x yew. T1 copper beech, T2 sycamore
BA/2017/0004/TPO Land Adjoining Tie Dam Mill Road Stokesby	T1 1 x Oak.

List of Tree preservation orders to be revoked

BA/2016/0041/TPO The Old Rectory Church Road Burgh Castle