

**Confirmation of Tree Preservation Orders**  
Report by Historic Environment Manager

<b>Summary:</b>	<p>Members will be aware that the review of trees worthy of preservation and the protection of such trees by means of a Tree Preservation Order (TPO) is an ongoing process and TPOs are authorised by the Planning Committee. The Authority reviewed its existing TPOs in 2016. As a result a total of 34 Orders were confirmed. Subsequently a further 15 TPO's have been re-drafted and were re-issued for consultation in April 2018.</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 new TPOs and revocation of the existing ones</p>
<b>Recommendation:</b>	<p>Members confirm 15 new Tree Preservation Orders that have been issued and revoke the corresponding existing orders.</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 at 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 The TPO does not come into force until it is confirmed by the LPA.
- 2.4 After the initial (provisional) 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.
- 2.5 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 further report will be taken to Planning Committee prior to a decision being made in respect of the confirmation of the order.
- 2.6 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.
- 2.7 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 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 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 2018 Review of Existing Orders**

- 4.1 In 2016 and 2017 the Broads Authority carried out a review of all its existing TPOs to assess them against current legislation and to ensure accuracy and consistency between the Orders.

- 4.2 As a result of this review 34 TPOs were reserved and confirmed in 2017 and the Authority's arboricultural consultant recommended that a further 15 of the existing TPOs required re-serving. Whilst still valid, re-serving the orders would strengthen the Authority's position in case of potential challenge as well as enable it to update and strengthen the citation.
- 4.3 The Authority re-served the 15 TPOs on 9<sup>th</sup> April 2018 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 reserving. In many cases, 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 none of the 15 provisional TPOs received an objection. A total of 2 representations were received. One representation was received relating to an issue with the BA boundary (BA/2018/0002/TPO). This order was re-served on 13<sup>th</sup> April 2018 as a new order (BA/2018/0019/TPO) correcting the anomaly with the boundary. The second representation was in support of the order (BA/2018/0018/TPO).
- 5.2 The Authority's adopted procedure requires TPO's going forward for confirmation to be agreed by Planning Committee even if no objection is received. The adopted procedure goes on to state that if an objection is received there is a requirement for Planning Committee to undertake a site visit prior to the determination of the TPO.
- 5.3 As no objections were received it is recommended that all 15 TPOs are confirmed. A list of these trees and TPOs is attached at Appendix 1.
- 5.4 In the case of the TPO where queries were raised about the BA boundary, (see 5.1 above), this order previously straddled the boundary between the Authority's area and the adjoining District with one of the trees falling outside the Broads (BA/2018/002/TPO). The order has been re-served omitting the tree in question as BA/2018/0019/TPO. The District has been informed of this. In this case it is therefore recommended that order as re-issued is confirmed (BA/2018/0019/TPO) and that order as initially issued is left unconfirmed and to expire after 6 months (BA/2018/0002/TPO).

## **6 Financial implications**

- 6.1 A major review of all existing TPOs was completed in 2016. These new (2018) orders are a result of the continuing need to ensure that all existing TPOs are compliant with the current legislation and are accurate and consistent. There is a minor financial implication in terms of officer time

committed to this continual review process and the re-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 and Authority's landscape character review 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 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 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 reserved on them.
- 7.3 No objections have been received within the statutory period in the case of the 15 TPO's identified in Appendix One.
- 7.4 Therefore, it is recommended that;
- 7.5 Members confirm 15 new Tree Preservation Orders that have been issued, (listed in Appendix one) and revoke the corresponding existing orders and that one order (BA/2018/0002/TPO) is left unconfirmed.

Appendices: Appendix 1 – List of Tree Preservation Orders for confirmation

Background Papers: Nil

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**List of Tree Preservation Orders for confirmation**

- BA 2018/0001/TPO** Cracklewood, St Olaves Road, Herringfleet – No comment
- BA 2018/0003/TPO** Car park adj Station Cottages, Station Road, Hoveton - No comment
- BA 2018/0005/TPO** 2 Holly Farm Road, Reedham – No comment
- BA 2018/0006/TPO** The Rectory & Joseph House, Church Road, Reedham – No comment
- BA 2018/0007/TPO** Hall Farm, Low Road, Strumpshaw – No comment
- BA 2018/0008/TPO** Sandy Lane, West Somerton – No comment
- BA 2018/0009/TPO** Church Farm, Church Road, Wickhampton, Freethorpe – No comment
- BA 2018/0012/TPO** Marton House, Low Road, Mettingham – No comment
- BA 2018/0013/TPO** Castle Villa, Church Road, Burgh Castle – No comment
- BA 2018/0014/TPO** Trinity Barn, Thrigby Road, Filby – No comment
- BA 2018/0015/TPO** Dunburgh House, Geldeston – No comment
- BA 2108/0016/TPO** Hill Farm House, Yarmouth Road, Gillingham – No comment
- BA 2018/0017/TPO** Bureside Lodge, Bure Court, Marsh Road, Hoveton – No comment
- BA 20180018/TPO** The Maltings, Wayford Road, Wayford Bridge – 1 letter of support
- BA 2018/0019/TPO** Meadow Drive, Hoveton – No comment