

Planning Committee

26 May 2023

Agenda item number 10

Tree Preservation Orders- Update on review and re-serving of TPOs

Report by Historic Environment Manager

Summary

This report is to update Planning Committee on the ongoing Tree Preservation Order Review.

Recommendation

To note the report.

1. Introduction

- 1.1. As the Local Planning Authority (LPA), the Broads Authority is responsible for the protection of trees and woodland in its area.
- 1.2. Individual or groups of trees are specifically protected by Tree Preservation Orders (TPOs) where these have been served and trees also benefit from a general protection where they are in Conservation Areas, as consent is required here for most work to trees. As well as maintaining and managing works to existing protected trees, the Authority serves new TPOs when significant trees are considered to be under threat and they meet the criteria set out in the TEMPO (Tree Evaluation Method for Preservation Orders).
- 1.3. When the Broads Authority took the planning service in-house in 2007 the existing TPOs were inherited from the districts. The paperwork attached to these was of varying quality and completeness, and some of our own earlier TPOs no longer met the required standards. Officers of the planning team have been working on a review of all the TPOs and this preliminary work has now been completed.

2. The review and outcome

- 2.1. All TPOs have been reviewed to ensure that they meet current standards, for example, that there is evidence that they have been confirmed, have a signed and sealed formal order and a map identifying the locations of the tree(s). They have also been checked to ensure that there is evidence that the proper consultation process was carried out at the time that the TPO was served. We have also carried out new TEMPO assessments

where necessary, to ensure that the trees are still *in situ*, in good health and their threat level would still require a TPO.

2.2. As a result, there have been a number of different scenarios which are listed below:

Situation	Action required
Existing TPO paperwork etc meets current standards and TPO is still required.	None. Existing TPO retained.
Existing TPO paperwork etc satisfactory, but changes to tree (e.g. some trees in a group missing or unhealthy).	Revoke existing and re-serve amended TPO.
Existing TPO paperwork etc satisfactory, but straddles district boundary.	Re-serve amended TPO on trees in our area only. Liaison with District to re-serve a TPO on their area and revoke old TPO.
Existing paperwork not adequate but TPO still required.	Revoke existing and re-serve new TPO.
Existing paperwork not adequate and TPO no longer required (e.g. tree no longer there or in poor health).	Revoke TPO.
TPO no longer required as tree is within a conservation area and therefore protected and no specific threat identified.	Revoke TPO.

2.3 We are currently in the process of re-serving and/or revoking the TPOs as necessary. This is being carried out on a district-by-district basis. We are about to complete work on re-serving / revoking the TPOs in the Broadland District Council area and will then move on to those in the North Norfolk District Council area.

2.4 Our normal procedure will be followed with re-served provisional TPOs. Where a provisional TPO has been re-served, the decision to confirm the order (within 6 months of the provisional TPO being served) is delegated to officers if no objections are received within 28 days. If objections are received, the decision will be brought to Planning Committee.

3. Financial implications

3.1. The TPO Review has resulted in the use of staff time for this purpose. However, it has been necessary to ensure that all of our TPOs meet the current standards required by law and good practice. It has also been necessary to ensure that they would not be open to legal challenge, as this would potentially result in much more staff time being used as well as legal fees. It is also important for land owners to know that only trees

that meet the current criteria are protected and that trees are not protected unnecessarily.

4. Conclusion

- 4.1. By the end of 2023 the Broads Authority should have a fully compliant, up-to-date list of protected trees that can be managed effectively and efficiently in the future.

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[Broads Plan](#) strategic objectives: B3