

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

<b>Summary:</b>	<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, also that TPOs are confirmed by the Planning Committee.</p> <p>On the 17 January 2019 the Authority issued a provisional TPO at Broadlands, Borrow Road, Lowestoft, Suffolk.</p> <p>The purpose of this report is to provide Members with the feedback from the consultation following the order being served and to make a recommendation on the confirmation of the new TPO.</p>
<b>Recommendation:</b>	<p>That the the new Tree Preservation Order BA/2019/0001/TPO be confirmed</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 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 provisional TPO requires confirmation by the LPA within 6 months of being served.
- 2.4 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 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 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 such instances 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 Order issued on 17 January 2019**

- 4.1 In January 2019 officers served a provisional TPO to protect trees considered to be under threat.
  - BA/2019/0001/TPO at - Broadlands, Borrow Road, Lowestoft, Suffolk.

- 4.2 The site is located in the Oulton Broad Conservation Area. This means that the Local Planning Authority should be notified of any proposed works to trees.
- 4.3 In December 2018 the Authority received a works to trees application, notifying of proposed works to trees within the Conservation Area at Broadlands, Borrow Road, Oulton Broad.
- 4.4 The provisional order was recommended following assessment of that application as the trees affected were considered to be under threat. The trees were also identified as being of high amenity value.
- 4.5 The provisional order BA/2019/0001/TPO was subsequently served on the 17<sup>th</sup> January 2019, on the recommendation of the Broads Authority Arboricultural consultant and following detailed assessment of the trees against the prescribed criteria within the legislation.
- 4.6 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 the Parish Council were also notified. Under the relevant legislation owners have a 6 week period to lodge any objection to the provisional order. The provisional order then requires formal confirmation within 6 months of the date that it was served, at which point it becomes a final TPO.

## **5 Consultation and confirmation**

- 5.1 During the consultation period 2 letters were received from neighbouring properties. One representation raised concerns regarding future maintenance of the trees but did not formally object to the Order. The second raised similar concerns formally objecting to the order on the grounds that it might prevent future maintenance works to the trees being carried out.
- 5.2 In the case of the first representation. The BA responded acknowledging receipt of the representation and explaining that a TPO would not prevent appropriate maintenance work to the trees being carried out in the future. No further representation was received.
- 5.3 In the case of the formal objection the Broads Authority Arboricultural consultant contacted the objector and explained the reasoning for serving the order and also that it would not prevent appropriate management of the trees in the future. The formal objection to the TPO was subsequently withdrawn.
- 5.4 The Authority's adopted procedure for confirmation of provisional orders requires TPOs going forward for confirmation to be agreed by Planning Committee even if no objection is received.

5.5 As the one formal objection received was subsequently withdrawn. It is recommended that BA/2019/0001/TPO is confirmed. Details of the order and the trees it protects is attached at Appendix 1.

## **6 Financial implications**

6.1 A major review of all existing TPOs was completed in 2016. This single new order results from the identification of a threat to trees worthy of preservation. There is a minor financial implication in terms of officer time committed to issuing of the new TPO if confirmed and in the monitoring and administration of it.

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 £35,000 for the provision of Arboricultural and Historic Building advice.

## **7. Conclusions**

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 (TPO).

7.2 It is considered that the trees identified within the provisional order at Appendix One are under threat from the proposed works and meet the strict criteria contained in the statutory guidance regarding amenity and conservation value.

7.3 Two representations were received regarding the order including one objection, the objection was subsequently withdrawn following discussion with the consultee. The objection received has been withdrawn within the statutory period.

7.4 Therefore, it is recommended that; Members confirm the provisional TPOs BA/2018/0001/TPO.

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 2019/0001/TPO**

Broadlands, Borrow Road, Oulton Broad Lowestoft Suffolk

**TREES**

T1 Horse Chestnut

T2 Horse Chestnut

T3 Holly

T4 Horse Chestnut

T5 Horse Chestnut

T6 Lime

T7 Corsican Pine

T8 Corsican Pine

T9 Scots Pine

T10 Corsican Pine

T11 Lime

T12 Oak

T13 Lime

T14 Lime.