

Planning Committee

7 August 2026

Agenda item number 11

BA/2026/0001/TPO Woodland To The North Of Long Dyke, Wayford Bridge- site visit decision

Report by Heritage and Design Manager

Summary

Objections have been received to a provisional Tree Preservation Order (TPO) (BA/2026/0001/TPO) and, as required by the Authority's Scheme of Delegation, this TPO will need to be determined by the Planning Committee. This report considers whether a site visit is required prior to the determination of the TPO.

Recommendation

That Members of the Planning Committee do not undertake a site visit for the provisional TPO at the woodland to the north of Long Dyke at Wayford Bridge (BA/2026/0001/TPO).

1. Background

- 1.1. As part of its obligation as a Local Planning Authority (LPA), the Broads Authority is required to consider the serving of Tree Preservation Orders (TPOs) on trees which are considered to be of amenity value and where it is expedient to do so. The Town and Country (Tree Preservation) (England) Regulations) 2012 sets out the procedure relating to TPOs and government guidance (Tree Preservation Orders and trees in conservation areas, 2014) provides further information.
- 1.2. This report explains how this process has been carried out in respect of a woodland at Wayford Bridge in an area north of Long Dyke.

2. Tree Preservation Order procedure

- 2.1. There are two prerequisites which must be met for a tree or woodland to be considered for protection through a TPO. Firstly, it must be of amenity value, and secondly it must be expedient to serve the order. There are many trees in the Broads (and elsewhere) which are of sufficient amenity value to qualify for TPO status, but which are not protected as it is not considered expedient to do so. When considering expediency, one of the factors considered by the LPA is whether the trees are under threat. The TPO process is not a designation like, for example, a conservation area which is made following an assessment of particular character, but is effectively a response to a set of circumstances.

- 2.2. Typically, the consideration of a tree or woodland for a TPO designation will arise in connection with a development proposal, either through a formal planning application or a pre-Planning application discussion. At a site visit or when looking at photos or other visual representations, a case officer will see there is a tree on the site which is potentially of amenity value and under threat from the proposed development and this will trigger the TPO process. The case officer will consult the Authority's Arboricultural Consultant who will visit the site and make an assessment of the tree under the 2012 Regulations. If the tree is considered to meet the criteria in the Regulations, then the LPA will consider whether a provisional TPO should be served. In some circumstances this can also be promoted by the reporting of works to or felling of prominent trees that are not protected, as was the case in this instance.
- 2.3. After a provisional TPO has been served there is a consultation period, which gives the opportunity for the landowner/s and other interested parties to comment on it. The Regulations require that a provisional TPO must be formally confirmed by the LPA within 6 months of it being served; if it is not confirmed then it will lapse automatically.
- 2.4. The Authority's scheme of delegation allows provisional TPOs to be served under delegated powers and for non-controversial TPOs (i.e. where no objections have been received) to be confirmed by officers under delegated powers. Where an objection has been received as part of the consultation process, Members can decide to undertake a site visit to view the tree prior to making a decision on whether or not to confirm the TPO. Guidance on when it is appropriate to undertake a site visit is similar to that which applies in respect of a planning application. This is set out in Appendix 3 of the [Code of Practice for members of the Planning Committee and officers \(broadshires-authority.gov.uk\)](https://www.broadshires.gov.uk/about-us/committees-and-officers/broadshires-code-of-practice-for-members-of-the-planning-committee-and-officers/). The circumstances in which this would be appropriate include:
- where the issues are finely balanced;
 - where the impacts on neighbour amenity or the wider landscape are difficult to envisage other than by site assessment; or
 - it is beneficial in the interests of local decision-making to demonstrate that all aspects of the proposal have been considered on site.
- 2.5. The grounds of the objection will be reported to the Planning Committee in order to inform the decision on whether or not to undertake a site visit, and a recommendation will be made by officers.
- 2.6. The details of the objection will only be discussed at the meeting where a decision is to be made on whether or not to confirm the TPO. This is likely to be in the autumn.

3. BA/2026/0001/TPO at woodland to the north of Long Dyke, Wayford Bridge

- 3.1. The subject trees are a mixed deciduous woodland, including oak, ash, willow, alder and birch trees.

- 3.2. The woodland is roughly triangular in shape and is located to the east and south of the A149 and north of the river Ant at Wayford Bridge. Agricultural land sits between the A149 and the woodland. The southern end of Nobbs Loke forms the eastern boundary, while the northern end of Long Dyke and the boatyard of Wayford Marine Ltd runs along its southern edge, between the woodland and the river Ant.
- 3.3. The woodland comprises a mixed deciduous woodland, including oak, ash, willow, alder and birch and as a woodland group the trees are important for their cohesion. The condition of the trees is generally considered to be fair, with a retention span of between 40-100 years. The trees are medium-sized trees and the woodland is not large in size. As such, there are limited wider views of it but it is considered to contribute to the amenity of the area in which it sits.
- 3.4. A parcel of woodland at the eastern end of the woodland has been sold and the new owner has carried out significant felling. It is considered there is a risk of further felling in this area and the potential for further erosion of the woodland should other parcels of it be sold.
- 3.5. On 11 June 2026 a provisional TPO was served on the woodland. This must be confirmed by 11 December 2026.
- 3.6. On 7 July 2026 a letter objecting to the TPOs was received and on 8 July a further objection was received. Three letters of support have also been received.

4. Site visit consideration

- 4.1. A summary of the objections to the provisional TPO and the responses from the Authority's Arboricultural Consultant to the representations received are set out in a Statement of Case, attached at Appendix 1.
- 4.2. The main issues raised by the objection(s) are;
The remaining trees on the plot that has been sold have unstable root systems due to water-logged ground and pose a risk to public safety; there is no intention of removing healthy trees that contribute to the appearance of the area; the owner of the wider woodland should not be punished with a TPO due to the actions of a different land owner; the woodland is being properly managed; the TPO will mean that the Internal Drainage Board / Environment Agency do not clear the drains properly; the lack of enforcement by the BA against a neighbouring land owner will result in damage to the woodland; the extent of the TPO is not proportionate to the area of damage; the TPO should have been served sooner; the TPO has not been served for the proper purpose.
- 4.3. A presentation on the TPO will be provided at the 11 September 2026 or 9 October 2026 meeting of the Planning Committee with photographs of the woodland and its context, including the neighbouring properties and the local area.
- 4.4. Officers are satisfied that Members can get a full and clear understanding of the woodland, its context and the issues raised in the objection from the presentation and

that a site visit is not required in order to make a considered and sound judgement in this case.

- 4.5. If a site visit is deemed necessary then it must be held with consideration for the report deadline associated with the Planning Committee meeting when the TPO is to be determined.
- 4.6. The report for the Planning Committee meeting will detail recommendations for consideration regarding the confirmation of the TPO.

5. Recommendation

- 5.1. That Members do not undertake a site visit.

Author: Kate Knights

Date of report: 16 July 2026

Background papers: BA/2026/0001/TPO file

Appendix 1: Statement of Case

Appendix 2: Location map

Appendix 1 – Statement of Case – Provisional TPO at Woodland to the north of Long Dyke, Wayford Bridge

1. Introduction

- 1.1. It is the Authority's practice to provide Members with a Statement of Case, outlining the issues under consideration.
- 1.2. Two objections have been raised to the provisional TPO.
- 1.3. Three letters of support have been received.
- 1.1. As well as the points raised by the objectors and the Authority's response which are set out in the table below, there are other considerations. The woodland contains a mix of trees and as such will have some longevity of life; it is considered to contribute to the visual amenity of the area and is therefore of some benefit to the general public; the trees increase resilience to climate change and improve air quality in the area, aid biodiversity and encourage wildlife.

2. Representations and responses

- 2.1. The issues raised by the objectors and the Broads Authority's Tree Consultant's response are set out below:

No.	Representation	Response
1.	Many of the remaining trees (on the land where works have taken place) have water-logged and unstable root systems as a result of persistent flooding. There is a risk that these trees could fall, potentially causing damage to the public ROW and any nearby structures.	The trees in question have established within the woodland with root systems adapting to the woodland environment and associated waterlogging. The remaining trees are more at threat of failure due to exposure following the clearance than the annual waterlogging. In order to protect these and ensure their replacement should they fail, it is essential that the trees are protected. If the trees are deemed a risk then an application to remove them can be made and if appropriate, permission given alongside a tree replacement notice. The remaining trees are more at threat due to the recent works rather than waterlogging.

No.	Representation	Response
2.	There is no intention of removing healthy, established trees that contribute positively to the character and appearance of the area and we believe that a blanket TPO on all remaining trees may be excessive and could hinder the management of those that present a genuine safety risk.	It is considered that healthy trees that positively contribute to the amenity of the area have been removed and would continue to be removed. A woodland TPO recognises the value of the woodland as whole, including this area, and dead and dangerous trees can continue to be managed appropriately. The TPO will allow The Broads Authority to work with the owner(s) to ensure future appropriate management of the woodland.
3.	The owner of the larger area of woodland sold a portion of the land within the TPO and the clearance of trees in this area has occurred solely within that plot so the responsibility for it lies with the new owner. Therefore the owner of the wider woodland should not be “punished” by the BA with additional restrictions when they have done nothing wrong.	We agree that the actions of the new owner of the plot that has been sold are not the responsibility of the land owner of the rest of the woodland. However, the plot is part of the wider woodland and the works that have taken place therefore represent an erosion of it. The TPO is not a punishment, applications are free and the application process will not hinder the continued good management of the rest of the woodland.

No.	Representation	Response
4.	Since an incident where a whole oak tree was cut down by a mooring plot owner on Long Dyke, any request from plot owners to cut branches which extend over their mooring plots has been refused and the land owner now employs a tree surgeon to cut down branches along the dyke if they are considered dangerous.	The incident with the neighbour is a private matter. The employing of a tree surgeon to remove dangerous branches over the moorings is good arboricultural management and would not be restricted by the TPO as it is exempt. Gov.uk guidance states: What is the exception for work to prevent or abate a nuisance? The authority's consent is not required for carrying out the minimum of work on a tree protected by an Order that is necessary to prevent or abate a nuisance. Here 'nuisance' is used in its legal sense, not its general sense. The courts have held that this means the nuisance must be actionable in law – where it is causing, or there is an immediate risk of it causing, actual damage. When deciding what is necessary to prevent or abate a nuisance, tree owners and, where applicable, their neighbours and local authorities, should consider whether steps other than tree work might be taken. For example, there may be engineering solutions for structural damage to buildings. See here for further details.
5.	The Internal Drainage Board (IDB) is responsible for the annual dredging / clearing of the land drains within the TPO area. Would it be practical for them to get planning approval to cut overhanging branches prior to dredging the drains? This will not happen, dredging will not be carried out properly and the land will be left with an increased risk of flooding, resulting in further damage to all the trees in the area.	There is no requirement for the BA to consult the IDB or EA on this provisional TPO. The IDB is a statutory undertaker and is therefore permitted to undertake works required to fulfil their statutory function without obtaining permission from us, although it should notify the Local Planning Authority of such works. It is very unlikely that the TPO would prevent it from effectively managing the drains on the land.

No.	Representation	Response
6.	The BA is in contravention of the TPO due to a lack of enforcement against a neighbouring land owner, who has raised ground levels and does not have a sewage disposal system, which will cause damage to this woodland and contribute to its complete destruction.	This is not of relevance to this TPO. The EA was consulted on the planning application mentioned by the objector and did not object in terms of flood risk.
7.	The extent of the TPO area is not proportionate to the extent of felling work that has been undertaken which is wholly in the area of land that has been sold. The BA has not justified why the area within the larger woodland area is at any greater risk of clearance than the many other sites in the BA's jurisdiction. As a TPO can be issued in 24 hours, there is no need for a blanket TPO, as they can be issued quickly as and when tree clearance is reported.	The woodland is valuable as a whole and the works that have been undertaken have eroded it. As such it is considered that the whole woodland should benefit from the same level of protection and this should reduce any potential future tree removal should further parcels be sold or a precedent be set by the works that have taken place. The potential risk to the whole woodland is what results in a TPO being appropriate here. Unfortunately we do not have an out of hours service and cannot therefore always serve TPOs within 24 hours.

No.	Representation	Response
8.	The TPO has been ineffective in preventing significant tree clearance. The objector was notified months ago by people living at Wayford Marine Ltd that some tree clearance had taken place and she assumes the BA were also notified. Why did the BA wait until June to serve a TPO? It is assumed the BA allowed the trees on the plot to be cleared in a desperate attempt to prevent any further portions of the land being sold (by discouraging potential purchasers and devaluing the site). There is no planning policy that prohibits the splitting of land.	The BA was notified of some tree felling in December 2025. A site visit was carried out and at that point there was not enough felling to warrant any action, but as it was tree felling within a woodland the Forestry Commission was notified. The FC visited the site and explained to the site owner that a certain amount of timber can be felled in each calendar quarter and he was advised to stop felling so this amount was not exceeded. In the middle of May we were contacted again by the FC who had received a complaint about further tree works at the site and the FC requested that a TPO be served. This was investigated further and the TPO was served in early June. We are aware that there is no policy that prevents land being sold and the intention of the TPO is not to discourage future purchasers or devalue the land. The TPO will ensure that even if the woodland is divided into different ownerships it is protected. Any reasonable tree works would gain permission. It is not an onerous application process and there is no fee for advice or an application. The Broads Authority will always work with applicants and owners to seek the best and most appropriate management of trees.
9.	No objection is raised to TPOs when they are used to protect the Broads landscape and character and to protect the habitat which trees and woodland provide. It is obvious this order was not applied for this purpose.	The TPO was served because there is a threat to the woodland as a whole and it has amenity value.

No.	Representation	Response
10.	The BA has two options: 1) to re-issue the TPO covering only the area that has been sold and where tree clearance has taken place. 2) Carry out enforcement action on the adjoining land owner in relation to various issues listed.	It is considered that point 2 is a separate issue to the serving of the TPO and not of relevance to whether or not the TPO should be confirmed. The BA considers it appropriate for the TPO to be confirmed as it is covering the whole woodland which is seen as a cohesive unit, rather than modified to only cover the area of land that has been sold.

- 2.2. Members should consider this Statement of Case when considering whether to carry out a site visit and whether to confirm the TPO

3. Location map

Woodland to the north of Long Dyke, Wayford Bridge, Norfolk

11 June 2026



Scale: 1:2,500



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