

Planning Committee

10 January 2025

Agenda item number 9

BA/2024/0015/TPO The Island, Yarmouth Road, Thorpe St Andrew

Report by Historic Environment Manager

Summary

A Provisional Tree Preservation Order (TPO) has been served on a woodland at The Island, Yarmouth Road, Thorpe St Andrew.

A single objection to the TPO has been received.

Recommendation

To consider whether to confirm the TPO. The Authority's recommendation is that it is confirmed.

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. This report explains how this process has been carried out in respect of an area of woodland at Thorpe Island, Yarmouth Road, Thorpe St Andrew (BA/2024/0015/TPO).

2. Tree Preservation Order procedure

2.1. There are two prerequisites which must be met for a tree to be considered for protection through a TPO. Firstly, the tree must be of amenity value, and secondly the expediency of serving 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 not 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 for a TPO designation will arise in connection with either a Section 211 notification (as in this case), notifying the authority of proposed works to trees within a conservation area or 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 representation, a case officer may see there is a tree on the site which is potentially of amenity value and under threat from the proposed development. The case officer will consult the Authority's Arboricultural Consultant, who may need to investigate further and 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.
- 2.3. After a provisional TPO has been served there is a consultation period, which gives the opportunity for the landowner and other interested parties to comment on it.
- 2.4. 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.
- 2.5. The Authority's scheme of delegation allows provisional TPOs to be served and for non-controversial TPOs (i.e. where no objections have been received) to be confirmed by officers under delegated powers.
- 2.6. Where an objection has been received as part of the consultation process the decision on whether or not to confirm the provisional TPO is made by the Planning Committee.

3. The provisional Tree Preservation Orders at The Island, Yarmouth Road, Thorpe St Andrew

- 3.1. Thorpe St Andrew is a parish to the east of Norwich. Yarmouth Road is the main road running east-west through Thorpe St Andrew and into Norwich from the east and the river Yare runs to the south of the Yarmouth Road. The Island is situated to the south of Yarmouth Road, between the River Yare (to the north of the island) and a new cut (to the south), with the main train line running east-west across the southern edge of the island. Immediately opposite the island to the south of the new cut is Whitlingham Country Park, a well-used public amenity space and to the north the area covered by the provisional TPO is directly opposite the River Green, an attractive public space. The site is within the Thorpe St Andrew Conservation Area.
- 3.2. The area covered by the provisional TPO is a mixed broad-leaved woodland primarily consisting of willow, ash, alder and silver birch trees. It is considered that the trees have great amenity value, forming a cohesive group and the wooded backdrop to the conservation area and being visible from Whitlingham Country Park, thereby contributing to the landscape character of the wider area.
- 3.3. A section 211 notification (Tree Works application reference BA/2024/0255/TCAA) was submitted by the owner. The proposal was to carry out works to 15 trees, which was

subsequently reduced to 12 trees. The proposed works (primarily pollarding) were considered broadly acceptable. However, in order to ensure that the works were carried out appropriately it was considered necessary to condition the timing of the works. It is not possible to do this under a Section 211 Notice, as the LPA is only able to allow the works to proceed or must TPO the subject trees. Therefore, a TEMPO (Tree Evaluation Method for Preservation Orders) assessment was carried out and the woodland was found to be worthy of a TPO.

- 3.4. On the 15th of August 2024 a provisional TPO was served with a condition relating to the timing of the works.
- 3.5. On the 11th of September 2024 a letter objecting to the TPO was received from the owner of the site. The grounds of the objection are:
 - That a TPO is unnecessary as the trees are already being effectively managed. They are in the process of establishing a Woodland Management Plan with the aim of increasing native biodiversity, maintaining the health and safety of the trees and preserving the visual amenity of the woodland.
 - They are not sure why the TPO is being presented as the sole way of communication between the BA and the owner, when the trees are already in a conservation area.
- 3.6. The Tree Preservation Order will lapse if it is not confirmed by 15th February 2024.
- 3.7. At the Planning Committee meeting on 6 December 2024 members decided that a site visit was not necessary.

4. Next steps

- 4.1. The provisional TPO is reported to Planning Committee for their consideration.
- 4.2. The Authority's Arboricultural Consultant considers that the woodland detailed in this report is worthy of a TPO due to the contribution that it makes to the amenity of the Thorpe St Andrew Conservation Area and wider landscape. The TPO will ensure the effective longer-term management of this important wooded area and prevent the gradual erosion of the woodland. The trees also increase resilience to climate change, improve air quality in the area, aid biodiversity and encourage wildlife. Objections have, however, been received from the owner of the site and the following Statement of Case sets out those objections, along with the response from the Arboricultural Consultant.
- 4.3.

No.	Representation	Response
1.	A TPO is unnecessary as the trees are already being effectively	While there is an understanding that a woodland management plan is to be produced, there is no formal arrangement for the management of the

No.	Representation	Response
	<p>managed. They are in the process of creating a Woodland Management Plan with the aim of increasing native biodiversity, maintaining the health and safety of the trees and preserving the visual amenity of the woodland.</p>	<p>trees. Given the importance of the trees/woodland to the visual amenity of the site and surrounding area, it was considered necessary to serve the TPO to allow the management of the woodland as a whole rather than through ad-hoc Section 211 notifications of works to trees within a conservation area. This allows the Broads Authority to enter into discussions where applications are made for tree works and, where necessary, apply conditions to ensure that any approved works are carried out in an appropriate manner.</p>
2.	<p>Perplexed as to why a TPO is being presented as the sole way to provide communication between themselves and the BA when the trees are already in a Conservation Area.</p>	<p>The objector is correct in that the serving of the TPO is not the sole way to provide communication between the applicant and the Broads Authority, but in this case with the size of the area, the numerous moorings and associated 'plots', the TPO does allow the BA to enter into discussions where applications are made for tree works and, where necessary, apply conditions when the proposed works are considered either inappropriate or unnecessary. The present situation, where the trees are protected by virtue of the conservation area only allows the BA to either agree with proposed works or serve a TPO.</p>

4.4. Members should consider this Statement of Case when considering whether to confirm the TPO.

5. Recommendation

5.1. It is recommended that the provisional Tree Preservation Order at The Island, Yarmouth Road, Thorpe St Andrews confirmed.

5.2. Documents relating to the TPO are attached to this report.

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Background papers: TPO (BA/2024/0015/TPO) file

Appendix 1 – Location map

BA/2024/0015/TPO - The Island, Yarmouth Road, Thorpe St Andrew



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