

NNDC (HOLT) 2022 No.5 Land Rear of 5 Pearsons Close
TPO/22/0994

To consider whether to confirm a Tree Preservation Order (TPO) to protect 1 sycamore tree at above site.

BACKGROUND

The sycamore tree was initially brought to NNDC's attention in 2021. A TPO was served in September 2021 (TPO/21/0984) the tree was reported to be under a perceived threat. The reasons stated on the Order were "the tree has amenity value and contributes to the local landscape. The tree supports a wide range of wildlife and therefore has amenity value". This Order however was not confirmed.

A re-examination of the tree was carried out 09 September 2022, the tree was found to be in good condition, it is a large visible tree that grows close to the boundaries of the gardens at Pearsons Close and Ainsworth Road, Holt.

The reassessment concluded the Order should be reserved to afford the tree protection.

REPRESENTATIONS

Objections to the Order: 1 received

Support of the Order: 1 received

Summary of Representation of Objection	Officer response
The tree is not prominent in the street scene	<i>The tree is large, set in the rear gardens it is visible from several places in the locale.</i>
The tree does not contribute positively to amenity, the houses at Ainsworth are too close to the tree, the tree has not been managed.	<i>The LPA and neighbouring properties take a different view.</i> <i>The tree was retained specifically as part of the development at Ainsworth Road.</i> <i>Recent work (03/22) was approved to reduce the tree back. This work has been carried out.</i>
NNDC have served the Order	<i>The initial Order was not confirmed. A</i>

Summary of Representation of Objection	Officer response
twice	<i>reassessment of the tree was carried out and the tree was found to be suitable for protection.</i>
The TEMPO score was not available for the first TPO, I disagree with the score given	<p><i>Unfortunately files have not been found that relate to the original site visit and assessment of the tree, this is why we have visited again.</i></p> <p><i>The TEMPO score can be made available the score 16 - Definitely merits TPO.</i></p> <p><i>TEMPO score is not a legal requirement for serving a TPO, however it demonstrates a reliable and consistent method for assessing tree(s) for a TPO.</i></p>
The map is incorrect	<p><i>The legislation does not require authorities to plot trees on the Order with pinpoint accuracy.</i></p> <p><i>As the only sycamore tree in the location, we consider the map accurate enough to protect the correct tree.</i></p>
NNDC has not encouraged the owners to manage their tree	<p><i>The authority encourages good management of all trees in the district.</i></p> <p><i>Individual decision notices state work is to be carried out to BS3998; this is the British Standard for recommendations for tree work.</i></p>
NNDC process is not clear, what is their role with this tree. How will the matter progress?	<p><i>The role of NNDC is to assess the impact of any future proposals on the amenity of the area and whether the proposal is justified.</i></p> <p><i>Our Development Committee will consider the Order to demonstrate the decisions is made in an even-handed and open manner.</i></p> <p><i>The legislation provides no right of appeal to the Secretary of State against an authority either making or confirming an</i></p>

Summary of Representation of Objection	Officer response
	<p><i>Order.</i></p> <p><i>There is, however, a right of appeal to the Secretary of State following an application to carry out work on trees protected by an Order that is refused, granted subject to conditions, or not determined.</i></p>

A further letter of objection to the TPO has been received. A redacted copy of the letter is attached at **Appendix A**.

Summary of Representation in Support	Officer response
<p>The sycamore supports a wide range of wildlife, tawny owl, numerous other common and rare bird species. Species of bat have been a seen foraging under the canopy. During the spring the flowers are full of important pollinator species.</p>	<p>N/A</p>
<p>The tree is the last mature tree (heading east) for until the small woodland to the south of grove Lane. The tree has huge amenity value.</p>	<p>N/A</p>

HUMAN RIGHTS IMPLICATIONS

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

MAIN ISSUES FOR CONSIDERATION

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the sycamore tree makes a significant contribution to the quality of the local environment and biodiversity value of the area, it contributes positively to public amenity.

RECOMMENDATION:-

That the Order be confirmed.

Officer: Imogen Mole - Senior Landscape Officer