

[REDACTED]
14, Ainsworth Road, Holt, Norfolk. NR25 6FE. [REDACTED]

28 September, 2022.

Imogen Mole

Senior Landscape Officer

NNDC

Holt Road, Cromer, Norfolk. NR27 9EN.



Dear Imogen Mole

Re: NNDC TPO (HOLT) 2022 No.5/ TPO/22/0994

This is a formal objection.

I object for the following reasons.

1. The reason(s) given for making the order are spurious.

a. The tree is **NOT** prominent in the street scene of Pearsons Close. Prominent is defined as readily noticeable or conspicuous. The tree is situated at the rear of a plot of private land **away** from the public highway. There are numerous trees within Pearsons Close which are far more prominent and not subject to TPO's. A more accurate statement should read "the tree is partially visible in Pearsons Close and barely visible from Ainsworth Road".

b. The tree's size and maturity **DO NOT** contribute positively to the amenity of the local landscape. Amenity is not defined in law. A definition is desirability or usefulness another is benefit to location and contribution to enjoyment and increase in (land) value. NNDC failed to apply BS 5837 in managing the tree within the development of Ainsworth Road. The tree was (is) completely fenced off from all properties (including 5 Pearsons Close). The owner has failed to manage the tree for a period of at least 15 years, if ever. This has resulted in a large unmanaged tree becoming detrimental to the enjoyment of the residents of Ainsworth Road. The tree is full of ivy which due to a lack of management has caused a wide and invasive canopy. Indeed any arboriculturalist would recommend ringing the ivy. A more accurate statement should read "the size and form of the tree actually has a negative contribution to the local landscape."

2. This is the second time that NNDC has raised a TPO for this tree (ref TPO/21/0984). The reasons given for the previous order differ from the reasons this time and were equally spurious. The reasoning did not contain any evidence or 'real-life' data. This was investigated by Phillip Rowson.

3. It has been stated that NNDC utilize the TEMPO method for calculating amenity value. TEMPO scores amenity value between 0 and 25. NNDC have no record of the TEMPO score for the previous TPO. No TEMPO score has been made available for this TPO. Using your reasons given I estimate a TEMPO score of between 9 and 16. It is only a score of 16+ which definitely merits a TPO. A score of 12-15 is defensible. A score between 7 -11 does not merit a TPO. You have made no defense of your reasons. TEMPO is a subjective scoring system. I would argue that a score of 3 is applicable. That is the tree is in poor condition, the tree is a nuisance given it has been unmanaged and outgrown its context, and the tree is visible only with difficulty. ie at the rear of a garden and that any public view would be from a cul-de-sac. A score of 3 means the TPO is indefensible. In fact my score contains a 0 (for retention span) and therefore automatically a TPO should not be applied.

4. The map contained in your TPO does not place the tree in the correct position. The trunk is in the far corner of the plot and is less than 15 cms from the boundary of 16 Ainsworth Road. The canopy is not round and before remedial works were started extended to 14 Ainsworth Road.

5. Trees are the responsibility of the owner(s) NNDC has not encouraged the owner to manage their tree. NNDC placing a TPO on this tree has only led to further barriers to managing it. The initial TPO was not confirmed. Phillip Rowson made a vague argument that having a TPO could be used as a tool by NNDC to encourage good tree management by the owner. There may or may not be any merit in this but this is not stated as the purpose of the TPO.

6. It is unclear what role NNDC have with this tree. NNDC process has not been clear or transparent throughout.

I hope these objections are understood by NNDC however given the lack of transparency and the immense difficulty already experienced trying to have effective communication with NNDC I am not confident of this. I am also unclear how NNDC will progress this matter as who looks at these objections? Yourself (the officer making the TPO), Phillip Rowson, Martin Fulcher or some committee under their direction? – none of which would appear to be appropriate.

The actions of NNDC to date have not served the public nor the tree well. If NNDC have a role or a statutory duty here please be transparent.

