

NNDC (NORTH WALSHAM) 2022 No. 4 - Land at Long Barrow Drive
TPO/22/0993

To consider whether to confirm a Tree Preservation Order (TPO) to protect a mixed species woodland belt at the above site.

BACKGROUND

The woodland was planted as part of a condition of the residential development known at the time as Land off Thirlby Road. It is a mixed species, relatively recently planted (mid 90's) landscape buffer strip. Its primary aim was to "aid the visual transition from open countryside to housing".

The planting has achieved this as it has matured and provides amenity value by obscuring the housing development from the wider countryside beyond and provides an attractive backdrop to residential gardens.

The land was transferred to North Norfolk District Council after the development, and for around 20 years the trees grew and established.

Residents, frustrated with the establishing trees encroaching into their gardens and the lack of proactive maintenance, arranged work themselves to fell, prune and coppice trees, this happened without NNDC permission.

Unauthorised contractors have accessed the site and carried out work. Additionally, hedges have been removed, cut and replaced also without permission from NNDC. There was evidence of changed land use and work carried out to support private interests.

In a response to complaints about unauthorised work, fly tipping, tree, hedge and grass maintenance NNDC's Countryside team met with and have worked closely with residents, acknowledging work is required and implemented appropriate and regular programmes of work to improve the area.

The work the Countryside team carry out aims to reduce anti-social behaviour issues, reduce liveability issues and also increase the biodiversity and habitat value of the woodland buffer strip.

The work to engage the community over the last four years has been largely positive, the closer communication is ultimately benefiting the woodland, the wildlife and also residents through proactive inspections of the trees however there continue to be threats received around tree felling and requests for inappropriate work or removal of healthy trees, these threats make the Order expedient.

The Order will enable greater scrutiny of programmed works, the applications will be publicly visible.

The trees will have a formal protected status setting out their importance in the landscape.

The Order will also provide a mechanism for residents to arrange work outside of the planned NNDC work. Providing work is acceptable and in line with the management objectives of the woodland buffer, Officers can ensure work is carried out by approved contractors and to best practice but importantly, with formal agreement in place.

REPRESENTATIONS

Objections to the Order: Five letters have been received objecting to the Order.
Support of the Order: None received

Summary of Objections	Officer response
The trees have not been maintained, the trees have grown too big or too tall and represent a danger	<i>It's fair to say historically the land was not maintained, this has now changed, regular work programmes are in place including tree safety inspections.</i>
Concerned NNDC will not maintain the trees adequately, hedges are not well maintained	<i>Communication has been recently sent out describing the maintenance schedule for the coming year. The TPO does not prevent the management of hedges.</i>
The unmaintained grass represents a fire risk	<i>The TPO does not prevent the maintenance of grass.</i>
Residents should be empowered to look after the buffer strip	<i>The TPO does not prevent the community working with the Countryside team on management objectives. I would encourage ongoing dialogue.</i>

<p>Trees should not have been planted as close together or by the boundary fences</p>	<p><i>When new landscape buffers are established, trees are often planted close together. Usually thinning operations are carried out as part of woodland management programmes, thinning may become appropriate in the future as the woodland continues to mature.</i></p>
<p>Buffer has a detrimental effect on 4 houses in particular, if the trees fell they would strike the house and may cause damage to foundations, soil erosion, sink holes or subsidence</p>	<p><i>Regular work programmes are in place including tree safety inspections.</i></p> <p><i>It is very unlikely subsidence related issues will occur, tree related subsidence occurs primarily on high plasticity clay soils and poor-quality foundations. The more modern building standards that the homes at Long Barrow Drive have coupled with being located on different soil type means damage is very unlikely.</i></p> <p><i>Trees are not normally associated with causing soil erosion or sink holes.</i></p>
<p>TV signal is interrupted</p>	<p><i>There is no legal requirement to rectify a loss of television, satellite or radio signal/service in respect of trees as an interference, as it is not at present a legal nuisance as defined by UK law.</i></p> <p><i>The TV licence is a permit to operate a TV receiver, it does not guarantee any reception and there is no legal right to reception.</i></p> <p><i>If you suspect the trees are interfering with signal reception, you may want to contact an approved installer to check the siting of the apparatus and your connections as these may also affect the quality of TV reception and provide a solution.</i></p>

<p>Trees lack amenity</p>	<p><i>Tree officer has assessed the woodland and scored the woodland as a whole.</i></p> <p><i>The TPO is expedient in the interests of amenity.</i></p>
<p>There is a lack of trust maintenance will be carried out, for example hedges have not been cut as previously agreed, new planting has not been delivered</p>	<p><i>Communication has been recently sent out describing the maintenance schedule for the coming year.</i></p> <p><i>The TPO does not prevent the management of hedges.</i></p>
<p>What happened to the trees if the TPO is in place but NNDC run out of funds to maintain the buffer?</p>	<p><i>The status of the woodland will not change if different management programmes come forward in the future.</i></p> <p><i>Any work will require an application to the Council as long as the Order is in place.</i></p>
<p>The buffer was pleasant, now it is unpleasant, there are weeds, the area could potentially become dangerous and a fire hazard</p>	<p><i>The TPO doesn't prevent the management of, weeds, etc. The Countryside team are managing the woodland to minimise identified hazards.</i></p>
<p>The pine tree close to property is not suitable to be retained, it is of poor quality and health, queries TEMPO score of individual tree</p>	<p><i>The TEMPO score assessed the trees as a collective woodland group.</i></p> <p><i>The woodland category's purpose is to safeguard a woodland as a whole.</i></p> <p><i>Some trees may lack individual merit, however all trees within a woodland are protected and made subject to the same provisions and exemptions.</i></p> <p><i>This category will also protect newly planted trees and saplings which grow naturally without having to formally modify the Order.</i></p>
<p>What is the justification, why have all trees have been TPO'd?</p>	<p><i>The trees are highly visibly, form a maturing buffer to shield the open countryside from the housing development and they contribute positively to the green appearance of the area.</i></p>

<p>NNDC have not maintained the land for around 22yrs, I have personally spent a lot of time and energy maintaining the land appropriately (no trees have been felled) but have now stopped.</p>	<p><i>It's fair to say historically the land was not maintained, this has now changed, regular work programmes are in place including tree safety inspections.</i></p>
<p>Some trees are too close, too high and overhang boundary. May fall in high wind or in the case of a fire.</p>	<p><i>Regular tree inspections are now taking place to manage the risk posed.</i></p>
<p>I have repeatedly written to NNDC about the fire risk and am awaiting a risk assessment.</p>	<p><i>The Countryside team are managing the woodland to minimise identified hazards.</i></p> <p><i>The TPO does not prevent a fire risk assessment taking place, aa authority wide approach to fire risk is currently being worked on.</i></p>
<p>The land should be a buffer zone not woodland, as per planning condition, more trees will establish if it is managed as a woodland and it will become overgrown again.</p>	<p><i>A TPO can only be one of a few categories. (Individual, group, area or woodland.) The woodland category was the most appropriate category in this instance, there is ongoing maintenance requirement, trees planned to be planted and newly planted trees and naturally establishing trees will automatically be protected.</i></p>
<p>Historically the council have failed to manage the area, I lack confidence the council will manage the land appropriately</p>	<p><i>It's fair to say historically the land was not maintained, this has now changed, regular work programmes are in place including tree safety inspections.</i></p>
<p>Mental health concerns, block light, views, add to depression and unhappiness of residents. Residents should be able to manage the heights of trees to reduce anxiety</p>	<p><i>There is a great deal of recent scientific evidence about the health benefits of trees, they have been shown to help reduce stress, depression and anxiety in the built environment. They have been proven to boost our mental health.</i></p> <p><i>There is no right to light and removing the tops off trees is considered bad practice. It can cause a mass of regrowth that is weakly attached to the tree. It causes ongoing management problems and can introduce decay.</i></p>

<p>Residents have not been considered, decision lacks tact, emotional intelligence, consultation and engagement. The area was pleasant, now overgrown, vermin ridden, weeds, I see no one now enjoying the area</p>	<p><i>Serving the Order has initiated this consultation. There remains a threat to the trees and the Order establishes the Council's position on the importance of the trees in the area.</i></p> <p><i>The TPO does not prevent the appropriate management of the woodland buffer.</i></p> <p><i>The TPO does not prevent vermin control.</i></p>
<p>No-one engages, speaks, consults. You decide and just enforce</p>	<p><i>The Order provides a formal consultation period, as objections have been received the decision to confirm or not will be taken by elected members.</i></p> <p><i>Any enforcement action taken to protect the trees covered by the Order will be assessed on a case-by-case basis.</i></p>

A further letter of objection to the TPO has been received after the closing date of 22 September 2022. This representation, rehearses many of the points summarised above. A redacted copy of the letter is attached at **Appendix A**.

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 woodland makes a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

RECOMMENDATION:-

That the Order be confirmed.

Officer: Imogen Mole - Senior Landscape Officer