

NNDC TPO (NORTH WALSHAM) 2025 No.22 – North Walsham TPO 25 1085 - Land at End of Mundesley Road

Ref No. **TPO/25/1085**

Officer: **Imogen Mole (Senior Landscape Officer)**

<p>PURPOSE OF REFERRAL TO COMMITTEE - To consider whether to confirm a Tree Preservation Order (TPO) to protect Groups of trees, individual trees and a Woodland at the above site.</p>
--

BACKGROUND

An outline application for a substantial housing scheme was submitted in 2024 (PO/24/2717), concerns were raised by residents about trees around the site periphery. The site was included at modifications stage in the local plan adoption process, reference NW16. This inclusion has increased the number of dwellings likely to be delivered in North Walsham.

The site is allocated for a mixed-use development including approximately 330 dwellings, specialist elderly persons accommodation, public open space and associated on and off-site supporting infrastructure.

This site is a greenfield site located on the northeast edge of North Walsham. The former railway line, which now forms the Paston Way trail and Knapton Cutting County Wildlife Site, is located to the northwest of the site and extends out and into the countryside.

The Paston Way is an important landscape feature for recreation and wildlife especially foraging/commuting bats. The design of the new bridge will need to consider and mitigate impacts on these protected species. The Shadow HRA concluded that, with mitigation, the scheme will not affect the site integrity of the Paston Great Barn SAC and the Barbastelle bat colony.

The site allocation includes the provision of a primary access onto the B1145 cutting across this woodland with a new bridge being provided over Paston Way to facilitate access to the B1145. There will be a potential for a secondary access onto Mundesley Road/Lyngate Road with provision of a pedestrian/cycle link to Acorn Road.

The trees at the site are a mixture of native species woodland along Paston Way, field boundary oak trees, native species hedgerow trees and ornamental garden trees that are a mix of prominent and valued landscape features that contribute positively to the local appearance, character and biodiversity value of the area.

The trees are visible from numerous public foot paths, highways and private gardens. Protecting them throughout development proposals will go some way to preserving the amenity and biodiversity value of the area.

REPRESENTATIONS

We have received **3 supporting comments** relating to the Order (summarised below):

- The trees are valuable and are important to the local community.
- They are valued for their contribution to biodiversity and wildlife habitat in the area.
- We agree with your actions, a small step to restoring the quote "England's green and pleasant land".

We have received **2 representations objecting** to the Order (summarised below):

- The Order covers trees that are fundamental to enable access to the site from the B1145.
- The developers are willing to work with the Council to provide suitable and appropriate replacement tree planting by way of mitigation.

We have received **2 comments challenging the TPO** (summarised below):

- The Order unfairly favours the developer. The large stretch of Paston Way omitted from the Order should be included, the developer will financially benefit from this, not the public.
- The Order should include all trees along the Paston Way.

APPRAISAL

In response to the **supporting** commentary, we agree with residents that the trees are valuable and should be retained wherever possible.

In response to the **objections** the following comments are made:

The cost of allocating this site in terms of tree loss was carefully considered by the planning inspector and our own planning officers. The development access will result in tree loss where the route intersects with Paston Way.

The site can accommodate tree planting, and this provision will form a condition of any development. The new planting will over time mitigate this impact.

We disagree that the Order unfairly favours the developer and note the developer objects to the Order on the basis the TPO appears to prevent the access being built. The Woodland area protected by the Order reflects the requirement set out in the local plan Policy NW16 site description:

“Provision of a bridge over the Paston Way trail that facilitates access to the B1145 and the rest of the site. Careful attention should be given to its design, layout and ability to mitigate and enhance the character and wildlife value of the Paston Way trail and Knapton Cutting County Wildlife Site, ensuring the north-western triangle of land is used for access and landscaping only”.

The purpose of the Order is to protect the retained trees as indicated on the outline plans and not to prevent development.

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 trees captured by the Order make a positive contribution to the quality of the local environment and its enjoyment by the wider public and that therefore should be retained.

RECOMMENDATION:-

That the Order be confirmed.