

## **BROADLAND APPEALS PANEL**

**Minutes of a meeting of the Broadland Appeals Panel of Broadland District Council, held on Friday, 29 September 2023 at 10.30 am.**

**Committee Members Present:** Councillors: S Catchpole (Chairman), B Johnson and J Royal

**Other Member in Attendance:** Councillor: A Crotch

**Officers in Attendance:** B Appleby (Assistant Conservation and Tree Officer), H Coggles (Ecology Biodiversity And Tree Manager) and J Overy (Democratic Services Officer)

**Also in Attendance:** Mr J Allaway – Tree Surgeon  
Ms H Kisby – Drayton Parish Council  
Mr M Plane-Da’Silva – Arboricultural Consultant (Hopkins Homes)  
Ms J Ramsey – Tree Warden

### **1. MINUTES**

The minutes of the meeting held on 19 January 2023 were confirmed as a correct record.

### **2. PROVISIONAL TREE PRESERVATION ORDER (TPO BD0596) DRAYTON**

The Chairman welcomed everyone to the meeting. She advised those in attendance that prior to the meeting the Panel had taken the opportunity to visit the site and view the trees.

Mr Plane-Da’Silva then put forward his points in support of the appeal against the serving of the Tree Preservation Order (TPO).

He explained that he had used the Tree Evaluation Method for Preservation Orders (TEMPO), which was a recognised tree evaluation methodology, and that using this system it was clear that the trees did not merit a TPO. He also informed that Panel that he did not agree with the Council’s assessment regarding the age of the trees (Google Streetview showed that there were no trees at the site 12 years ago). He also challenged the suggestion that they were a valuable habitat for wildlife, as no ecology report had been commissioned for the site.

He also advised the meeting that retaining the trees would conflict with the S106 agreement condition for the provision of a nearby footpath by compromising its construction.

In response, officers questioned the scoring of the TEMPO in particular in relation to viability and condition of the trees and the retention span of 20-40 years, which was a very low figure, as oaks trees could live for hundreds of years. It was also disputed that the construction of a footpath would be compromised by the trees, as the footpath would be made on a cultivated field.

The Chairman made the point that the trees might have been growing as saplings 12 years ago and, therefore, not have been visible in Google Streetview.

In putting forward the case for the confirmation of the TPO, the Assistant Conservation and Tree Officer stated that it was his view that the removal of the trees would have a significant impact on the area in terms of visual amenity and biodiversity. He also noted that a TPO could be assessed in respect of future amenity and that the trees could be expected to be a valuable resource for many years to come.

Ms Ramsey informed that Panel that the trees were an intrinsic part of the landscape on School Road and a valuable habitat for wildlife. She emphasised the need to retain green corridors for wildlife and was concerned that if the trees were removed this would be fragmented. She also noted that the trees contributed to reducing air pollution.

Mr Allaway noted that the trees were in very good condition and had a long life ahead of them and he suggested that the TEMPO score had been deliberately scored low to support the appeal against the TPO. He also emphasised the carbon capturing benefits of trees and refuted the suggestion that the tree roots would prevent the construction of a footpath.

Ms Kisby reiterated the points made about habitat, amenity and carbon capture and also noted that the trees would also help reduce noise pollution.

Cllr Crotch noted the value of the trees for biodiversity and that it was important to retain the visual amenity in the village as homes were developed, which would increase the value of existing established trees. He also noted the importance of the footpath, which was part of the Neighbourhood Plan and he was confident that, as stated in the officers report, the footpath and treeline could co-exist.

In summing up, the Assistant Conservation and Tree Officer reaffirmed his recommendation for the confirmation of the Order.

Mr Allaway, Cllr Crotch, Ms Kisby, Mr Plane-Da'Silva, Ms Ramsey, the Assistant Conservation and Tree Officer and the Ecology Biodiversity and Tree Manager then left the meeting whilst the Panel deliberated its decision. They were subsequently readmitted to the meeting and the Chairman announced the Panel's decision.

## **DECISION**

Having regard to all the information before them, both written and oral, and having regard to the criteria used to make the Order, the Panel decided (unanimously) to confirm the Order as modified.

The Panel was satisfied that the provisional Tree Preservation Order had been implemented and served in a just and appropriate manner and was expedient in the interests of amenity to make provision for the preservation of the trees.

The Panel was satisfied that the identified trees contributed to both the visual amenity and biodiversity of School Road, Drayton and they also provided valuable habitat, shelter, and food source for local wildlife, which would increase if the trees were allowed to mature. Carbon capture had also been a consideration.

The Panel was also satisfied that the Council's criteria for making the Order had been met, as the trees made a significant contribution to the local environment, there was no reason to believe they were dangerous, they had a life span of more than ten years, and they did not present an unacceptable or impracticable nuisance and contributed to the biodiversity of the immediate area.

It was, accordingly,

**RESOLVED** to confirm the Broadland District Tree Preservation Order (TPO BD0596) Drayton, as modified.

If any person was aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within six weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

(The meeting concluded at 11.33 am)

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Chairman