

**BRECKLAND COUNCIL**

**APPEALS SUB-COMMITTEE – 11<sup>th</sup> July 2007**

**REPORT OF THE OPERATIONS MANAGER – ENVIRONMENTAL SERVICES**  
**(Author: Richard Fisher, Tree Preservation Order Review Officer)**

**OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 2007 NO.16**  
**13 HALE ROAD, NECTON**

**Summary:** Tree Preservation Order 2007 No.16 was served on one individual tree at 13 Hale Road, Necton on 20<sup>th</sup> April 2007. Objections to the order have been received which must be considered by this committee. The order will expire on October 19<sup>th</sup> 2007 unless it is confirmed before that date.

**1. INTRODUCTION/BACKGROUND**

- 1.1 Tree Preservation Order (TPO) 2007 No.16 was served on Mr and Mrs Whitehair in respect of 1 individual tree, to the south-east of 13 Hale Road under section 198 of the Town and Country Planning Act 1990 on the grounds that the tree has significant amenity value and it is the Council's statutory duty to protect important amenity trees. [Attached at appendix A]
- 1.2 Objections to the making of TPO 2006-16 have been received from Mr S. Banning of Land & New Homes Countrywide, 30 Market Place, Dereham and Mr and Mrs Whitehair of 13 Hale Road, Necton. [Attached at appendix B]

**2. KEY DECISION**

- 2.1 This is not a key decision

**3. COUNCIL PRIORITIES**

- 3.1 The matter raised in this report falls within the following Council priorities:
  - o A well planned place to live which encourages vibrant communities

**4. REASONS FOR MAKING TREE PRESERVATION ORDER 2007 No.16**

- 4.1 13 Hale Road is situated in the middle of the village of Necton. Aerial Photo's of the area and the tree are attached at Appendix C.
- 4.2 In response to planning application number: 3PL/2007/0432/O a site visit was made and it was found that the Horse Chestnut, T1 on the enclosed order, was of high amenity value that would be greatly compromised following development.
- 4.3 Local Plan Policy ENV.19: The District council will seek to ensure the protection of healthy trees and hedgerows of amenity value by the imposition of tree preservation orders where such trees are considered to be at risk. A transparent method of assessment was applied to the Horse Chestnut T1 and it achieved scores justifying its inclusion in the TPO. [Attached at Appendix D].

## **5. OPTIONS AVAILABLE**

- 5.1 To confirm Tree Preservation Order 2007 No.16
- 5.2 Not to confirm Tree Preservation Order 2007 No.16

## **6. REASONS FOR RECOMMENDATION(S)**

- 6.1 The council has a statutory duty to have regard to the conservation of biodiversity and to protect important amenity trees. The Horse Chestnut forms an important part of the overall street scene.

## **7. RECOMMENDATION(S)**

- 7.1 That Breckland Council confirm Tree Preservation Order 2007 No.16

There are no issues arising in relation to:

- Equal Opportunities,
- Section 17, Crime & Disorder Act 1998, and
- Human Rights Act 1998
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This report does have relevance to:

- Section 40, Natural Environment and Rural Communities Act 2006

### **Appendices:**

- A: Copy of the TPO Map & Schedule.
- B: Letters of objection to the TPO.
- C: Aerial photographs of the area and photographs of the tree.
- D. TPO assessment form and methodology.