

AGENDA ITEM NO. 9/3 (a)

Parish:	King's Lynn	
Purpose of report:	To consider objections to the Tree Preservation Order (TPO) 2/TPO/00709, Woodland to the north of 140 - 176 Elvington, King's Lynn, Norfolk, PE30 4UX, and determine if the order be confirmed, making it permanent, confirmed with modifications, or not confirmed.	
Location:	Land to the north of Nos. 140 to 176 Elvington, King's Lynn and bordering the east side of Spring Lane Cycleway and footpath PE30 4UX	
TPO number:	2/TPO/00709	
Grid Ref:	Easting: 564510 Northing: 321134	Centre of woodlands
Recommendation - That the committee confirms Tree Preservation Order 2/TPO/00709 without modification.		

INTRODUCTION

The purpose of this report is to consider objections received in respect of Tree Preservation Order 2/TPO/00709, which was made on 25 September 2025.

The Order protects all trees, within the area of land covered in trees, which is considered to be a woodland located behind Nos. 140 to 176 Elvington, King's Lynn.

The Order was made under the Town and Country Planning Act 1990 and the Town and Country Planning Tree Preservation England Regulations 2012.

The Order took immediate provisional effect for a period of six months and must be confirmed by the Council to remain in force.

This period of six months allows the Council to consider any representations or objections to the order, before deciding on its confirmation. Under the Council's scheme of delegation, any objections that cannot be resolved require referral to Planning Committee to determine whether the Order should be confirmed without modification, confirmed with modifications, or not confirmed.

This report assesses objections raised against this Tree Preservation Order against Government guidance, and arboricultural and amenity considerations, and sets out a clear officer recommendation.

DESCRIPTION AND CONTEXT

The land comprises a young but well-established mixed woodland planted in an area of land with some much older trees in 2012 as a Jubilee Woodland, with active involvement from the local community. The woodland was established by the former Borough Councillor Mr John Loveless with the philanthropic intention of creating a lasting community woodland asset.

Planning Committee
02 February 2026

The woodland contains a diverse and appropriate mix of species including oak, wild cherry and ash as future high canopy trees, alongside field maple, rowan, hawthorn and other native shrubs forming the understorey.

The woodland is clearly visible from the Spring Lane cycleway and public footpath, from the playing fields of Springwood High School, and from an informal pedestrian route along the eastern boundary.

The Woodland recently changed ownership. Despite being privately owned, the woodland makes a clear and sustained contribution to public amenity through its visibility, its role in defining local landscape character, its biodiversity value, and its function as a green buffer between residential development, school grounds and adjacent open land.

REASON FOR THE TREE PRESERVATION ORDER

First, the woodland makes a significant contribution to public amenity through its visual presence, landscape structure, ecological value and community origin.

Second, recent works had taken place within the woodland including tree felling and cutting of branches of mature oak trees. The standard of work observed was very poor, involving large and harmful cuts to mature oak trees. Felling works were undertaken with no clear silvicultural rationale, with felled trees left approximately half a metre above ground level.

Third, the works had already caused demonstrable visual and structural harm to the woodland, when viewed from Spring Lane Footbath/Cycleway. Additionally, the new owner/s of the woodland installed barbed wire attached to mature oak trees.

Finally, the woodland was previously unprotected and therefore vulnerable to further inappropriate or damaging works. The Tree Preservation Order enables future management to take place with appropriate oversight, allowing the Council to assess proposals to ensure they are informed, proportionate and sustainable.

At the time the Order was made, it was considered that although the individuals carrying out the works may not have intended to cause harm, the approach to management was clearly detrimental, premature and risked undermining the long-term establishment and integrity of the woodland as an amenity community asset.

The Council has carefully considered the legal interaction between the Forestry Act 1967 and TPOs made under the Town and Country Planning Act 1990 in making this order. This is relevant because a Felling licence application (reference FLA 017/3215/2025) was submitted to the Forestry Commission on 5 September 2025.

In accordance with the Forestry Act 1967, the Forestry Commission formally referred the application to the Borough Council of King's Lynn and West Norfolk for determination under the Town and Country Planning Act 1990. This application reference 25/00065/TPO was determined on 12th January 2026.

The Forestry Commission has confirmed that, for so long as the Tree Preservation Order remains in force, a felling licence under the Forestry Act 1967 is not required for the trees covered by the Order, and that the Local Planning Authority is now the determining authority for the proposed works.

OUTLINE OF OBJECTIONS RECEIVED

A total of 61 written objections were received within the statutory period for comments and objections. Although they were all submitted by different individuals, the objections were all substantively identical in content, differing only in the identity of the signatories.

Where objections are received that raise the same issues using identical or near identical wording, they have been treated together in line with established practice.

One objection was submitted by a co-owner of the land. This was the most detailed and comprehensive objection. The accompanying 60 objections are materially identical to the co-owner's objection, they all raise the same core issues, using the same phrasing. None of the objections provide any additional arboricultural or silvicultural technical evidence.

For efficiency and clarity, the substantive points raised have been assessed collectively, with your officer's responses applying equally to all objections.

SUMMARY OF OBJECTIONS RECEIVED

The key issues raised in the objections and the officer response to each are summarised below.

1. Tree condition and safety.

It is claimed that the trees and shrubs are in decline, poorly managed, unstable and pose a risk to adjacent properties and footpaths

2. Public access and amenity.

It is argued that because the woodland is privately owned and has no public right of access, it has no public amenity value. It is suggested that only a small proportion of the woodland is visible and that its amenity value is therefore limited.

3. Forestry Commission permissions.

The objectors state that The Forestry Commission had already given permission for all the trees and bushes to be pruned as long as 1/3 of the branches were left on the tree. They also allege the TPO may impact on licences or grants associated with the Forestry Commission. Work had taken place on site prior to a felling licence approval.

4. Impact on land use and recreation.

It is asserted that the Tree Preservation Order prevents deer management, shooting, quad biking, camping and other private recreational or commercial activities.

5. Liability to adjacent properties.

Claims are made that the Council would assume liability for subsidence or damage if works are not permitted. This assertion is speculative and incorrect. Confirmation of a Tree Preservation Order does not transfer liability to the Council. Evidence based applications for works to address demonstrable risk remain available.

6. Extent of the Order.

It is requested that the Order be limited to a narrow strip of trees adjacent to Spring Lane.

OFFICER RESPONSE TO OBJECTIONS

1. Tree condition and safety.

The claim that the trees are in decline is unfounded. No arboricultural evidence has been submitted to support this claim. The main areas of the woodland are approximately 13 years old, with some much older trees around the periphery, including fully mature Oak trees along the edge of Spring Lane Cycleway. The overall condition is consistent with a developing mixed woodland. Tree Preservation Order legislation allows for works to address genuine safety concerns through the application process & the Council encourages the proactive management of protected woodlands. This objection carries no weight.

2. Public access and amenity

Public access is not a prerequisite for a Tree Preservation Order. Government guidance confirms that visual amenity alone may justify protection. The woodland is clearly visible from busy public routes immediately adjacent to the site, and the site is clearly visible from the adjacent school grounds. It clearly contributes to public amenity. This objection is unfounded.

3. Forestry Commission permissions.

The Forestry Commission operate under separate legislation and do not override the Council's powers under the Town and Country Planning Act 1990 in this matter. The felling licence application was formally referred to the Borough Council of King's Lynn and West Norfolk for determination under the Town and Country Planning Act 1990 in accordance with legislation.

While the Forestry Act 1967 and UK Forestry Standard regulate woodland management, these mechanisms are not designed to assess individual trees or provide the same level of oversight as a TPO. The TPO only adds an additional layer of scrutiny to ensure that tree work is justified and carried out in a way that safeguards the long-term visual amenity and ecological integrity of the woodland.

The two areas of legislation work side by side and we have corresponded regularly with the Forestry Commission's Woodland Officer for this area in this matter.

Even if the felling licence had been approved, it does not prevent the making or confirmation of a Tree Preservation Order and is not relevant in this context & likewise in future a felling licence may still be required even if a TPO application is approved depending on the amount of timber to be felled.

4. Impact on land use and recreation.

A Tree Preservation Order does not regulate land use or access. It controls works to protected trees only. Appropriate woodland management and necessary works may be considered through the application process. This objection is unfounded and misconstrues or misinterprets the effect of a Tree Preservation Order.

5. Liability to adjacent properties.

This assertion is speculative and incorrect. Confirmation of a Tree Preservation Order does not transfer any liability to the Council. Evidence based applications for works to address demonstrable risk remain available.

6. Extent of the Order.

The woodland is a single ecological and visual unit. Selective protection would undermine coherent management and allow incremental harm. This point of objection does not sufficiently consider the broader contribution of the entire woodland to the landscape character and public amenity of the area. This area of land is a significant and cohesive local landscape feature, greatly valued by residents and visitors, and its visibility from public places contributes to the character and scenic quality of the area. The extent and area of the Order is appropriate and proportionate.

CONCLUSION

It is the Arboricultural Officer's view that the objections raised are largely repetitive and unsupported by any evidence. They demonstrate a misunderstanding of the purpose and effect of Tree Preservation Orders and fail to rebut the clear amenity value of the woodland, and justification for this order.

When considered individually and collectively, the objections do not outweigh the strong public interest in retaining protection.

Accordingly, this report recommends that the Order be confirmed without modification.

RECOMMENDATION

That the committee endorses the officer's recommendation to **CONFIRM** Tree Preservation Order 2/TPO/00709 without modification.

Background Papers

1. Location Plan

Enquiries about this report to Brian Ogden, Arboricultural Officer. 01553 616386