

The Northumberland County Council
(Land at Hebron Hill Farm, Morpeth, Northumberland)
Tree Preservation Order 2022
(no. 06 of 2022)
Hebron Hill Management Company Objection

The Hebron Hill Management Company, in exercise of the powers conferred by section 199 of the Town and Country Planning Act 1990 make the following objection and representations document:

1. The objection and representations to the order may be cited as the Northumberland County Council (Land at Hebron Hill Farm, Morpeth, Northumberland) Tree Preservation Order 2022 (no.6 of 2022), Hebron Hill Management Company Objection.
2. Hebron Hill Management submit objection and representations in reference to The Northumberland County Council (Land at Hebron Hill Farm, Hebron, Morpeth, Northumberland) Tree Preservation Order 2022 (no.6 of 2022) Town & Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) regulations 2012.
3. As per Regulation 6 of Town and Country Planning (Tree Preservation) (England) Regulations 2012, Hebron Hill Management Company formally submit in writing their objections and representations, delivering on the 19th day of August 2022 to:

Linda Jackson
Legal Officer
Regulation Team
County Hall
Morpeth
Northumberland
NE61 2EF

4. The objections and representations of this document, state the reasons for the objection and reference the particular trees, groups of trees or woodlands (as the case may be) in respect of each objection and representation, as made.
5. As outlined by paragraph 37 of the TPO guidance, Hebron Hill Management Company request a meeting with Northumberland County Council to consider their duly made objections and representations with respect to the order.

Signed

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William Sharp

Chair

Hebron Hill Management Committee

Dated

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GLOSSARY OF TERMS

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TPO	Tree Preservation Order (TPO)
HHMC	Hebron Hill Management Company (HHMC)
NCC	Northumberland County Council (NCC)
Tilia	Tilia Consultancy Services (Tilia)
TEMPO	Tilia Tree Evaluation Method for Preservation Orders (TEMPO) Report

SUMMARY

SUMMARY	Summary of Objections for Order
REFERENCE	W1, W2, G1
CONTEXT	Town and Country Planning Act Section 198 Gov.Uk TPO Regulation 3 Notice Regulation 5 Notice Tilia TEMPO Survey Detailed Objections 1-15
REASONS FOR THE OBJECTION	<ul style="list-style-type: none"> -The local planning authority do not have the power to make the tree preservation order, as there is no expedience. -TPO lacks judgement and execution. -The served order has not considered the use of land or the people affected. -The served Order has no required evidence to “show” public benefit or “demonstrate” decision process. -Applied order (Regulation 5) lacks required accuracy and detail (Reasons for making order insufficient). -Authority acting without strategy. -Amenity is limited, ambiguous and not shown, proven or found. -Expediency is not stated, proven or found. -Applied order (regulation 3 notice) lacks required accuracy and detail. -Detail of Woodlands is not enforceable. -Boundaries incorrectly applied. -Woodlands incorrectly applied. -Tilia TEMPO Survey access was unlawful. -Tilia TEMPO Survey, misleading, inaccurate and bias. -Changes required to the Order, would be deemed as substantial change and are not permitted. -Concerns regarding impact of TPO and removal of rights as owners. -Concerns regarding NCC ability regarding TPOs. -Concerns of property value and resale.
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

SUMMARY W1	Summary of Objections for W1 Designation
REFERENCE	W1
CONTEXT	Town and Country Planning Act Section 198 Gov.Uk TPO Regulation 3 Notice Regulation 5 Notice Tilia TEMPO Survey Detailed Objections 1-15
REASONS FOR THE OBJECTION	<ul style="list-style-type: none"> -The local planning authority do not have the power to make the tree preservation order, as there is no expedience. -Authority acting without strategy. -Tilia TEMPO Survey access was unlawful. -Tilia TEMPO Survey, misleading, inaccurate and bias. -The served order has not considered the use of land or the people affected. -The served order has no required evidence to “show” public benefit or “demonstrate” decision process. -Applied order (Regulation 5) lacks required accuracy and detail (Reasons for making order insufficient). -Applied order (regulation 3 notice) lacks required accuracy and detail. -Boundaries incorrectly applied. -Woodlands boundaries applied close to buildings, conflicting with trees and buildings proximity guidelines. -Amenity In Practice: Not stated, shown, proven or found. -Amenity Public Benefit: Ambiguous, not shown, proven or found. -Amenity Visibility: Ambiguous, overstated and Inaccurate. Visibility alone is not sufficient for an Order. HHMC prove lack of visibility and value. -Amenity Visibility by Accessibility: Not stated, proven or found. HHMC prove lack of accessibility. -Amenity Form of Tree: Survey misleading, Inaccuracy and Incompetency. -Amenity Future Potential: Not stated, proven or found. -Amenity Rarity: Not stated, proven or found. -Amenity Cultural: Not stated, proven or found. -Amenity Historical: Not stated, proven or found. -Amenity relationship: Ambiguous, overstated and Inaccurate. HHMC prove lack of relationship. -Amenity Conservation: Not stated, proven or found. -Amenity Nature: Not stated, proven or found. -Amenity Climate Change: Not stated, proven or found. -Expedience In Practice: Not stated, proven or found. -Expedience Arboricultural Management: Can be proven by HHMC, which should terminate necessity for an Order. -Expedience Risk: Not stated, proven or found. Tilia TEMPO survey quotes hearsay which is inadmissible. -Expedience Development: Not stated, proven or found. -Expedience Property Ownership: Can be proven by HHMC, which should terminate necessity for an Order.
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

SUMMARY W2	Summary of Objections for W2 Designation
REFERENCE	W2
CONTEXT	Town and Country Planning Act Section 198 Gov.Uk TPO Regulation 3 Notice Regulation 5 Notice Tilia TEMPO Survey Detailed Objections 1-15
REASONS FOR THE OBJECTION	<ul style="list-style-type: none"> -The local planning authority do not have the power to make the tree preservation order, as there is no expedience. -Authority acting without strategy. -Tilia TEMPO Survey access was unlawful. -Tilia TEMPO Survey, misleading, inaccurate and bias. -The served order has not considered the use of land or the people affected. -The served order has no required evidence to “show” public benefit or “demonstrate” decision process. -Applied order (Regulation 5) lacks required accuracy and detail (Reasons for making order insufficient). -Applied order (regulation 3 notice) lacks required accuracy and detail. -Boundaries incorrectly applied. -Woodlands incorrectly applied to residential gardens. -Woodlands boundaries applied close to buildings, conflicting with trees and buildings proximity guidelines. -Amenity In Practice: Not stated, shown, proven or found. -Amenity Public Benefit: Ambiguous, not shown, proven or found. -Amenity Visibility: Ambiguous, overstated and Inaccurate. Visibility alone is not sufficient for an Order. HHMC prove lack of visibility and value. -Amenity Visibility by Accessibility: Not stated, proven or found. HHMC prove lack of accessibility. -Amenity Form of Tree: Survey misleading, Inaccuracy and Incompetency. -Amenity Future Potential: Not stated, proven or found. -Amenity Rarity: Not stated, proven or found. -Amenity Cultural: Not stated, proven or found. -Amenity Historical: Not stated, proven or found. -Amenity relationship: Ambiguous, overstated and Inaccurate. HHMC prove lack of relationship. -Amenity Conservation: Not stated, proven or found. -Amenity Nature: Not stated, proven or found. -Amenity Climate Change: Not stated, proven or found. -Expedience In Practice: Not stated, proven or found. -Expedience Arboricultural Management: Can be proven by HHMC, which should terminate necessity for an Order. -Expedience Risk: Not stated, proven or found. Tilia TEMPO survey quotes hearsay which is inadmissible. -Expedience Development: Not stated, proven or found. -Expedience Property Ownership: Can be proven by HHMC, which should terminate necessity for an Order.
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

SUMMARY G1	Summary of Objections for G1 Designation
REFERENCE	G1
CONTEXT	Town and Country Planning Act Section 198 Gov.Uk TPO Regulation 3 Notice Regulation 5 Notice Tilia TEMPO Survey Detailed Objections 1-15
REASONS FOR THE OBJECTION	<ul style="list-style-type: none"> -The local planning authority do not have the power to make the tree preservation order, as there is no expedience. -Authority acting without strategy. -Tilia TEMPO Survey access was unlawful. -Tilia TEMPO Survey, misleading, inaccurate and bias. -The served order has not considered the use of land or the people affected. -The served order has no required evidence to “show” public benefit or “demonstrate” decision process. -Applied order (Regulation 5) lacks required accuracy and detail (Reasons for making order insufficient). -Amenity In Practice: Not stated, shown, proven or found. -Amenity Public Benefit: Ambiguous, not shown, proven or found. -Amenity Visibility: Ambiguous, overstated and Inaccurate. Visibility alone is not sufficient for an Order. HHMC prove lack of visibility and value. -Amenity Visibility by Accessibility: Not stated, proven or found. HHMC prove lack of accessibility. -Amenity Form of Tree: Survey misleading, Inaccuracy and Incompetency. -Amenity Future Potential: Not stated, proven or found. -Amenity Rarity: Not stated, proven or found. -Amenity Cultural: Not stated, proven or found. -Amenity Historical: Not stated, proven or found. -Amenity relationship: Ambiguous, overstated and Inaccurate. HHMC prove lack of relationship. -Amenity Conservation: Not stated, proven or found. -Amenity Nature: Not stated, proven or found. -Amenity Climate Change: Not stated, proven or found. -Expedience In Practice: Not stated, proven or found. -Expedience Arboricultural Management: Can be proven by HHMC, which should terminate necessity for an Order. -Expedience Risk: Not stated, proven or found. Tilia TEMPO survey quotes hearsay which is inadmissible. -Expedience Development: Not stated, proven or found. -Expedience Property Ownership: Can be proven by HHMC, which should terminate necessity for an Order.
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

DETAILED OBJECTIONS

OBJECTION 1	Section 198 Powers to Make an Order
REFERENCE	W1, W2, G1
CONTEXT	<p>Section 198 1)</p> <p>If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.</p> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p>HHMC object, expedient is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, there are no grounds for expedient as per objection 10.</p> <p>HHMC Object, the grounds of amenity are not sufficient to make an order as per objection 3, 4, 5 and 6.</p>
RECOMMENDATION	<p>The term expedience is not referenced in the served regulation 3 and regulation 5 documents. HHMC understands via Section 198 of town and country planning act 1990, that the planning authority have no power to make the tree preservation order if it is not proven to be expedient.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>HHMC would recognize that modifying the reasons for making the order would constitute as substantial change to the TPO and therefore any modifications would also prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p>

OBJECTION 2	Regulation 5 Notice – Reasons for Making the Order
REFERENCE	W1, W2, G1
CONTEXT	<p>Regulation 5 Notice: Reasons for making the order: The council has made the Order because the trees are predominant features within the surrounding landscape and valuable assets to the location contributing to the visual amenity of the area.</p> <p>Gov.uk TPO Paragraph 8: Public visibility alone will not be sufficient to warrant an Order.</p> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Trees are predominant features within the surrounding landscape:</u> HHMC object, “Predominant feature” is not a defined term or factor in the assessment of amenity value as per Gov.uk TPO Paragraph 8. HHMC therefore do not recognize this as a contributing factor justified for making the order. If NCC are adamant that the term “predominant feature” is a factor for the amenity value (despite the absence of the term in gov.uk TPO paragraph 8), HHMC object and disagree with the assessment; we believe that the Hebron Hill trees are in fact minority features in the surround landscape. (APPENDIX B: Topographical Survey).</p> <p><u>Valuable assets to the location contributing to the visual amenity:</u> HHMC object, we disagree that the visibility is a contributing factor of the amenity value (Please see Objection 3&4 Amenity Value & Amenity Visibility). HHMC object, we recognize NCC exclusively reside on the term visual amenity for rational of making the order. As per Gov.uk TPO Paragraph 8, “visibility alone will not be sufficient to warrant an order”, the provisional TPO does not comply as achieving sufficient grounds for serving the TPO and should be removed with immediate effect.</p>
RECOMMENDATION	<p>HHMC believes the reasons for making the order do not comply as sufficient grounds for a TPO, as per Gov.uk TPO paragraph 8. HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect. HHMC would recognize that modifying the reasons for making the order would constitute as substantial change to the TPO and therefore any modifications would also prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p>

OBJECTION 3	Gov.uk TPO Paragraph 7: Amenity in Practice
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 7: ‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.</p> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Authorities need to exercise judgment when deciding whether it is within their powers to make an Order:</u> NCC have made and served TPO to HHMC and residents. HHMC object, stating the authority has not “exercised judgement” or shown such “judgement” in their decisions. This absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing or supporting evidence would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p><u>Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public:</u> HHMC object, significant negative impact or the degree of enjoyment by the public is not documented in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC object, the term “significant” would imply a major impact. NCC have not proven or detailed “significant negative impact” to the local environment. HHMC further state the environmental impact will be minimal; Hebron Hill trees have a minor relationship with the surrounding environment (APPENDIX B: Topographical Survey).</p> <p>HHMC Object, HHMC question; what degree of public enjoyment can be achieved from Hebron Hill trees if the land they reside on is not accessible to the public? The only plausible enjoyment would be defined as minor, via the limited visibility of the perimeter Hebron Hill trees from nearby roads.</p> <p><u>Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future:</u> HHMC object, stating the authority has failed to “show” that protection would bring a reasonable degree of public benefit in the present or future. This absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing or evidence would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, HHMC question, what degree of public benefit can be achieved from Hebron Hill trees if the land they reside on is not accessible to the public? The only plausible benefit would be defined as minor, via the limited visibility of the perimeter Hebron Hill trees from nearby roads.</p>

RECOMMENDATION	<p>HHMC believes the reasons for making the order do not comply as sufficient grounds for a TPO, as per Gov.uk TPO paragraph 7 and paragraph 8.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>HHMC would recognize that modifying the reasons for making the order would constitute as substantial change to the TPO and therefore any modifications to this sentence would also prevent confirmation of the order, as per paragraph 40.</p>
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OBJECTION 4	Gov.uk TPO Paragraph 8: Amenity Value - Visibility
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 8: Visibility: The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. Public visibility alone will not be sufficient to warrant an Order.</p> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Visibility of Trees:</u> HHMC object, we believe the value from the visibility of Hebron Hill trees is limited. Hebron Hill is 350m East of the A1 road and 485m North of A1 link road (there are no public footpaths on these roads). The western and southern perimeter trees of Hebron Hill can be intermittently seen from these public roads, when highway hedging and closer anomaly trees or buildings are not obstructing view. (APPENDIX C: Photographic Survey - Public Visibility). HHMC Object, the vast majority of Hebron Hill trees cannot be seen by the public, due to the density of the perimeter trees obstructing the view to the middle and inner trees. It should further be noted, whilst driving, focus should be on the road and other vehicles. The intermittent observation of trees a minimum 400m in the distance is not going to provide any substantial amenity value to these members of the public.</p> <p><u>Accessibility of Trees:</u> HHMC object, accessibility of trees is not documented in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC Object, Hebron Hill is private land owned and managed by HHMC. The public have no right of access to these lands, therefore amenity value of the trees in terms of accessibility should be considered to be zero.</p>
RECOMMENDATION	<p>HHMC believe that visibility is not a contributing factor in determining amenity value. HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect. If NCC remain adamant that visibility is a contributing factor, HHMC recommends that the TPO affected area be heavily reduced (APPENDIX F: Proposed TPO Modification Options).</p>

OBJECTION 5	Gov.uk TPO Paragraph 8: Amenity Value – Individual, Collective and Wider Impact
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 8: The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:</p> <ul style="list-style-type: none"> -size and form; -future potential as an amenity; -rarity, cultural or historic value; -contribution to, and relationship with, the landscape; and -contribution to the character or appearance of a conservation area. <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Size and form:</u> HHMC Object, Size and form is not documented as rational in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC Object, the trees at Hebron Hill, until recently, have remained wild and unmaintained. The form of many trees has required Immediate Needs maintenance to ensure safety to the new residents and their housing (Appendix E: Immediate Needs Assessment Survey). To assess form and health of the woodland requires a very substantial survey. HHMC have a detailed survey scheduled for September 2022, this will provide individual tree structural stability and health assessments, as well as proposing a comprehensive maintenance plan for the future of the trees at Hebron Hill. It has been unofficially communicated that Hebron Hill trees density has caused some uncontrolled and accelerated growth; this may constitute that the form of these trees are deemed unsafe/unsatisfactory. NCC without such detailed survey cannot reasonably define the form and health of the trees and therefore cannot responsibly deem which trees should form part of the order.</p> <p><u>Future potential as an amenity:</u> HHMC object, future potential as an amenity is not documented as rational in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC object, Hebron Hill trees are on land owned by HHMC. Due to these lands being privately owned and HHMC having no motive to sell or provide access, public will continue to have no accessibility in the future. The amenity potential value will therefore not increase in the future. HHMC further object, stating the majority of the Hebron Hill trees are approx. 80 years old. The amenity value of these trees is therefore currently at a maximum and future amenity value will only be diminishing. This item is not a contributing factor to the amenity value.</p> <p><u>Rarity, cultural or historic value:</u> HHMC Object, rarity, cultural or historic value is not documented as rational in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to</p>

	<p>include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, Hebron Hill trees consist of species: sycamore, beech, elm, scots pine and silver birch. These species are not considered to be rare.</p> <p>HHMC object, Hebron Hill has no cultural or historical value. If either of these were a factor, they would have been raised and considered during the recent development phase of Hebron Hill.</p> <p>This item is not a contributing factor to the amenity value.</p> <p><u>Contribution to, and relationship with, the landscape:</u></p> <p>HHMC Object, contribution to, and relationship with, the landscape is not detailed or explained in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, we believe that the Hebron Hill trees have a minor contribution and relationship with the landscape. (APPENDIX B: Topographical Survey).</p> <p>HHMC further state that only the perimeter trees would constitute as having this minor contribution and relationship with the landscape and therefore if applicable it would only be these perimeter trees that should warrant TPO.</p> <p>This item is not a contributing factor to the amenity value.</p> <p><u>Contribution to the character or appearance of a conservation area:</u></p> <p>HHMC object, contribution to the character or appearance of a conservation area is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC object, Hebron Hill is not part of a conservation area.</p> <p>This item is not a contributing factor to the amenity value.</p>
RECOMMENDATION	<p>HHMC believes the individual, collective and wider Impact characteristics are not a contributing factors in determining amenity value.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant that individual, collective and wider Impact characteristics are a contributing factor, HHMC recommends that the TPO affected area be heavily reduced (APPENDIX F: Proposed TPO Modification Options).</p>

OBJECTION 6	Gov.uk TPO Paragraph 8: Amenity Value – Other Factors
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 8: Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.</p> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Importance to nature conservation:</u> HHMC object, importance to nature conservation is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC Object, Hebron Hill is not part of a nature conservation area. This item is not a contributing factor to the amenity value.</p> <p><u>Response to climate change:</u> HHMC Object, Response to climate change is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC Object, Hebron Hill trees are not part or a response to climate change. This item is not a contributing factor to the amenity value.</p>
RECOMMENDATION	<p>HHMC believes the other factors are not a contributing factors in determining amenity value.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p>

OBJECTION 7	Gov.uk TPO Paragraph 9: Tree Strategy
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 9: An authority's tree strategy may identify localities or populations of trees as priorities for the making or reviewing of Orders. Authorities may also refer to existing registers, recording trees of particular merit, to assist in their selection of trees suitable for inclusion in an Order.</p> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Tree Strategy & Existing TPO Register:</u> HHMC object, Authority tree strategy or existing registers of merit are not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, NCC have no such documents in existence. The authority tree strategy and existing TPO registers were requested on 14th July 2022, this information has still not been received. These documents should be readily accessible by the public, the fact they are not accessible or even available for supply after a request is concerning. It must be assumed NCC are acting without strategy or judgement when making TPO.</p>
RECOMMENDATION	<p>HHMC believes without strategy documentation, NCC cannot display clear judgement.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p>

OBJECTION 8	Gov.uk TPO Paragraph 10: Expedient in Practice
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 10: Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.</p> <p>It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.</p> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Expedient in Practice:</u> HHMC object, expedient is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p><u>It is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural:</u> HHMC object, its can be proven that Hebron Hill trees are under consistent, good arboricultural management. HHMC value our environment, we take our ownership and maintenance of our lands and assets extremely seriously. HHMC only procures and appoints qualified arboricultural experts for tree assessment and work execution to Hebron Hill trees. HHMC introduced protocol to utilize separate experts for survey and work execution; this removes any potential bias during survey. These actions demonstrate HHMC values to responsibly maintain our assets and environment. The HHMC appointment of externally qualified experts and implemented protocol to remove bias, is proof that the Hebron Hill trees are under good arboricultural management. (APPENDIX D: HHMC Tracker). This item is not a contributing factor to the expedient.</p> <p><u>If the authority believes there is a risk of trees being felled, pruned or damaged:</u> HHMC object, expedient and risk to Hebron Hill trees is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC Object, as stated HHMC only appoint qualified arboricultural experts for assessment and work execution. All maintenance works to Hebron Hill trees have been based on expert recommendation and conducted by qualified technician. HHMC believe the TPO is actually impacting the safety to residents, buildings and local environment. Expert recommended Immediate Needs works have been delayed due to the untimely served provisional TPO, this has imposed unnecessary and continued risk to the residents, their dwellings and the local environment. (APPENDIX E: Immediate Needs Assessment Survey).</p>

	<p><u>Risk as a result of development pressures:</u> HHMC object, there are no development pressures. Development of the community has already been completed in recent years. HHMC would like to formally note and question; that a TPO was not deemed to be necessary during development of Hebron Hill dwellings, yet without evidence, documentation or due process a TPO is seemingly deemed as being necessary now? This item is not a contributing factor to the expedient.</p> <p><u>Changes in property ownership</u> HHMC object, HHMC is a democratic management company, formed by the nine households at Hebron Hill. A change in ownership of a household would not impact the democratic process. HHMC also utilize external qualified experts for consultation and recommendations, this ensures HHMC make informed and correct decisions. Any work execution, HHMC appoints qualified arboricultural expert further ensuring safe work practices. This item is not a contributing factor to the expedient.</p>
RECOMMENDATION	<p>HHMC believes there are no grounds for expedient in the rational of the TPO. Furthermore, HHMC can prove good arboricultural management which as per Gov.uk TPO Paragraph 10 states a TPO is unlikely to be required. HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect. If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

OBJECTION 9	Gov.uk TPO Flowchart 1: Making a Tree Preservation Order
REFERENCE	W1, W2, G1
CONTEXT	<p>Request from local planning authority or public</p> <p>Gov.uk TPO Paragraph 10</p> <p>It is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.</p> <p>Gov.uk TPO Paragraph 40:</p> <p>Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p>HHMC are aware that Andy Kelcher requested the TPO.</p> <p>Andy has stated that he understood residents were going to be “cutting down the Trees”.</p> <p>HHMC are currently unaware how this information was received by Andy Kelcher. HHMC can confirm that this information is incorrect and believe it to be malicious hearsay.</p> <p>HHMC are pleased that NCC must have agreed that there is no validity of expedience and understand the allegation as hearsay, as such NCC have deliberately not mentioned expedience in the served regulation 3 and regulation 5 notices. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC reference our history of good arboricultural management protocol and processes as per Objection 7.</p> <p>Due to originating TPO request being on false information, HHMC believe the entirety of the subsequent TPO should be disregarded.</p>
RECOMMENDATION	<p>HHMC states the request for a TPO was motivated by false information.</p> <p>Expedience would in any fact be hearsay and inadmissible.</p> <p>HHMC protocols and process prevent improper conduct and action; there is no expedience.</p> <p>Furthermore HHMC can prove a history of good arboricultural management, therefore it is not necessary to make an order.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

OBJECTION 10	Gov.uk TPO Paragraph 22: Evidence of Survey
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 22: Where a Tree Preservation Order may be justified, the officer should gather sufficient information to enable an accurate Order to be drawn up. The officer should record the number and species (or at least the genus) of the individual trees or groups of trees to be included in the Order and their location. A general description of genera should be sufficient for areas of trees or woodlands. It is, however, important to gather enough information to be able to accurately map their boundaries.</p> <p>The officer should also record other information that may be essential or helpful in the future. This may include:</p> <ul style="list-style-type: none"> -information on any people with a legal interest in the land affected by the Order (further guidance can be found in paragraph 32 and paragraph 33; -the present use of the land; -the tree's or trees' importance as a wildlife habitat; and/or -trees which are not to be included in the Order. <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>A general description of genera should be sufficient:</u> HHMC Object, the "drawn up" and served order does not provide sufficient detail of Hebron Hill Trees. There is no description of size, form, density or health of trees. Without this information the TPO has no enforcement and therefore its legality should be questioned. The modification of the served order to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p><u>Accurately map their boundaries</u> HHMC object, the boundaries are inaccurate, with some plots over estimated by up to 3m. The inaccuracy of the order must be questioned and as such its very existence.</p> <p><u>Information on any people with a legal interest in the land affected by the Order</u> HHMC object, the order does not define all parties with legal interest. The inaccuracy of the order must be questioned and as such its very existence.</p> <p><u>The present use of the land;</u> HHMC object, the present use of the land is not clearly stated in the served order. HHMC believes that the present use of the land has not been considered during judgement of the order.</p> <p>The order affects HHMC lands and residential lands. Residents have made significant financial investment to move, purchase property and live at Hebron Hill. A TPO represents a major change to ownership life of all Hebron Hill residents. Residents may not have chosen to purchase these properties if a TPO was already applied, and therefore we believe that retrospectively applying a TPO is grounds for claim and compensation, It should be noted that a TPO can reduce property value by up to 25% and NCC should be held liable.</p> <p><u>The tree's or trees' importance as a wildlife habitat</u> HHMC Object, the trees or trees importance as a wildlife habitat is not documented as rational in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC further state the wildlife impact would be</p>

	<p>minimal, due to the current absence of local wildlife; this is due to neighboring farming operations routinely culling species.</p> <p><u>Trees which are not to be included in the Order</u></p> <p>HHMC Object, despite clear indication that many trees are of poor health or form these have not been excluded from the order. HHMC has Immediate Needs Assessment Survey (APPENDIX E: Immediate Needs Assessment Survey).</p> <p>The fact that the TPO survey did not identify these trees is concerning, it is assumed either NCC were incompetent in survey and the order should be questioned for validity or that NCC deliberately included dangerous trees into the order.</p>
RECOMMENDATION	<p>HHMC is deeply concerned by the TPO survey and form of the order. The competence of the order is questioned and as such its very existence.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p>

OBJECTION 11	TPO Survey – Assessment Factors and Rating Index
REFERENCE	W1, W2, G1
CONTEXT	Gov.uk TPO paragraph 8 Amenity Value Gov.uk TPO Paragraph 10 Expedient in Practice Tilia Tree Evaluation Method for Preservation Orders (TEMPO) Report:
REASONS FOR THE OBJECTION	<p>NCC have a duty to act in an even-handed and open manner. HHMC question whether an STO form of contract is suitable for the appointment of Tilia Services for the TPO survey. HHMC also raise question if Tilia services have stated past relationship with HHMC (Tilia were considered for services by HHMC, but ultimately HHMC selected alternative consultancy services).</p> <p>HHMC object to the assessment factors of Tilia TEMPO Report. HHMC do not see alignment with Tilia TEMPO report and Gov.Uk TPO Paragraph 8 Amenity Value and Paragraph 10 Expediency requirements.</p> <p>HHMC state that the assessment factors are inaccurate, misleading and provide heavy bias to make a TPO.</p> <p>HHMC are deeply concerned by the index scoring system, this is generalized and introduces heavy bias to make a TPO.</p> <p>HHMC make particular note:</p> <ul style="list-style-type: none"> -Many assessment metrics are missing from Tilia TEMPO report. -Visibility metric and index is extremely misleading and inaccurately assessed for Hebron Hill trees. -Other factors metric and index is misleading and bias to a degree that HHMC regarded this as overall score manipulation. -Expediency Index score is inaccurate and entirely based on hearsay, this cannot form part of a formal document and should be dismissed. As per gov.uk TPO paragraph 10 without expediency it is unlikely to require an Order.
RECOMMENDATION	<p>HHMC condemn the TEMPO report. Its inadequacy and deviation from gov.uk TPO guidelines enables a misleading report which serves as severe bias to make a TPO. The survey report should be deemed inadmissible and any subsequently drafted documents which have utilized the survey report should be withdrawn.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p>

OBJECTION 12	Gov.uk TPO Paragraph 23: Site Visit Rights of Access
REFERENCE	W1, W2, G1
CONTEXT	Any person duly authorized in writing by the authority may enter land for the purpose of surveying it in connection with making or confirming an Order if there are reasonable grounds for entering for that purpose.
REASONS FOR THE OBJECTION	<p>HHMC object, we believe the TPO survey to be unlawful access of HHMC lands. A TPO is based on terms: amenity “value to the public” and expedient “risk or danger to the trees”.</p> <p>Amenity Value as per gov.uk TPO paragraph 8 and Expedient assessment as per Gov.uk TPO paragraph 10 can both be conducted without the need to access HHMC private land. HHMC further state amenity assessment is to determine the public value, therefore to prevent bias in the survey, the amenity assessment should be exclusively performed from public accessible land. Any amenity assessment conducted on private land is amenity value that cannot benefit the public and therefore should not form part of the order.</p>
RECOMMENDATION	<p>HHMC see no reasonable grounds for entering the HHMC land. The TPO survey can be conducted remotely or without bias from public lands. HHMC state that the TPO survey and information was illegal obtained and should be inadmissible. All subsequent drafted documents which have utilized the TPO survey information, directly or indirectly, would also be deemed to be inadmissible.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p>

OBJECTION 13	Gov.uk TPO Paragraph 24: Form of the Order
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 24: Form of the Order.</p> <p>Gov.uk TPO Paragraph 7: Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.</p> <p>Gov.uk TPO Paragraph 37: Authorities should bear in mind that, since they are responsible for making and confirming Orders, they are in effect both proposer and judge. They should therefore consider how best to demonstrate that they have made their decisions at this stage in an even-handed and open manner.</p>
REASONS FOR THE OBJECTION	<p>HHMC object, the act is contradictory and ambiguous. HHMC question the legality and validity of the TPO act.</p> <p>Paragraph 24 details the required contents of the served Order.</p> <p>Paragraph 7 states that the Authority should be able to “show the degree of public benefit”</p> <p>Paragraph 37 states authorities should “demonstrate that they have made their decisions at this stage in an even-handed and open manner”.</p> <p>HHMC observe that the served Order as per paragraph 24, contradicts requirements in paragraphs 7 and 37; the served order does not contain information to show degree of public value or provide evidence of an even-handed and open manner decision process. The absence of these important documents provide opportunity for poor protocol and bias during process and decision to make the TPO.</p>
RECOMMENDATION	HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.

OBJECTION 14	Gov.uk TPO Paragraph 27: Groups
REFERENCE	G1
CONTEXT	<p>Gov.uk TPO Paragraph 27: The group category should be used to protect groups of trees where the individual category would not be appropriate and the group's overall impact and quality merits protection.</p> <p>Regulation 3 Notice: 11 Sycamores, land lying to the east of Hebron Hill Farm and directly west of "The Farm House".</p>
REASONS FOR THE OBJECTION	<p>HHMC Object, a TPO applied to G1 will cause significant risk and disruption to HHMC residents, especially the entrance to HHMC and the "The Farm House".</p> <ul style="list-style-type: none"> -G1 Sycamores have limited amenity. -G1 Sycamores are not readily visible from public accessible land. -Sycamore species is not rare. -G1 Sycamores structural condition and form cannot be assessed due to ivy cover, it is irresponsible to protect trees without knowing the condition and health of the tree. HHMC have been removing ivy and structural detailed survey is scheduled for September 2022. (Appendix E: Immediate Needs Assessment Survey). -G1 Sycamores have no expediency. -Sycamores are advised to be a minimum 17m proximity from nearby buildings. The G1 sycamores are within this proximity and therefore require a lot of close attention to minimize risks to the residents. -Sycamores are not advised near housing, they have dense canopies and restrict light to housing. Sycamores also grow approx. 1.75m per year. This is a particular concern to "The Farm House" residents. These trees require regular maintenance to maintain their structure and form, preventing encroachment, impacting residents safety and right for light in their property. -HHMC values the G1 sycamores, however HHMC recognizes that these trees require regular and routine maintenance to maintain safety and amenity to HHMC and residents. -HHMC do not believe a TPO on the G1 sycamores will meet their requirements. -NCC have to date; shown poor communication and incompetent with regards to immediate needs work in W1 and W2 areas. HHMC has no confidence that NCC has capacity or skillset to meet their requirements. -HHMC display good arboricultural management and these trees will be maintained. <p>There is no requirement for G1 sycamores to have a TPO.</p>
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>IF NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

OBJECTION 15	Gov.uk TPO Paragraph 28: Woodlands
REFERENCE	W1, W2
CONTEXT	<p>Gov.uk TPO Paragraph 28: The woodland category’s purpose is to safeguard a woodland as a whole. So it follows that, while some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order.</p> <p>It is unlikely to be appropriate to use the woodland classification in gardens. The woodland category should not hinder beneficial woodland management. Whether or not they make an Order, authorities can consider encouraging landowners to bring their woodlands into proper management under the grant schemes run by the Forestry Commission. If a woodland subject to an Order is not brought into such a scheme, authorities can still encourage applications to manage the trees in ways that would benefit the woodland without making a serious impact on local amenity, for example by making a single application for regularly repeated operations.</p> <p>Regulation 3 Notice: W1: Mixed woodland consisting of sycamore, beech and winch elm, land lying the the west of Hebron Hill Farm directly west of “The Willows” W2: Mixed woodland consisting of sycamore, Beech, Wych Elm, Scots Pine and Silver Birch, land lying to the north east of Hebron Hill Farm and directly north and to the rear of “Woodside and also to the rear of “Oaklands”, “The Sycamore” and “The Firs”.</p>
REASONS FOR THE OBJECTION	<p>HHMC Object, a TPO applied to woodlands W1 and W2, these will cause significant risk and disruption to HHMC residents, especially “willows”, “woodside”, “Oaklands” “The Sycamore” and “The Firs”.</p> <ul style="list-style-type: none"> -W1 has limited amenity. -W2 has no amenity. -W1 is not readily visible from public accessible land. -W2 is not visible from public accessible land. -Species in W1 and W2 are not rare. -Tree structural condition and form cannot be assessed due to ivy cover, it is irresponsible to protect trees without knowing the condition and health of the tree. HHMC have been removing ivy and structural detailed survey is scheduled for September 2022. (Appendix E: Immediate Needs Assessment Survey). -Hebron Hill is exposed to weather, recent winter storms caused damage to some trees in the W1 and W2 areas. The effects of this damage are not yet fully understood to the remaining trees. A TPO acting on these areas is currently irresponsible. Immediate Needs works have been heavily delayed due to the provisional TPO, this has needlessly prolonged risk to HHMC and its residents safety. HHMC will be conducting a detailed survey in September 2022, this will provide long term maintenance plan for the Hebron Hill trees. Any works required will have a short duration to act before winter weather returns. -HHMC do not believe a TPO on the W1 or W2 areas will meet their requirements. -NCC have to date; shown poor communication and incompetency with regards to immediate needs work in W1 and W2 areas. HHMC has no confidence that NCC has capacity or skillset to meet their requirements. -W1 and W2 have no expediency. -Sycamores are advised to be a minimum 17m proximity from nearby buildings. -Beech are advised to be a minimum 15m proximity from nearby buildings.

	<p>-Wych Elm are advised to be a minimum 30m proximity from nearby buildings.</p> <p>-Scots Pine are advised to be a minimum 8m proximity from nearby buildings.</p> <p>-Silver Birch are advised to be a minimum 10m proximity from nearby buildings</p> <p>Trees within W1 and W2 are within this proximity and therefore require a lot of close attention to minimize risks to the residents.</p> <p>-The nature of a Woodlands designation applied in close proximity to housing is irresponsible. W1 and W2 are woodland designation, this protects natural new growth saplings and trees. W1 and W2 boundaries are very close to existing buildings. It is strongly advised to avoid planting trees within the proximity of housing, however the W1 and W2 woodland designation and boundaries will subject HHMC to new 'naturally planted' trees in this proximity zone and furthermore actually protect these trees. This will cause many issues to HHMC residents, impacting property and safety.</p> <p>-W2 designation has applied woodlands category to residential gardens in direct conflict to the TPO act guidelines. NCC judgment and consideration has failed the residents and community of HHMC in this regard. The W2 boundaries are also overstated and encroach on proximity guidelines for housing and trees. HHMC note that "Woodside" and "Oaklands" have over 50% of their land now designated as Woodlands. This represents a significant change in homeownership and lifestyle. HHMC struggle to comprehend how such law can be retrospectively applied, without consideration of the effect to the homeowners. Reports state that TPOs affecting properties can impact value by 25% and can restrict the market for selling. HHMC believe NCC must show responsibility and/or be held liable.</p> <p>-HHMC remain concerned that woodlands category being utilized on communal HHMC lands will also affect the property value and resale potential. As residents our houses represent the largest investment of our lives and this therefore must become a major consideration. Upon purchase of these properties there was no land restrictions, to have TPO restrictions retrospectively applied is deeply concerning. Residents want to utilize these spaces as natural environments, a woodland TPO category will restrict residents due to potential liability, this space will therefore grow wild and resident amenity value will suffer. Residents may not have opted to purchase such properties or paid the value at the time of purchase, if the TPO been applied during development stages.</p> <p>HHMC notes that some residents will highly consider moving from their properties if the TPO is confirmed and will hold NCC accountant and liable for damages.</p> <p>-All species listed in W1 and W2 have rapid yearly growth. This is a particular concern to "willows", "woodside", "Oaklands" "The Sycamore" and "The Firs" residents. These trees require regular maintenance to maintain their structure and form, preventing encroachment, impacting residents safety and right for light in their property.</p> <p>-HHMC values the trees designated in W1 and W2 areas, however HHMC recognizes that these trees require regular and routine maintenance to maintain safety and amenity to HHMC and residents.</p> <p>-HHMC do not believe a TPO on the W1 and W2 areas will meet their requirements.</p> <p>-HHMC display good arboricultural management and these trees will be maintained with legal practice.</p> <p>There is no requirement for W1 and W2 areas to have a TPO.</p>
RECOMMENDATION	<p>HHMC condemn the use of Woodlands on the gardens of HHMC residents, this shows poor judgement and consideration by NCC.</p> <p>HHMC recommend that W2 be greatly reduced to remove the gardens. HHMC further comment that a change of category for the gardens would not be</p>

	<p>permitted, this modification would constitute as substantial change to the TPO and therefore would prevent confirmation of the order, as per paragraph 40. HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>
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OBJECTION 16	Gov.uk TPO Paragraph 33: Regulation 5 Objections
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 33: Explain that objections or representations about any of the trees, groups of trees or woodlands covered by the Order may be made to the authority in accordance with Regulation 6; Contain a copy of Regulation 6; and specify a date (at least 28 days after the date of the notice) by which any objection or representation must be received by the authority.</p>
REASONS FOR THE OBJECTION	<p>NCC have provided HHMC a deadline to object by 22nd August 2022. However, since the order has been served, NCC availability, communication, timely response and quality of response to questions and requests for public information has been extremely poor. HHMC notes that NCC actions during the objection window has highly impacted their response, reducing HHMC objection window by approx. 50%. HHMC subsequently, reserved the right to raise objections. HHMC is deeply concerned by the objection process. HHMC believe their rights are diminished and that bias is favorable with the implementing authority. We request formal meeting to discuss the TPO and our objections.</p>
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect. If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>