

Dickins Shiebert Limited
Solicitors

Mr Kevin Drane
East Cambridge District Council
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Matthew House
45/47 High Street
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Telephone: 01707 851100
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YOUR REF :

OUR REF : TTS/AS/A1.559

DATE : 14 January 2021

BY EMAIL & POST

Dear Sir

**Parish of Sutton in the County of Cambridgeshire
Tree Preservation Order No. TPO/E/04/20**

We act for Abbey Developments Limited and refer to the above Tree Preservation Order enclosed in your letter to them of 15th December 2020.

On behalf of Abbey Developments Limited, we write to object to the confirmation of the Tree Preservation Order and also, to seek further information from the Council. For the avoidance of doubt, this objection is in addition to the objection lodged by our clients Arboriculturist, ADC Environmental, in their letter to you of even date. A copy of this letter is enclosed for ease of reference.

Given that the site affected by the Tree Preservation Order benefits from an existing Outline Planning Permission and is subject to an Agreement entered into by the District Council pursuant to Section 106 of the Town & Country Planning Act 1990, it is surprising that the Council should have decided to make a Tree Preservation Order rather than to address the protection of trees by the enforcement of obligations that already exist and, as appropriate, by the imposition of planning conditions in any Reserved Matters Approval. Therefore, please advise what factors were taken into consideration in forming your decision that it was expedient to make an Order at this time.

Solicitors :-

Tina T. Shiebert BA (Hons) (Director),
Walter J. Lima BA, LL.B (Hons), Priti Mistry LL.B (Hons), Jennifer Miller LL.B (Hons)

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Please also explain how the Council have assessed the amenity value of trees that are subject to the Order?

We await hearing from you.

Yours faithfully

A black rectangular box redacting the signature of the sender.

DICKINS SHIEBERT LIMITED



14th January 2021

FAO Mr. Kevin Drane
East Cambridge District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4 EE

Dear Kevin Drane,

**East Cambridgeshire District Council TPO Ref. TPO/E/04/2017/2015
LAND REAR OF 30 TO 40 GARDEN CLOSE, SUTTON, CAMBRIDGESHIRE**

I refer to your letter of 15th December 2020 to Abbey Developments Ltd, Abbey House, 2 Southgate Road, Potters Bar, EN6 5DU, regarding the imposition of a Tree Preservation Order.

Under Regulation 4(1) of the Town & Country Planning (Trees) Regulations 1999, I hereby object, on behalf of my client Abbey Homes Developments Ltd., to the imposition of the above Tree Preservation Order.

ACD Environmental were originally instructed by Abbey Homes in January 2020, to carry out an arboricultural survey and assessment of the existing trees and vegetation on the above site.

The Tree Preservation Order has been served on the trees with the following justification 'The Tree Team have been consulted regarding the proposed planning application reference 20/01169/RMM. The trees in question to be protected are considered to be significant public amenity, contributing to the biodiversity and green infrastructure of the local area, especially post development.'

The site is currently the subject of a planning application. The imposition of the TPO at this stage, does not fundamentally restrict the existing design proposals, it does however prejudice the extant application consent given at appeal APP/V0510/W/18/3195976.

Within the supporting documentation submitted for the outline application, 17/01445/OUM refused by committee but allowed on appeal, a number of trees were identified for removal. The current planning application 20/00177/RMM by Abbey Homes demonstrates a near identical arboricultural assessment, in that matching trees are being removed. A number of these trees are identified within the Tree Preservation Order.



ACD Environmental at these offices:

(Head Office) Redbourne Rail Business Centre, Grange Lane, Malmesbury, SN16 0ES Tel: 01666 825546

Courtyard House, Mill Lane, Godalming, GU7 1EY Tel: 01483 425714

Suite 6, Crescent House, Yonge Close, Eastleigh, SO50 9SX Tel: 02382 026 300

Email: trail@acdenv.co.uk Website: www.acdenvironmental.co.uk

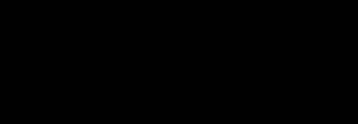
ACD Environmental Ltd Registered Office: Construction House, Runwell Road, Wickford, Essex, SS11 7HQ Co Reg No: 6058718 VAT Reg No: 223 8883 86



Abbey Homes have revised the planning layout for the current planning application so that additional tree removals can now be retained following your consultation response. The remaining areas within the Abbey Homes layout has been drafted in mind of the precedent set for tree removals through the appeal approval. Given this clear precedent, it is inappropriate for these trees to now be included within the served TPO. It is clear at this juncture that the TPO is being used to prevent or inhibit development when it should only be utilised where trees are intrinsically worthy of preservation.

Given the continued open approach Abbey Homes have towards the redevelopment of the site, and the accepted principle of development on the site, It is objected that the proposed Tree Preservation Order should be confirmed on those trees approved for removal as part of the appeal approval. We do however, welcome the TPO on the remaining trees on the site and acknowledge the Councils duty to protect trees when a threat (such as development) arises, whether the threat is real or perceived.

Yours faithfully

Andrew Bigg Cert Arb (RFS)
Senior Arboriculturist
14th January 2021



ACD Environmental at these offices:
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