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**MAIN CASE**

Proposal: Confirmation of Tree Preservation Order E/09/17

Location: Land North of Orton Drive Public Open Space, Witchford,  
Cambridgeshire

Applicant: N/A

Agent: N/A

Reference No: TPO E/09/17

Case Officer: Neil Horsewell, Trees Officer

Parish: Witchford

Ward: Haddenham  
Ward Councillors: Councillor Cheetham  
Councillor Hugo  
Councillor Smith

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**[S161]**

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for a group of 4 Ash trees (G1) and a group of 8 Ash trees (G2). This matter is being referred to Committee to consider the comments and objections received to the serving of the TPO, and the requirement to confirm the TPO within six months to ensure the tree is protected for public amenity.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that this TPO be confirmed, without modifications, for the following reasons:

- The trees provide a significant landscape feature worthy of preservation.
- The site upon which they stand is currently being considered for future development that may have a significant impact upon these trees as they represent a constraint upon the site, yet without a Tree Preservation Order they are afforded no protection from felling.

### 3.0 **COSTS**

If a TPO is made and confirmed, then subsequent applications made for tree works would carry with them an opportunity to claim compensation if, as a result of the Council's decision, the applicant suffers any loss or damage within 12 months of that decision being made.

### 4.0 **BACKGROUND**

4.1 The Order was made because a planning application was received (16/01136/OUM) that raised concerns regarding the long term viability of these trees within a development of the site. The proposal only provided an indicative layout that could not fully ensure the trees would be successfully retained within any approved development. The trees were assessed as providing a significant landscape feature worthy of preservation.

4.2 An objection to the serving of the TPO on the Ash tree groups was received during the consultation period. A copy of the objection received is in Appendix 1 of this report. A copy of the response to the objection is in Appendix 2 of this report.

4.3 In summary the objections made were:

- The order consists of 2 Ash tree groups, while a report in relation to planning application 16/01136/OUM submitted by the Arboricultural consultant on behalf of the applicant, considers the vegetation to comprise of a single group also incorporating Hawthorn and Apple.
- The Ash trees are considered of low amenity value.
- The TPO is considered unnecessary as no further tree losses would occur, as the development proposed does not pose a direct threat to these trees.

4.4 The Council Trees Officer's responses to the objections were:

- The trees visually form two distinct groups by virtue of the existing gap between them, which would also act as the access point for the proposed development site.
- The mature Ash trees were the only trees considered for the TPO as they are the visually dominant species within the tree belt.
- Individually the Ash trees are of a relatively low quality due to lack of recent management, however collectively the trees provide a substantial landscape feature.
- The proposed application 16/01136/OUM has since been refused and therefore these trees are afforded no protection without a TPO. The site is clearly being considered for future development that may impact these trees.

## 5.0 **CONCLUSION**

The protection of these trees ensures the preservation of a distinct landscape feature which under the current circumstances is not assured. As the site upon which they stand is currently being considered for future development, the confirmation of the Tree Preservation Order ensures their current protection and future consideration within any development layout affecting the site.

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<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
<ul style="list-style-type: none"><li>• TPO E/09/17</li><li>• Town &amp; Country Planning Act 1990</li><li>• Town &amp; Country Planning (Tree Preservation)(England) Regulations 2012</li><li>• Tree Preservation Orders – A Guide to the Law and Good Practice</li><li>• BS 5387:2012 Trees in relation to design, demolition and construction - Recommendations</li><li>• East Cambridgeshire Proposed Submission Local Plan</li><li>• Letter of objection to the TPO (See Appendix 1)</li><li>• Letter of response to objection to TPO (See Appendix 2)</li></ul>	Neil Horsewell, Trees Officer Room No. 002 The Grange Ely	Neil Horsewell Trees Officer 01353 616332 <a href="mailto:neil.horsewell@eastcambs.gov.uk">neil.horsewell@eastcambs.gov.uk</a>