

Appendix 1.

EAST CAMBRIDGESHIRE

14 MAY 2015 DMS

DISTRICT COUNCIL

Cracknell Farm
Long Drove
Haddenham
Ely,
Cambs
CB6 3PD

C. White
Senior Trees Officer
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambs
CB7 4EE

TREE PRESERVATION ORDER LAND AT BERRY FEN, DAM BANK DROVE,
HADDENHAM, CAMBRIDGESHIRE NO - E/01/15

We object to the Tree Preservation Order as follows:-

a) We strongly feel that this Tree Preservation Order has been instigated and the behest of a member of public and or the anti wind turbine group as yet another ploy to block this Planning Application. This Planning Application was submitted on 30th June 2014 so there has been ample time to sort this issue.

b) Agricultural machinery is getting wider,taller and longer therefore we

will need, at sometime to widen and or make a new access therefore by having this Tree Preservation Order imposed you are infringing our rights to farm our own land.

Dated 12th May 2015

A large, dark, rectangular redaction box covering the signature of the person on behalf of Mr. R Darby.

Signed on behalf of Mr. R Darby

Mr. A.W.J. Darby

Mrs M.E.Darby

From: Joyce Pam [REDACTED]
Sent: 14 May 2015 12:27
To: Cathy White
Cc: Rigney James; Champion Karen
Subject: Ref: TPO E/01/15 Berry Fen, Dam Bank Drove, Haddenham

Hi Cathy

We have discussed this TPO and we would like to place an objection to this order for the following reasons:-

These trees are close to the carriageway and our policy now states we do not allow trees to be planted within 5m of the highway. These trees were already in place but if in future they become hazardous to the passing public or begin to cause damage to the highway structure then we would look to remove them.

We also get the impression the trees are to be protected because of a proposed development in that area so the TPO appears to be a tool to restrict the development area rather than genuine care for the trees or historical reasons etc. Why have they not been protected before if they are that 'valuable' to the environment?

To conclude I admit I do not have in depth knowledge of the whys and wherefores of tree preservation but this just does give the impression of a 'ploy' rather than genuine reasons so we may be wrong with comments in Item 2.

However TPO granted or not we would still look to action if necessary our rights under item 1.

If you wish to discuss this further then please give me a call.

Kind regards

Pam

Mrs Pam Joyce
Local Highway Officer
Cambridgeshire County Council
Box No: ET1029
Highways Depot
Stirling Way
Witchford
Ely
Cambridgeshire
CB6 3NR

Telephone: [REDACTED]

Direct Line: [REDACTED]

Mobile: [REDACTED]

PLEASE NOTE: Highway faults can be reported online via <http://www.cambridgeshire.gov.uk/highwayfaults>

If you click the link to report a highways fault, this will come through directly to the local officer for the area, and will also be logged onto our system for future reference.

This is to ensure your highway or rights of way issue is recorded and dealt with.

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From: Bruce Caldwell [REDACTED]
 Sent: 01 June 2015 17:21
 To: Cathy White; Penny Mills
 Subject: Berry Fen - TPO ref Trees/Haddenham/TPO/E/01/15
 Attachments: TPO - Berry Fen_Arbicultural Impact Assessment.pdf; Figure 8.5 Ecological Enhancement.pdf; Berry Fen Wind Farm

Dear Ms White

Thank you for your letter and inclusion of the above TPO. Having reviewed the proposal in light of the guidance available and our planning application for the wind farm (14/00728/ESF), which included an Arboricultural Impact Assessment ((AIA) attached for your ease of reference) of these trees as part of the Environmental Statement (ES), I object on the grounds listed below, but predominantly on the basis that the AIA concludes the value of the trees to be removed is low, and mitigation is proposed.

PPG paragraph 007 states:

“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.”

(PPG paragraph 008 goes on to list what might be taken into account by a local authority when assessing amenity value)

The Arboricultural Impact Assessment submitted with the planning application for Berry Fen Wind Farm concludes that the three trees to be removed (T2, T3 and T4) are all of low quality (category C1). This is the case for all except one (T7) of the trees subject to the TPO. T7 is considered to be of moderate quality/value, mainly arboricultural.

In a wide, open landscape including many trees, often of greater value, it is hard to see how the Council can argue that the removal of three 8m high low quality trees would have a **significant negative** impact on the local environment and its enjoyment by the public.

The Landscape and Visual Impact Assessment – Chapter 12 of the Berry Windfarm ES – identifies the filtering effect provided by trees within a flat and otherwise open landscape - paras 12.82 & 12.83 – which cumulatively provide an element of screening; this value isn't attributed to individual specific trees. The loss of T2, T3 and T4 does not materially diminish the filtering or screening effect of trees in this landscape.

Such low quality trees, whilst contributing to biodiversity, do not do so significantly. As part of the application REG Windower have committed to replacing the trees to be removed as mitigation, and proposed enhancement by thickening up the hedge (there is currently no underbrush and the trees have been crown lifted), so providing for a habitat corridor. This was conveyed to Penny Mills in the attached email which is the only communication we have had from ECDC regarding the trees in question, until now. I attach figure 8.5 which shows an additional area for planting scrub / trees at the end of the line of trees in question.

With regards to Green Infrastructure, the Natural England guidance states (page 7):

‘Green Infrastructure is a strategically planned and delivered network comprising the broadest range of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering those ecological services and quality of life benefits required by the communities it serves and needed to underpin sustainability. Its design and management should

also respect and enhance the character and distinctiveness of an area with regard to habitats and landscape types.

Green Infrastructure includes established green spaces and new sites and should thread through and surround the built environment and connect the urban area to its wider rural hinterland. Consequently it needs to be delivered at all spatial scales from sub-regional to local neighbourhood levels, accommodating both accessible natural green spaces within local communities and often much larger sites in the urban fringe and wider countryside.'

The three trees to be removed, and indeed the seven included within the TPO, do not meet this definition.

The land on which the trees are located is not in the same ownership as that of the wind farm development site. Was a Certificate of Ownership issued to CCC as well as the wind farm landowners at the time that the application was made?

Regards

Bruce Caldwell

Bruce Caldwell
Development Manager



REG Windpower
Suite 2
The Coach House
Kelston Park
BATH
BA1 9AE

Tel: [REDACTED]
E: [REDACTED]
W: [REDACTED]

Appendix 2.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
DX41001 ELY Fax: (01353) 665240
www.eastcambs.gov.uk

Mr. A.W.J. Darby & Mrs. M.E. Darby, &
Mr. R. Darby,
Cracknell Farm,
Long Drove,
HADDENHAM.
Cambs.
CB6 3PD

This matter is being dealt with by:

Cathy White

Telephone: 01353 665555

E-mail: cathy.white@eastcambs.gov.uk

My Ref: Trees/Haddenham/TPO/E/01/15

Your ref

22nd May 2015

Dear Mr. A.W.J. Darby & Mrs. M.E. Darby, & Mr. R. Darby,

PARISH OF HADDENHAM IN THE COUNTY OF CAMBRIDGESHIRE
TREE PRESERVATION ORDER LAND AT BERRY FEN, DAM BANK DROVE, HADDENHAM,
CAMBRIDGESIRE NO - E/01/15

Thank you for your letter received 14th May 2015 concerning your objections to the serving of the Tree Preservation Order (TPO) for the seven semi-mature Oak trees on your land at Berry Fen, Dam Bank Drove, Haddenham. I acknowledge receipt of your letter.

I have notified the Planning Manager of your written objections received during the consultation period, which will end on 29th May 2015. She has asked me to prepare a report for the Planning Committee, to be held on Wednesday 1st July 2015, starting at 2pm. It will be for the Planning Committee to decide whether the Tree Preservation Order should remain in place and be confirmed.

You will be welcome to attend the meeting and if you would like to speak to the Committee Members at the meeting, I enclose a leaflet explaining the procedure. The meeting will be held at the Council Offices, The Grange, Ely, in the Council Chamber. My report will include a synopsis of the objections received, for Members to consider. A copy of your letter of objection will be made available for Members to see in full prior to the meeting. Members of Planning Committee will also make a site visit prior to the meeting.

I note your points of objection and I appreciate your concerns. Your objections were:

- a. The TPO has been served at the behest of a member of the public and is a ploy to block the planning application 14/00728/ESF for the installation of wind turbines.
- b. The TPO will infringe your rights as landowners to widen or make a new access to your own farm land in future, as agricultural machinery is getting wider, taller and longer, which may require removal of trees on your land.

I will send you a copy of the report I will be submitting to the Planning Committee 1st July 2015, recommending the confirmation of the tree preservation order. In response to the objections you raise I would make the following comments:

- a. The Trees Officers were consulted on the planning application 14/00728/ESF by the Planning Case Officer, and responded there is an opportunity for the developers to use the current gaps between the trees on the southern boundary of the site, avoiding the need to fell any of the Oak trees. The

developers responded to this request and stated this is not their preferred option and still propose to fell 3 Oak trees to create the new access. The Senior Trees Officer therefore recommended the serving of the TPO as the trees had no other protection and the TPO was served on 28th April 2015. If the TPO had not been served, the trees could be removed before the planning application is determined, therefore not allowing an opportunity for further debate on the location of the new access onto the site from Dam Bank Drove and retention of boundary trees.

- b. Any member of the public can approach their Local Planning Authority and request the serving of a TPO to protect trees. The Local Planning Authority should respond to such requests and assess if the tree(s) nominated are suitable for TPO. In practice one of the common situations in which any local authority is likely to consider making a TPO is when the authority becomes aware of a proposal to carry out development on land on which there are trees.
- c. The TPO requires the owners to apply for tree work that is considered and approved by the local authority. However, the TPO will not stop owners managing their trees, and the local authority will consider future TPO tree work applications to prune or remove tree(s) if it is shown the access needs to be widened for new agricultural machinery.

Please do not hesitate to contact me if you need to discuss this matter further.

Yours sincerely,

Cathy White
Senior Trees Officer



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
DX41001 ELY Fax: (01353) 665240
www.eastcambs.gov.uk

Cambridgeshire County Council,
Rights of Way & Access Team,
F.a.o Mrs. Pam Joyce, Local Highway Officer,
Stirling Way,
ELY.
Cambs.
CB6 3NR

This matter is being dealt with by:

Cathy White

Telephone: 01353 665555

E-mail: cathy.white@eastcambs.gov.uk

My Ref: Trees/Haddenham/TPO/E/01/15

Your ref

22nd May 2015

Dear Mrs. Joyce,

PARISH OF HADDENHAM IN THE COUNTY OF CAMBRIDGESHIRE
TREE PRESERVATION ORDER LAND AT BERRY FEN, DAM BANK DROVE, HADDENHAM,
CAMBRIDGESIRE NO - E/01/15

Thank you for your email received 14th May 2015 concerning your objections to the serving of the Tree Preservation Order (TPO) for the seven semi-mature Oak trees on land at Berry Fen, Dam Bank Drive, Haddenham. I acknowledge receipt of your email.

I have notified the Planning Manager of your written objections received during the consultation period, which will end on 29th May 2015. She has asked me to prepare a report for the Planning Committee, to be held on Wednesday 1st July 2015, starting at 2pm. It will be for the Planning Committee to decide whether the Tree Preservation Order should remain in place and be confirmed.

You will be welcome to attend the meeting and if you would like to speak to the Committee Members at the meeting, I enclose a leaflet explaining the procedure. The meeting will be held at the Council Offices, The Grange, Ely, in the Council Chamber. My report will include a synopsis of the objections received, for Members to consider. A copy of your email of objection will be made available for Members to see in full prior to the meeting. Members of Planning Committee will also make a site visit prior to the meeting.

I note your points of objection and I appreciate your concerns. Your objections were:

- a. These trees are close to the carriageway and your policy now states you do not allow trees to be planted within 5m of the highway. These trees were already in place but if in future they become hazardous to the passing public or begin to cause damage to the highway structure then you would look to remove them.
- b. You also get the impression the trees are to be protected because of a proposed development in that area so the TPO appears to be a tool to restrict the development area rather than genuine care for the trees or historical reasons etc. Why have they not been protected before if they are that 'valuable' to the environment?

I will send you a copy of the report I will be submitting to the Planning Committee 1st July 2015, recommending the confirmation of the tree preservation order.

In response to the objections you raise I would make the following comments:

- a. The TPO requires applications for tree work that will be considered and suitable tree works approved by the local authority. However, the TPO will not stop any planned management of the trees, and the local authority will also consider TPO tree work applications for pruning or removal of tree(s), and approve agreed works required. This would resolve the problem you raise, preventing the trees becoming hazardous to the public and to the highway structure. The TPO does not alter the Highways Authority's rights in managing the public highway as you state in your email.
- b. The trees are important in the local landscape and environment. The reason the trees have not been protected before is not a reflection on their value to the environment. In practice one of the common situations in which any local authority is likely to consider making a TPO is when the authority becomes aware of a proposal to carry out development on land on which there are trees, and especially where currently unprotected trees are proposed to be removed for development.
- c. The Trees Officers were consulted on the planning application 14/00728/ESF by the Planning Case Officer, and requested there is an opportunity for the developers to use the current gaps between the trees on the southern boundary of the site, avoiding the need to fell any of the Oak trees, but the developers have responded to this request and stated this is not their preferred option and still propose to fell 3 Oak trees to create the new access. The Senior Trees Officer therefore recommended the serving of the TPO as the trees had no other protection and the TPO was served on 28th April 2015. If the TPO had not been served, the trees could have been removed before the planning application is determined, therefore not allowing an opportunity for further debate on the location of the new access onto the site from Dam Bank Drove and retention of boundary trees.

Please do not hesitate to contact me if you need to discuss this matter further.

Yours sincerely,

Cathy White
Senior Trees Officer

Copy to: Mr. James Rigney, District Highways Manager.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
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Mr. Bruce Caldwell, Development Manager,
REG Windpower,
Suite 2, The Coach House,
Kelston Park,
BATH.
BA1 9AE

This matter is being dealt with by:

Cathy White

Telephone: 01353 665555

E-mail: cathy.white@eastcambs.gov.uk

My Ref: Trees/Haddenham/TPO/E/01/15

Your ref

5th June 2015

Dear Mr. Caldwell,

PARISH OF HADDENHAM IN THE COUNTY OF CAMBRIDGESHIRE
TREE PRESERVATION ORDER LAND AT BERRY FEN, DAM BANK DROVE, HADDENHAM,
CAMBRIDGESHIRE NO - E/01/15

Thank you for your email received 1st June 2015 concerning your objections to the serving of the Tree Preservation Order (TPO) for the seven semi-mature Oak trees on land at Berry Fen, Dam Bank Drive, Haddenham. I acknowledge receipt of your email.

I have notified the Planning Manager of your written objections received just after the consultation period, which ended on 29th May 2015. She has asked me to prepare a report for the Planning Committee, to be held on Wednesday 1st July 2015, starting at 2pm. It will be for the Planning Committee to decide whether the Tree Preservation Order should remain in place and be confirmed.

You will be welcome to attend the meeting and if you would like to speak to the Committee Members at the meeting, I enclose a leaflet explaining the procedure. The meeting will be held at the Council Offices, The Grange, Ely, in the Council Chamber. My report will include a synopsis of the objections received, for Members to consider. A copy of your email of objection will be made available for Members to see in full prior to the meeting. Members of Planning Committee will also make a site visit prior to the meeting.

I note your points of objection and I appreciate your concerns. Your objections were:

- a. These trees were included in the Arboricultural Impact Assessment submitted with the planning application for Berry Fen Wind Farm and six of the TPO Oak trees were described as of low quality and one Oak tree (T7) was considered of moderate quality/value.
- b. There are many other trees in the wider landscape of greater amenity value and it is therefore hard to see how the Council can argue the removal of three of the Oak trees for the proposed development, assessed to be of low quality, would have a significant negative impact on the local environment and its enjoyment by the public.
- c. Such low quality trees, whilst contributing to biodiversity, do not do so significantly. There is a commitment to replacing the trees to be removed as mitigation and also further planting to enhance the hedge providing a habitat corridor.
- d. The seven Oak trees do not meet the Green Infrastructure definition of Natural England guidance.

I will send you a copy of the report I will be submitting to the Planning Committee 1st July 2015, recommending the confirmation of the tree preservation order.

In response to the objections you raise I would make the following comments:

- a. Under the Town & Country Planning Act 1990, Town & Country Planning (Tree Preservation) (England) Regulations 2012, when the Local Planning Authority decides to serve a new TPO "amenity" is not specifically defined, so when making the assessment of the amenity value of the seven Oak trees for this TPO E/01/15, the assessment is therefore not bound by definitions in other specific guidance as quoted in your email to support your objections (that the three Oak trees you propose to remove are of low quality and do not meet the definition of Natural England Green Infrastructure guidance).
- b. A TPO Assessment was made prior to serving the TPO E/01/15 and concluded it was expedient to serve the TPO on the seven Oak trees in the interests of amenity as a reasonable degree of public benefit would accrue, given public support as illustrated by objections directly received by the Senior Trees Officer from several members of the public to the proposed removal of 3 of the Oak trees for the Berry Fen Wind Farm development.
- c. The Trees Officers were consulted on the planning application 14/00728/ESF by the Planning Case Officer, and requested there is an opportunity for the developers to use the current gaps between the trees on the southern boundary of the site, avoiding the need to fell any of the Oak trees. The response received to the request stated four alternative scenarios were looked at to avoid felling the trees but the original proposal to fell 3 Oak trees to create the new access was concluded as the only viable option, with the offer to provide additional tree planting to compensate for this loss. The Senior Trees Officer therefore recommended the serving of the TPO as the trees had no other protection and the TPO was served on 28th April 2015. If the TPO had not been served, the trees could have been removed before the planning application is determined, therefore not allowing an opportunity for further debate on the location of the new access onto the site from Dam Bank Drove and retention of boundary trees.

With regard to your last paragraph about the ownership of the land on which the TPO trees stand, the TPO was served on all adjacent landowners including Cambridgeshire County Council Rights of Way & Access Team (Highways). When serving TPO's it is not for the Local Planning Authority to determine who is legally the owner of the land on which the tree(s) stand and the question of who legally owns the land on which these TPO Oak trees stand does not affect the validity of the TPO E/01/15. Land Registry searches were made and the directly affected land owners identified and served notice of the TPO, along with all the interested parties affected by the serving of the TPO including the applicants for Berry Fen Wind Farm and the County Council, given there is a public right of way adjacent to the TPO trees.

Please do not hesitate to contact me if you need to discuss this matter further.

Yours sincerely,

Cathy White
Senior Trees Officer

Appendix 3.

Cathy White

From: Cathy White
Sent: 12 August 2015 07:35
To: Mark Hugo (SMTP); Steve Cheetham Cllr
Cc: Stuart Smith Cllr
Subject: RE: Tree Preservation Order - E/01/15

Dear Councillor Hugo and Councillor Cheetham,

Thank you both for your emails formally expressing support for the confirmation of the Tree Preservation Order E/01/15.

I will include reference of your support in the report to be presented to Planning Committee on Wednesday 2nd September 2015.

Kind regards,

Cathy White.

From: Mark Hugo [mailto:████████████████████]
Sent: 10 August 2015 14:52
To: Cathy White
Subject: RE: Tree Preservation Order - E/01/15

Dear Cathy

I would also like to register that I completely support Councillor Cheetham's views below and wish that recorded

Kind Regards

Councillor Mark Hugo

From: Steve Cheetham [mailto:████████████████████]
Sent: 10 August 2015 12:02
To: cathy.white@eastcambs.gov.uk
Cc: stuart.smith@eastcambs.gov.uk; mark.hugo@eastcambs.gov.uk
Subject: Re Tree Preservation Order - E/01/15

Dear Cathy,

I wish to formally register my support for the confirmation of the Tree Preservation Order E/01/15 for the following reasons:

- 1) There are very few trees in the fens and therefore this line of Oak trees which is relatively uncommon, is a significant landscape feature and adds to the amenity value of of the local landscape.
- 2) These Oak trees are relatively young and in reasonable health and will be the home for much wildlife and contribute to the rich diversity of vegetation along the droves in the local landscape.
- 3) Although Agricultural machinery is clearly sometimes very large there are clearly many other points of entry to this farmland that will not require the removal of the Oaks Trees under this order.
- 4) This order does not prevent the land owner managing their trees merely,y that before any work is undertaken this has to be considered and approved by the local authority.

I hope the above is clear, if however you have any questions in connection with the above please do not hesitate to contact me.

Kind Regards

Steve

Steve Cheetham

steve.cheetham@eastcambs.gov.uk

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Version: 2015.0.6086 / Virus Database: 4392/10409 - Release Date: 08/10/15

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.6086 / Virus Database: 4392/10409 - Release Date: 08/10/15

Cathy White

From: Cathy White
Sent: 12 August 2015 14:16
To: 'Stuart Smith'
Subject: RE: Tree Preservation Order - E/01/15

Dear Councillor Smith,

Thank you for your email of support for the confirmation of the TPO E/01/15.

I shall be pleased to make reference to your support for the confirmation too.

Kind regards,

Cathy White.

From: Stuart Smith [mailto:stuart.smith@eastcambs.gov.uk]
Sent: 12 August 2015 13:13
To: Cathy White
Cc: Mark Hugo (SMTP); Steve Cheetham Cllr; Stuart Smith Cllr
Subject: Re: Tree Preservation Order - E/01/15

Cathy

Not sure if you received my email but I also support Steve on this issue

Stuart

Sent from my iPhone

On 12 Aug 2015, at 07:34, Cathy White <Cathy.White@eastcambs.gov.uk> wrote:

Dear Councillor Hugo and Councillor Cheetham,

Thank you both for your emails formally expressing support for the confirmation of the Tree Preservation Order E/01/15.

I will include reference of your support in the report to be presented to Planning Committee on Wednesday 2nd September 2015.

Kind regards,

Cathy White.

From: Mark Hugo [mailto:mark.hugo@eastcambs.gov.uk]
Sent: 10 August 2015 14:52
To: Cathy White
Subject: RE: Tree Preservation Order - E/01/15

Dear Cathy

I would also like to register that I completely support Councillor Cheetham's views below and wish that recorded

Kind Regards

Councillor Mark Hugo

From: Steve Cheetham [mailto:steve.cheetham@eastcambs.gov.uk]
Sent: 10 August 2015 12:02
To: cathy.white@eastcambs.gov.uk
Cc: stuart.smith@eastcambs.gov.uk; mark.hugo@eastcambs.gov.uk
Subject: Re Tree Preservation Order - E/01/15

Dear Cathy,

I wish to formally register my support for the confirmation of the Tree Preservation Order E/01/15 for the following reasons:

1) There are very few trees in the fens and therefore this line of Oak trees which is relatively uncommon, is a significant landscape feature and adds to the amenity value of the local landscape.

2) These Oak trees are relatively young and in reasonable health and will be the home for much wildlife and contribute to the rich diversity of vegetation along the droves in the local landscape.

3) Although Agricultural machinery is clearly sometimes very large there are clearly many other points of entry to this farmland that will not require the removal of the Oaks Trees under this order.

4) This order does not prevent the land owner managing their trees merely, y that before any work is undertaken this has to be considered and approved by the local authority.

I hope the above is clear, if however you have any questions in connection with the above please do not hesitate to contact me.

Kind Regards

Steve

Steve Cheetham

steve.cheetham@eastcambs.gov.uk

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