

Appendix 1.

Neil Horsewell

From: ALEXIS SINCLAIR [REDACTED]
Sent: Tuesday, May 26, 2015 9:25 PM
To: Neil Horsewell
Subject: Re: RE: TPO E/02/15

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: TPO

Dear Mr Horsewell

With regards to your previous email, yes I am formally objecting to the new TPO, based on the grounds outlined in my previous email.

Furthermore, i have been told by a tree surgeon that tree roots usually spread as far as the branches. If this is true then the roots from this tree should well be on their way into the footings of my property.

Best Regards

A.J Sinclair

----Original message----

From : Neil.Horsewell@eastcambs.gov.uk

Date : 26/05/2015 - 11:04 (GMTST)

To : [REDACTED]

Subject : RE: TPO E/02/15

Dear Mr Sinclair,

Regarding your concerns as to how you are able to effectively manage the tree that a Tree Preservation Order is in place I would like to refer you to Question 11 within the document *Protected trees, A Guide to tree preservation procedure* sent with the notification of the Order:

What if I want to work on a tree covered by a tree preservation order?

Apart from special exceptions (see questions 13-15) you (or your agent) must seek permission from the local planning authority by submitting a standard application form to it. The form is available from the Planning Portal (www.planningportal.gov.uk) or the authority. It is important to clearly specify the work you want done and provide information to support your case (such as professional advice on the health of the tree and, in cases of alleged subsidence, professional evidence on the soil, the structure affected and the tree).

Before making an application you may find it helpful to consult a tree surgeon or arboricultural consultant to help you clarify what you need to do. Information on selecting a tree expert can be found at www.tree-care.info/findanarb.

You may also find it helpful to refer to the local planning authority's website for information on tree protection in the local area.

Applications regarding the management of the tree would be considered in terms of good arboricultural practice and if the works were to effectively manage the concerns raised within your email this would be likely to receive our approval. I believe the discussion I had with your partner during my site visit in which I would have supported any tree works was in regard to this type of management.

Please could you clarify if you are formally expressing your objection to the new Tree Preservation Order as you do have a legal right to raise your objection.

Please do not hesitate to contact me if you require more information,

Regards,

Neil Horsewell
Tree Officer
Office: 01353 665 555
www.eastcambs.gov.uk
East Cambridgeshire District Council

From: ALEXIS SINCLAIR [REDACTED]
Sent: Tuesday, May 19, 2015 10:38 PM
To: Neil Horsewell
Subject: TPO E/02/15

Dear Neil

I am sorry to hear you could not speak to us directly about the tree, we were still waiting for you to get back to us, and did not have any indication you were trying to get hold of us.

Regarding the decision you have made about the tree, I believe that there is a risk of further damage to my property from this tree's branches.

Many large branches have already fallen, damaging roof tiles, guttering and the oil tank nearby (only the oil level sensor which was lucky), and a neighbor's fence.

Considering there are many more large branches much higher than the ones that have fallen already directly above the roof of my property, the TPO you have now issued on the tree prevents me from even trimming the tree.

When you were on site you told my partner that you couldn't see it being a problem to cut it, what has changed between now and then?

Am i just supposed to wait for a branch to fall through the roof whilst asleep?

Best Regards

A.J Sinclair

4 Holland Park
Cheveley
Newmarket
Suffolk
CB89DL

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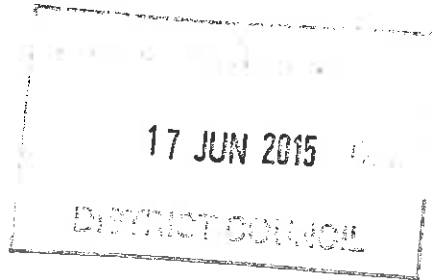
Cheveley Parish Council
c/o 3 Holland Park, Cheveley, Newmarket CB8 9DL

Chair: Richard Jackson
Vice chair: Claire Elbrow
Acting Clerk: Sheila Marvin

email: richard.jackson@cheveley.org
email: claire.elbrow@cheveley.org
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East Cambridgeshire District Council
The Grange
Nutholt Lane
ELY
Cambridgeshire
CB7 4EE



Attn: Neil Horsewell, Tree Officer

13 June 2015

By Post and Email

Dear Sirs

Your Ref: Trees/Cheveley/TPO E/02/15

Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Cheveley Parish Council received notification of the above Tree Preservation Order. At the Parish Council Meeting of 9 June 2015, under agenda item 7.1, the Council agreed to object to the TPO for the following reasons:

- Several neighbours who would be affected by the TPO have made their objection known to the Council;
- The Council is aware that ash die-back has already been noted in ash trees in the area, so this tree may also become infected;
- This is a heavily wooded area, with numerous large and mature trees, so this one is not a rarity;
- The Council has plans under its biodiversity duty to plant new trees on land owned or managed by the Council to replace diseased, dangerous or over-mature trees.

Yours faithfully

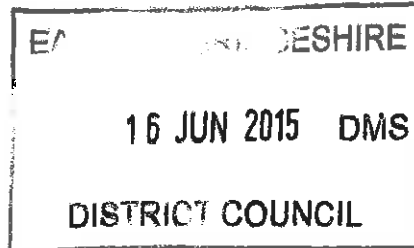
Sheila Marvin
Acting Clerk
Cheveley Parish Council

Sheila Marvin
3 Holland Park
Cheveley, Newmarket CB8 9DL

Tel: [REDACTED]

Email: [REDACTED]

East Cambridgeshire District Council
The Grange
Nutholt Lane
ELY
Cambridgeshire
CB7 4EE



13 June 2015

Attn: Neil Horseywell, Tree Officer

By Post and Email

Dear Sirs

**Your Ref: Trees/Cheveley/TPO E/02/15
Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012**

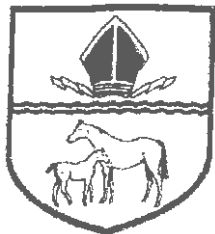
I have been notified by you that a TPO was put on the ash tree on the boundary between 4 Holland Park and 57 High Street, Cheveley, on 15 May 2015 which may be confirmed within the next six months. I ask the Planning Committee to consider my objections to the TPO:

- Over the 20 years I have lived at this address, this tree has been noted for shedding branches, particularly during high winds, possibly because this area is a 'wind tunnel', as demonstrated by the regular collapse of fence panels several times a year. The Tree Officer may have noticed a fallen fence panel when he visited.
- It is a tall tree which 'looms' over neighbouring bungalows. The trunk is about 20 feet from No. 4 and about 50 feet from No 3. Its branches of course are much closer.
- There is a Planning Application (currently withdrawn before re-submission) to build a bungalow at the back of 57 High Street, which would be yet another dwelling which may be damaged if this tree should shed more branches or fall.
- There are already ash trees in this immediate area which are showing signs of ash die-back. If this tree becomes affected, it will become increasingly dangerous as it dies.
- There is a slightly smaller tree next to this tree which will grow to take its place.
- We already have a wealth of trees on this estate, smaller in size (30-40 feet high) but commensurate with the single storey homes with small gardens which comprise most of the estate. In neighbouring back gardens there are a number of older and larger trees. Nearby in the Cheveley Recreation Ground there are huge horse chestnuts, oaks, beech, sycamore etc. The surrounding studs also contain many mature trees in woodlands and fence lines. This is an area of extensive natural woodland, this particular tree is not a rare species, it is not even attractive, and I can see no reason for it to be preserved.

Yours faithfully


Sheila Marvin

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 Sinclair
4 Holland Park
Cheveley
CB8 9DL

This matter is being dealt with by:

Neil Horsewell

Telephone: 01353 665555
E-mail: neil.horsewell@eastcambs.gov.uk
My Ref: Trees/Cheveley/TPO/E/02/15

Your ref

5th June 2015

Dear Mr Sinclair,

PARISH OF CHEVELEY IN THE COUNTY OF CAMBRIDGESHIRE
TREE PRESERVATION ORDER LAND AT BOUNDARY BETWEEN 4 HOLLAND PARK AND 57 HIGH STREET, CHEVELEY, CAMBRIDGESIRE NO - E/02/15

Thank you for your email received 26th May 2015 concerning your objections to the serving of the Tree Preservation Order (TPO) for the Ash tree on your land at 4 Holland Park, Cheveley. 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 19th June 2015. She has asked me to prepare a report for the Planning Committee, to be held on Wednesday 2nd September 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. There is a risk of further damage to my property from this tree's branches.
- b. The roots from this tree should well be on their way into the footings of my property.

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

- a. The TPO will not stop owners managing their trees. The local authority will consider any future TPO tree work applications supported by professional arboricultural evidence for any required tree works identified.

In the matter of potential damage to the property from failing branches, this risk can be assessed by a professional Arboriculturalist who during their inspection of the tree should identify any defects that present a foreseeable risk. If any defects are observed and tree works recommended to address those defects, this could then be submitted to support a future tree work application. The recommendations could then be assessed by the local authority as part of the application process for their suitability to manage that risk in terms of good arboricultural practice.

- b. Regarding the close proximity of the Ash tree to your property and the extent of tree's roots towards the property, the local authority has not been previously made aware of any alleged damage to the structure relating to the tree in question to date.

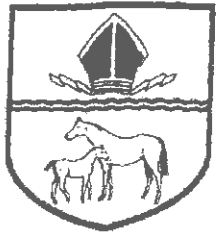
Please do not hesitate to contact me if you need to discuss this matter further.

Yours sincerely,



Neil Horsewell
Trees Officer

Copy



**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

Sheila Marvin
Clerk to Cheveley Parish Council
3 Holland Park
Cheveley
Newmarket
CB8 9DL

This matter is being dealt with by:

Neil Horsewell
Telephone: 01353 665555
E-mail: neil.horsewell@eastcambs.gov.uk
My Ref: Trees/Cheveley/TPO/E/02/15

Your ref

22nd June 2015

Dear Sir/Madam,

PARISH OF CHEVELEY IN THE COUNTY OF CAMBRIDGESHIRE
TREE PRESERVATION ORDER LAND AT BOUNDARY BETWEEN 4 HOLLAND PARK AND 57 HIGH
STREET, CHEVELEY, CAMBRIDGESHIRE NO - E/02/15

Thank you for your letter received 17th June 2015 concerning your objections to the serving of the Tree Preservation Order (TPO) for the Ash tree on land at 4 Holland Park, Cheveley. I acknowledge receipt of your letter.

I have notified the Planning Manager of the Parish Council's written objections received during the consultation period, which ended on 19th June 2015. She has asked me to prepare a report for the Planning Committee, to be held on Wednesday 2nd September 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.

A representative of the Parish Council will be welcome to attend the meeting and if they 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 Cheveley Parish Council's 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 the Parish Council's points of objection and I appreciate the Council's concerns. The Council's objections were:

- a. Several neighbours who would be affected by the TPO have made their objection known to the Council.
- b. The Council is aware that ash die-back has already been noted in ash trees in the area, so this tree may also become infected.
- c. This is a heavily wooded area, with numerous large and mature trees, so this one is not a rarity.
- d. The council has plans under its biodiversity duty to plant new trees on land owned or managed by the Council to replace diseased, dangerous or over-mature trees.

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

- a. Neighbouring properties to 4 Holland Park were formally consulted upon the serving of this TPO. The objections we have received within the consultation period will be considered by Members of Planning Committee, as it will be for the Planning Committee to decide whether the Tree Preservation Order should remain in place and be confirmed.
- b. There is a known risk of Ash dieback disease to the Ash trees within our County but at the time of my site visit upon 6th May 2015 the ground inspection of the Ash tree showed no signs of infection of Ash dieback (*Hymenoscyphus fraxineus*).

Current guidance from the Forestry Commission release *Chalara dieback of ash (Hymenoscyphus fraxineus) updated 16/06/15* advises tree owners:

- You are not required to take any particular action if you own infected trees, unless we or another plant health authority serves you with a statutory Plant Health Notice requiring action.
- Keep an eye on the trees' safety as the disease progresses, and prune or fell them if they or their branches threaten to cause injury or damage.

I also note it is in the interest of the response to this disease to maintain the Ash tree population as individual specimens may have a genetic resistance that could be propagated.

The serving of a TPO on an Ash tree does not prevent the tree owners from following the advice of the Forestry Commission, if tree work is required due to the progression of disease this would be duly considered by the Local Authority as part of the tree work application process.

- c. When serving TPOs the guidance to Local Authorities is to demonstrate that a reasonable degree of public benefit would accrue by being visible to the public and for the trees' intrinsic beauty and contribution to the local landscape.

I am of the opinion that as the Ash tree is highly visible within the local landscape and of sufficient amenity for the Local Authority to seek its preservation. The fact that the area has a wealth of mature trees does not negate the need to preserve individual trees that help provide that wealth of natural beauty.

- d. I am pleased to note Cheveley Parish Council's biodiversity plans to include new tree planting within Cheveley but this does not to mitigate the loss of the protected Ash tree at 4 Holland Park.

The Ash tree is within private ownership and it is with the powers of Tree Preservation Orders that the Local Authority can ensure replacement planting by the owner of the protected tree if they are required to be removed for being diseased or dangerous.

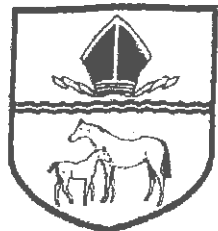
Please do not hesitate to contact me if you need to discuss this matter further.

Yours sincerely,



Neil Horsewell
Trees Officer

Copy.



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

Mrs Sheila Marvin
3 Holland Park
Cheveley
CB8 9DL

This matter is being dealt with by:

Neil Horsewell

Telephone: 01353 665555
E-mail: neil.horsewell@eastcambs.gov.uk
My Ref: Trees/Cheveley/TPO/E/02/15

Your ref

22nd June 2015

Dear Mrs Marvin,

PARISH OF CHEVELEY IN THE COUNTY OF CAMBRIDGESHIRE
TREE PRESERVATION ORDER LAND AT BOUNDARY BETWEEN 4 HOLLAND PARK AND 57 HIGH STREET, CHEVELEY, CAMBRIDGESIRE NO - E/02/15

Thank you for your letter received 16th June 2015 concerning your objections to the serving of the Tree Preservation Order (TPO) for the Ash tree on land at 4 Holland Park, Cheveley. I acknowledge receipt of your letter.

I have notified the Planning Manager of your written objections received during the consultation period, which ended on 19th June 2015. She has asked me to prepare a report for the Planning Committee, to be held on Wednesday 2nd September 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 tree has been noted for shedding branches.
- b. It is a tall tree which 'looms' over neighbouring bungalows. The trunk is about 20 feet from No. 4 and about 50 feet from No.3. Its branches of course are much closer.
- c. There is a Planning Application (currently withdrawn before re-submission) to build a bungalow at the back of 57 High Street, which would be yet another dwelling which may be damaged if this tree should shed more branches or fall.
- d. There are already ash trees in this immediate area which are showing signs of ash die-back. If this tree becomes affected, it will become increasingly dangerous as it dies.
- e. There is a slightly smaller tree next to this tree which will grow to take its place.

- f. We already have a wealth of trees on this estate, smaller in size but commensurate with the single storey homes with small gardens which comprise most of the estate. In neighbouring back gardens there are a number of older and larger trees. Nearby in the Cheveley Recreation Ground there are huge horse chestnuts, oaks, beech, sycamore etc. The surrounding studs also contain many mature trees in woodlands and fence lines. This is an area of extensive natural woodland, this particular tree is not a rare species, it is not even attractive, and I can see no reason for it to be preserved.

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

- a. The TPO will not stop owners managing their trees and given the concerns raised we would advise the owners to seek professional arboricultural advice. The local authority will consider any future TPO tree work applications supported by professional arboricultural evidence and recommendations for any required tree works identified.

In the matter of potentially failing branches, this risk can be assessed by a professional Arboriculturalist who during their inspection of the tree should identify any defects that present a foreseeable risk. If any defects are observed and tree works recommended to address those defects, this could then be submitted to support a future tree work application. The recommendations could then be assessed by the local authority as part of the application process for their suitability to manage that risk in terms of good arboricultural practice.

- b. I note your concerns over the size and proximity of the Ash tree to neighbouring property. Where neighbours have concerns relating to the size of trees we would advise them to raise those concerns with the trees' owners. Owners would be advised to seek the advice of a professional Arboriculturalist who, would assess and recommend any required remedial works identified to address those concerns. If any tree works were recommended and a tree work application submitted this would be assessed by the local authority.
- c. In relation to planning applications at 57 High Street, Cheveley, I was consulted regarding application 15/00170/OUT where the proximity of the Ash tree was considered in relation to the proposal. My comments to the Planning Officer stated that there is a likely impact upon the trees neighbouring the site and I affirmed the requirement for an Arboricultural Impact Assessment for the application.
- d. There is a known risk of Ash dieback disease to the Ash trees within our County but at the time of my site visit upon 6th May 2015 the ground inspection of the Ash tree showed no signs of infection of Ash dieback (*Hymenoscyphus fraxineus*).

Current guidance from the Forestry Commission release *Chalara dieback of ash (Hymenoscyphus fraxineus) updated 16/06/15* advises tree owners:

- You are not required to take any particular action if you own infected trees, unless we or another plant health authority serves you with a statutory Plant Health Notice requiring action.
- Keep an eye on the trees' safety as the disease progresses, and prune or fell them if they or their branches threaten to cause injury or damage.

I also note it is in the interest of the response to this disease to maintain the Ash tree population as individual specimens may have a genetic resistance that could be propagated.

The serving of a TPO on an Ash tree does not prevent the tree owners from following the advice of the Forestry Commission, if tree work is required due to the progression of disease would be duly considered by the Local Authority as part of the tree work application process.

- e. The purpose of the TPO is to protect the tree at this time as it is deemed to have a current amenity value that is threatened. The replacement tree you refer to is not of a comparable amenity value to mitigate the loss of the protected tree.
- f. When serving TPOs the guidance to Local Authorities is to demonstrate that a reasonable degree of public benefit would accrue by being visible to the public and for the trees' intrinsic beauty and contribution to the local landscape.

I am of the opinion that as the Ash tree is highly visible within the local landscape and of sufficient amenity for the Local Authority to seek its preservation. The fact that the area has a wealth of mature trees does not negate the need to preserve individual trees that help provide that wealth of natural beauty.

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

Yours sincerely,



Neil Horsewell
Trees Officer