

APPENDIX 1.

Letter of objection to the TPO received on behalf of the owners.

To be circulated to Planning Committee Members prior to the Planning Committee meeting on 6th February 2019.



Ms Rebecca Saunt
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

Date: 14th December 2018
Our Ref: AR/MBCP/273511-0002
Your Ref: [REDACTED]
Direct No: [REDACTED]
Direct Fax: [REDACTED]
Email: [REDACTED]
Dept: Commercial Property

Dear Ms Saunt

Our Client: [REDACTED]
Tree Preservation Order – Land at 45 and 47, and rear of 45 and 43 High Street,
Cheveley – No. – E/06/18

I have been instructed by the owners of the land on which the above Tree Preservation Order (TPO) has been issued to formally object to the confirmation of the order.

I have attached a justification document prepared by Lesley Dickinson, BSC Lam, MARborA., managing director of Trees in Planning Limited, who has set out in details the reasoning for our objection, in particular our concerns regarding the justification in respect of some of the trees included in the TPO.

We believe that the serving of this order is based on concerns by the Parish Council, and the issuing of the TPO has been rushed. This is borne out by the fact there have been two quite significant errors in the TPO, and we therefore believe that the better way to deal with this would be to withdraw the TPO, and serve a TPO just for the Hornbeam T2 and T4 and T5, the Birch Trees.

The site is currently subject to a planning application, so the Council can secure additional trees for the site through a suitably worded planning condition should permission be granted.

Yours sincerely,

[REDACTED]
Amy Richardson
Partner
Ashtons Legal

[REDACTED]

[REDACTED]

[REDACTED]

Abstract

Lesley Dickinson, BSC Lam., MArborA., Managing Director, Trees in Planning Ltd, was requested to review the trees in relation to the Tree Preservation Order E/06/18 (TPO), served in response to the recent planning application on the site.

The TPO was initially served on 23rd November and amended on 27th November due to two errors; both of which are considered to be significant errors not minor as inferred by the Council - namely species of tree and village in which the trees are located.

Further to this it is considered that T3 on the TPO refers to one tree but there are actually two.

Additionally, whilst the TPO was sent to the correct address, it was not addressed to the owner of the land, but to the owner of the adjacent house who happened to have the same name. In light of this the validity of the Tree Preservation Order is questioned.

The justification for this TPO is landscape value, it is considered that for several of the trees it is more a case of ensuring replacement planting than any true landscape value of the particular tree.

Issues above aside, the justification for the inclusion of several trees is questioned, and the notice is challenged on several of the trees.

In light of the comments below, and given the accepted practice of using a tool such as TEMPO to validate the trees worthy of TPO T1 and T2 cannot be justified, and T3 is questionable.

T1 Purple Cherry Plum – an old regenerated stump

- a. It is a formally coppiced tree now more of a multi stemmed shrub, and. in a poor state;
- b. It has extensive deadwood on which there are several deadwood fungi, reducing the safety of limbs;
- c. It unless regularly cut back will affect over head lines;
- d. It unless regularly extensively cut back will a nuisance to pedestrians;
- e. Due to its pot bound location, namely a raised area of approximately 2 m square is, if left unmanaged, i.e. reduced in height, and cut back to safe wood a risk to road users;
- f. Whilst it is acknowledged that it provides some vegetation in the street scene, this does not justify the serving of a tree preservation order, nor a justification to stop development;
- g. Please see photos below with notes.

T2 Hornbeam

- a. It is acknowledged that this is a feature partially visible from the High St;
- b. It is unclear from the TPO which of the two trees present is the TPO, one assumes it is being treated as one tree, though this is not clear. (It is acknowledged that it is referred to as one entity on the tree report, though the 2 trunks are referred)

- c. The tree on the northern side is long and leggy, with a lopsided canopy and appears to be shedding branches, with the resultant decay into the main stem;
- d. The tree on the southern side has a larger canopy area, however this too is lopsided;
- e. There is some areas of fusion in cambial areas, however the extent and stability of same is unknown;
- f. There is also decay in several pockets within the southern tree;
- g. This tree as those above will need ongoing canopy control and potentially bracing to stop it ripping apart, and aside from any development is likely to have a limited life span with the decay pockets present in the main trunk;
- h. This tree is clearly indicated for retention with in the application and therefore was not under threat, and could with planning protection conditions been safely retained and therefore the need for the TPO is questioned.

T3 Plum formerly Pear

- a. It has minimal if any landscape value to the street scene – i.e. from a public view point;
- b. It has extensive deadwood and hanging broken limbs;
- c. Deadwood fungi is clearly evident, plus extensive cavities and torn limbs;
- d. The canopy is totally lopsided due to the 'hacking back' to the boundaries by those, it is assumed at No 43, but not the owners of the tree;
- e. There is no landscape or value in the retention of this tree, and therefore no justification for it to be included in the TPO, nor be a constraint to development.

T4 and T5 Birch

- a. These trees have historically caused structural issues to both the garage structure and the water mains, and given their proximity it is likely that this will be an ongoing problem;
- b. The canopy of T4 needs management to avoid overhead lines;
- c. Whilst the driveway is shown for widening, these trees were not indicated for removal, and the form of driveway could be conditioned, and they can easily protected during development.

Whilst some work to these trees could be undertaken without any permission i.e. deadwooding, the need for an application to continue on-going maintenance aside from any development is unreasonable and a total waste of time, given the quality of the trees.

It is noted that these five trees have been specifically selected as 'worthy' of retention and in light of this, the loss of and work to the other trees indicated within the application has been accepted as reasonable and justified. Acknowledging that several of the trees on site should either be removed or extensively reduced to limit risk to people, property and stop the trees actually pulling themselves apart with large tears.

Photographs T1



T1 multi stemmed ivy covered coppice in small raised area held in by slabs the innerside being steeply banked



T3 Plum



deadwood and decay fungi

heavy previous lopping

cut back to boundary



deadwood

hanging deadwood

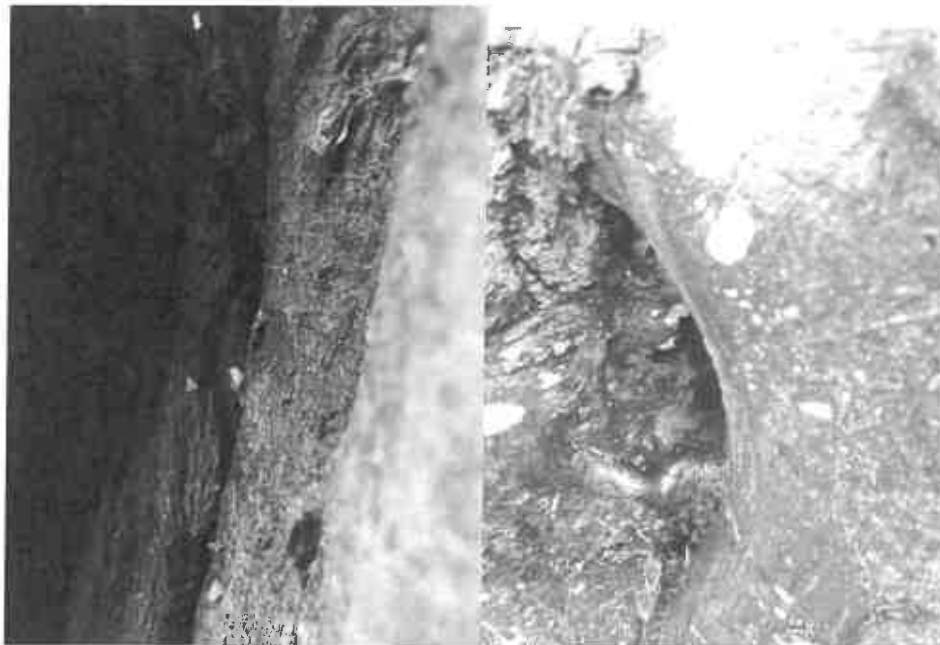
T2 Hornbeam



poor union area between

separating canopies
trunks

broken limbs



cavities in the southern limb

APPENDIX 2.

Letters and emails supporting the TPO, received during the consultation period.

To be circulated to Planning Committee Members prior to the Planning Committee meeting on 6th February 2019.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Phone: [REDACTED]

Cathy White
Senior Trees Officer
East Cambridgeshire District Council
The Grange
Nutholt Lane
ELY
Cambridgeshire
CB7 4EE

30th December 2018

Dear Cathy,

Tree Preservation Order: E/06/18

We understand ECDC has issued a Tree Preservation Order under the above reference and in relation to trees on land at 45 & 47, and the rear of 45 & 43 High Street, Cheveley CB8 9DQ.

We reside at [REDACTED] and submit this letter in full support of the Order.

The Order relates to a total of five trees at the above locations which are all identified on the map attached to the Order.

T1: Purple Cherry Plum

This established healthy tree is one of the few remaining trees in this part of the High Street. It is located on a raised bank in the corner of the front garden of No.45 High Street close to the pavement and road. It can be clearly seen and enjoyed by neighbours, pedestrians and passing vehicles. This cherry plum tree is already in bud and usually blossoms in late-winter to early spring creating an abundance of colour. It is an attractive natural asset to the local community and provides an essential wildlife habitat helping to maintain the biodiversity of this part of the village. This colourful tree helps to form a pleasant visual amenity to this busy stretch of the High Street by adding texture, colour and beauty to the local landscape. It is a stunning tree and of aesthetic value due to its location and natural appearance. In recent weeks numerous other trees and hedges in this and the neighbouring garden of No.47 have been cleared and we strongly believe the loss of this important purple cherry plum tree would remove our and other villagers' enjoyment of its presence, colour and purpose besides having a detrimental impact on the environment and local wildlife.

T2-T5: Various species

These four established trees cannot be seen from the road, but they help to provide a spectacular view across the rear gardens and open countryside of the local residences on this east side of the High Street.

From our garden and bedroom windows we can clearly see the Hornbeam, Plum and tall Silver Birch trees which add to the picturesque views we're lucky to have enjoyed for years. We know these specific trees attract a lot of wildlife due to their size and maturity and are fortunate to regularly see squirrels, robins, magpies, woodpeckers, owls, tits and sparrows many of which nest, roost and feed in these trees. Unfortunately, in the last few weeks, there has been a sudden and very significant loss of the natural and aesthetic outlook due to a large number of similar mature and even young trees being felled which were all within the boundaries of No. 45, 47 and 47a. This has already had and will have a major impact on the birds and wildlife which depend on these established trees for shelter and food. With such a substantial number of trees now suddenly gone, this has already had a detrimental impact on the local environment, aesthetic appearance and biodiversity. The further loss of these four trees must not be allowed to happen as this will have a further adverse impact on the local environment, wildlife and enjoyment of the natural landscape.

Cheveley is a beautiful village of historic significance which, due to a recent significant increase in local developments, is rapidly losing much of its natural fauna, flora and trees. Trees along linear features such as village roads and footpaths are important landscape features and their loss threatens ecological connectivity. Established trees such as these are 'keystone' structures of a community's landscape and provide habitat corridors for a variety of the village wildlife. The trees in Cheveley are both our past inheritance and our future legacy, and as such it is the responsibility of everyone to ensure the trees in Cheveley are protected.


We fully support the Tree Preservation Order on these five trees and seek reassurance that we will be informed by ECDC at the earliest opportunity if there is any variance in this legal order.

Thank you.

Yours sincerely,

Submitted by email: 31st December 2018




East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire,
CB7 4EE

30th December 2018

For the attention of Cambridgeshire District Council, care of Cathy White, Senior Trees Officer.


Dear Sir / Madam,

TPO REFERENCE Number: Cheveley/TPO/E/06/18

Parish of Cheveley in the County of Cambridgeshire Tree Preservation Order Land at 45 and 47, and rear of 45 and 43 High Street, Cheveley, CB8 9DQ

We write in full support of the five tree preservation orders at the above addresses and strongly deem that they should remain in place as permanent orders.

The loss of trees from the above locations has already been radical and hugely detrimental to the local environment both aesthetically and ecologically. Any planned replacement planting would take more than a generation to recover what has already been lost – swift action now to prevent further loss and protect the surviving trees is essential.

The TPO's need to be permanent to protect the remaining trees which are of great amenity benefit to Cheveley. The Purple Cherry Plum on the front boundary of 45 High Street has particular amenity value to the High Street vista. We considered this amenity value ourselves when we recently removed Lalandi trees from our driveway, ahead of resurfacing it,  but left in place the Silver Birch Tree (which doesn't have a TPO). It would be a sad and irreplaceable loss to the view along the High Street to remove this Purple Cherry Plum. It's a very pretty tree and has beautifully scented, delicate blossom.

The Hornbeam at location T2 is a magnificent tree that has a striking silhouette and makes a significant contribution to the visual amenity due to its beauty and aesthetic value. It is large, mature and beautiful and it would be a travesty if lost.

The trees at locations T1 - T5 are a small remaining token compared to the large tree number already felled. The environmental value of the huge number of trees already removed on this land shouldn't be underestimated. In a world facing climate change planting trees, not removing them, should be atop of all our agendas. The remaining trees are part of the backdrop of Cheveley and represent the inheritance we can pass to the next generation; it is our responsibility to ensure that they are protected and that we leave this legacy for the future. These few remaining trees bring significant amenity benefit to the surrounding area. This protection is particularly important in the light of requests to develop this area, significantly changing the environment. The loss of these trees would have a very negative impact on the visual amenity. They are all that's left to give the landscape character and the pleasant 'green' environment that has come to represent Cheveley.

We would be most grateful to receive news of your decision on these TPO's. If any of them are removed we would very much appreciate it if you could provide us with the reasons for such a decision.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

[REDACTED]

30 December 2018

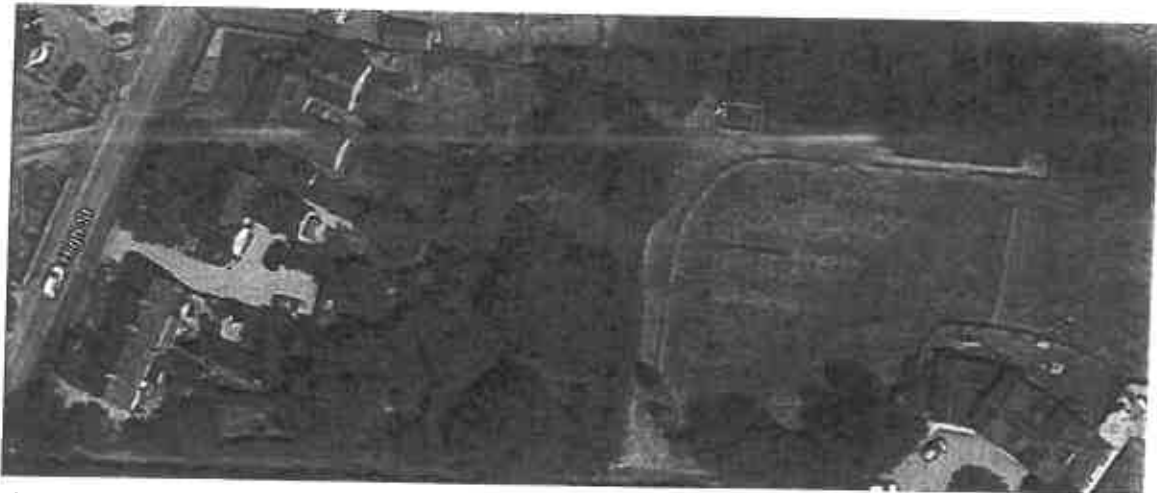
Dear Cathy,

Reference: Cheveley/TPO/E/06/18

Location: Land to rear of 37-47 High Street, Cheveley, CB8 9DQ

We refer to your letter, dated 27 November 2018, enclosing the formal notice of the Tree Preservation Order placed on five trees on the above site. We have lived in our home next to the site for seventeen years and know the village and surrounding area very well.

This letter is to confirm that we fully **support** the confirmation of the order to provide long term protection for these trees in our community.



The above picture shows nos.37-45 High Street and the array of healthy, mature, established trees that created the beautiful woodland landscape around and behind our home, prior to the extensive felling that started in October 2018 (prior to completion of a tree survey) and has continued since. No.47 (Freshwinds) is in the bottom right corner. The persistent sound of chainsaws and wood chippers has been very distressing as we have watched branches and trunks fall to the ground and mature mixed hedging being ripped out. The degree of removal is such that nos.47 and 47a are visible from our properties for the first time in seventeen years and the landscape is barren (see pictures below) with the exception of the trees T1, T2 and T3 that have had TPOs placed on them.



T3, the Heritage Plum, the sole remaining tree in the old orchard.



T2, the hornbeam (tallest in photo), stands alone – other visible trees in neighbouring gardens.

The area was filled with wildlife (hedgehogs, deer, bats and a wide variety of birds). The already significant impact on the biodiversity of the area will become more apparent in the coming seasons. It is therefore important that the remaining mature trees, **T1, T2, T3** are retained to provide habitat and food for all species.

Many of the trees felled were old fruit varieties, the land having formed part of the old orchard in Cheveley, well known amongst the community and a significant part of village history. Our own apple trees have TPOs placed on them and it is important that the history and character of our village is preserved by retaining these irreplaceable species such as the **T3 Heritage Plum** and **T1 Purple Cherry Plum** in the order.

As can be seen from the first picture, **T1, T2 (Hornbeam)** and **T3** can be seen from Cheveley High Street and provide great amenity value to our home, the village and the street scene. They are all beautiful deciduous trees, the cherry plum with spectacular foliage and fruit, as too the heritage plum and the hornbeam sits majestically in its setting. Each is irreplaceable in its own way. **T1**

(Cherry Plum) lies on the edge of the High Street and it would be impossible to mitigate for a tree of this maturity and stature elsewhere on the High Street as it would be in very close proximity to no.45. Removal of this tree would severely impact on the amenity value of the High Street.

Our own properties (37-45) have benefited for decades from the amenity value that these trees have provided us and we urge you to confirm the order to maintain the character, amenity, biodiversity and history of our village.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

Cathy White

From: [REDACTED]
Sent: 30 December 2018 17:47
To: Cathy White
Subject: TPO E/06/18

Further to your letter of 27th November, I am writing in support of permanent TPOs being placed on the trees concerned.

T1 is very decorative and provides amenity for this part of the High Street.

T2 is a substantial tree providing great habitat for wildlife; the tree is clearly visible from a number of gardens and would be a great loss to the area.

T3 this plum tree is one of a few remaining trees from the old orchard which once occupied this and adjoining sites and again provides habitat for wildlife

T4 & T5 are both visible from my garden and would be a loss to the environment.

Such established trees in the landscape are an important part of the look of the village and are well worthy of our care and protection.

Regards

From: [REDACTED]
Sent: 31 December 2018 11:45
To: Cathy White <Cathy.White@eastcambs.gov.uk>
Subject: TREE PRESERVATION ORDER E/06/18 :
Importance: High

Dear Ms White

I write in support of permanent retention of the Tree Preservation Order E/06/18 in relation to the Planning Application 18/01556/OUT Freshwinds, 47 High Street Cheveley, CB8 9DQ.

[REDACTED]
To my sadness and utter dismay virtually the only trees remaining on the proposed site are those currently protected by the TPO. I attach photographs taken from my boundary fence this morning which illustrate the sheer devastation the wanton felling of trees has created. I also attach a photograph taken from my rear bedroom window which illustrates the fact that I now have a full view of Mr and Mrs Crouchman's house, 47 High Street. I have lived in the village for over eight years and this is the very first time I have had sight of this property as it was previously shielded by trees. What is more, I am a keen gardener and have done my very utmost during my tenure at my property to encourage wildlife and importantly birds. One thing I have noticed, again with a heavy heart, is the dramatic drop in birds feeding in my garden and concomitant beautiful birdsong, notwithstanding that it is winter.

In light of the above, I think it imperative that the TPOs are retained on T2 and T3 not only for their visual amenity but as havens for wildlife.

What is more, T4 and T5 are of great visual amenity and should also be preserved.

T1 this tree has significant amenity value on the roadside and adds to the street scene on this uncompromising corner. In addition to its aesthetic value it also serves as a visual break to drivers heading up the village often at speed.

I do hope you look favourably on these comments.

Yours sincerely

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 31 December 2018 11:35
To: Cathy White <Cathy.White@eastcambs.gov.uk>
Subject: TPO E/06/18 High Street, Cheveley - Freshwinds

Dear Cathy

Further to your letter of 27th November, I am writing in support of permanent TPOs being placed on the trees concerned.

T1 is very decorative and provides an important amenity for this part of the High Street. Similar trees in the garden of No 39 have already been protected by a TPO for the same purpose which is to ensure that amenity value is not lost.

T2 is a substantial tree providing great habitat for wildlife. The tree is clearly visible from several gardens and would be a great loss to the area. I and other neighbours have not been able to see Freshwinds due to sheltering trees and hedging. Now these are removed, the house and area are clearly visible. To remove this tree as well, would create an open space which would be to the detriment of wildlife and neighbouring views.

T3 this plum tree is one of a few remaining heritage fruit trees from the historic old orchard which once occupied this and adjoining sites. Again, other heritage fruit trees from the same orchard have already been protected by TPOS in order to maintain some heritage and protect this old species. [REDACTED] this tree and it provides habitat for wildlife which can be seen throughout the year and particularly when it fruits. As neighbours to this site, we noted a large number of mixed native birdlife which used to regularly visit our feeders. Since the large number of trees, nesting and landing spots have been recently removed, these regular visitors have all but disappeared. It would be a huge shame if this is permanent. It has never been maintained by the current owners which can be seen by its shape. To have TPO which would require it would need professionally looking after like other heritage trees in the locality cannot be a bad thing.

T4 & T5 are both visible from the gardens of several neighbours and would be a loss to the environment.

With best wishes

[REDACTED]

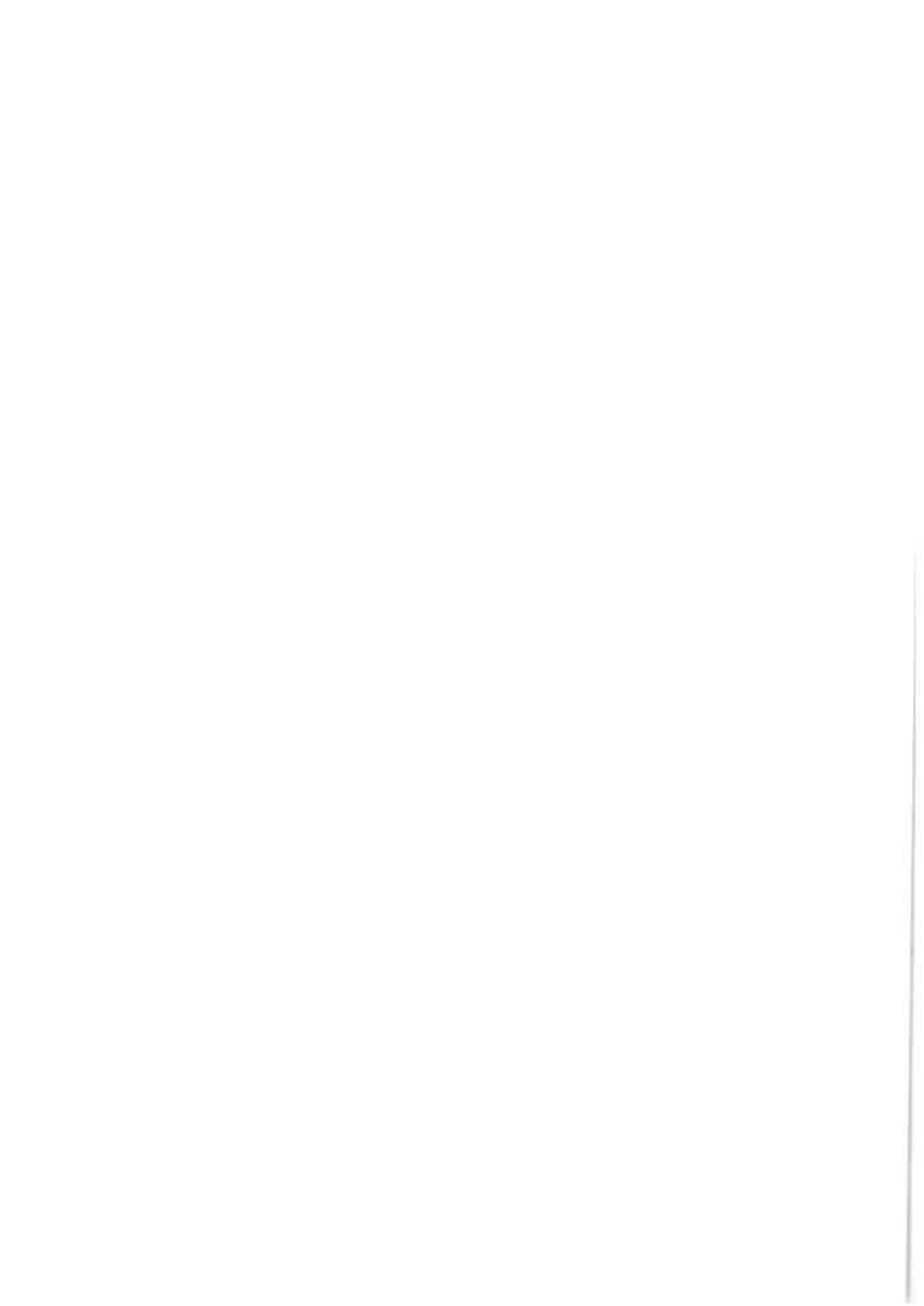
[REDACTED]

APPENDIX 3.

Documents:

- **Copy of the TPO E/06/18 document and Formal Notice, with the minor amendments signed by the Planning Manager.**
- **ECDC TPO Assessment Sheet**

To be circulated to Planning Committee Members prior to the Planning Committee meeting on 6th February 2019.



Dated: 23rd November 2018

E/06/18

TOWN AND COUNTRY PLANNING ACT 1990

TREE

PRESERVATION

ORDER

**Relating to: - Land at 45 and 47, and rear of 45 and 43 High
Street, Cheveley, CB8 9DQ**

**Printed and Published by:
East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE**

ORDER.TPO

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Tree Preservation Order Land at 45 and 47, and rear of 45 and 43 High
Street, Cheveley, CB8 9DQ, E/06/18 2018**

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order Land at 45 and 47, and rear of 45 and 43 High Street, Cheveley, CB8 9DQ, E/06/18 2018 ~~2018~~

Interpretation

2. (1) In this Order "the authority" means the East Cambridgeshire District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this [23] day of November 2018

[Signed on behalf of the East Cambridgeshire District Council


.....
Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by East Cambridgeshire District Council without modification on the [] day of []

OR

[This Order was confirmed by East Cambridgeshire District Council, subject to the modifications indicated by *[state how indicated]*, on the [] day of *[insert month and year]*]

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by East Cambridgeshire District Council on the [] day of *[insert month and year]*]

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by the East Cambridgeshire District Council on the [] day of *[insert month and year]* under the reference number *[insert reference number of the variation order]*]

.....
Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

[This Order was revoked by the East Cambridgeshire District Council on the [] day of *[insert month and year]* under the reference number *[insert reference number of the revocation order]*]

.....
Authorised by the Council to sign in that behalf]

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Purple Cherry Plum	Tree stands on front boundary at 45 High Street, Cheveley.
T2	Hornbeam	Tree stands on land west of the house at 47 High Street, Cheveley
T3	Pear Plum <i>27/11/18</i>	Tree stands on boundary of site behind garden land of 43 High Street, Cheveley
T4	Silver Birch	Front garden of 47 High Street, Cheveley
T5	Silver Birch	Front garden of 47 High Street, Cheveley

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
	NONE	

Groups of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	NONE	

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	



East Cambridgeshire
District Council

Date: 23/11/2018

Scale: 1:850

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23 NOVEMBER 2018

Revised

TPO/06/18

LAND AT 45 AND 47, AND

REAR OF 45 AND 43

HIGH STREET,

CHEVELEY, CB8 9DQ

T1 PURPLE CHERRY PLUM

T2 HORNBEAM

T3 PEAR PLUM


T4 SILVER BIRCH

T5 SILVER BIRCH

24/11/18



IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012
Cheveley  *27/11/18*
Parish of ~~Reesh~~ in the County of Cambridgeshire
Tree Preservation Order Land at 45 and 47, and rear of 45 and 43 High Street, Cheveley,
CB8 9DQ No. – E/06/18

THIS IS A FORMAL NOTICE to let you know that on **23rd November 2018** the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. The Order has been made because a planning application has been received which will require the loss of some of the trees and have a negative impact on or threaten the retention of trees on this site. The trees have been assessed to have a significant landscape value worthy of retention in this local landscape.

It is therefore considered justified to afford the tree the protection of a Tree Preservation Order.

Briefly, the effect of the Order, is to make it an offence (subject to certain exceptions) to cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, up-rooting, wilful damage or wilful destruction of any trees specified in the Order, without the consent of the District Council.

Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet, *Protected Trees: A guide to Tree Preservation Procedures*, produced by the Department for Communities and Local Government.

The Order took effect on **23rd November 2018** It will remain in force for a further 6 months during which time the District Council will consider whether to confirm the Order. Once confirmed the Order remains in force unless or until the Council formally revoke it.

If you would like to make any objections or comments, the deadline for this is **Monday 31st December 2018**. Your comments must be submitted in writing and meet regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (please see overleaf). The Planning Committee will then consider these when deciding whether to confirm the Order (make the Order permanent).

If in the meantime, you would like to speak to someone about the Tree Preservation Order please telephone Cathy White, Senior Trees Officer on 01353 616336. I will write further to advise you of the Council's decision in respect of confirmation of the Order in due course.

DATED: **23RD NOVEMBER 2018**

SIGNED: 
Planning Manager
on behalf of East Cambridgeshire District Council

Enc.

Please see Regulation 6 overleaf Regarding the Submission of objections & representations

COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6(1) Subject to paragraph (2), objections and representations-

(a) shall be made in writing and -

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

b) shall specify the particular trees, group of trees or woodland (as the case may be) in respect of which such objections and representations are made; and

c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

TREE PRESERVATION ORDER ASSESSMENT SHEET

Location (address, and detailed location; attach sketch plan): Land at 45 and 47, and rear of 45 & 43 High Street, Cheveley, CB8 9DQ.

Date of inspection: 16/11/18

Tree(s) assessed by: Maralyn Pickup Tree Consultant working on behalf of ECDC

DESCRIPTION OF TREE(S) – location and setting, species

<p>T1 Purple Cherry Plum T2 Hornbeam T3 Plum T4 Silver Birch T5 Silver Birch</p>
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CRITERION [see guidance notes]	ASSESSMENT
AMENITY VALUE	
Visibility from a public place	Yes, T1 visible from roadside. T2, T3, T4 & T5 have limited visibility to the general public from the High Street, but clearly visible to neighbouring properties surrounding the site.
Individual Impact (i) size, form (inc health/condition) (ii) intrinsic beauty and/or contribution to the landscape (inc estimated life-expectancy and appropriateness to setting of the species) (iii) scarcity (iv) future amenity potential (v) distance from built structures and public highway, and impact the growth of a tree may have on these (vi) special or other factors	<p>The 5 trees have variable form and condition.</p> <p>The trees make some contribution to the local landscape.</p> <p>Not scarce.</p> <p>Some amenity value as demonstrated by neighbours' request to retain and protect the trees they value.</p>

Collective impact (for a group of trees or a woodland)	
Wider Impact (i) significance in local setting (ii) suitability (iii) impact having regard to presence of other trees	Some limited significance. T3, T4 & T5 have better amenity value.
EXPEDIENCY	
Evidence for risk of the tree being cut down or pruned	Work had recently begun in November 2018 to clear trees/vegetation from the site.
Would felling/pruning have a significant impact on the amenity of the area?	Some impact, but limited.
Is the risk immediate?	Yes.

SUMMARY ASSESSMENT – APPROPRIATENESS OF IMPOSING A TPO

TPO will prevent the 5 trees from being removed before the planning application 18/01556/OUT for the site has been fully considered and determined.

TREE PRESERVATION ORDER ASSESSMENT SHEET GUIDANCE NOTES

CRITERION	GUIDANCE
AMENITY VALUE	
Visibility from a public place Individual Impact (i) size, form (ii) intrinsic beauty and/or contribution to the landscape (iii) scarcity (iv) future amenity potential (v) special or other factors Collective impact (for a group of trees or a woodland) Wider Impact (i) significance in local setting (ii) suitability (iii) impact having regard to presence of other trees	<p>The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.</p> <p>LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant a TPO. In the Secretary of State's view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.</p> <p>LPAs should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way, taking into account the following key criteria:</p> <p>(1) visibility: the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;</p> <p>(2) individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. As noted in paragraph 3.2 above, in relation to a group of trees or woodland, an assessment should be made of its collective impact;</p> <p>(3) wider impact: the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.</p>
EXPEDIENCY	
Evidence for risk of the tree being cut down or pruned Would felling/pruning have a significant impact on the amenity of the area? Is the risk immediate?	<p>Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management.</p> <p>It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate. In some cases the LPA may believe that certain trees are at risk generally from development pressures. The LPA may have some other reason to believe that trees are at risk; changes in property ownership and intentions to fell trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient.</p>

