

# **APPENDIX 3.**

## **Documents:**

- **Copy of the TPO E/08/19 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 6<sup>th</sup> November 2019.**



Dated: 19/08/19

E/08/19

=====

**TOWN AND COUNTRY PLANNING ACT 1990**

=====

**TREE**

**PRESERVATION**

**ORDER**

Relating to: - Land off Hod Hall Lane, east of Metcalfe Way,  
Haddenham.

=====

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 at Land off Hod Hall Lane, east of Metcalfe Way,  
Haddenham, Cambridgeshire. E/08/19 2019**

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 at Land off Hod Hall Lane, east of Metcalfe Way, Haddenham, Cambridgeshire. E/08/19 2019

**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 [ 19 ] day of [ AUGUST 2019 ]

[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]

**[REVOCAION 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	Lime	Central, on the southern boundary of the copse bordering Hod Hall Lane.
T2	Oak	South-eastern corner of the copse bordering Hod Hall Lane.
T3 <i>Platanus 9/10/19</i>	<del>Oak</del> Field Maple	North-eastern corner of the copse bordering Hod Hall Lane.
T4	Oak	North-western corner of the copse bordering Hod Hall Lane.
T5	Oak	South-western corner of the copse bordering Hod Hall Lane.

#### 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

Town and Country Planning Act 1990  
Town and Country Planning  
(Tree Preservation) (England)  
Regulations 2012

**TREE PRESERVATION  
ORDER**  
No. E/08/19

Land off Hod Hall Lane, east  
of Metcalfe Way, Haddenham,  
Cambs

- T1 - Lime
- T2 - Oak
- T3 - Oak Field Maple
- T4 - Oak
- T5 - Oak

*R. Saunt* 9/10/19

**PLANNING SERVICE**

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE  
R. Saunt, Planning Manager

The tree locations are indicative and  
may not reflect the exact locations

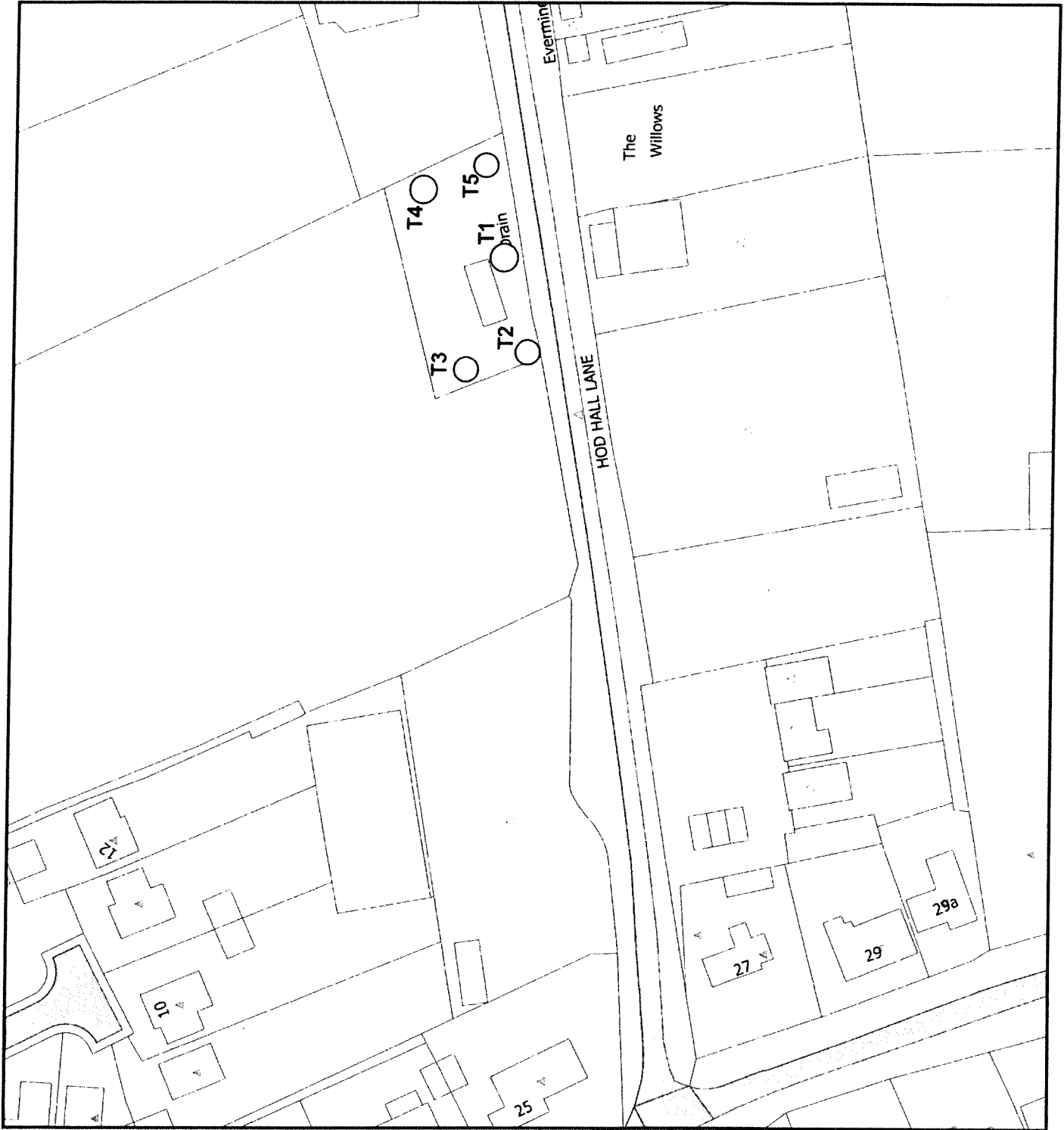
19 AUGUST 2019

*R. Saunt*



Date: 14/08/2019  
Scale: 1:968

© Crown copyright.  
All rights reserved 100023279 (2018)





Amended 09<sup>th</sup> October 2019

**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

TOWN & COUNTRY PLANNING ACT 1990  
TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

**Parish of Haddenham in the County of Cambridgeshire**  
**Tree Preservation Order at land off Hod Hall Lane, east of Metcalfe Way, Haddenham.**  
**TPO No. – E/08/19**

THIS IS A FORMAL NOTICE to let you know that on **19th August 2019** the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. The Order has been made because the Senior Trees Officer has been consulted regarding the proposed planning application reference 18/01041/OUM for a residential development at land east of Metcalfe Way, Haddenham. The Lime tree, 1 Field Maple tree and 3 Oak trees to be protected are considered to be healthy specimens of significant public amenity, contributing to the biodiversity and green infrastructure of the local area. The making of the preservation order will ensure that these trees are fully considered in relation to any proposed development of this site.

RS  
9/10/19

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 **19<sup>th</sup> August 2019**. 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 **Friday 20<sup>th</sup> September 2019**. 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: 19<sup>th</sup> August 2019

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 off Hod Hall Lane, east of Metcalfe Way, Haddenham.**

**Date of inspection: 04/06/2019**

**Tree(s) assessed by: Cathy White – Senior Trees Officer**

<b>DESCRIPTION OF TREE(S) – location and setting, species</b>
<b>One mature Lime tree and 4 semi-mature Oak trees planted within a copse on the southeast corner of the field east of Metcalfe Way and bordering Hod Hall Lane.</b>

<b>CRITERION [see guidance notes]</b>	<b>ASSESSMENT</b>
<b>AMENITY VALUE</b>	
<b>Visibility from a public place</b>	Clearly visible to the public from Hod Hall Lane and from eastern edge of Metcalfe Way.
<b>Individual Impact</b> (i) <b>size, form (inc health/condition)</b> (ii) <b>intrinsic beauty and/or contribution to the landscape (inc estimated life-expectancy and appropriateness to setting of the species)</b> (iii) <b>scarcity</b> (iv) <b>future amenity potential</b> (v) <b>distance from built structures and public highway, and impact the growth of a tree may have on these</b> (vi) <b>special or other factors</b>	Lime is mature and the 4 Oaks are semi-mature, and all in good health.  They form a small copse and contribute to the landscape of this local area off Hod Hall Lane. The Oaks have a long life expectancy and the Lime certainly has 40+ years life expectancy.  Oaks are not over prevalent in this part of the East Cambs District. Good  The Lime is close to an old out building set in the small copse
<b>Collective impact (for a group of trees or a woodland)</b>	The copse as a feature compliments the landscape in this area, and adds to the character of the lane.

<b>Wider Impact</b> (i) <b>significance in local setting</b> (ii) <b>suitability</b> (iii) <b>impact having regard to presence of other trees</b>	Visually makes a noticeable contribution. Lime and Oak trees are suitable species for this location. The mature Lime has impact as being a feature tree in the lane with the Poplars further up and smaller hedgerow trees along the lane.
<b>EXPEDIENCY</b>	
<b>Evidence for risk of the tree being cut down or pruned</b>	The copse stands in the southeast corner of a site that is subject of a planning application 18/01041/OUM to be developed for housing, and the plan is to use this part of the site for an attenuation pond which will require the removal of these trees.
<b>Would felling/pruning have a significant impact on the amenity of the area?</b>	Yes, these trees are worth keeping as feature landscape trees.
<b>Is the risk immediate?</b>	Yes.

**SUMMARY ASSESSMENT – APPROPRIATENESS OF IMPOSING A TPO**

**Serving the TPO will allow an opportunity to influence and hopefully get the developers to re-consider the layout of the proposed housing development, to allow the retention of these trees in the local landscape.**

**TREE PRESERVATION ORDER ASSESSMENT SHEET  
GUIDANCE NOTES**

CRITERION	GUIDANCE
<b>AMENITY VALUE</b>	
<p><b>Visibility from a public place</b></p> <p><b>Individual Impact</b></p> <p>(i) <b>size, form</b></p> <p>(ii) <b>intrinsic beauty and/or contribution to the landscape</b></p> <p>(iii) <b>scarcity</b></p> <p>(iv) <b>future amenity potential</b></p> <p>(v) <b>special or other factors</b></p> <p><b>Collective impact (for a group of trees or a woodland)</b></p> <p><b>Wider Impact</b></p> <p>(i) <b>significance in local setting</b></p> <p>(ii) <b>suitability</b></p> <p>(iii) <b>impact having regard to presence of other trees</b></p>	<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) <b>visibility:</b> 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) <b>individual impact:</b> 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) <b>wider impact:</b> 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>
<b>EXPEDIENCY</b>	
<p><b>Evidence for risk of the tree being cut down or pruned</b></p> <p><b>Would felling/pruning have a significant impact on the amenity of the area?</b></p> <p><b>Is the risk immediate?</b></p>	<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>

