

APPENDIX 1.

Objection to the TPO received on behalf of the owners, and response.

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

Cathy White

From: Cathy White
Sent: 20 September 2019 13:58
To: 'Adam Davies'
Subject: RE: Land Off Hod Hall Lane, East of Metcalfe Way, Haddenham TPO No. - E/08/19

Hi Adam,

I shall be happy to received Mr. Fenna's report update.

Kind regards,
Cathy

Cathy White
Senior Trees Officer
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE
Telephone: 01353 616336
Email: cathy.white@eastcambs.gov.uk
Pay, report, apply online 24 hours a day

From: Adam Davies [<mailto:Adam.Davies@struttandparker.com>]
Sent: 20 September 2019 12:44
To: Cathy White <Cathy.White@eastcambs.gov.uk>
Cc: Dan Smith <Dan.Smith@eastcambs.gov.uk>
Subject: RE: Land Off Hod Hall Lane, East of Metcalfe Way, Haddenham TPO No. - E/08/19

Hi Cathy

Thanks for your acknowledgement and for clarifying the confusion over T3.

I will pass on your comments to Mr Fenna, it would be helpful to be in agreement before planning committee. I assume you will be happy to receive an update of his report for clarification.

Kind regards

Adam

Adam Davies

Associate Director
Strutt & Parker
66-68 Hills Road
Cambridge
CB2 1LA

Direct Line: 01223 459493 Mobile: 07471 215456



From: Cathy White [mailto:Cathy.White@eastcambs.gov.uk]
Sent: 20 September 2019 12:24
To: Adam Davies <Adam.Davies@struttandparker.com>
Cc: Dan Smith <Dan.Smith@eastcambs.gov.uk>
Subject: RE: Land Off Hod Hall Lane, East of Metcalfe Way, Haddenham TPO No. - E/08/19

Dear Mr. Davies,

Thank you for your email received 19/09/19 enclosing your letter of objection to the TPO E/08/19, and the supporting letter from Mr. Fenna of Geosphere Environmental Ltd.

I acknowledge receipt of your objections to the TPO E/08/19 on behalf of your clients M Scott Properties Limited. Where objections are received to a newly served TPO within the consultation period, it is the Council's procedure to prepare a report to be presented to the Council's Planning Committee. The Planning Committee will consider the objections made and then decide if the TPO should be confirmed or not. The Planning Committee Members will make a site visit on the morning of the Planning Committee. I will ask the Planning Manager if the TPO E/08/19 report can be presented to the November 2019 Planning Committee.

I will write to you formally to give details of when the TPO will be considered at Planning Committee, as you will be welcome to register to speak and attend the Planning Committee.

The error in the name of T3 (as Oak) on the TPO plan and in the TPO schedule has already been raised with me. I apologise for any confusion caused by my unintentional error in naming T3 Oak instead of the Field Maple. In my assessment for the TPO, I did not intend to include the Walnut tree that is also in this corner of the site. This error can be corrected as a modification to the TPO E/08/18 as it does not significantly alter the understanding of which trees on the site are covered by the TPO. It is clear which tree T3 is on the site, as the position of the tree T3 on the TPO plan remains unaltered, and only the name of the species needs to be amended to read Field Maple.

I shall be happy to receive a call from Mr. Fenna next week as you suggest.

Yours sincerely,

Cathy White
Senior Trees Officer
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely

Cambridgeshire
CB7 4EE
Telephone: 01353 616336
Email: cathy.white@eastcambs.gov.uk
Pay, report, apply online 24 hours a day

From: Adam Davies [<mailto:Adam.Davies@struttandparker.com>]
Sent: 19 September 2019 16:06
To: Cathy White <Cathy.White@eastcambs.gov.uk>
Cc: Dan Smith <Dan.Smith@eastcambs.gov.uk>; Richard <richard@geosphere-environmental.co.uk>; Rich Martin <richard@mscott.co.uk>
Subject: Land East of Metcalfe Way, Haddenham TPO No. - E/08/19

Dear Cathy,

Please find attached a representation on behalf of my client M Scott Properties Ltd in respect of the above TPO. As you will see from the attached report my clients are objecting to the TPO being confirmed in respect of two of the five trees.

I think it would be helpful if Richard Fenna from Geosphere Environmental Ltd contacts you directly to discuss the content of the objection, to see if we can reach an agreement on the extent of the Order before it is considered by the Planning Committee. I will suggest he gives you a call next week to allow you time to review his report.

If you require anything else, please do not hesitate to contact me.

Kind regards

Adam

Adam Davies

Associate Director
Strutt & Parker
66-68 Hills Road
Cambridge
CB2 1LA

Direct Line: 01223 459493 Mobile: 07471 215456



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FAO: Cathy White
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The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

Direct Dial: 01223 459493
E mail: adam.davies@struttandparker.com
Our ref: AD/CE/197134
Your ref: Haddenham/TPO/E/08/19

19th September 2019

Sent by email to cathy.white@eastcambs.gov.uk

Dear Sir / Madam

RE: Tree Preservation Order, Land of Hod Hall Lane, East of Metcalfe Way, Haddenham: TPO NO - E/08/19

I refer to your letter dated 20th August 2019 and must express surprise at the enclosed Tree Preservation Order. On behalf of my client's M Scott Properties Limited, I submitted a planning application on 25th July 2018 (application reference 18/01041/OUM) for up to 33 dwellings on the site East of 12 – 18 Metcalfe Way, Haddenham. During the subsequent consultation on this application the Council did not indicate any concerns in respect of the existing trees on site or that any would be worthy of a TPO. However, in June 2019 the Senior Trees Officer's comments were posted online and dated 12th June 2019, over 11 months' since the application was originally submitted. If the trees are generally worthy of protection it seems very odd that the Council has taken over 12 months to serve an Emergency Tree Preservation Order and with no preliminary discussion or consultation with my client or the landowner. Clearly, there was no immediate threat to the trees.

My clients **object** to the Tree Preservation Order being confirmed and I have enclosed a copy of an assessment of the trees undertaken by consultants Geosphere Environmental Limited.

The Council's Tree Preservation Order refers to five trees; T1 being a lime tree and T2, T3, T4 and T5 being identified as oak trees. The Geosphere report indicates that T3 which has been labelled as an oak, is in fact a walnut. It also concludes that T3 and T4 are considered Category C trees and do not provide any significant public amenity value or require any specific protection. It has not been possible to identify what, if any, assessment that the Council has made of these individual trees or their respective contribution to public amenity, as the current order is not available on to the Council's website.

My client agrees with the conclusions of Geosphere Environmental that the trees marked as T1, T2 and T5 on the Tree Preservation Order should be protected by a Tree Preservation Order, however, the inclusion of T3 and T4 should be withdrawn on the basis that these trees do not provide any significant public amenity.





I would be grateful if you will notify me when this matter is to be reported to the Planning Committee to decide whether the Order should be confirmed.

Yours sincerely,



Adam Davies
Associate Director
Strutt & Parker

Enc. Geosphere Environmental Limited Report




Our Ref: 2325,EC,AR,DS/Ltr 002-TPO/RF,KML/19-06-19/V2

M Scott Properties,
Suite 5, Oyster House,
Severalls Lane,
Colchester,
Essex CO4 9PD

19 September 2019

For the attention of Mr Graham McCormick

By Email


Dear Mr Graham McCormick

Land at Metcalfe Way, Haddenham, CB6 3UP - Tree Preservation Order - Land off Hod Hall Lane, East of Metcalfe Way,

1. Introduction

Geosphere Environmental Ltd was commissioned by M Scott Properties Ltd to provide arboricultural consultancy regarding an objection to the provisional Tree Preservation Order - Land off Hod Hall Lane, East of Metcalfe Way, Haddenham. TPO No. -E/08/19. A copy of the Tree Preservation order (TPO) has been enclosed. A site visit was undertaken on the 18 September 2019 to assess the trees proposed to be protected by the Tree Preservation Order.

2. Survey Findings

Twenty trees were identified within the woodland area. Small trees, hazel coppice, shrubs and hedgerow plants have been excluded for clarity. The tree locations are shown on the Tree Location Plan drawing ref. 2312,EC,AR,DS/005/Rev 0, enclosed with this letter. The trees have been categorised based on the methodology set out in BS5837: 2012, Trees in relation to design, demolition and construction – Recommendations.

- 3 trees (T1, T2 and T5) are considered category B trees. These trees are of moderate quality and confer considerable importance on the landscape. These trees should be retained where possible during development.
- Seven trees (T3, T4, T6, T7, T8, T9, T10), and 1 group of trees (G1, containing 10 trees) are considered category C trees. These trees are of low quality, or interest, and confer lower levels of benefits to the landscape. The local authority should find it acceptable to remove these trees during development.
- If the area is considered together as a group of trees or small woodland, the trees are collectively considered a category B group.

Selected photographs of the trees are enclosed with this letter.

GEOSPHERE ENVIRONMENTAL LTD

Brightwell Barns, Ipswich Road, Brightwell, Suffolk, IP10 0BJ

T: 01603 298076 | 01473 353519 | E: info@geosphere-environmental.co.uk | W: geosphere-environmental.co.uk

Registered Office: Brightwell Barns, Ipswich Road, Brightwell, Suffolk, IP10 0BJ | Registered in England and Wales | Registered NO. 7107630 | VAT NO. 985 4247 79

3. Objection to Tree Preservation Order

The trees listed for protection within the TPO include T1, T2, T4 and T5. T3 is labelled as Oak within the TPO, however no Oak is present at the marked location.

It is accepted that the Trees T1, T2, and T5 are of moderate quality, and confer considerable importance on the landscape. As such it is accepted that these trees are protected by the TPO.

T4 is a small, semi-mature tree, with an approximate height of 12m and a stem diameter (measured at 1.5m above ground level) of 264mm, and considered a category C tree. It is considered that this tree does not provide significant public amenity, and that this tree does not require specific protection under a TPO.

There is no Oak tree located at the location of T3. The trees at this location include: T3 walnut, T8 Field Maple, T9 Cherry, and T10 Field Maple. These trees are all small, semi-mature trees, with a stem diameter (measured at 1.5m above ground level) of less than 285mm and a height of approximately 10m. These trees are all considered category C trees and do not provide a significant public amenity or require specific protection under a TPO.

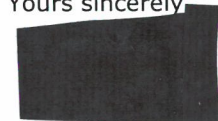
The usual planning process does not require that trees near development sites are protected by TPOs, but that trees are considered during the planning process, and protected by conditions included with planning permission. T3 and T4 could be assessed and protected during the planning process using the standard BS5837: 2012 methodology, whereby suitable trees are retained and protected where possible, and mitigation measures such as replanting is undertaken to replace any lost trees within the proposed development. The proposals should be assessed as part of the planning application by the Local Authority, to ensure that tree protection measures are adequate, and that adequate new tree planting has been included within the proposed development. Any specific tree protection or tree planting could be conditioned as part of the planning process.

Furthermore, the small woodland, that the trees form part of, has been planted and managed to provide a small crop of firewood by the land owner. The trees are currently allowed to grow to a reasonable size before being felled. This small-scale harvesting of wood provides consistent tree cover in the area. The land owner is conscientious in his management and is not proposing to fell the larger trees on his land (trees marked as T1, T2 and T5 within the TPO). However, the TPO of trees T3 and T4 would interfere with the current management.

4. Conclusions

We accept that the trees marked as T1, T2, and T5 on the tree preservation order should be protected by a tree preservation order, however the inclusion of T4 and T3 should be withdrawn on the grounds that these trees do not provide significant public amenity, and that these trees could be protected during the usual planning process, without the need to create a Tree Preservation Order. In addition, this would interfere with the ongoing management of the trees.

Yours sincerely,



Richard Fenna
Senior Arboricultural and Ecological
Consultant
Geosphere Environmental Ltd
richard@geosphere-environmental.co.uk

Checked and authorised By:



Katie Linehan
Technical Director of Ecology
Geosphere Environmental Ltd

Enclosures:

- Appendix 1 – Report Limitations and Conditions
- Appendix 2 – Tree Preservation Order
- Appendix 3 – Tree Location Plan
- Appendix 4 – Selected Photographs



APPENDICES

GEOSPHERE ENVIRONMENTAL LTD

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Appendix 1 – Report Limitations and Conditions

This report refers, within the limitations stated, to the condition of the site at the time of the inspections. No warranty is given as to the possibility of future changes in the condition of the site.

This report has been prepared for the sole use of the Client for the purposes described and no extended duty of care to any third party is implied or offered. Third parties using any information contained within this report do so at their own risk.

This report is prepared and written for the use stated herein; it should not be used for any other purposes without reference to Geosphere Environmental Limited. The report has been prepared in relation to the proposed end-use should another end-use be intended a further re-assessment may be required. It is likely that over time practises will improve and the relevant guidance and legislation be amended or superseded, which may necessitate a re-assessment of the site.

The accuracy of any map extracts cannot be guaranteed. It is possible that different conditions existed on site, between and subsequent to the various map surveys appended.

Whilst the report may express an opinion on possible configurations of strata between or beyond exploratory holes discussed or on the possible presence of features based on visual, verbal or published evidence, this is for guidance only and no liability can be accepted for its accuracy.



Appendix 2 – Tree Preservation Order



RECEIVED
22 AUG 2019

**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

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

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

Mr. A. Davies,
Strutt & Parker,
66-68 Hills Road,
Cambridge.
CB2 1LA

This matter is being dealt with by:

Cathy White

Telephone: 01353 616336
E-mail: cathy.white@eastcambs.gov.uk
My Ref: Haddenham/TPO/E/08/19
Your ref

20th August 2019

Dear Mr. Davies,

PARISH OF HADDENHAM IN THE COUNTY OF CAMBRIDGESHIRE
TREE PRESERVATION ORDER LAND OFF HOD HALL LANE, EAST OF METCALFE WAY,
HADDENHAM. TPO NO. – E/08/19

I enclose herewith a copy of the above Tree Preservation Order, which has been served and sent to you as the agent for the site at land off Hod Hall Lane, east of Metcalfe Way, Haddenham, as required under the Town & Country Planning (Tree Preservation)(England) Regulations 2012.

The Tree Preservation Order is effective immediately and will remain in force for a further 6 months during which time the District Council will consider whether to confirm the Order. There is no need for you to respond to this letter or information unless you would like to submit any representations for consideration prior to confirmation, the deadline for this is **Friday 20th September 2019**. Please see the regulation 6 notice on the reverse of the Formal Notice enclosed that outlines the way in which representations may be made

If you would like to speak to someone about the Tree Preservation Order please telephone the Senior Trees Officer, Cathy White, on 01353 616336

Yours sincerely,

For Planning Manager

py

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 and 4 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.

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 **19th 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 20th 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: 19th 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.

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]

[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	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	Oak	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
- T4 - Oak
- T5 - Oak

PLANNING SERVICE

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

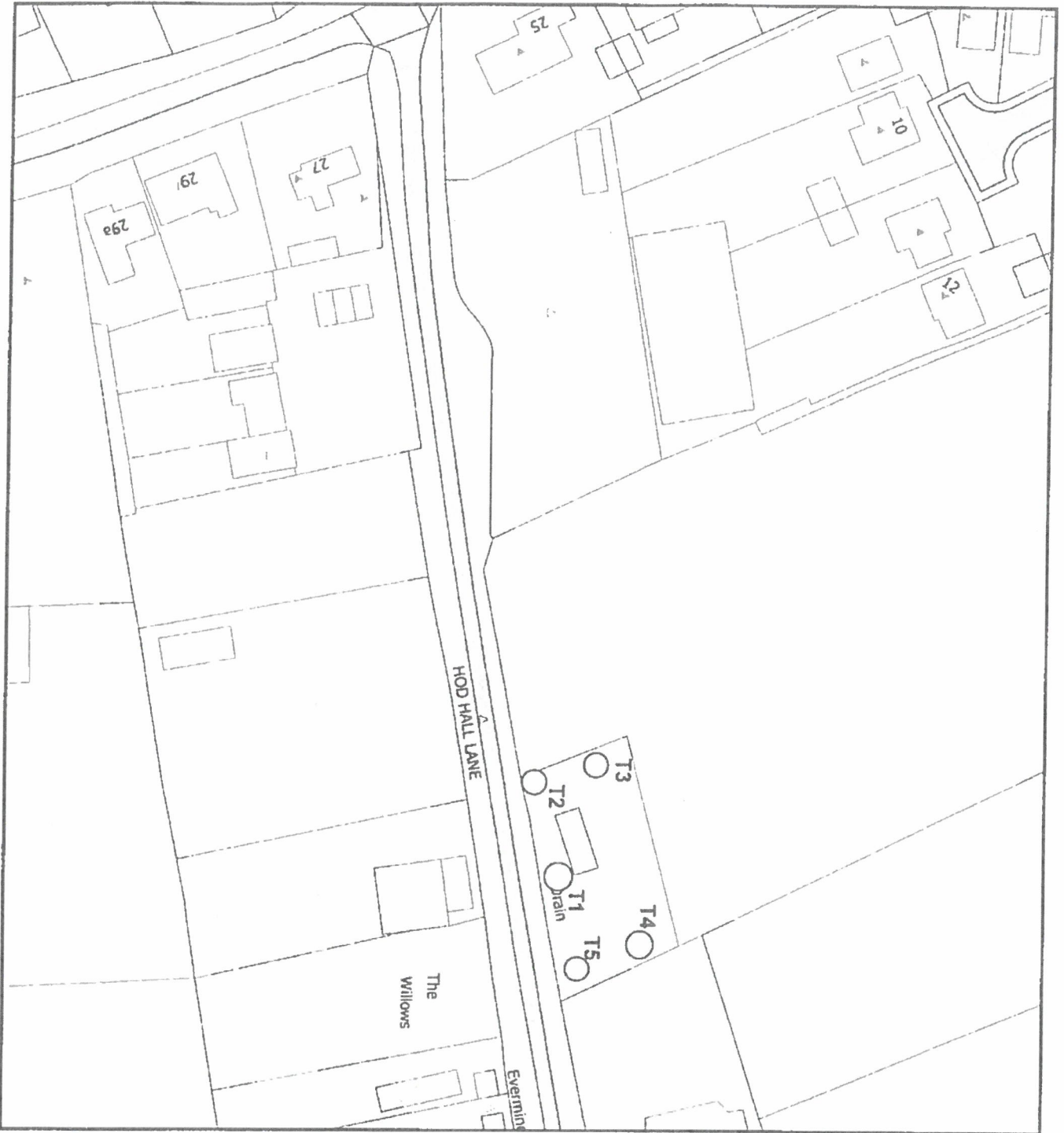
The tree locations are indicative and
may not reflect the exact locations

19 AUGUST 2019



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

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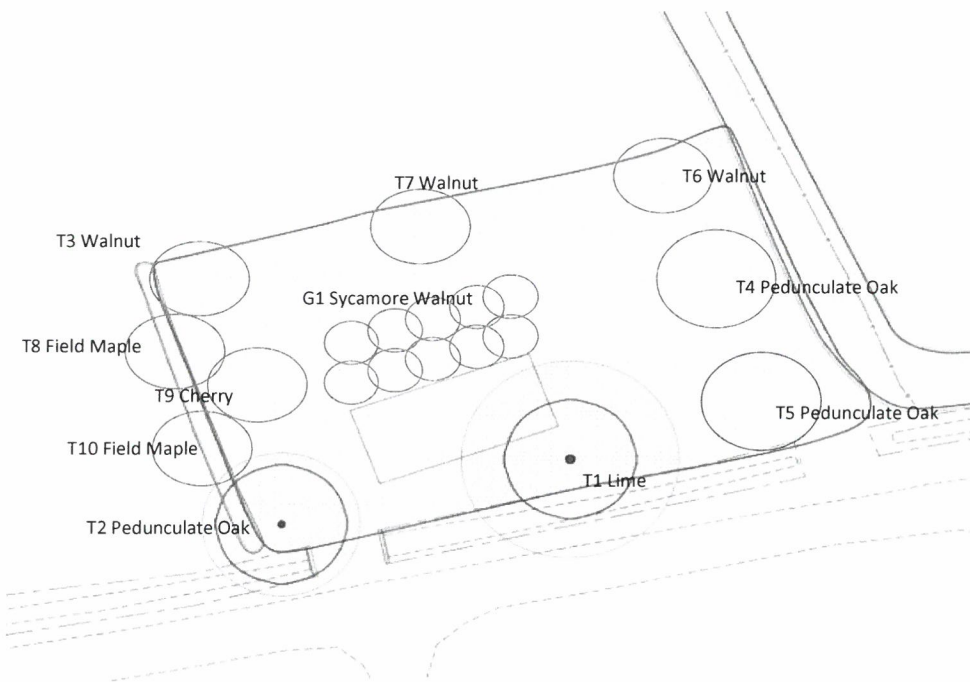




Appendix 3 – Tree Location Plan

LEGEND

-  Category C trees
-  Category B trees



PROJECT

Land at Metcalfe Way, Haddenham, CB6 3UP

TITLE

Tree Location Plan

DRAWING NUMBER

2312,EC,AR,DS/005/Rev0

SCALE

Not to Scale

DATE

18/09/2019

DRAWN BY

RF

CHECKED BY

KL





Appendix 4 – Selected Photographs

Photograph 1



DESCRIPTION

Photograph 1

T10 on the far left, T9 in the foreground, with T8 and T3 at the rear

Photograph 2

T3 on the far left, to the right of which are T8, T9, T10, and T2 to the far right

Photograph 3

T4 located within a stand of Hazel

Photograph 3



Photograph 4



Photograph 4

T5 located near Hazel and small Silver Birch

PROJECT

Land at Metcalfe Way, Haddenham, CB6 3UP

PROJECT NUMBER

2325,EC,AR,DS

TITLE

Selected Photographs

DATE

18/09/2019

PAGE NO.

1 of 1

