

1<sup>st</sup> November 2021

Peterborough City Council  
Planning Services  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

**For the attention of Stephen Chesney-Beales, Arboricultural Officer**

**By email, by post and by hand**

Dear Sirs,

**Re: Objection to the imposition of Tree Preservation Order No. 21/00009/TPO  
Dogsthorpe Spinney, Welland Road Peterborough.**

On behalf of our client, Al Zahra Investment Ltd., we hereby object to the imposition of Tree Preservation Order No. 21/00009/TPO ("the Order") on the basis that it was:

- a) Incorrectly served;
- b) incorrectly drafted;
- c) and, not expedient to make the Order.

In support of this objection we set out below the supporting information.

*Incorrectly served*

The Order is required to be served on the owner of the land as soon as practicable after it is made. Section 329 of the Town and Country Planning Act 1990 is clear in setting out the method of serving an Order. In respect of our client, Al Zahra Investment Ltd (the person(s) interested), the requirement of Section 329(1)(d) is:

in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

[www.thomsonec.com](http://www.thomsonec.com)

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The Tannery, 91 Kirkstall Road, Leeds, Yorkshire, LS3 1HS | 0113 247 3780  
Williams House, 11-15 Columbus Walk, off Brigantine Place, Cardiff, CF10 4BY | 0292 002 0674  
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Thomson environmental consultants is the trading name of Thomson Ecology Limited (Reg no. 4477751), Thomson Habitats Limited (Reg no. 6080718) and Thomson Unicomarine Limited (Reg no. 2296072) which are registered in England and Wales at Compass House, Surrey Research Park, Priestley Road, Guildford, GU2 7AG.

The Order has not been served on the landowning company's office. There are no copies of the Order visible on our client's site. There were notices on the adjacent land belonging to Peterborough City Council. The Order was sent by email and it has therefore not been served in accordance with the Act.

For the reason set out below, it is unknown whether Peterborough City Council formally served the order on itself. The act of a council serving a Tree Preservation Order on its own land is uncommon.

Our client's land has recently been purchased from Highways England and it is also unknown if they have been notified as the land title may not have been formally changed at the time of service.

It is therefore clear that the Order has not been served correctly and is invalid.

*Incorrectly drafted*

The Order has chosen to utilise the 'woodland' classification to designate trees protected by the Order.

However, a significant proportion of the area referred to as W1 is within the ownership of Peterborough City Council and the use of this land is unknown and may not come under woodland management practices.

If the Order is meant to only cover our client's land then it needs to be redrawn correctly to show the ownership boundary (which is a matter of public record at HM Land Registry). The enclosed plan showing our client's land edged green should assist in that regard.

*Not expedient to make the Order*

As the Council well knows, the subject area is covered by the Forestry Act 1967 within which a licence is required for tree felling other than certain exemptions.

The Order does not materially impact the protection of the trees as any application for works must be considered and submitted to the Forestry Commission for consideration. Peterborough City Council would be consulted as part of the Felling Licence application.

We therefore contend that not only is the Order invalid, as it has not been served correctly, but that is incorrectly drafted and further that it was not expedient to make in the first instance.

We therefore call upon the Council to revoke the Order with immediate effect.

Yours sincerely,



Andrew Poynter BSc (Hons) FARborA MICFor MCIHort CEnv  
Principal Arboricultural Consultant

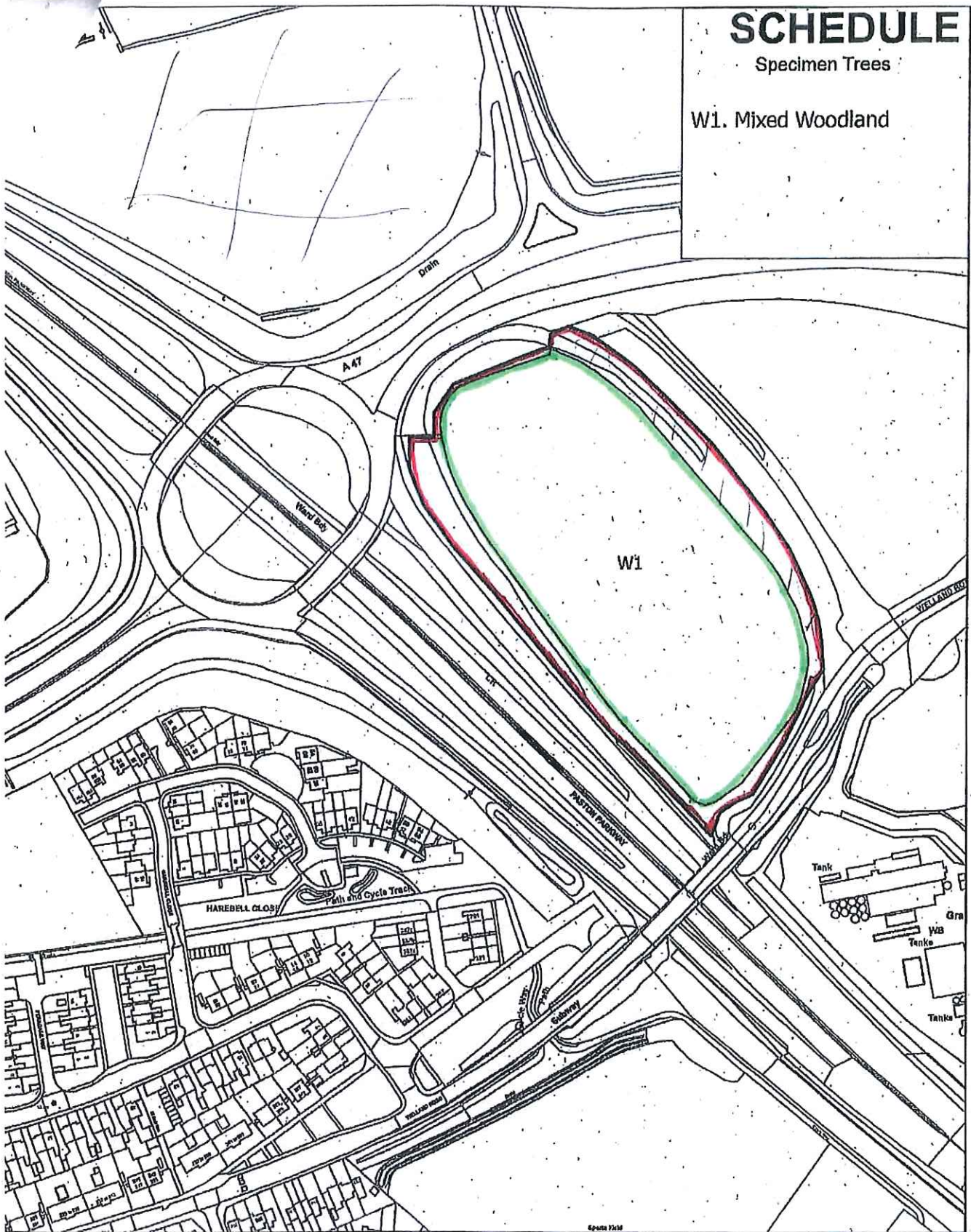
Enc. Annotated TPO plan.



# SCHEDULE

Specimen Trees

W1. Mixed Woodland



## REE PRESERVATION ORDER

5/A47 Interchange



Scale: 1:2500

Drwg.no.TPO W1

Date: 6th October 2021 Department

PCCGIS

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