

Peterborough City Council
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Date: 31.03.23

TPO Objection Notice: cited as 99 & 101 Fulbridge Road, Peterborough, Tree Preservation Order (23/00003/TPO)

Re: **Objection to Tree Preservation Order (23/00003/TPO) 99 & 101 Fulbridge Road.**
Date Served: 16th March 2023 / Provisional protection order.

We are writing to object to the proposed tree preservation order (23/00003/TPO) covering x5 Lombardy Poplar trees as cited 99 & 101 Fulbridge road site location G1 Lombardy poplar x3 & G2 Lombardy Poplar x 2. (Ref copy attached).

TPO: reason and justification: Visual Amenity
Objections.

1 **Protecting trees & Planning:** Town & Country Planning Act 1990 – (tree Preservation) England Regulations 2012 – Note, The Lombardy Trees are not at risk of removal, all correspondence, and documents in regard to the planning applications at 5 Sheridan Road: 22/01542/OUT recent, have confirmed retention of these trees. Therefore, referencing the Town & County Planning Act 1990 – (Tree Preservation) England Regulations 2012 would be in breach of the act. N.B. Government advise in the planning practices (PPG), to LPAs is that they should use TPOs to protect selected trees and woodlands, 'if their removal would have a significant negative impact on the local environment and its enjoyment by the public'. All correspondence confirming retention of these Lombardy polar trees off site from from both owners of the trees namely 101 Fulbridge road & 99 Fulbridge road off site: planning application: at 5 Sheridan Road, in all tree reports – all confirmed these Lombardy polar trees are for retention. (All reports are in annexed). PCC have not followed the procedural requirements of the Regulations.

2 **Amenity Value:** PCC have Not fully assessed the amenity value of the trees concerned, prior to actioning a tree preservation order: PCC have not followed the procedural requirements of the Regulations. Note below.

Amenity 3.2 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. 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

and confirmed we would replace any trees, and happy to have 106 agreements in tree management and replacement as part of the conditions. – However, we have been ignored.

What the Regulations Require 3.21 Under regulation 3 of the 1999 Regulations, the LPA must, on making a TPO serve on the owner and occupier of the land affected by the TPO: (1) a copy of the TPO, and (2) a notice ('a regulation 3 notice') stating: (i) the LPA's reasons for making the TPO, (ii) that objections or other representations about any of the trees or woodlands specified in the TPO may be made to the LPA, (iii) the date, being at least 28 days after the date of the regulation 3 notice, by which any such objections or representations must be received by the LPA, and (iv) the effect of the section 201 direction if one has been included in the TPO. The LPA must also make a copy of the TPO available for public inspection at the offices of the LPA.

Section 201 Directions 3.19 If it appears to the LPA that a TPO should take immediate effect they may include in the TPO a direction applying section 201 of the Act (a 'section 201 direction'). The TPO takes effect on the date specified in the direction (which usually coincides with the date on which the TPO is made). But the TPO takes effect on a provisional basis only. It still needs to be confirmed by the LPA. If the TPO is not confirmed within six months of the date on which it was made, the provisional protection given by the section 201 direction comes to an end, although the LPA are not prevented from confirming the TPO after the six month period (see paragraph 3.34).

3 **Section: 201 Direction** – As this TPO has been enforced with immediate effect, PCC have failed to note a 201 direction on the notice letter 16th March 2023: 23/00003/TPO, PCC have not followed the procedural requirements of the Regulations.

This is further confirmed immediate effect TPO, on R3 of the Planning application: 22/01542/out
Rejection:

R3 The proposal would impact on the future health and wellbeing of the five mature Lombardy Poplars, from future pressures to carry out inappropriate and unnecessary pruning or felling, because of the anxiety and apprehension of future occupiers of the proposed dwelling with regard to the close proximity of the very tall Lombardy Poplars. **The Lombardy Poplars are considered of amenity value and benefit from Tree Preservation Order.** Accordingly, the proposal is contrary to Policy LP29 of the Peterborough Local Plan (2019). Rejection letter dated: 24th March 2023, Tree preservation order: 23/0003/TPO immediate effect 16th March 2023. Applying the TPO as part of a rejection to planning, when it is within its 28 day consultation period? This should have not been the case, and should have not been part of the rejection stating 'benefit from tree preservation order'.

4 **Note: A Lombardy Poplar tree**, is said to be mature at around 50 years old, all these Lombardy poplar trees at 99 & 101 Fulbridge road, are 45+ years old. When these trees are approaching the end of their natural lifespan and unlike other species are 'especially prone to breakage'. These tree species are known even with specialist checks are not highlighting internal issues which can cause the tree to fail. These trees are near end of life and present a danger to life and property. Peterborough city council have not issued any report, visual, nor internal testing to determine decayed or diseased prior to notice of a TPO. Peterborough city council, do have a duty of care to residents and we will hold them fully accountable if defects worsen in any way at any time in the future. We will seek redress through courts in order to recover repair cost and case management costs. Although we do not own these trees; under 'Section 1 (3) of the occupier liability act 1984, which states that duty is owed when the occupier is aware of the danger, or has reasonable grounds to believe it exists, knows or has reasonable grounds to believe that the trespasser is near or may come to be near the danger and the risk is one which an occupier may reasonably be expected to protect visitors from'.

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. 3.3 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: (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; (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; (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.

Expediency 3.4 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. 3.5 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.

N.B. Expediency (All reports, note retention of Lombardy trees, topping was suggested only in first arboricultural report, then removed on 3 additional reports). Again Topping is common practice, in the risk areas i.e. residential for safety and age of tree and species type. – Ref Reading council & Welwyn Hatfield Borough council, and also future note: TPO is being made on grounds of Amenity Value : even suggested Topping heights, would still allow for visual amenity (surrounding bungalows and houses) i.e. suggested cutting from 24 meters to 12 meters would still be very visual above all surrounding dwelling types). PCC have not followed the procedural requirements of the Regulations.

Technical grounds: We have had reports from an independent report from arboriculturist noting in regards to the Lombardy poplar trees: noting dead, dangerous branches, indicating non maintenance, and suggestion to topping these to a safer height, and allowing to re-grow; addressing residential area, safety and concerns from previous planning application comments from: PCC planners and neighbours' concerns.

Note: discussions between all parties boarding garden boundaries of the Lombardy poplars, have not been assessed or considered, example: we have on numerous times tried to enter into good communication with PCC in regard to these trees, but have unfortunately been ignored, we have requested site visits re: trees on a and off site including the Lombardy poplars on 101 & 99 Fulbridge road, but have been ignored. Copies are attached of written requests, same goes for verbal communications. We have during the course of the planning application been, considerate to views of PCC tree officer and changed site layouts with 3 options, worked around root protection areas,

7 We have advised neighbours and PCC in writing of this risk and further note in this document, that these trees represent a risk. As a result, to date, PCC – have conducted a visit at 101 Fulbridge Road, noted lots of dead wood 'confirming non maintenance' not issued a report stating these are safe, but instead issuing a tree protection order, making future maintenance work, 'apply for', and adding extra costs. This will prevent future tree management due to costs and process.

Has the council taken independent advice, done a report on these trees confirming their safety? Could we have a copy? As I have a duty of care to protect people on my property, and visitors under Occupiers Act 1984.

We feel this TPO has been, put into place as validation towards the objection of our planning application and in reactive response to our email challenging the conduct of the tree officer during this planning application.

The tree offers under verbiage: noted on the 8th of March on a site visit to 101 Fulbridge road, there is a lot of dead wood in the Lombardy poplar trees, which confirm non maintenance, and also in the planning application note 'Very large poplar trees', the map locations in the TPO order also confirm site locations 'that of being residential' reminder of duty of care to residents.

N.B. Very large trees would encompass 'Risk locations' residential. Failure to manage tree sensibly will likely to increase the risks associated with them, result in reduced amenity values, and possibly increased costs in the long term. These trees have not been managed, adding a TPO will further add to lack of management until failure with high risk to property and life.

On rejected planning application.

We also remind Peterborough City council, your statement in the planning rejection and we quote 'The proposal would impact on future health and wellbeing of five mature Lombardy Poplars, from future pressure to carry out inappropriate and unnecessary pruning or felling, because of the anxiety and apprehension of future occupiers of the proposed dwelling with regards to the close proximity of the very tall Lombardy poplars. The Lombardy Poplars are considered of amenity value and benefit from a Tree Preservation Order'.

The above from a liability point of view, PCC agree the Lombardy poplar trees 'Are very Tall', PCC agree if the planning application was approved, which currently it's not been! Note Close proximity of future occupiers 'meaning new dwelling', so confirm current and any future building's on site is at risk /danger. Current and existing lived in dwelling on site, would be at no less of a distance on any of the site locations from the Lombardy poplars. – This is in writing and PCC have acknowledged the risk these trees pose at the current height.

PCC – in writing, believe coppicing Lombardy trees, not modern practice, which is subjective to individual professional opinion. Please see 'report and action' by 2021: Reading borough council, under good tree management of Lombardy poplar trees, 'by coppicing'. – Copy in annex.

2017: Annex: report and actions on Lombardy poplar trees: Welwyn Hatfield BC

I will explain further,

All Arboriculturist reports, (every revision) clearly stated retention of the x5 Lombardy Poplar trees. The first arboriculturist report contained a "suggestion" that the Lombardy Poplar trees off site within 99 & 101 Fulbridge road, Peterborough, would benefit topping to 12 meters, (Heights confirmed below, from Topical survey, very tall for built up area). The comments were to remove

dead wood and make safe due to overpowering size. I.e., to address previous planners' comments and concerns NB, application 1 year prior ref: 21/01574/OUT, wrong tree setting for built up areas, as known Lombardy poplars are more suited to open fields / woodland settings as wind breaks.

As this was rejected by the tree officer 'topping of Lombardy poplars', it was removed in all other Arboriculturist reports, all of which went to great lengths to note special "No dig" construction methods, including various site layout plot options which would be completely out of Root protection areas, and specialist construction "No dig" on any driveway and parking areas.

Further references: Topical survey Lombardy Poplar Heights mapped. See topical survey.

- G2.70 = Height 22 meters
- G2.30 = Height 24 meters
- G1.20 = Height 12 meters
- G2.60 = Height 23 Meters
- G2.40 Height 22 Meters

All 4 planning applications on the same site, going back to April 2010 have never once alluded to removal of these trees nor has this been an issue to date. Therefore, we can only conclude it is an issue now, due to as mentioned "We feel this TPO has been put in place as validation towards an objection of our planning application". This is why I feel this Tree Protection Order is not just and is unnecessary.

9
Leading to our other statement "and in reactive response to our challenging of the conduct of the tree officer during this planning application". We genuinely feel this TPO has been put in, due to challenging the tree officer on why he disagrees with a professional arboriculturist report on the condition of trees on the site. We don't have an issue with varying options, but to disagree with a professional report on trees on site, not providing any other independent agricultural report in argument... nor visiting site to view the trees in person... is unprofessional and not something that would be expected from someone carrying out their duties correctly.

Which is why we strongly believe the only site visit by the tree officer regarding the Lombardy poplar trees was conducted on Wednesday 8th March 2023, accessed via 101 Fulbridge Road, long after already having made up his mind, (*N. B consultation notes report X2) by way of providing an objection to planning permission and only during the week prior to the planning committee meeting.

The reason I state report X2, is due to both of the (consultation notes reports) on the portal being word for word identical, with the other x2 being the same apart for a added paragraph with the exception of date change or not on 1. The report written 29th November 2022 before his site visit on 8th March 2023 at 101 Fulbridge Road, was resubmitted as a newly dated report, 2nd March 2023, which leads us to believe that this site visit has only been carried out to cover his back and that he has not read nor digested any further communication from us regarding any involvement with the trees for the purpose of planning approval, which we feel is reflected and clear in his objection response to our recent planning application.

We believe any anxiety to be had, is that of the tree officer due to the following, Conversations with neighbours way back at the start of our planning application were had over safety and liability of the Lombardy poplars, and an offer to have these trees coppiced or pruned was made by us at our expense... If, and only if planning was approved for (option 1 (plan A)). This was suggested as part of our planning, however this plan was rejected due to concern for root protection areas, despite RPA, "no dig" construction methods being proposed, so we moved onto other options which would prevent root protection issues. Therefore, retracting our offer to cover

cost of tree management as rendered unnecessary due to new plan options not affecting the Lombardy poplar trees in any way. After all, these trees are not our property and therefore not our responsibility, and it is our understanding that our neighbours only obliged tree management as it was ourselves that would be covering the cost, if it were not for this, we know they had no interest in carrying out professional tree management at their own cost. It was simply conversed and shared as an option to appease concerns over safety and liability for both the neighbour's peace of mind and in support of our planning application... where concerns for falling debris (dead branches) may have been a vindication towards objection for approval.

N.B. 99 Fulbridge road have a very large concrete block and rendered (Concrete slab) shed over the root protection areas of the Poplars, and 101 Fulbridge have a concrete slab and a very large shed over the root protection areas. (Under, permitted development). We are happy to work with root protection areas, specialist construction 'which is common practice' to protect tree roots.

Since then, new residents have moved into no 99 Fulbridge Road, and their recent comments on the portal are of 3 arborist reports carried out by themselves (reports not shared) however they express their liking of the trees and support of nature, and no indication to the desire to remove or reduce their height. So again, no threat to the trees from them either.

These trees have been in situ over 45+ years or more, in the 9 years of our residency of 5 Sheridan Road, we have never witnessed tree management by tree surgeons of these trees, nor has it been suggested or mentioned prior to supporting our (rejected option 1(plan A) planning application as already mentioned. We have however witnessed over the past 9 years, 101 fulbridge road, owners conducting necessary removal of dead branches in way of preserving the trees and for safety reasons. 99 Fulbridge road have not had any work done during this period, that we are aware of. And it is true our neighbours and owners of the trees share our concern for the height, and safety of these trees as there are several dead branches, and we had a very scary incident of a very large branch falling from height into our garden, this along with other fallen branches and report of damage to our garage roof from one Lombardy tree in No. 99, was shared in a correspondence to the Tree officer, however we can stress it has never been discussed or requested for felling of these trees, and we see no reason for that to change. I believe if the owners of the trees wanted them felled/reduced in height, they would have taken this action long before now!

In simple terms, and to be very clear, only necessary removal of dead branches to preserve the trees has and would be carried out in the future by the tree owners... No's 99 and 101 Fulbridge Road.

We believe a TPO will only increase the risk to safety of life and surrounding buildings, as owners will be reluctant to conduct or request permissions and bear the expense for necessary tree management that can easily be carried out by themselves as it has been for many years already.

9 We feel strongly that the tree officer, is abusing his power to invoke a Tree protection order, and not in the ethos and power of regulation 6 of the town and country planning (tree preservation) England regulation 2012) on these Lombardy Poplar trees off site without real justification. In all reports the Lombardy trees of site were for retention.

We would also like noted our disappointment to... the Length of time taken on this planning application submitted 2.10.22 – applied 16th March.... i.e., 5 months after the application in with Peterborough planning department... to then right at the end... invoke a TPO! After we have tried to work around and accommodate the site, different views, and options for root protection areas one of the 'main concern from tree officer.' This feels wholly unfair and reactive and in aim of scraping for planning objections.

We had removed 2 x fruit trees T1 & T2 in our garden to commence with our landscaping plans due to the onset of spring and the length of time it has taken over and beyond the agreed response time for our planning application.

We have justifiable reasons for removing these two fruit trees,

- We had planned for several years prior to planning applications, to extend our patio area to construct a pergola and temporary construction to house our outdoor kitchen, garden furniture and hot tub. With a fence and archway dividing an entertaining space at one end and an allotment with loggeries, wild lawn, trees and shrubs, bird feeders and boxes, rainwater harvesting and composting etc at the other.
- Fallen apples were hollowed and blackened in the core, (fungus of some sort) for the past 2 years fruit produced has been poor.
- Fallen fruit was abundant and due to its poor quality was collected and composted at the back of our garden... this resulted in complaints from residents in Becketts Close due to decay smell, inviting unwanted rodents and insects.
- Our dogs would eat fallen apples that we were unable to dispose of in bins and become unwell.
- The apples disposed of in bins were refused collection due to the excessive weight, refuse collection lorry could not lift them.
- We paid for the additional brown bin collection (2 brown bins) but bins would become laden with apples and other garden waste would build up. We tried composting more, this is something we already actively do, however with already composting large quantities of leaf mulch, weeds and grass cuttings from our very large lawn for the garden allotment, composting the apples with this was not an option, as for reason already mentioned and we also had the concern that the fungus in them would spread to other varied fruit trees in our garden and the allotment fruit and veg.

So, it was decided long ago, these trees would possibly be removed and replaced as part of the landscaping project. Now that we have finally finished the home renovations, we have made a start on the garden before the onset of spring and decided for the above reasons they had to be removed. New trees and shrubs have been planted already in replacement, and more to come.

Further note: Not in conservation area, nor Tree protection orders, further note fruit trees which generally don't fall under these constraints.

Further costly misleading issues with the tree officers conduct...

4 planning applications have gone in at 5 Sheridan Road, (two from previous owners, in 2010 & 2011, where no requirements on tree plans were requested) then two from us as the current owners. Our first planning application in 2021 was submitted, at the time pre-planning applications from Peterborough city council were not being carried out due to covid. So, I submitted an Outline planning application, one of the rejections was we did not submit a tree plan – (AIA, RPA, TOPPO Survey)

Following a discussion with and advice from the tree officer I was clear that I would be re-submitting an Outline planning application, for this, he advised I needed a Tree plan (Topical survey plotting the trees on site) an AIA, arboricultural assessment, An, 'RPA' to show tree Root protection areas. Which I questioned, is this necessary for an outline planning application? I was advised it was. So, we had this done at great cost, to later find that this was NOT all required...so again feel misled by the tree officer.

Consistency **here is not good**: Example: 21/00993/PIP Moggswell Lane, Orton Longueville. Approved 'outline planning permission' very similar splitting of plot to build dwelling– No Tree plan, No

Arboricultural implications Assessment asked for, Apple tree on site, no report needed on condition, age etc, root protection areas. We feel we have been unduly misled and treated differently.

As a result of misleading us, we have incurred extra unnecessary costs, approx.... £1,300 and then to refute and admonish this report without even personally visiting the site until 8th March 2023 is abhorrent. Then abusing powers to invoke Tree preservation orders to block planning.

Upon submitting our planning application on 25th Oct 22, (5 months later the outcome is still pending) The planning application should have been decided within the eight-week time frame, by 20th Dec 22, I chased this and was asked, if I would allow an extension of 4 weeks which I agreed to. I have chased this regularly with very limited correspondence from the case officer. The tree officer made his assessment's as follows, copies attached.

N.B. Three options on site layout were suggested to work around RPA (Root Protection areas) of the Lombardy Poplars off site.,

-option 1, removal T1 apple tree this tree is situated behind a garden fence and not widely visible, and one small fruit tree, (Damson Plum), this would have linked to Tree officers report on the 29th of Nov 22 note specialist measures to protect roots were suggested pile foundations. Due to comments from tree officer on 29th Nov 22, we revised arboricultural assessment, comments on suggested cutting poplars to 12 meters was removed, and clearly noted are recommended for retention, therefore we added site layout...

-options 2, & 3 which were provided to reflect the suggested layout in the tree officers' comments in his report on the 2nd & 17th of March. Despite these options reflecting and being in line with his own comments suggesting what would be more suitable, he has now stated this is not suitable?? Why is his own suggestion in his report comments now not suitable?

We don't have an issue with varying options, but to disagree with a professional report on trees on site, without attending site or providing any other independent arboricultural report and viewing the trees personally... is unprofessional, it is also unprofessional to comment suggestion on what would be acceptable, to then reject a plan based around his commented suggestion, again misleading, and not something that would be expected from someone carrying out their duties correctly and with any quantitative respectability.

And to also state the current location of the trees...the trees are no nearer nor further from the suggested option 3 (Plan C) than they are to the current plot of 5 Sheridan Road, therefore the statement for objection to Option 3(Plan C) is contradictory, is it Okay for trees of this size to be near and existing property but not a new one?? In rejection letter noting 'very tall Lombardy poplars!

We have tried various times to converse with the tree officer with no follow up to emails or calls. And our invites to site repeatedly ignored.

Therefore, we request that the TPO be revoked, so that our neighbours can continue without further hassle and constraints to their daily lives, and our relationship with our neighbours can continue to be one of a friendly nature without the unnecessary ill feeling and controversy this has bought about.

8 We have also attached a survey of views of the neighbours' covering there opinions on height, dangerous, Tree preservation orders, and amenity. This concurs with the consensus locally and backs the appeal that a tree protection order on these Lombardy poplars is unjust and not

necessary. It also backs the original arboricultural implications assessment; planners concerns and local community about the size and dangers these do present in a housing setting.

Detail of communications listed below,

Arboriculturally impact assessments submitted / and revised to work to protect the Lombardy Trees.

- 2.10.22 – Original, Submitted as part of the planning application. (Lombardy poplars – noted retention, RPA protection but no dig construction methods re: foundations and driveways) suggest maintenance that these would benefit by cutting to 12 meters, and to continue to provide amenity value, for safety, and to regrow. Note: Arboriculturist notes: long term management that I put down was to address safety concerns raised in previous correspondence from planners. It is not ideal to top trees in this way I agree, though it is a practice quite commonly used for these types of trees.
- 25.10.22 – Revised – Arboriculturist impact assessment, removal of recommendation to top Lombardy trees. And added two further layout options to work around RPA's Root protection options, including specialist construction methods to avoid root damage.
- 08.12.22 – Revised – site layout to avoid RPA – Arboricultural assessment followed 12.12.22.
- 12.12.22 – Revised – Arboricultural impact assessment updated, Updated site layout to work around tree root protection options.
- 13.03.23 – revised – T1 & T2 were removed – garden landscaping project started (due to onset of spring) - planning application taking too long (5 months and counting) –
 - 17.03.23 – Advised planning application refused via phone.

The above and the reports, clearly show we have in all cases tried to work with the Lombardy Trees – each revision has cost us, and we were ok with working around these views.

Tree officers' notes.

- Tree officers' consultation notes for planning: report on 29th November 2022, no site attendance, rejected removal of two fruit (apple) trees T1 & T2 and rejected against grading from Arboricultural assessment. (I.e., not seen the trees, not been to site and rejecting a specialist's report). Regarding the 5 Lombardy Poplar trees off-site the Arboricultural assessment; Suggested 'for safety to cut to 12 meters and allow to re-grow) ... I did email the tree officer and requested a site visit, - (genuinely feel I questioned this and upset the individual) Email attached – Note no correspondence to email or repeated attempts to return my telephone calls.
- We revised and submitted an updated Arboricultural assessment, giving an option 3 site layout to be outside of the 'RPA' Root protection areas of the offsite Lombardy poplar trees, as well as removing the suggestion of topping the Lombardy trees.
- Tree offers consultation notes after revised plan: Report on 2nd March 2023, - Note, **exactly same report word for word, just changed date at end of report, did the revised report get read? Clearly not! Again unprofessional.** So clearly not looked at the revision, noting Lombardy trees suggested topping, to 12 meters, this was part of a report from a professional on safety, not considered from my correspondence on safety concerns, nor the neighbours noting large branch had fallen causing damage and safety concerns.
- Tree officer visits neighbours: (I understand that he attended a neighbour's site on the 8th of March, 101 Fulbridge road to look at Lombardy poplars. (Did not come to our house, we were working from all day, it would have been good to have a conversation to understand all views prior to conclusion's).
- Phone call with Shaheeda Montgomery chasing planning application– 10.03.23, I was advised that the tree officer was going to put in a Tree protection order on Both Apple trees on site and the Lombardy poplars trees off site.
- We removed the Apple trees – as we wanted to get on with landscaping the garden.
- Tree officers' consultation notes 17th March 2023 – Added a few paragraphs to existing report, noting future pressures – again still not acknowledged that the Lombardy poplars were to remain.

- Tree officers' consultation notes 17th March 2023 – again still referencing disagrees to topping Lombardy poplar trees and grading of apple trees. (Copy and past added a few notes) – did not update date on report.

Previous correspondence:

Fallen parts of the tree branches regular occasions, note one very large branch noted in an email attached, and confirmed by neighbour 101 Fulbridge road.

Damage to garage roof: last year from Lombardy poplar tree: 99 Fulbridge

We also feel an abuse of power and misconduct from the tree officer from Peterborough City Council. We have put in two planning applications at 5 Sheridan Road,

Planning Application's:

- 25th Oct 2022 Application: 22/01542/OUT (Tree plan was submitted)
- 6th Oct 2021 Application 21/01574/OUT (Tree plan was required)
- 3rd June 2011 Application: 11/00719/OUT (Tree plans were not required)
- 8th April 2010 Application: 10/00358/OUT (Tree plans were not required)

Regards

MR & Mrs Clark

03.04.23

Supporting Evidence.

- Appeal Letter
- 2010 Planning Application – (No tree issues on site, mentioned on rejection)
- 2011 Planning Application (No tree issues on site, No mention on rejection)
- 2021 – Planning Application (Noted Tree report required) Noted main concern from neighbours is large poplars and Risk to property and life. N.B. No Tree officer comments on this application.
- 2022 – Application and information required.
- July 22, Arboricultural Implications Assessment – Noting suggested topping Poplar trees – to address planners concerns and make safe large trees in housing area.
- 29.10. 22; Tree officers report notes – not happy with grading & topping suggested to poplar trees
- 02.12.22: Tried to enter discussion with tree officer – invited to site to try and find a suitable way forward. Ignored
- 10th Dec 22, Amended Arboricultural Implications Assessment – removed suggested topping to poplar trees, and added extra site layout outside of root portion areas.
- 2.03.23: Tree officer report – still noting not happy with topping poplars (even though removed from report) – Same report word for word (just updated date) so not read reports.
- 13.03.23 – Amended Arboricultural Implications Assessment, noting T1 & T2 trees removed.
- Evidence on condition of T1 & T2 Apply trees condition.
- 17.03.23 – Tree officer report (TPO noted invoked on poplars) Still noting topping of poplars!
- 17.03.23 – Tree officer further report (another copy and paste) – added a few notes – namely object with T1 & T2 Tree condition (even though removed) – dated 02.03.23
- Public comments from planning portal on trees – N.B. 101 Fulbridge road & 99 Fulbridge road.
- Evidence – natural & historic environmental – Senior Landscape Technical Officer – No objection, Quote 'Furthermore as the application would not appear to not affect any existing public open space or 'Amenity Landscaping we have no comments to make'.
- 24.03.23; Refusal notice, R3 – noting poplars have tree protection order – prior to the 28-day appeal process.
- Not issuing full report on application rejection (as rejection includes tree protection order) which has a 28-day appeal process (TPO Issued 1 week prior to planning refusal) – fully report still not issued two weeks into appeal process – so not allowing the full 28 days to appeal.
- Copy of residents Survey comments on amenity value, and safety concerns for residential area, on the Lombardy poplar trees at 99 & 101 Fulbridge road.
- Example: of Poor consistency on Trees: Planning application Moggswell lane, Peterborough 21/00993/pip
- Examples of recent Councils tree management of Lombardy Poplars @Reading BC & Welwyn Hatfield BC) – evidencing common practice of topping Lombardy poplars – and risks they present.
- Copy of TPO Issued by Peterborough City Council 'PCC'.

Unrestricted

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