

Appendix 5

Re - Tree Preservation Order (TPO) - 23/00004/TPO Land at Rhine Avenue,  
Peterborough

Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>

Mon 15/05/2023 19:45

Good evening Mr Shipton

I hope this finds you well?

Please accept my apologies for the delay in responding after our discussions on site at your property a couple of weeks ago now.

Further to your letter dated 29<sup>th</sup> March concerning the above TPO and our discussion regarding the trees adjacent to the rear boundary of your property within Group G.2 of the TPO, please note that the trees in question are the responsibility and liability of Vistry Partnerships, until the new dwellings/land are sold on.

If as discussed, you feel the trees present a future risk to your property - workshop, due to falling branches, please make contact with Olivia Hewitt, the Development Planning Manager at Vistry, at the e-mail address below (don't worry about the name of the business, they are all apart of the same Partnership), and express your concern, stating that you are putting Vistry Partnership 'on Notice' with regards to your concerns about the condition of the trees and the potential of future branch failure, which may damage your workshop roof or fabric of the building.

I'm sure Olivia will forward your e-mail onto the appropriate part of the business, for a formal response to your concerns. Olivia Hewitt - olivia.hoare@countrysidepartnerships.com

Also, as discussed, please would you confirm you do not wish your letter to be considered as an Objection to the making of the above TPO.

If you wish to discuss the matter further, please do not hesitate to contact me.

Many thanks & kind regards

**Stephen Chesney-Beales**  
Tree Officer

Planning Services,  
Place & Economy,  
Sand Martin House,  
Bittern Way,  
Fletton Quays  
Peterborough.  
PE2 8TY

Re - Tree Preservation Order (TPO) - 23/00004/TPO Land at Rhine Avenue, Peterborough

Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>

Tue 20/06/2023 18:23

Good evening Mr Shipton

I hope this finds you well? Please can you respond to my previous e-mail, below, as I'm not sure if you received it originally?

I hope the information in the e-mail is/was helpful.

Further to our conversation on the day of my visit to your property, you said you did not want your letter to be considered as an Objection to the making of the TPO?

Please would you confirm you do not wish your letter to be considered as an Objection to the making of the TPO, as the matter may be going to the Council's Planning and Environmental Protection Committee for consideration prior to the Committee making a decision to confirm the TPO or not. If you wish your letter to be considered as an Objection, it will be included within the Committee Report accordingly.

If you wish to discuss the matter further, please do not hesitate to contact me.

Many thanks & kind regards

**Stephen Chesney-Beales**  
Tree Officer  
07920160206

Planning Services,  
Place & Economy,  
Sand Martin House,  
Bittern Way,  
Fletton Quays  
Peterborough.  
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Hi Stephen

Sorry for not responding to your email. Yes, I did receive it thank you, as expected it did receive the pass the buck response to my further emails to the relevant parties, however, it is still positive to register my concerns to all involved.

Many thanks for your input.

David

> On 20 Jun 2023, at 18:23, Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk> wrote:

>

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**From:** David Shipton <  
**Sent:** 22 June 2023 18:47  
**To:** Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>  
**Subject:** Re: Re - Tree Preservation Order (TPO) - 23/00004/TPO Land at Rhine Avenue, Peterborough

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Hi Stephen

My only concern was that the trees are maintained to keep them in a safe condition. If the TPO prevents them being touched in any way whatsoever then yes! I would like my concerns raised as an objection, to make sure that whoever is responsible for them is required to keep them in a safe manner.

Many thanks  
David

On 22 Jun 2023, at 07:26, Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk> wrote:

Morning David

Thank you for your prompt reply, much appreciated. Can I just confirm, you do not want to raise your 'concerns', as an objection to the making of the TPO.

Many thanks

Steve

**Stephen Chesney-Beales**

Tree Officer

Planning Services,  
Place & Economy,  
Sand Martin House,  
Bittern Way,  
Fletton Quays  
Peterborough.  
PE2 8TY

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**From:** David Shipton <  
**Sent:** 21 June 2023 11:16  
**To:** Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>  
**Subject:** Re: Re - Tree Preservation Order (TPO) - 23/00004/TPO Land at Rhine Avenue, Peterborough

Re: Re - Tree Preservation Order (TPO) - 23/00004/TPO Land at Rhine Avenue,  
Peterborough

Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>

Fri 23/06/2023 07:00

To:

Morning Daviu

Thanks again for your prompt reply.

In answer to your question, a TPO does not stop the tree/s in question being managed and maintained, as would be expected normally by a responsible owner. The only difference is an application would have to be made and consent obtained to undertake/carry out any tree works, by the owner or any other interested parties.

In this case, if Vistry are not prepared to manage the trees, the new owners of the houses currently being built, may want to, and the Council is concerned that the trees are retained as a natural screen or 'break' between the new development and the houses on Oundle Road. The gardens of the Oundle Road properties are considered large enough for the tree/s not to be considered an immediate nuisance to the 'liveability' of the houses, but may have some bearing on the boundaries, as discussed.

The only 'requirement' a tree owner has to maintain a tree in a safe condition, is by way of their duty of care under the 'Occupiers Liability Act' where the law outlines an occupiers' responsibility, known in law as 'the duty of care', to take reasonable care to avoid acts or omissions which he or she could reasonably foresee may result in harm or injury. When an occupier fails to exercise his or her responsibility the result may be a claim for negligence. The Council is not in a position to 'enforce' the OLA or enforce the maintenance of tree/s protected by a TPO. The TPO gives the Council the opportunity to protect the retention of trees and have control over the works to 'manage/maintain' the tree/s.

I hope I've answered your question. If you would still like me to include your concerns, as an objection, I will do so, but please confirm this to be the case and details will be provided with regards to the Council's process for dealing with objections, and the Planning & Environmental Protection Committee's site visit requirements and meeting.

Have a good weekend.

Many thanks & kind regards

Steve

**Stephen Chesney-Beales**  
Tree Officer

Planning Services,  
Place & Economy,  
Sand Martin House,  
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