

R3 Trees TPO 23/00003/TPO

Please see all annex documents attached, in date order of submittals to PCC, and further correspondence. I do apologise in advance as there is a lot of information and correspondences on this subject, I have tried to lay this out as best as I can.

Previous applications

- 2010 – REF: 10/00358/OUT – No mention of trees, onsite or off site no issues
- 2011 - REE: 11/00719/OUT – No mention of trees, onsite or off site no issue
- 2021 – REF: 21/01574/OUT – Noted needs tree plan, mentioned off site trees.
- 2022 – REF: 22/01542/OUT – This application is ref, Appeal in process.

Please note during the 5-month process of the application, PCC tree officer did not attend the applicant's site as confirmed in his reports, nor entered any suitable communication. The only visit was on the 8th of March @ 101 Fulbridge road (5 months after the application was raised) and was to plot the trees and apply a provisional TPO. The vast amount of the application process has been steered around trees on and off site, without even a site visit with the applicant.

Please see all annexed information in date order re: trees on and off site. With the main issue being around the off-site Lombardy poplar trees.

PCC Application refusal re: offsite trees under.

- Local Plan Policies, including LP16 - Design and the Public Realm
- LP29 - Trees and Woodland of the Peterborough Local Plan (2019).

Rejection summary from PCC

PCC Rejection letter from planners 24.03.23. R3 re: trees 'states reason for refusal: *Quote 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).* Please note planners' rejection summary notes **Mature Poplar trees**, where PCC tree officer completely disagrees that the Lombardy poplars are mature against the arboriculturist reports.

During the process of the application 22/01542/OUT submitted 25.10.22 – 20.12.22 8 weeks deadline, no extension agreed, and decision issued 24.03.23, provisional TPO Issued 16th March 2023. The Provisional TPO was not made within 8 weeks of the application deadline.

The letter dated 16th March 23 TPO order 23/00003/TPO reason: *We have made this order to ensure the continued presence of the tree/trees on this site in the interest of visual amenity.* This letter / order notes site location of just 99 Fulbridge road and omits 101 Fulbridge road 'front page' and NB these are off site trees.

The letter dated 19th April 2023 response to my complaint of the making of the provisional TPO from PCC tree officer, states : *the making of the TPO and the protection of the trees was not the reason for refusal R3 of the above : 22/01542/OUT planning application.*

It's a bit contradictory as it's not a planning rejection, but it's written in as a planning reason for refusal. ? I do believe it will hinder and be a reason for a refusal on any future applications if this TPO is made permanent.

I was required by PCC in my (outline planning application) to provide; (topographic plan this was carried out by SE Surveys, then a tree plan, (AIA), AMS, and TPP plus an RPA which I had carried out by a Caroline Hall, an independent Arboriculturist who used to be a tree officer for Peterborough City Council.

These professional reports were issued as part of the outline planning application. These have been met with strong 'subjective' opposition by PCC tree officer. Who has disagreed with most elements of the reports of the trees i.e., on condition grading, claiming that Lombardy poplar trees are not Mature trees, and the arboriculturists recommendations.

All Arboriculturist reports, (every revision) clearly stated retention of the x5 Lombardy Poplar trees off site (All annexed). The first arboriculturist report July 22, contained under preliminary management considerations, ***'None – long term management consider to top-down trees to 12 meters and allow to re-grow, remove dead wood'***. The comments were to address previous planning application: planners' comments and concerns 'very tall' on application 21/01574/OUT and concerns from neighbours". make safe due to overpowering size. I.e., (Heights confirmed below, from Topographic survey)

This was the salient point we believe for the tree officer, as this was rejected by the tree officer as 'topping of Lombardy poplars' he feels is not modern arboricultural practice. This I feel is the justification reason for the TPO from PCC tree officer. However, it has clearly been misread, and I have tried on many occasions to point this out. However, that is being ignored, and he feels these trees are at risk. N.B. To elevate this concern, the Arboriculturist reports were updated and re-submitted with under preliminary management considerations, on Lombardy Poplar trees off site ***'None' Dec 22 & March 23.***

N.B. PCC tree officer later concurs in a letter 19th April 23 TPO:23/00003/TPO Quote: *However, there may be a need to reduce the trees in height in the future, should their condition decline'*. Which is what the first arboriculturists report 'July 22' denoted! The changed arboricultural reports to 'Preliminary management considerations, on Lombardy Poplar trees off site ***'None' reports Dec 22 & March 23 to elevate any concerns*** of the tree officer. Throughout the whole planning application, it is clear the reports have been misread or mis interpreted. This is very clear throughout all correspondence from applicant and neighbours 99 Fulbridge road & 101 Fulbridge road that the Lombardy poplar trees are for retention. To which were never at risk, thus applying a provisional TPO under risk of amenity & *'unnecessary pruning or felling'* is unjust. Even if the tree officer concluded they need topping to 12 meters, the Lombardy poplar trees would still offer Amenity value. As the height at 12 meters, these would still be seen from surrounding streets due to surrounding bungalows.

Note: I had referenced other local authorities and asked the arboriculturist to consult re: Topping of Lombardy poplar species as PCC tree officer noted this is against modern practices. The arboriculturist notes: *'Quote: It is not ideal to top trees in this way I agree, though it is a practice quite commonly used for these type of trees. I consulted with another arboriculturalist about this, and they agreed*

entirely with me. This is a 'Subjective matter' ref: arboricultural email 31.03.23 annex 35, and that of other Councils Reading BC & Welwyn Hatfield BC reports. However, to elevate concerns and highlight to the tree officer, it was noted in bold and in all submitted updated Arboriculturist reports re: Lombardy Poplar trees off site: under preliminary management considerations, '**None**'. Dec 22 & March 23 ref: annex 38 & 39.

All these arboriculturist reports of which went to great lengths to highlight mitigation and protection measures such as: Including various options to planners on site layout plot options x3; proposals of pile foundations where near root protection areas, to work around the off-site Lombardy Poplar tree's Root protection areas, on all options specialist construction "No dig" on any driveway and parking areas. This was to protect the off-site trees and to retain these trees – however all this has been disregarded, and proceeded to be noted that the offsite Lombardy Poplar trees were at risk of removal and topping 'when they clearly were not at risk' quite the contrary to both removal and topping.

NB. No comments have been made against the arboriculturist report recommendations in supporting suggesting protection measures by the applicant. By either planners and or PCC tree officer i.e., so conclude these are acceptable i.e., on root protection measures, the use of cellular confinement systems is an effective method for protecting soils and tree root systems when new hard surfacing is required near trees. Encroachment into building footprint engagement of a structural engineer, and specialist foundations, for example, pile and beam. The 3 site options to work around the off-site trees giving planners and tree officer options. (All of which have been provided within the application, there has not been engagement to work with the application and how to best address the site).

I had soil sampling carried out for future site tests on foundations for root protection areas of off-site trees and drainage suds at full planning stages.

Further references: Topographic 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.

- Amenity (Reason for TPO) quoted re Poplar trees – The subject of amenity throughout this planning application, all in writing by PCC was described in the early part as 'some public amenity value' by planners in application 21/01574/OUT, then PCC tree offers 'to amenity value 29th Nov 22', 2nd March Amenity value quoted to 'significant amenity value 17.03.23' report 2nd report same day 17.03.23 back to 'amenity value' & 19th April amenity value'. Provisional TPO issued 16.03.23. We do feel the word Amenity has been stretched in context from some amenity value at the start of the application to signification on the day after the TPO was issued to justify the making of the TPO.
- *Power to make a TPO 3.1 LPAs, may make a TPO if it appears to them to be 'Expedient in the interest of amenity to make provision for the preservation of trees or woodlands in their area'. 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. The in secretary of States view. TPO's 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.***

(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. 'Collective impact'. This has not been described and covered in any making of this TPO.

Note – The off-site Lombardy poplar trees referred are not in a conservation area, note: the trees are approx. 45 years old – confirmed by long residing neighbours, and reports.

(PCC Trees and woodland Strategy Dec 22, notes definitions 'mature trees' definition = trees in second third of their life cycle and still growing strongly) – The arboricultural report ages these trees as mature. It defines over mature as = trees in the final third of their expectancy and beginning to decline with very slow growth rates of growth or signs of natural retrenchment (bare dead branches in upper crown with a healthy but reduced crown at lower levels) note in both the arboriculturist report and PCC trees officers' comments ' both concur that the Lombardy poplar tree's do have a lot of dead branches in upper crown). NB – as referenced in Reading borough council report on the poplar species they note that mature poplars are between 30-40 years – whereas the PCC tree officer disagrees they are mature trees, (Although planners note them as mature in rejection letter) this I feel from the tree officer view to maybe to justify the making of the TPO? As sometimes age is a weighted factor in making a TPO. Moreover, these trees based on age, in their local surroundings 'residential', as well many other trees in the vicinity, and that they are not in scarce in the local area (not weighted to a TPO) or wider Peterborough area. See annex below there is 692 variants of Poplar trees in the Peterborough area, of which 109 'Lombardy' trees.

White Poplar	<i>Populus alba</i>	187	0.5%
Black Poplar	<i>Populus nigra</i>	165	0.4%
Native Black poplar	<i>Populus nigra 'Betulifolia'</i>	31	0.1%
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Lombardy Poplar Cherry	<i>Prunus 'Amanogawa'</i>	67	0.2%

Please see local survey of (17) neighbours with view of the poplar trees including amenity view, Annex, these were submitted with the applicant's complaint and rejection to the TPO within the 28-day notice period. PCC tree officer has disregarded these views, and as such has noted only two objections were received one from 5 Sheridan Road, & one from 99 Fulbridge road within the 28-day period. This residents survey was submitted with 5 Sheridan roads complaint within the 28-day period. Since then, PCC tree officer has advised, he has written, and hand delivered letters asking the surveyed neighbours to respond within 14 days. (To which no responses have been received, one neighbour believes they saw this letter (no 2 Sheridan Road), which was the example letter shown as part of the committee pack). All other residents on the survey do not believe they received this letter. That being 16 residents, Sheridan Road, No's 10,13,8,11,6,4,3,2B,2A,9 No 5, & Fulbridge road, 104,106,101,105. It would be worth you enquiring for evidence of these addressed letters. The letter itself, in my opinion, 'is more of a justification 'authority letter' confirming that the TPO is justified, and that the views are it will remain regardless of your survey opinion. Not, a very inviting letter to confirm or ask opinion.

Our view is it is also written by the tree officer (Bias), to justify his work a on the justification of the TPO' .

The view of the local councillor 'Cllr Asim Mahmood' – Also disagrees with PCC tree officer. (The local councillor sat with myself (the applicant) as opposition on the committee meeting). – Annex of his views are.

- *TPO in this location is not reasonable or justified and does not take into consideration the objections raised by residents.*
- *The council has a duty of care to its residents, due to the height of these trees given the risk of high winds and more importantly the nursery children of 101 Fulbridge road who use the garden where the trees are present, and I do not agree with the assessment made by the officer that the trees in question are not Mature. 101 Fulbridge road (runs nursery, and is concerned with risk of poplars)*
- *Can the officer say with confidence that the Landowners will seek permission from the Council if the TPO is granted for trees that are already unmaintained and I have seen first-hand branches falling off. Taking onboard the views of the local residents.*
- *As the Ward Councillor I do not believe that these trees bring significant visual amenity value to the local area and does not warrant a TPO*

Other info.

Withing the 28-day period of the provisional TPO being issued, and as per the process on the letter. I raised a complaint as per the terms to the Head of Planning at Peterborough City Council. This complaint was then passed back to the tree officer to reply. So met with a very subjective view from PCC tree officer, without balance to allow a fair process of investigation and conclusion. Moreover, this was then brought to committee by PCC tree officer to make the TPO Permanent, who has subjectively chosen to omit my full complaint to the committee so not allowing all the evidence and annex to be viewed.

The Committee meeting, I was given 4 days' notice of a site visit by the committee (Tree officer was present) I could not be present as I was out of the county on work, and 6 days to attend a committee meeting. Which I re-arranged a day's work, and travelled 98 miles to attend, then they did not have time to hear any TPO's on the day due to running over on other planning applications.

As I write this, I was advised that there would be a new committee meeting to be held early august 23, (date issued on day of upload 16th Aug 23) to hear the Provisional TPOs to make permanent within the six-month window. The provisional TPO was made on the 16th of March, so six months would be 16th Sept 23. I would ask that this is postponed until such a time that the incorporate inspector has investigated this. If this has been processed, I ask that the incorporate inspector looks at a respective decision to either remove the TPO or confirm. As I feel the process via PCC is unbalanced and bias.

Regardless of the outcome of the TPO for the off-site Lombardy trees, it is a prevalent fact that this should I believe not hinder development of the site (with proven mitigation measures, of root protection areas covered in the arboricultural reports, with no issued raised on these measures by planners nor the tree officer) as these are all widely used practices in protecting trees. The offsite Lombardy poplar trees were for retention, and all reports and measures were covered to protect the

trees. I really do feel that the use of a TPO was unnecessary and should be withdrawn and not be used as a reason for rejection to the proposed dwelling. Nor should this hinder any future applications on this site with sound mitigation measures to work in conjunction with off-site trees.

Finally, we would like to express our gratitude to you for your time spent on unpicking this application. Again, apologies for the quantity of info, we have tried to provide as much clear detail for transparency as possible. We have gone to extreme lengths and expense to gain outline planning to be met with rejections and challenges that to us feel unbalanced in comparison to other approved applications locally.

We await your conclusion / decision on this matter.

Please feel free to contact me if you need any information or to discuss any matter. We welcome you to a site visit if you deem it necessary.

Tina Patel

From: Planning Appeals <planningappeals@peterborough.gov.uk>
Sent: 09 August 2023 13:38
To: Stephen Chesney-Beales
Cc: Clark, David; Planning Committee
Subject: Re: Request for information by 11th Aug 23.

Afternoon Stephen,

Is the below email something you are able to respond to please?

Kind Regards,
Peter

Technical Services (Appeals)
Planning and Building Control
Place and Economy
Peterborough City Council
Sand Martin House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY

Email: planningappeals@peterborough.gov.uk

Telephone 01733 453413

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From: Clark, David [REDACTED]
Sent: 09 August 2023 12:05
To: Planning Committee <planningcommittee@peterborough.gov.uk>
Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Stephen Chesney-Beales <stephen.chesney-beales@peterborough.gov.uk>
Subject: Request for information by 11th Aug 23.

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Please may I request the below information on quantity of Tree protection orders across these species. *PCC Trees and woodland Strategy Dec 22*, notes there is 692 variants of Poplar trees in the Peterborough area (as below), of which 109 'Lombardy Poplar' trees. Please could you provide me the following information. Total Quantity of Tree protection orders on these trees' species, and separately how many tree protection orders are there on just the Lombardy poplar trees in the Peterborough area. This information is not on the gov.uk website this refers to PCC website, however this information is not within the PCC website nor within trees and woodland strategy Dec 22. – There is a note to a reference to a map – but this information is not available or clearly noted and cannot be found.

This information is required by Friday the 11th of Aug – and will be needed as part of a committee meeting on the 16th of Aug 23 Ref: Planning and environmental protection committee as this is relevant to this case: TPO 23/00003/TPO. I do apologise about the short notice however this has been dictated by the short notice for the committee meeting.

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With best regards,
David Clark

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Tina Patel

From: Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>
Sent: 11 August 2023 17:27
To: Clark, David; Planning Committee
Cc: Planning Appeals; Plng Control Enquiries
Subject: Re: Request for information by 11th Aug 23.

Good afternoon Mr Clark

Further to your enquiry of Wednesday, please note the following information, as requested, as far as our data retrieval will allow currently, and please note the further points below.

With regard to your reference to the Council's current Tree and Woodland Strategy (T&WS) and the data presented, there seems to be some misunderstanding.

The data within the T&WS, is data collected from tree survey information from Council owned trees, which are not protected by tree preservation orders (TPOs).

With regards to there being 692 variants of Poplar, this is incorrect. The information states there are:

- 187 White Poplar
- 165 Black Poplar
- 31 Native Black Poplar
- 36 Aspen
- 109 Lombardy Poplar
- 97 Poplar species

Please note: Lombardy Poplar Cherry - is a Cherry, not a Poplar.

Therefore, 528 Poplar trees had been surveyed, and identified from the 5 species above. An additional 97 Poplar trees were identified as Poplar, without the species having been recorded?

Therefore, there are a total of 625 Poplar trees in the data available.

With regards to TPO data available the Council currently has 335 TPOs, of the 2,782 individual trees protected, 96 are identified as Poplar. We do not have the data set available to give a number of Poplar protected in Groups or Woodlands, especially as some of the TPOs date back to 1952.

With reference to your point in regard to the information being relevant to next week's Committee meeting, I would point out that the species of a tree protected by a TPO is irrelevant, as a trees protection is not about species type, but about amenity value and threat, hence why the TPO 23/00003/TPO was made because the Lombardy Poplar in question were considered under threat from development and mis-management affecting their future health and wellbeing.

I hope the above information is useful and satisfactory to your requirements.

Regards

Stephen Chesney-Beales

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

From: Clark, David [REDACTED]
Sent: 09 August 2023 13:05
To: Planning Committee <planningcommittee@peterborough.gov.uk>
Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Stephen Chesney-Beales <stephen.chesney-beales@peterborough.gov.uk>
Subject: Request for information by 11th Aug 23.

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With best regards,
David Clark

Tina Patel

From: Clark, David [REDACTED]
Sent: 13 August 2023 19:12
To: Planning Committee; Planning Appeals; Plng Control Enquiries
Cc: Stephen Chesney-Beales
Subject: RE: Request for information by 11th Aug 23.Provisional TPO 23/00003/TPO Committee meeting 16th March 23

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In response to the requested data,

One could conclude from the information provided, that there are no existing TPOs in the PCC Borough on Lombardy poplar trees species as PCC don't hold this data and is unable to provide this data upon request. It also therefore notes the recent trees and woodland policy Dec 22 data is not conclusive to your findings. Not having or being able to provide any accurate data on the number of TPOs on Lombardy Poplar trees is not transparent and therefore I feel the escalation of this tree species having "some" amenity value to now "significant" amenity value is for justification purposes to apply a TPO.

For argument/balanced view's sake less than 3.5% of the total number of individual trees protected are poplar trees. Of these 625 recorded poplar trees, across the 5 species listed, that equates to 15.36% having TPO's – if you break this down across the 5 poplar tree species would give a median value of 2.56% meaning only 3 trees per poplar species have TPOs. However, as PCC cannot provide this data on how many Lombardy poplar trees have TPO's. We could conclude that there is none on this species 'Lombardy Poplar' and that they would more likely be applied to the rarer species within the group. Secretary of states view does look at applied application processes of TPOs on validity of rarity as a weighted factor, and it is prevalent that Lombardy poplar trees are not a rare species. The above also notes low amenity value weighting based on historically applied TPOs of the species in PCC borough. I feel compelled to reply.

It was a reasonable question and is relevant based on applying TPOs on amenity, as law would look at consistency, approach and macro environment application on a weighted factor when looking at the process followed on making of TPOs as below. PCC note in the below comms that the TPO was applied under amenity value and threat of development and miss-management. Although the TPO was just applied under Amenity value, and the application being refused.... i.e., threat of development (there is no development) *Local Planning Authorities 1.4 The power to make a TPO is exercised by the LPA. In England the LPA is the district, borough or unitary council. A county council may make a TPO, but only: (1) in connection with the grant of planning permission, and likewise arboriculturist reports under preliminary management considerations denoted: NONE. (so, no miss management) and as such the provisional TPO should be allowed to lapse. It is also clear the TPO should not have been applied in the first instance as it did not meet these conditions.*

Application of TPO's.

(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. 'Collective impact'.* This has not been described and covered in the making of this TPO. (Not in a conservation area, not at risk, not rare, local resident's views, Species type in surrounding areas and No other TPOs on Lombardy poplars in PCC area provided, and that they are mature – so future potential as amenity diminishing)

(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. (Which there is many) Lombardy poplar trees are not suitable for residential gardens and are more suitable to marking of fields / farms and historically used to mark edges of towns.

[tposguide.pdf \(publishing.service.gov.uk\)](#)

N.B: this is also in an appeal process with the planning inspectorate as previously covered.

No response is required as this can be covered during the committee meeting.

With best regards,

David Clark

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

Sent: Friday, August 11, 2023 5:27 PM

To: Clark, David (SI EP PE ELEC S RES) [REDACTED]; Planning Committee
<PlanningCommittee@peterborough.gov.uk>

Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Plng Control Enquiries
<planningcontrol@peterborough.gov.uk>

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Sent: 09 August 2023 13:05
To: Planning Committee <planningcommittee@peterborough.gov.uk>
Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Stephen Chesney-Beales <stephen.chesney-beales@peterborough.gov.uk>
Subject: Request for information by 11th Aug 23.

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Please may I request the below information on quantity of Tree protection orders across these species. *PCC Trees and woodland Strategy Dec 22*, notes there is 692 variants of Poplar trees in the Peterborough area (as below), of which 109 'Lombardy Poplar' trees. Please could you provide me the following information. Total Quantity of Tree protection orders on these trees' species, and separately how many tree protection orders are there on just the Lombardy poplar trees in the Peterborough area. This information is not on the gov.uk website this refers to PCC website, however this information is not within the PCC website nor within trees and woodland strategy Dec 22. – There is a note to a reference to a map – but this information is not available or clearly noted and cannot be found. This information is required by Friday the 11th of Aug – and will be needed as part of a committee meeting on the 16th of Aug 23 Ref: Planning and environmental protection committee as this is relevant to this case: TPO 23/00003/TPO. I do apologise about the short notice however this has been dictated by the short notice for the committee meeting.

White Poplar	<i>Populus alba</i>	187	0.5%
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Aspen	<i>Populus tremula</i>	36	0.1%
Lombardy Poplar Cherry	<i>Prunus 'Amanogawa'</i>	67	0.2%

With best regards,
David Clark

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Tina Patel

From: Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>
Sent: 15 August 2023 11:22
To: Clark, David
Cc: Democratic Services
Subject: Re: Request for information by 11th Aug 23.Provisional TPO 23/00003/TPO Committee meeting 16th August 2023

Dear Mr Clark

Further to your e-mail of Sunday, the contents of which has been noted, please note the following points in reply:

With regards to your points in paragraph one, I don't agree with your conclusion with reference to '*there are no existing TPOs in the PCC Borough on Lombardy poplar trees species as PCC don't hold this data and is unable to provide this data upon request*', as anyone of the 96 Poplar may well be a Lombardy Poplar. Just because PCC are unable to retrieve the data currently, does not in itself make your conclusion correct, plus there are likely to be Lombardy Poplar protected in Group and Woodland TPOs.

As stated previously, the Tree and Woodland Strategy (T&WS) data from Council owned trees is different to the data for trees protected by tree preservation orders (TPOs).

Providing the information requested with reference to the number of TPOs and those that are Poplar, and explaining that the information available is, as good as our data retrieval will allow currently, is I believe very transparent, and has no bearing on the amenity value of the TPO'd trees in question.

With regards to your points in paragraph two, as stated previously, the 625 trees you reference are Council owned trees and data collated for the T&WS. Given that there appears to be a lack of Lombardy Poplar in Peterborough City Council (PCC), one could conclude they may well be considered rare?

With regards to your points in paragraph three, S.198 (1) of the Town and Country Planning Act 1990, it states that 'If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order'. This is with regards to making an order, hence the reference in the Council's Formal Notice 'in the interests of visual amenity', which is a standard letter. The expediency for making the order, as stated in Point 1 of my report to Committee, was 'the trees' may be under threat from development and mis-management affecting their future health and wellbeing'.

The 'county council' reference is not appropriate as PCC is a Unitary Authority and makes its own TPOs accordingly. The making of the TPO was considered appropriate and reasonable in the circumstances, as stated in Section 6 Conclusions of my report to Committee.

With regards to your points in paragraph four, I believe these points have been addressed in Point 2 and Section 5 Assessment of Trees, within my report to Committee, and demonstrate that the Council have adequately followed procedural requirements.

With regards to your points in the final paragraph five, again, I believe these points have been addressed in the Point/Section above, but also within Point 5 of my report to Committee, where it points out that your appointed, independent Arboriculturist, clearly states the trees subject of the TPO **'have the potential to offer a further 20 to 40 years contribution, with good screening and wildlife habitat**

potential, and are of benefit to the local landscape.' and goes on to state, 'they are of considerable stature and widely visible from the surrounding area.'

I consider the above statements, in themselves, justifies the making of the TPO.

I hope the above responses have covered the points raised.

The Planning & Environmental Protection Committee will consider the points raised by all parties and consider whether or not to confirm the TPO as recommended, on Wednesday 16th August 2023.

Regards

Stephen Chesney-Beales

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

From: Clark, David [REDACTED]
Sent: 13 August 2023 19:12
To: Planning Committee <PlanningCommittee@peterborough.gov.uk>; Planning Appeals <planningappeals@peterborough.gov.uk>; Png Control Enquiries <planningcontrol@peterborough.gov.uk>
Cc: Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>
Subject: RE: Request for information by 11th Aug 23.Provisional TPO 23/00003/TPO Committee meeting 16th March 23

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In response to the requested data,
One could conclude from the information provided, that there are no existing TPOs in the PCC Borough on Lombardy poplar trees species as PCC don't hold this data and is unable to provide this data upon request. It also therefore notes the recent trees and woodland policy Dec 22 data is not conclusive to your findings. Not having or being able to provide any accurate data on the number of TPOs on Lombardy Poplar trees is not transparent and therefore I feel the escalation of this tree species having "some" amenity value to now "significant" amenity value is for justification purposes to apply a TPO.
For argument/balanced view's sake less than 3.5% of the total number of individual trees protected are poplar trees. Of these 625 recorded poplar trees, across the 5 species listed, that equates to 15.36% having TPO's – if you break this down across the 5 poplar tree species would give a median value of 2.56% meaning only 3 trees per poplar species have TPOs. However, as PCC cannot provide this data on how many Lombardy poplar trees have TPO's. We could conclude that there is none on this species 'Lombardy Poplar' and that they would more likely be applied to the rarer species within the group. Secretary of states view does look at applied application processes of TPOs on validity of rarity as a weighted factor, and it is prevalent that Lombardy poplar trees are not a rare species. The above also notes low amenity value weighting based on historically applied TPOs of the species in PCC borough. I feel compelled to reply.
It was a reasonable question and is relevant based on applying TPOs on amenity, as law would look at consistency, approach and macro environment application on a weighted factor when looking at the process followed on making of TPOs as below. PCC note in the below comms that the TPO was applied under amenity value and threat of development and miss-management. Although the TPO was just applied under Amenity value, and the application

being refused.... i.e., threat of development (there is no development) *Local Planning Authorities 1.4 The power to make a TPO is exercised by the LPA. In England the LPA is the district, borough or unitary council. A county council may make a TPO, but only: (1) in connection with the grant of planning permission, and likewise arboriculturist reports under preliminary management considerations denoted: NONE. (so, no miss management) and as such the provisional TPO should be allowed to lapse. It is also clear the TPO should not have been applied in the first instance as it did not meet these conditions.*

Application of TPO's.

(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. 'Collective impact'*. This has not been described and covered in the making of this TPO. (Not in a conservation area, not at risk, not rare, local resident's views, Species type in surrounding areas and No other TPOs on Lombardy poplars in PCC area provided, and that they are mature – so future potential as amenity diminishing)

(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. (Which there is many) Lombardy poplar trees are not suitable for residential gardens and are more suitable to marking of fields / farms and historically used to mark edges of towns.

[tposguide.pdf \(publishing.service.gov.uk\)](#)

N.B: this is also in an appeal process with the planning inspectorate as previously covered.

No response is required as this can be covered during the committee meeting.

With best regards,

David Clark

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

Sent: Friday, August 11, 2023 5:27 PM

To: Clark, David (SI EP PE ELEC S RES) [REDACTED] Planning Committee
<PlanningCommittee@peterborough.gov.uk>

Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Plng Control Enquiries
<planningcontrol@peterborough.gov.uk>

Subject: Re: Request for information by 11th Aug 23.

Good afternoon Mr Clark

Further to your enquiry of Wednesday, please note the following information, as requested, as far as our data retrieval will allow currently, and please note the further points below.

With regard to your reference to the Council's current Tree and Woodland Strategy (T&WS) and the data presented, there seems to be some misunderstanding.

The data within the T&WS, is data collected from tree survey information from Council owned trees, which are not protected by tree preservation orders (TPOs).

With regards to there being 692 variants of Poplar, this is incorrect. The information states there are:

187 White Poplar

165 Black Poplar

31 Native Black Poplar

36 Aspen

109 Lombardy Poplar

97 Poplar species

Please note: Lombardy Poplar Cherry - is a Cherry, not a Poplar.

Therefore, 528 Poplar trees had been surveyed, and identified from the 5 species above. An additional 97 Poplar trees were identified as Poplar, without the species having been recorded?

Therefore, there are a total of 625 Poplar trees in the data available.

With regards to TPO data available the Council currently has 335 TPOs, of the 2,782 individual trees protected, 96 are identified as Poplar. We do not have the data set available to give a number of Poplar protected in Groups or Woodlands, especially as some of the TPOs date back to 1952.

With reference to your point in regard to the information being relevant to next week's Committee meeting, I would point out that the species of a tree protected by a TPO is irrelevant, as a trees protection

is not about species type, but about amenity value and threat, hence why the TPO 23/00003/TPO was made because the Lombardy Poplar in question were considered under threat from development and mismanagement affecting their future health and wellbeing.

I hope the above information is useful and satisfactory to your requirements.

Regards

Stephen Chesney-Beales

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

From: Clark, David <[REDACTED]>
Sent: 09 August 2023 13:05
To: Planning Committee <planningcommittee@peterborough.gov.uk>
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David Clark

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