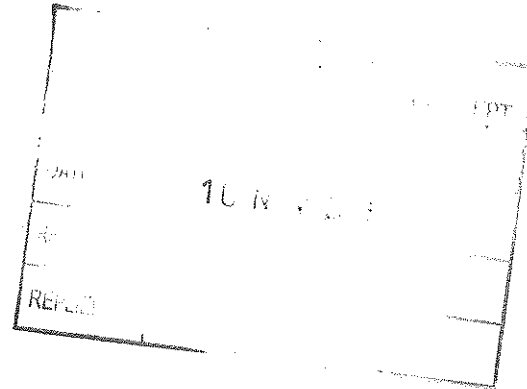




Your ref:
 Our ref: MR/JF/EV/D2/02
 Direct tel: 0113 254 3071
 Direct fax: 0113 254 3030
 E-mail: mark.rayner@dtz.com

09 November 2005

Derby City Council
 Development & Cultural Services
 Environmental Sustainability Unit
 Roman House
 Friar Gate
 Derby
 DE1 1XB
FAO: Chief Planning Officer



Dear Sirs

**TOWN & COUNTRY PLANNING ACT 1990 – TREE PRESERVATION ORDER 2005
 NO. 441
 DERBY CITY COUNCIL (SINFIN CENTRAL BUSINESS PARK, SINFIN LANE,
 DERBY)**

We act on behalf of the owners of Sinfin Central Business Park, Sinfin Lane, Derby, F R
 Evans (Leeds) Limited where we are in receipt of Town & Country Planning Act 1990 Tree
 Preservation Order No.441 relating to a number of poplar trees located on my client's land, as
 indicated by the enclosed plan, reference Tree Preservation Order 2005 No. 441.

We object to this Tree Preservation Order on the following grounds:-

1. We enclose a report, which my client's have commissioned in respect of the said trees, which shows that the majority of the trees are diseased and decayed.
2. That the poplar trees are of no special interest or species.
3. The roots of poplar trees can cause excessive damage and will cause damage to my client's buildings in the future.
4. That the trees in their present condition pose a dangerous Health & Safety problem to members of the public due to the trees location along the boundary with a public highway and especially a bus stop.

Members will see from the copy of the report that the majority of the poplar trees do suffer
 from an element of decay. In fact the reason why we have undertaken a report is that a poplar

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A list of directors names is open to inspection at the above address

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Certificate No Q8160

tree recently fell down during high winds and was lucky not to injure a member of the general public.

With the increasing climate change, it is foreseen that stronger storms would be more evident within our country, but as such these trees could be brought down onto the public highway without warning due to their decayed nature. My clients concern is that a Tree Preservation Order will add increased bureaucracy and prevent my client from taking action to prevent a Health & Safety Emergency. My client will be holding the City Council responsible for any claim against them through accident or injury; as a direct result of imposing this order upon my client.

Further, my client initiated this report on the present condition of the poplars in order that a long term replanting programme could be put in place.

The client is deeply saddened by the negative reaction the Local Authority to place this Order, rather than consulting with my client to promote public/private partnership as a better way forward.

The report submitted clearly shows that sometime in the future all of these poplar trees will need to be replaced, as such this order places a bureaucratic stranglehold on my clients for no apparent reason. My clients have always looked to maintain the amenity value to this site and would look to do so in the future by a progressing replanting programme. A programme, which it is hoped the Local Authority would be happy to liaise with my clients over.

Any loss in amenity value would affect my client as well. This would affect the appearance of the frontage of the Estate meaning it would lack appeal for future lettings and would not offer value to those tenants on site. It is therefore in my client's interest to ensure that this amenity value is maintained.

We would therefore request that this order be cancelled as it is not in the interest of the general public or my clients and will not result in the loss of amenity value.

Yours faithfully



Mark Rayner BSc MRICS
Associate Director

Cc Alan Syers – Evans of Leeds Limited