

**Tree Preservation Order 2007 Number 503 (2 Chain Lane, Mickleover, Derby)**

**RECOMMENDATION**

1. To approve confirmation, with modifications to the plan and tree schedule, Tree Preservation Order 2007 number 503 (2 Chain Lane, Mickleover, Derby).

**SUPPORTING INFORMATION**

- 2.1 On 3 October 2007 Derby City Council, in exercise of the powers conferred by sections 198, 201 and 203 of the Town and Country Planning Act 1990, made the above Tree Preservation Order (TPO) on 2 Chain Lane, Mickleover, Derby, as shown on the plan attached as Appendix 2.
- 2.2 The reason why the TPO was made is cited as: The trees indicated in this Order are proposed for protection in the interests of visual public amenity. The trees are situated in a very prominent position and can be appreciated from the immediate vicinity as well as from further afield. The trees contribute materially to the amenities of the locality by playing an important part in providing a sense of scale and maturity and by having a general greening effect on the immediate and surrounding area.
- 2.3 Letters objecting to the TPO were received from Margaret MacQueen (OCA UK Ltd), Simon Telford (1 Corden Avenue, Mickleover), David Chilvers (66 Jackson Avenue, Mickleover), Peter Brookes (executor for 2A Chain Lane, Mickleover), Mr D Glover (293 Uttoxeter Road, Mickleover), Fred Crofts (289 Uttoxeter Road, Mickleover). Copies of the objection letters are attached as Appendix 3.
- 2.4 The main points of Ms Margaret MacQueens' (OCA UK Ltd) objections are listed below followed by the Assistant Directors response.
- 2.5 Ms MacQueen's objection point one: Despite acknowledging the Council's acceptance over drafting errors in the order, OCA objects to the order for that reason. Two trees of the group (Horse Chestnut and Poplar) are incorrectly plotted.



- 2.6 Assistant Director's response to point one: As mentioned above, we have acknowledged the fact that the Poplar tree and the Horse Chestnut tree have been plotted incorrectly on the map and their location described incorrectly in the schedule. The correct location of the two trees in question has been ascertained during site visits made whilst addressing objections to the order and an amended plan and schedule will be contained within the order upon confirmation.
- 2.7 Ms MacQueen's objection point two: The reasons for making the order have not been explained and the Council has not provided any evidence nor indicated that it has assessed the amenity value of the trees. Ms MacQueen makes reference to chapter 3 of 'Tree Preservation Orders: A Guide to the Law and Good Practice' which details guidance on factors to consider when making the order, subsequently Ms MacQueen suggests that the Council has not acted in accordance with best practice or Government advice.
- 2.8 Assistant Director's response to point two: The Tree Preservation Order contains a paragraph 'Grounds for Making the Order', this briefly explains why the Council has made the order, but does not detail how we have assessed the amenity value of the trees. The template for the Tree Preservation Order is a 'model' order and as such we have included all information that we are obliged to include. In assessing the amenity value of the trees we have considered the 1) visibility, 2) collective impact, 3) wider impact and 4) expediency. As such we have acted in accordance with best practice and Government guidance.
- 2.9 Ms MacQueen's objection point three: Roots from the trees may be implicated in subsidence damage to property and evidence shows that the trees are implicated in causing danger to 2 Chain Lane and nuisance to 2A Chain Lane.
- 2.10 Assistant Directors' response to point three: We have contacted OCA UK Ltd. in order to request the following evidence: 1) soil sample analysis 2) root sample identification 3) foundation depths and 4) a record of monitoring indicating the extent of the buildings' movement over time. We would expect to receive this type of information when determining an application to fell a protected tree that was alleged to have caused the damage. If this evidence implicating the trees as the cause of the alleged subsidence had been provided to us it would have negated the need to confirm the order. Ms Margaret MacQueen (Senior Consulting Arboriculturist OCA UK Ltd) has informed us that the Engineer's view is that they are not yet in a position to submit the applications to fell relating to both properties so they understand that we will be confirming the Order.
- 2.11 Mr Brookes' objection is listed below followed by the Assistant Directors response.
- 2.12 Mr Brookes' objection: Mr Brookes objects to the order as he considers the trees scheduled in the order to be the cause of alleged subsidence damage to his property at 2A Chain Lane. This has been suggested to him by OCA UK Ltd. (Consulting Arboriculturalists).
- 2.13 Assistant Director's response to Mr Brookes' objection: I make reference to my response to Ms MacQueens objection point 3 (Para 10).



- 2.14 The main points of Mr Chilvers' objection are listed below followed by the Assistant Directors response.
- 2.15 Mr Chilvers' objection point one: That the vegetation for which the insurance policy holder is responsible is likely to be contributing toward the cause of damage. This has been suggested to him by a chartered engineer from the insurance company Cunningham Lindsey who have appointed OCA UK Ltd to inspect and report on the necessary tree management which recommended that appropriate measures include the removal of the Oak tree and the Poplar tree.
- 2.16 Assistant Director's response to point one: I refer Mr Chilvers to my previous response above, in relation to the objection made by Mr Brookes.
- 2.17 Mr Chilvers' objection point two: Due to the relative size of the Oak tree with regards to the surrounding trees and houses, the public amenity value of the trees is limited to only a couple of points and as such he contests the level of visual public amenity.
- 2.18 Assistant Director's response to point two: The Tree Preservation Order is a group type order and as such the amenity value of the trees is as a group. There are three trees in the group (of which the Oak is one) and their value is a collective one and as such they are readily visible from Uttoxeter Road, Chain Lane and Corden Avenue. The age of the trees means that they will continue to make a significant contribution to the area and their public amenity value will increase over time.
- 2.19 The main points of Mr Telford's objection are listed below followed by the Assistant Directors response.
- 2.20 Mr Telford's objection point one: Mr Telford believes that small residential gardens are not appropriate places for the trees to grow to their mature size and in his opinion the trees are too large and overbearing and will require significant management and intervention to ensure that they grow safely in their environment.
- 2.21 Assistant Director's response to point one: The Tree Preservation Order makes allowances for works to be carried out to the tree that are deemed necessary and appropriate in order to ensure they grow safely in their environment.
- 2.22 Mr Telford's objection point two: A very large limb broke off the Horse Chestnut tree which landed on top of his shed very close to a children's climbing frame and swing in his garden, this has given him concerns about safety.
- 2.23 Assistant Director's response to point two: The trees have all been the subject of a Visual Tree Assessments before making the order and also since receiving the objections. On both occasions the Council's Arboricultural Officer was satisfied that the trees displayed no outward signs that would render them unsuitable for inclusion in a Tree Preservation Order. Whilst we acknowledge the fact that a branch has been shed by this tree in the past, there is no evidence to suggest that this tree poses any hazard in its' current state.



- 2.24 Mr Telford's objection point three: He is concerned about the fruit (conkers) that falls every autumn from the tree which in his opinion has the potential to cause minor injuries.
- 2.25 Assistant Director's response to point three: The fruit and leaves falling from a deciduous tree is a natural occurrence and forms part of the trees' growth cycle and pattern. Whilst we appreciate Mr Telford's concern about the fruit and leaf fall of the tree, I do not consider there to be a real danger.
- 2.26 Mr Crofts' objection is listed below followed by the Assistant Director's response.
- 2.27 Mr Crofts' objection: The poplar tree referred to in the order could potentially hit the property if it fell and could cause injury and damage. He is also concerned that the roots of the tree could affect the foundations of their property both now and in the future.
- 2.28 Assistant Director's response to Mr Croft's objection: Given that the current height of the tree is less than that of the distance from the tree to the property it would be an exceptional set of circumstances that led to the tree directly damaging the property in this way. The tree has been the subject of a Visual Tree Assessment by the Council's Arboriculture Officer in order to assess its' structural integrity for suitability in including it in the TPO and such appeared to display no obvious visual signs of risks or hazards.
- 2.29 Mr Glover's objections are listed below followed by the Assistant Director's response.
- 2.30 Mr Glover's objection point one: That two of the trees in the order have been plotted incorrectly and shown to be in the wrong garden.
- 2.31 Assistant Director's response to point one: I refer to my response given above in relation to Ms MacQueen's objection point one.
- 2.32 Mr Glover's objection point two: He considers the blossom and sticky leaves that fall to be a nuisance and he is concerned about the fruit (conkers) that fall from the tree that in his opinion have the potential to cause serious injury or even fatalities to children.
- 2.33 Assistant Director's response to point two: I refer to my response given above in relation to Mr Telford's objection point three.
- 2.34 Mr Glover's objection point three: He contests the Council's grounds for making the order because in his opinion the trees do not have any public amenity value that makes them suitable for preservation.
- 2.35 Assistant Director's response to point three: I refer to my response given above in relation to Mr Chilvers' objection point two.



- 2.36 Mr Glover's objection point four: He does not think it is sufficient to propose this order without explaining the 'real' grounds for doing so as he believes that the order has been tinged with a hidden agenda and as such hides the real reason for the making of the order.
- 2.37 Assistant Director's response to point four: The order was made in light of a TPO check by OCA UK Ltd. as they wished to remove them due to the Oak tree and the Poplar tree being implicated in an alleged subsidence claim at 2 & 2a Chain Lane. As I have previously stated, the trees as a group have a level of public amenity value which makes them suitable for inclusion in a TPO. There is no other reason for the order being made other than to protect a group of visually important trees.

<b>For more information contact:</b>	Jason Humphreys Tel - 01332 256031E-mail: <a href="mailto:jason.humphreys@derby.gov.uk">jason.humphreys@derby.gov.uk</a>
<b>Background papers:</b>	Tree Preservation Orders, A Guide to the Law and Good Practice
<b>List of appendices:</b>	Appendix 1: Implications Appendix 2: Plan of tree groups' location Appendix 3: Letters of objection Appendix 4: Correspondence from OCA UK Ltd



<b>IMPLICATIONS</b>
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**Financial**

1. None.

**Legal**

- 2.1 The Local Planning Authority must, before deciding whether to confirm the Tree Preservation Order, consider any duly made objections.
- 2.2 The Local Planning Authority may modify the Tree Preservation Order when confirming it.

**Personnel**

3. None directly arising.

**Supporting the Council's vision and priorities**

4. The confirmation of Tree Preservation Order 2007 Number 503 will support the Council's vision and priorities by contributing to the priority of leading Derby towards a better environment.





**DERBY CITY COUNCIL**

**DERBY CITY COUNCIL  
TREE PRESERVATION ORDER**  
Map referred to in the Derby City Council  
2 Chain Lane Mickleover (Derby)

Tree Preservation Order 2007 No. 503

**Regeneration and Community  
Roman House  
Friar Gate  
Derby  
DE1 1XB**





66, Jackson Avenue,  
Mickleover,  
Derby.  
DE3 9AT

26<sup>th</sup> October 2007

**Derby City Council (2 Chain Lane, Mickleover, Derby)**  
**Tree Preservation Order 2007, Number 503.**

Dear Sir / Madam,

I am writing on behalf of my mother-in-law, Mrs A P L August, who is the owner of 2, Chain Lane. Unfortunately she is increasingly unable to manage her own affairs and I have an agreement with her Insurance Company that I can deal on her behalf.

We object to the Order referred to above and this objection references two out of the three trees specified in Schedule 1 of the order viz: 1 x Oak and 1 x Lombardy Poplar. Our objection is for the following reasons:

Earlier this year we contacted our Insurance Company, Norwich Union Direct, and made a claim for damage to the property caused by subsidence. The Insurance Company appointed Cunningham Lindsey to find the cause of the problem and recommend remedial action. Their Chartered Engineer concluded: "... the damage has been caused by root exacerbated clay shrinkage subsidence. This has been caused by moisture abstraction by roots altering the moisture content of the clay subsoil resulting in volume changes, which in turn have affected the foundations. We consider the damage will not progress if appropriate measures are taken to remove the cause. In this instance it is likely that vegetation for which the policyholder is responsible is contributing toward the cause of damage".

They appointed OCA UK Ltd to inspect and report on the necessary tree management. In their arboricultural report, OCA recommended that the "appropriate measures" included the removal of both the trees which are the subject of this objection.

We have now reached the position where OCA has appointed a contractor to remove the trees which are causing damage to the property. Only when this is done can necessary repairs to the residential property be carried out. Until this is done we must infer that there could be further damage resulting from this cause.

Regarding your concern for "the interests of visual public amenity", I assume you mean as viewed from a public space. I would contend that, due to the relative size of the Oak and the surrounding trees and houses, this tree can only be seen from a stretch of "old" Chain Lane and glimpsed from a couple of spots on Utttoxeter Road.

I would also point out that the area contains many trees and that there will still be several mature trees remaining in this garden, including the Horse Chestnut and three other Lombardy Poplars, all of which will remain.



This is a case where "visual public amenity" is in conflict with the structural safety of two established residential properties. We need a speedy resolution to this problem and, if the order is enforced in full, then we would require help in knowing what our options are.

I hope you can see, from the above, the difficult position we are in and that your due consideration will result in the revocation or amendment of the order.

Please confirm receipt of this objection.

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read "D. Chilvers". The signature is written in a cursive, flowing style.

(Mr. David Chilvers)



Derby City Council  
Regeneration and Community Department  
Roman House  
Friar Gate  
Derby DE1 1XB

3 Box View  
Colerne  
Chippenham  
Wiltshire  
SN14 8DH

01225 743071

27 October 2007

Your Reference JH/PL/503

7 OCT 2007

*D. Singer*

Dear Sir

**Tree Preservation Order 2 Chain Lane Micklegate**

I have recently received your letter delivered to 2A Chain Lane, Micklegate, Derby concerning Tree Preservation Order 2007 number 503. The property at 2A Chain Lane was owned by my mother Mrs D M Brookes who died in August 2006. I am her executor.

When attempting to sell the property in 2006 the estate agent pointed out considerable subsidence damage to the property, which in his opinion made it unsaleable. A claim for subsidence damage was subsequently accepted by the insurers (Norwich Union) who employed Cunningham & Lindsay civil engineers to manage the repairs.

In their report of 26 March 2007 Cunningham & Lindsay concluded that the damage was caused by root exacerbated clay shrinkage subsidence. OCA UK Ltd were employed to advise on the removal of trees. Their report of 2 August 2007 concluded that the trees listed in preservation order 503 were amongst those responsible for the damage and that they should be removed.

I am in a position where the house may suffer further damage as a result of the subsidence and it is likely to remain unsaleable until repairs have been completed. The repairs cannot be carried out until the cause of the problem has been removed.

I therefore wish to lodge a formal objection to the tree preservation order since it is likely to be the cause of damage to my property.

Yours faithfully



P J Brookes



Free Preservation Order Number  
identified as within the rear garden area of

Re: Tree Preservation Order Number 2007/503

I am writing to you with reference to the application for Tree Preservation Order Number 2007/503, which has been placed on a group of trees identified as within the rear garden area of 2 Chain Lane.

I would also like to add that as much as I can appreciate that large mature trees do add to an area and the aesthetic of the landscape, I think that there is a right and a wrong place for them and I don't think small residential gardens are an appropriate place for them to grow to their mature size. The poplars are in my opinion too large and overbearing at the size they are, and chestnut tree although not fully mature is still an extremely large tree, which will take significant management and intervention to ensure that it grows safely in its environment.

With all of the above in mind, I would not only like to have the TPO over-ruled, furthermore I would ask that a felling order be placed on at least the Chestnut tree and if possible all of the trees listed in the order. I am aware of a request for this to happen by parties related to 2 chain lane and I would like to take this opportunity to endorse and support their request.

Simon Telford

on Telford



**Quote from: - [http://www.planningni.gov.uk/Devel\\_Control/info\\_leaflets/TPO/tpo.htm](http://www.planningni.gov.uk/Devel_Control/info_leaflets/TPO/tpo.htm)**

**Why Protect Trees?**

Trees make an important contribution to the environment, creating a varied, interesting and attractive landscape.

Trees -

enhance views

help define character and promote a "sense of place"

add colour and seasonal interest

support a wide variety of wildlife

Cutting down trees, groups of trees and woodland can destroy the settings of buildings or parts of a town. Also, proposals for extensions or new buildings can sometimes threaten woodland and trees.

**How do we decide which trees to protect?**

The Department may make TPOs for the purpose of:

- Protecting important trees or groups of trees, which are under threat.
- Strengthening a planning condition for the protection of existing trees or trees to be planted as a requirement of a planning condition.
- Protecting trees, considered to be of special value in a particular area, even though there is no direct threat to them.
- Protecting a woodland area by securing the replanting of trees, which have been felled with the Department's consent.

**Quote from [www.naturenet.net/trees/tpo.htm](http://www.naturenet.net/trees/tpo.htm)**

"A TPO is to protect trees for the public's enjoyment. It is made for the 'amenity' of the tree or woodland, and this can include its nature conservation value but more often means its visual amenity. However, it does mean that if a tree is not visible or accessible from a public place - even slightly - a TPO cannot usually be enforced."



2 November 2007

**Your Ref: TPO 503 of 2007**

**Our Ref: 38248/2655908/August & Chilvers &**

**37769/2615159/Execs of Brookes**

Assistant Director Regeneration  
Derby City Council  
Regeneration and Community Services Dept  
Derby  
DE1 1XB

**Recorded Delivery**

**Attention: Jason Humphreys**

Dear Mr Humphreys

**TOWN & COUNTRY PLANNING ACT 1990**

**TOWN & COUNTRY PLANNING (TREES) REGULATIONS 1999**

**The Derby City Council (2 Chain Lane Mickleover Derby) TPO 2007 Nos 503**

**Risk addresses 2 Chain Lane & 2a Chain Lane Mickleover Derby DE3 9AJ**

We refer to the above Tree Preservation Order, (the Order) and by way of this letter we object to the Order on behalf of our client Cunningham Lindsey and respectfully request that the Order is not confirmed. This detailed objection is in accordance with Regulation 4(1) of the Town & Country Planning (Trees) Regulations, 1999.

We object to the Order on the grounds that (i) there are drafting errors in the Order; (ii) the reasons for the making of the Order are not explained and (iii) the Council has protected trees that are alleged to be implicated in subsidence damage.

**(i) Drafting Errors in the Order & the Map**

We understand that the Council have acknowledged that there are drafting errors in the Order. We are as a precautionary measure submitting objections to the service of the Order here but expect please, to be served with a corrected copy of the Order in due course

**(ii) The Reasons for Making the Order are not Explained**

The current Government advice about the creation and service of Tree Preservation Orders is found in the DETR (now DCLG) publication '**Tree Preservation Orders: A Guide to the Law and Good Practice 2000**' (the Blue Book 2000). This publication has largely replaced Circular 36/78 '**Trees & Forestry**' but the Circular has not been formally withdrawn. Therefore both documents together represent Government advice.



## Derby City Council

The Council states that the Order was made on the grounds that “ protection in the interests of visual public amenity” was required.. However the Council has not stated how it assessed the ‘amenity’ value of the trees.

Chapter 3 of the Blue Book 2000 contains detailed advice on making and confirming Tree Preservation Orders. Paragraph 3.3 deals with the issue of reasons and states clearly that:

**“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:”**

The paragraph goes on to list the criteria as (1) **visibility**; (2) **individual impact**; (3) **wider impact** and (4) **expediency**, with detailed guidance as to what is meant by each of these criteria.

With respect the Council has not provided any evidence nor indicated that it has in fact assessed the ‘amenity’ of the trees. If it has made such an assessment, it has not provided the evidence to support the making of the Order.

We therefore respectfully suggest that the Council has not acted in accordance with best practice or with Government advice and on that basis we request that based on the second ground for objection, the Order is not confirmed.

### **(iii)Roots from the trees may be implicated in subsidence damage to property**

The Order seeks to protect G1 however in our opinion the trees should not be protected due to the qualification under s198(6)(a) and (b) Evidence shows that the trees are implicated in causing danger to No 2 and nuisance to No 2a Chain Lane as a result of the effect on property foundations.

On this basis also, we formally object to the Order and request that it is not confirmed.

In summary therefore, we formally object to the Order on the above grounds and we respectfully request that the Council gives serious consideration to the grounds of objection as set out herein and reconsiders the confirmation of the Order.

Please acknowledge this objection and address the acknowledgement and any other correspondence in the matter of the objection and this order, to this office.



**Derby City Council**

Yours sincerely

Margaret MacQueen BSc CBiol MIBiol MICFor  
**Senior Consulting Arboriculturist**  
**D/E Team**

**OCA UK Limited**

Email: Margaret.MacQueen@oca-arb.co.uk  
Tel: 01206 751626  
DDI: 01206 224787  
Fax: 01206 855751

**Cc Cunningham Lindsey**

Mrs August, 2 Chain Lane

Execs of Brookes, 2a Chain Lane

J:\38248\TPO obs.doc



289 Uttoxeter Road  
Mickleover  
Derby  
DE3 5AF

Tel 517243  
~~513652~~  
7 October 2007

Your ref: JH/PL/503

Assistant Director Regeneration  
Derby City Council  
Regeneration and Community Services Department  
Derby  
DE1 1XB

Dear Sir

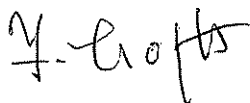
**TOWN AND COUNTRY PLANNING ACT 1990  
TREE PRESERVATION ORDER 2007 NUMBER 503  
DERBY CITY COUNCIL – 2 CHAIN LANE, MICKLEOVER, DERBY**

I am in receipt of a letter dated 3 October from Jason Humphreys.

My wife and I have been resident at 289 Uttoxeter Road for 36 years. We have been concerned for many years that the poplar tree referred to in Tree Preservation Order 503 could potentially hit our property and cause serious damage should it fall, and injure anyone in the grounds or dwelling. In addition, I am concerned that the roots of the tree may already affect the foundations of our property and, if it is allowed to continue to grow, the chances of damage will increase. For this reason I would like to lodge an objection to the tree preservation order on this poplar tree.

I would draw your attention to the site of the trees referred to in the order. Both the horse chestnut and poplar tree are actually within the grounds of 291 Uttoxeter Road, adjacent to the boundary of 2 Chain Lane and not as indicated on the plan included with Mr Humphreys' letter.

Yours sincerely



Fred Crofts



293 Uttoxeter Road  
Mickleover  
Derby  
DE3 9AF

Tel: 01332 514492

16 October 2007

Your Ref JH/PL/503

For the attention of Mr J Humphreys  
Tree Preservation Order Officer

Dear Mr Humphreys

With regard to your letter of the 3<sup>rd</sup> October outlining the councils plans to implement a Tree Preservation Order on three trees adjacent to the property known as 2 Chain Lane, Mickleover, Derby, I must point out to you that two of the trees in question are not in the grounds of 2 Chain Lane. The Poplar and the Horse Chestnut trees mentioned in the specification are situated in the grounds of 291 Uttoxeter Road; therefore, your proposed order is not valid.

However, since you have raised this issue concerning these trees, I would object strongly about a preservation order being placed on the Horse Chestnut Tree. This tree is very close to the line of my boundary fence and the spread extends over my garden. This can and does constitute a danger to persons who might be beneath this tree when the conkers are falling. I am sure that you will be aware that the conker and it's protective housing, which has sharp thorns on the outside, can be as large as a duck egg and falling from a height of 20 feet or more could cause injury to any person it might strike. Indeed, it could cause serious injury, and perhaps a fatality, should it strike a child on the head! In my opinion, this is not the type of tree which should be encouraged within the boundaries of housing areas; it should only be allowed to develop in empty spaces or within the confines of a forest.

Your argument for the preservation of the trees is completely unfounded in that they are "in the interest of visual public amenity". You may get a glance at them in the space afforded by the gap between a Silver Birch and No 1 Corden Avenue, which will soon be filled by a dwelling house in which planning permission has been given. You may get a glance at the canopy between 291 and 293 Uttoxeter Road, and very unlikely from Chain Lane. They are not in a prominent position to be seen from further afield since they are surrounded by houses. Any tree or set of trees which cause public nuisance are not "in the public interest" and should be felled. I suspect that these grounds you have quoted are from already prepared arguments used as a convenience.

This tree is also a nuisance in that it deposits a large amount of blossom onto my garden during the springtime, followed by sticky leaves, about the size of 50pence pieces, which stick to everything they touch including shoes which can then be carried into one's house and damage carpets, and one's temper! These events are followed by the conker fall and the dangers already outlined, followed by the leaf fall which can be quite considerable. All these deposits have to be cleaned-up which is a considerable effort and no help is ever offered by the owner of the tree.

Since an Ash tree was felled in the grounds of 295 Uttoxeter Road, it has allowed the Horse Chestnut to expand it's canopy in a easterly direction thereby causing a loss in available sunlight to the bottom of my garden which I try to cultivate. My guess is that the canopy now extends halfway down the garden of No 1 Corden Avenue, which I think is unreasonable, but it is for the owner of that property to make their own objections.



It is my contention that in place of a Tree Preservation Order on the Horse Chestnut tree in question, a compulsory Felling Order should issued by the council to remove this tree forthwith. At least the tree should be severely pruned to limit, or indeed prevent, the nuisance and danger to those affected by this tree.

There are a number of rumours circulating amongst local neighbours, some of them being quite contentious and giving rise to speculation concerning the councils, or indeed private intentions for possible future developments in this area, having regard to the planning permission given for a house to be built in the garden of 297 Uttroter Road? Why has a considerable and extensive survey been done to establish possible root damage to 2 Chain Lane, who has commissioned this and why have the council seen fit to establish a Tree Preservation order on trees which it is alleged have caused this damage? Who motivated the council to make this order and for what reasons? This order is tinged with a hidden agenda and should be aired for all to see and make comment. If as you argue these trees form part of a Public Amenity then all the facts surrounding this order should be in the Public Domain and not kept in a 'need to know' basis. I shall take steps to contact my local councillor for this matter to be raised 'in council' for a more detailed exploration!

It would be useful if you would outline the reasons for your proposed order so that its implication can be considered in more detail. I do not think it is sufficient for you to propose a contentious order such as this without explaining the real grounds for doing so.

I look forward to your reply.

Your sincerely,

A handwritten signature in dark ink, appearing to read 'D Glover', written over a horizontal line.

D Glover



## Humphreys, Jason

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**From:** Margaret MacQueen [Margaret.MacQueen@oca-arb.co.uk]  
**Sent:** 11 December 2007 15:49  
**To:** Humphreys, Jason  
**Cc:** michelle.smith@cl-uk.com; jong@jsgconsultancy.co.uk; Christopher Smith; Nicholas Meyer; Pauline Jeans  
**Subject:** RE: 38248 Urgent

Jason

I have to apologise for not managing to get back to you last Friday – particularly since I was working away yesterday. The Engineer's view is that we are not yet in a position to submit the applications to fell relating to both properties so we understand that you will be confirming the Order

Margaret

Margaret MacQueen BSc CBiol MIBiol MICFor  
**Consultant Arboriculturist**  
**Expert & Legal Services**

**OCA UK Limited**

[www.oca-arb.co.uk](http://www.oca-arb.co.uk)

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OCA UK Ltd is a company registered in England and Wales with company number 03009064, VAT No: 414 8490 48

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This email represents the personal views of the author / sender and OCA UK Ltd and its group companies accepts no responsibility whatsoever for its contents.

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**From:** Humphreys, Jason [mailto:Jason.Humphreys@derby.gov.uk]  
**Sent:** 11 December 2007 15:43  
**To:** Margaret MacQueen  
**Cc:** Tony Doyle; michelle.smith@cl-uk.com  
**Subject:** RE: 38248 Urgent

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Ms MacQueen

Having received only this e-mail in response to my request last week, I will begin work on the Planning Control Committee report this week, with a view to confirming the Order before Christmas.

04/01/2008



Regards

Jason Humphreys

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**From:** Margaret MacQueen [mailto:Margaret.MacQueen@oca-arb.co.uk]  
**Sent:** 06 December 2007 17:02  
**To:** Humphreys, Jason  
**Cc:** jong@jsgconsultancy.co.uk  
**Subject:** FW: 38248 Urgent

Mr Humphreys

Mr Green replied to my queries posed last Thursday, yesterday, when I was working away from the office. I simply have had no time today to action any response to you and wont be able to until tomorrow

Ms MacQueen

Margaret MacQueen BSc CBiol MIBiol MICFor  
**Consultant Arboriculturist**  
**Expert & Legal Services**

**OCA UK Limited**

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**From:** Georgina Hutton  
**Sent:** 06 December 2007 16:43  
**To:** Margaret MacQueen  
**Subject:** 38248 Urgent

Hi Maggie

Thought you'd like to know this rather than emailing Chris who would more than likely need to pass this over to you.

I've just had a call from Jason Humphries (Council - deals with TPO) he said he hasn't received the evidence he needs for this case and that he will be confirming order if evidence is not received asap. He said he has discussed this with yourself and Tony in the past and it was agreed that evidence would be sent to him.

Please could you contact him before 5pm today or first thing tomorrow morning on 01332 256031.

Hope this makes sense.

George

04/01/2008