



06 July 2016

Your Ref: TPO No 586

Our Ref: tba

The Director,
Strategic Partnerships, Planning & Streetpride,
Communities and Place Directorate,
Derby City Council,
The Council House,
Corporation Street,
Derby,
DE1 2FS.

Dear Sir/Madam

**TOWN & COUNTRY PLANNING ACT 1990
AS AMENDED BY THE PLANNING ACT 2008
TOWN & COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND) REGULATIONS 2012
The [Derby City Council (Epworth House,3 Stuart Street, Derby)
Tree Preservation Order 2016, Number 586]**

Further to receiving a copy of the Order served 09 June 2016, we now submit this response which is within the prescribed period for objecting to the service of the Order.

We refer to the above Tree Preservation Order, (the Order) and by way of this letter we object to the Order and respectfully request that the Order is not confirmed. This detailed objection is in accordance with Regulation 6(1) of the Town & Country Planning (Tree Preservation) (England) Regulations, 2012.

We object to the Order on the grounds that we believe that the reasons for the making of the Order have not been fully explained.

The current Government advice in relation to the creation and service of Tree Preservation Orders is found in Planning Practice Guidance. We are advised that:

A Limited Company Registration: 03009064
Registered Office: 4 The Courtyards, Phoenix Square,
Wyncolls Road, Severalls Park, Colchester, Essex, CO4 9PE

Tel: 01206 751 626
Email: colchester@oca-arb.co.uk
Website: www.oca-arb.co.uk

VAT Registration Number: 414849048



Derby City Council

“Orders should be used 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. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

The assessment prior to TPO service should cover criteria such 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 the evidence or indicated that it has in fact assessed the ‘amenity’ value of the Cedar tree. For example if the Council has applied TEMPO in making such an assessment, we ask to be provided with a copy of the evidence to support the making of the Order.

The Cedar tree is implicated in direct damage to the adjacent site boundary wall and block paving car parking surface. Methodist Homes [MHA] have a duty of care towards their employees in relation to ensuring there is no risk of a trip claim.

The service of the Order has added a significant additional layer of complexity in relation to asset management for MHA. They now have to apply for statutory consent to carry out works to the Cedar tree.

In summary, 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.

Please advise on the Council’s committee procedure as this objection will stand and therefore MHA do not wish to wait for any future committee agenda which may not consider the objection to service until November/December 2016.

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Derby City Council

Yours sincerely,



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Cc Mr Simon Lowe Head of Asset Management MHA

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