

**MAIN CASE**

Proposal: Confirmation of Tree Preservation Order E/05/24

Location: Land South East of 4 Meadowbrook, Aldreth, Cambridgeshire

Applicant: N/A

Agent: Keith Hutchinson

Reference No: TPO/E/05/24

Case Officer: Kevin Drane, Trees Officer

Parish: Ely

Ward: Haddenham

Ward Councillors: Councillor Gareth Wilson

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**[Z81]**



## Agenda Item 5

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for nine trees on Land South East of 4 Meadowbrook Aldreth Cambridgeshire. This matter is being referred to Committee due to objections received within the 28 days consultation period relating to one of the trees only, which ended on 17 September 2024, and for the requirement to confirm the TPO within six months to ensure the tree is protected for public amenity.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that:

The TPO is confirmed including the one tree objected to, for the following reasons: The trees are prominent features of the garden, visible from the public realm and neighbouring properties, in good health, offering a significant visual contribution to the amenity of the local landscape in this part of Aldreth.

### 3.0 **COSTS**

If a TPO is made and confirmed and a subsequent application for works to the tree are refused then the tree owner would have an opportunity to claim compensation if, as a result of the Council's decision, the tree owner suffers any significant loss or damage as a result of the tree within 12 months of that decision being made costing more than £500 to repair.

### 4.0 **BACKGROUND**

4.1 The Order was made following receipt of a notification that tree T1 was imminently going to be removed following the refusal of a planning application identifying this tree as a reason for refusal. This report stimulated the subsequent tree officers visit to the site and making of the TPO. Due to the objection only relating to one tree, this report will focus on this tree primarily.

4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 9 January 2024 because:  
The trees assessed were considered to be of public amenity value in this part of Aldreth, contributing to the biodiversity and green infrastructure of the local area and as such worthy of retention.

4.3 One objection to the serving of the TPO was received in writing from the site owner's agent relating to tree T1 only. The letter of objection is attached in full in Appendix 1. The details of the objection were:

- Tree T1 is not considered worthy of protection there is no objection to the Order in respect of the remaining trees (T2-T9), since they perform an important landscape function in marking the edge of the built-up area and screening the houses to the north, providing continuity to the green edge separating the residential area from the agricultural land and open countryside beyond.
- T1, this is separate from the trees on the southern boundary and is visible only from the head of the cul-de-sac at Meadowbrook and not from any longer distance views. In our opinion its' removal would have negligible impact on the overall landscape or the character of the area and no impact whatsoever on the integrity of the boundary trees T2-T9. T1 is also situated close to the western boundary, where there is an existing swimming pool, which will increase pressure to maintain a smaller stature crown to limit tree debris from accumulating in the neighbour's pool, resulting in regular tree work applications to the Council.
- T1 is an ash, already affected by dieback, and whilst this is not currently excessive, the tree is clearly vulnerable to the disease and cannot be relied upon to provide amenity in the longer term.
- Our clients are prepared to replace tree T1 with 6 replacement trees as set out in the accompanying report and we consider these replacement trees will more than compensate for the loss.

- It is accepted that trees T2-T9 are clearly visible in the public domain, and they contribute strongly to the wider landscape. We would emphasise, however, that it has never been our client's intention to fell any of these trees and we have always indicated that sufficient precautions would be taken to safeguard their wellbeing during any on-site construction works. The need for a Tree Preservation Order is therefore questioned, when the trees have never been under threat.

4.4 No response to the TPO consultation was received from the Parish Council. Written support for the long-term protection of the tree was received from the two neighbouring property owners as per Appendix 2.

4.5 Given the comments received, including the single objection to the serving of the TPO in relation to tree T1, it was considered appropriate for the Planning Committee Members to consider all the matter and reach a democratic decision on the future protection of the TPO Ash tree T1.

## 5.0 **CONCLUSIONS**

5.1 As part of the process for making the new TPO the all the trees on site were assessed relating to their current condition and no issues were noted relating to the foreseeable failure of the trees protected by the TPO and there was no visible indication that the trees are in significantly poor health as per the TEMPO assessment in appendix 4.

- A trees amenity value is a subjective assessment and the gov.uk website states that 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order, the trees amenity value was assessed using the TEMPO assessment method which is a recognised assessment methodology used by most planning authorities in England Tree T1 scored 16 points out of a maximum 25 points, which puts it in the defiantly merits TPO category (see appendix 4).
- The tree is located internally on the site in proximity to the western boundary where there is a swimming pool in the adjacent garden as such the tree has undergone minor pruning to its western crown. Although public views of the tree is limited the tree is of a size to make it visible to neighbouring properties both of which have expressed support for the TPO. The presence of a TPO would not stop the continued maintenance pruning of T1 only cause it to be formalised.
- Tree T1 is a native species with Ash being recorded as a moderate water demanding species generally resulting in less impact on shrinkable soils.
- As can be seen in the photo attached as appendix 3 tree T1 had some of its upper canopy leaves eaten by Ash saw fly but there was no evidence that the tree is infected by Ash dieback. The genetic variability of Ash makes it unclear if this tree will be infected in the future or the extent of harm that could result.

- Should the tree require removal in the future via a tree work application the TPO legislation only requires the replacement planting of one tree, if the tree were approved via the approval of a planning application the number of replacements would depend upon its size and quality with six being required to comply with the Natural environment SPD but could be above this via the biodiversity net gain legislation. The removal of this tree in the most recent planning application was partly not acceptable as the submitted tree location plans were incorrect and indicated that there was insufficient space for mitigation planting of sufficient quantity.
- The protection of tree T2-T9 during construction was not a consideration when serving the TPO but to protect them if the use of the land changes as it is possible that in the future development of this site could be approved at which point the trees could be removed at the discretion of any future occupier, so with the recent planning decision stated as being appealed it was reasonable to protect all the suitable trees at the same time.

5.2 Whilst determining if the trees were of sufficient amenity value or not is to some extent subjective, these trees are visible just from the public footpath and several neighbouring properties. The Trees Officer remains of the opinion that the trees including T1 make a significant visual contribution to the local landscape, the amenity and character of the area.

5.3 Amenity is a subjective term open to individual interpretation. Public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case the trees are early mature and mature and visible from the public footpath as well as neighbouring gardens and are considered to benefit the area in relation to their contribution to the landscape and therefore considered a significant public amenity.

5.4 If the Planning Committee decide not to confirm the TPO or part of it, the TPO will lapse, and the owner can then remove the trees without any permission required from the Council. If the committee confirm the TPO on all the trees it ensures that suitable evidence is provided before a decision to remove the trees can be made.

Appendix 1 - Letter of objection to the TPO from the property owners agent.

Appendix 2 - Email of support from the neighbouring properties.

Appendix 3 – Photo of tree and photo of leaf damage

Appendix 4 – Documents:

- ECDC TPO Assessment Sheet & user guide
- Copy of the TPO/E/05/24 document and plan

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<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
Town & Country Planning Act 1990 Town & Country Planning (Tree Preservation) (England) Regulations 2012 National Planning Policy Guidance from 6 <sup>th</sup> March 2014 <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/">http://planningguidance.planningportal.gov.uk /blog/guidance/tree-preservation-orders/how- are-offences-against-a-tree-preservation- order-enforced-including-tree-replacement/</a>	Kevin Drane, Trees Officer Room No. 008 The Grange Ely	Kevin Drane Trees Officer 01353 665555 kevin.drane@eastcambs.gov.uk

Appendix 1

# HUTCHINSONS

Planning & Development Consultants

## TREE PRESERVATION ORDER TPO/E/05/24

Trees on land south-east of 4 Meadowbrook, Aldreth, Cambs.

Representations on behalf of

Meadow Barn Developments Ltd.

July 2024

HUTCHINSONS  
15 Castle Gardens, Kimbolton, Cambridgeshire. PE28 0JE

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## 1 REPRESENTATIONS

- 1.1 We are instructed by Meadow Barn Developments Ltd., who are owners of the land to the south-east of 4 Meadowbrook, Aldreth. We request that these representations are considered alongside the attached updated arboricultural report by Greenlight Environmental Consultancy.
- 1.2 We are instructed to object to the Tree Preservation Order (TPO/E/05/24) solely in respect of tree T1 as shown on the plan attached to the Order, which we do not consider is worthy of protection. We raise no objection to the Order in respect of the remaining trees (T2-T9), since they perform an important landscape function in marking the edge of the built-up area and screening the houses to the north, providing continuity to the green edge separating the residential area from the agricultural land and open countryside beyond.
- 1.3 It is accepted that trees T2-T9 are clearly visible in the public domain, and they contribute strongly to the wider landscape. We would emphasise, however, that it has never been our client's intention to fell any of these trees and we have always indicated that sufficient precautions would be taken to safeguard their wellbeing during any on-site construction works. The need for a Tree Preservation Order is therefore questioned, when the trees have never been under threat.
- 1.4 With regard to tree T1, this is separate from the trees on the southern boundary and is visible only from the head of the cul-de-sac at Meadowbrook and not from any longer distance views. In our opinion its' removal would have negligible impact on the overall landscape or the character of the area and no impact whatsoever on the integrity of the boundary trees T2-T9.
- 1.5 Tree T1 is also situated close to the western boundary, where there is an existing swimming pool, which will increase pressure to maintain a smaller stature crown to limit tree debris from accumulating in the neighbour's pool, resulting in regular tree work applications to the Council.
- 1.6 Most importantly, tree T1 is an ash, already affected by dieback, and whilst this is not currently excessive, the tree is clearly vulnerable to the disease and cannot be relied upon to provide amenity in the longer term.

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- 1.7 The previous planning decision for a dwelling on the site (Ref 20/01295/FUL) contained no reason for refusal relating to trees, even though tree T1 was to be felled. Indeed, the Inspector confirmed in his report in respect of the subsequent appeal that the trees to be felled (including T1) were not considered to be "*of such quality and stature that they should be retained and protected.*"
- 1.8 Whilst we consider the Tree Preservation Order insofar that it relates to tree T1 is not justified, our clients are prepared to replace tree T1 with 6 replacement trees as set out in the accompanying report and we consider these replacement trees will more than compensate for the loss. This course of action has previously been seen as satisfactory by the Council's Tree Officer.
- 1.9 We request, therefore, that the Order is amended to exclude reference to tree T1 and relate to trees T2-T9.

## Appendix 2

4 Meadowbrook, Aldreth, Ely, Cambridgeshire, CB6 3UZ

East Cambs District Council  
Nutholt Lane  
Ely  
CB7 4EE

18 September 2024

**For the attention of Kevin Drane**

Dear Kevin

24/00133/FUL Meadowbrook Aldreth – Tree Preservation Order

As a resident adjacent to this proposed development, I support the TPO recently put in place to protect a mature ash tree (tree T2 in the plan of this site). The tree has been referred to by myself in all recent objections to the proposed development and was specifically flagged by the planning committee in the January 2024 refusal letter. Insufficient information had been provided about the tree in the application.

I feel the TPO is entirely valid to protect this tree, which is a local amenity and also a potential bat roost.

The developer hired a contractor to remove the tree on 2 July this year. This seemed to be an attempt to remove the tree, rather than address the issue raised by the planning committee, in an attempt to aid any future appeal.

I hope the planning committee is therefore able to confirm the TPO.

Many thanks for your assistance.

Yours sincerely

Jezz Davies

## Tree Preservation Order - Land between 3&4 Meadowbrook, Aldreth.



Ian Bayes [REDACTED]

To  PLServices;  Kevin Drane;  jezz davies;  'Gareth Wilson'

Reply Reply All Forward

Wed 31/07/2024 06:26

Follow up. Start by 02 August 2024. Due by 02 August 2024.  
You replied to this message on 06/08/2024 13:57.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Sir, Madam,

As a neighbour, I support the TPO recently put in place to protect a mature tree the developer was intending to remove. This particular tree was related to the recent refusal of planning permission ref 24/00133, the developer was intending to remove the tree to aid their planning appeal. The reason for the TPO is entirely valid, to protect a mature tree that provides local amenity that was intended to be removed, contractors were present at site.

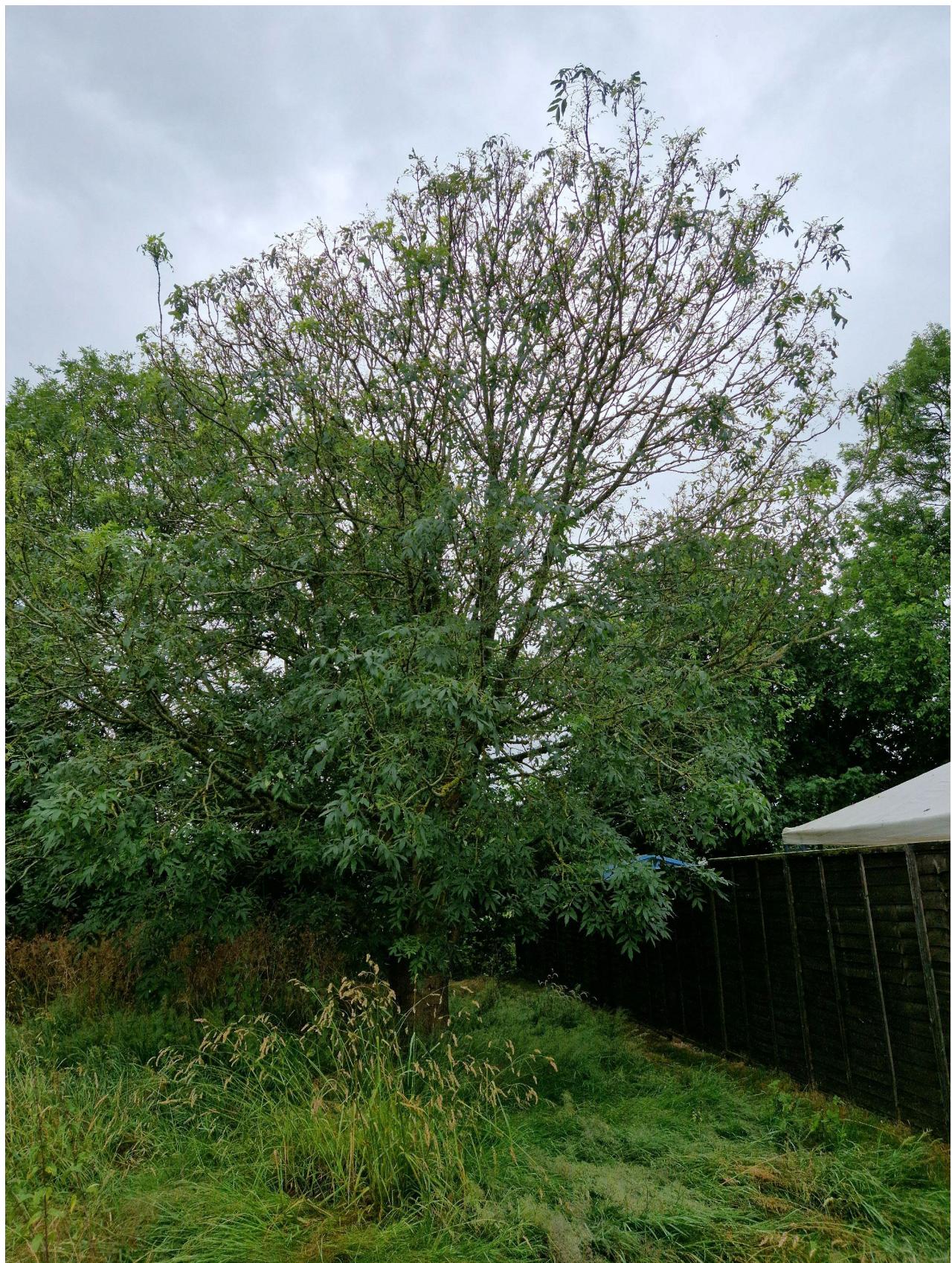
The tree is also a potential bat roost, both neighbours at no.3 and no.4 have witnessed bats flying around the tree during the summer months. We also have a registered maternity bat roost at no.3.

I understand that East Cambs have a legal requirement to ensure ecological surveys are undertaken for any developments. Please can we request a specific requirement to undertake appropriate bat surveys is added to this TPO to ensure any removal of trees at this site considers impacts to protected species.

Thank you  
Ian Bayes  
3 Meadowbrook

Sent from [Outlook for Android](#)

## Appendix 3



Agenda Item 5



Agenda Item 5

**Appendix 4****ECDC TPO Assessment Sheet & user guide & Copy of the TPO/E/05/24 documents****TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

## SURVEY DATA SHEET &amp; DECISION GUIDE

<b>Postal Address/Location</b>		<b>Land South East Of 4 Meadowbrook Aldreth Cambridgeshire CB6 3UZ</b>	
<b>Date:</b>	<b>2 July 2024</b>	<b>Surveyor:</b>	<b>Kevin Drane</b>

<b>DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed</b>		
<b>Category (=report No.)</b>	<b>Description (incl. species)</b>	<b>Situation</b>
T1 (T1)	Ash - minor historic pruning on west side, Ash saw fly damage evident, no significant deadwood, crown break at 1m from ground level. Located approx. 4m from boundary and neighbours shed.	Located as per plan
T2 (T3)	Sycamore – 10degree lean to north for lowest 1.5m of stem then growing vertical, no excessive deadwood, some acute unions but no included bark or signs of structural weakness. Located approx. 2m from ditch bank.	Located as per plan
T3 (T4)	Ash – Ivy shrouded stem, very straight trunk, some crown phototropism but no noticeable effect of stability or structural integrity.	Located as per plan
T4 (T5)	Ash - Ivy shrouded stem extending into crown, crown phototropism due to proximity with T3 and T5 but no noticeable effect of stability or structural integrity.	Located as per plan
T5 (T6)	Ash - Ivy shrouded stem extending into crown, crown and stem phototropism due to proximity with T4 leading to a leaning trunk but no imminent concern for the stability or structural integrity.	Located as per plan
T6 (T7)	Field Maple - Ivy shrouded stem extending into crown, some crown phototropism due to proximity with T7 but no noticeable effect of stability or structural integrity.	Located as per plan
T7 (T8)	Field Maple - Ivy shrouded stem extending into crown, some crown phototropism due to proximity with T6 but no noticeable effect of stability or structural integrity.	Located as per plan
T8 (T10)	Crack Willow – Ivy shrouded trunk, heavy lean and crown weighting to north due to proximity with T9. Likely to require some significant pruning/pollard creation in the future.	Located as per plan
T9 (T11)	Crack Willow – Ivy shrouded trunk, twin stemmed from 1.5m, large feature of the site and neighbouring property, some small cavities visible likely high bat potential.	Located as per plan
T10 (T14)	Purple Plum – multi stemmed, good shape, vigour and health. Assessment limited due to location in neighbour's garden.	
T11 (T15)	Ash – relatively young tree, twin leader, sub optimum branch structure. Close to property (>2m).	
(T2, T9, T12)	Trees were small and obviously poor quality so no detailed assessment undertaken.	

## REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

#### **a) Condition & suitability for TPO**

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

**Score & Notes T1=3, T2=3, T3=3, T4=3, T5=3, T6=3, T7=3, T8=3, T9=3, T10=3, T11=3. T1, T3-T5, T11 reduced from maximum due to risk of Ash dieback. Other trees have identifiable defects that reduce their condition but could be**

*\* Relates to existing context and is intended to apply to severe irremediable defects only*

#### **b) Retention span (in years) & suitability for TPO**

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

**Score & Notes T1=4, T2=2, T3=4, T4=2, T5=2, T6=2, T7=2, T8=2, T9=4, T10=4, T11=1. T1, T3-T5 reduced from maximum due to risk of Ash dieback.**

*\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

#### **c) Relative public visibility & suitability for TPO**

*Consider realistic potential for future visibility with changed land use*

5) Very large trees with some visibility, or prominent large trees	Highly suitable
4) Large trees, or medium trees clearly visible to the public	Suitable
3) Medium trees, or large trees with limited view only	Suitable
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable
1) Trees not visible to the public, regardless of size	Probably unsuitable

**Score & Notes T1=3, T2=2, T3=3, T4=3, T5=2, T6=2, T7=2, T8=2, T9=3, T10=2, T11=1.**

#### **d) Other factors**

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

**Score & Notes T1=1, T2=1, T3=1, T4=1, T5=1, T6=1, T7=1, T8=1, T9=3, T10=1, T11=0. T9 scored higher due to its habitat potential.**

## Part 2: Expediency assessment

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes T1=3, T2=3, T3=3, T4=3, T5=3, T6=3, T7=3, T8=3, T9=3, T10=3, T11=3. Report received that contractors attempted to fell trees on site.**

## Part 3: Decision guide

Any 0	Do not apply TPO
1-6	TPO indefensible
7-11	Does not merit TPO
12-15	TPO defensible just
16+	Definitely merits TPO

**Add Scores for Total:**  
**T1=16, T2=11, T3=14,**  
**T4=12, T5=11, T6=11,**  
**T7=11, T8=11, T9=16,**  
**T10=11, T11=6.**

**Decision:** trees T1, T3, T4 and T9 score high enough to warrant protection by TPO. Trees T2, T5, T6, T7, T8 and T10 are just below the threshold for meriting a TPO but due to the sites dynamic and linked feature as a whole it is the trees officers opinion that the trees within the site should be protected by TPO.

## **Part 1: Amenity Assessment**

### **a) Condition**

This is expressed by five terms, which are defined as follows:

**GOOD** Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so

**FAIR** Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse

**POOR** Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult

**DEAD** Tree with no indication of life

**DYING** Trees showing very little signs of life or remaining vitality, or with severe,

**DANGEROUS** irremediable structural defects, including advanced decay and insecure roothold.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

### **b) Retention span**

It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005

TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

### **c) Relative public visibility**

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection.

### **Sub-total 1**

The prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

Any 0 equating to do not apply TPO - 1-6 equating to TPO indefensible

**d) Other factors**

Only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 20006). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero-score disqualification (under part 3).

**Sub-total 2**

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

**Part 2: Expediency assessment**

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, central government advice is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

### **Part 3: Decision Guide**

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice
- 1-6 TPO indefensible This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO This covers trees which have qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- 16+ Definitely merits TPO Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

Dated: 2nd July 2024

TPO/E/05/24

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**TOWN AND COUNTRY PLANNING ACT 1990**  
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**TREE  
PRESERVATION  
ORDER**

Relating to: - Land South East Of 4 Meadowbrook Aldreth  
Cambridgeshire

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Printed and Published by:  
East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE  
=====

ORDER.TPO

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)  
REGULATIONS 2012**

**TREE PRESERVATION ORDER**

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**Town and Country Planning Act 1990  
The Tree Preservation Order at Land South East Of 4 Meadowbrook Aldreth  
Cambridgeshire , TPO/E/05/24 2022**

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as the Tree Preservation Order at Land South East Of 4 Meadowbrook Aldreth Cambridgeshire , TPO/E/05/24 2022

**Interpretation**

2. (1) In this Order "the authority" means the East Cambridgeshire District Council  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 2nd day of July 2024

Signed on behalf of the East Cambridgeshire District Council



Authorised by the Council to sign in that behalf

#### **CONFIRMATION OF ORDER**

This Order was confirmed by East Cambridgeshire District Council without modification on the day of

OR

This Order was confirmed by East Cambridgeshire District Council, subject to the modifications indicated by , on the day of

Authorised by the Council to sign in that behalf

#### **DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by East Cambridgeshire District Council on the day of

Authorised by the Council to sign in that behalf

#### **VARIATION OF ORDER**

This Order was varied by the East Cambridgeshire District Council on the day of under the reference number

Authorised by the Council to sign in that behalf

#### **REVOCATION OF ORDER**

This Order was revoked by the East Cambridgeshire District Council on the day of under the reference number

Authorised by the Council to sign in that behalf

**SCHEDULE  
SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
T1	<b>Ash Tree</b>	<b>Located as per plan</b>
T2	<b>Sycamore Tree</b>	<b>Located as per plan</b>
T3	<b>Ash Tree</b>	<b>Located as per plan</b>
T4	<b>Ash Tree</b>	<b>Located as per plan</b>
T5	<b>Ash Tree</b>	<b>Located as per plan</b>
T6	<b>Field Maple</b>	<b>Located as per plan</b>
T7	<b>Field Maple</b>	<b>Located as per plan</b>
T8	<b>Crack Willow</b>	<b>Located as per plan</b>
T9	<b>Crack Willow</b>	<b>Located as per plan</b>

**Trees specified by reference to an area**  
(within a dotted black line on the map)

Reference on map	Description	Situation
	<b>NONE</b>	

**Groups of trees**  
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	<b>NONE</b>	

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
	<b>NONE</b>	



Agenda Item 5



East Cambridgeshire  
District Council

Town and Country Planning Act 1990  
Town and Country Planning  
(Tree Preservation) (England)  
Regulations 2012

**TREE PRESERVATION  
ORDER**  
No. E/05/24

Land South East Of  
4 Meadowbrook  
Aldreth  
Cambridgeshire  
CB6 3UZ

**T1, T3, T4, T5 - Ash  
T2 - Sycamore  
T6, T7 - Field Maple  
T8, T9 - Crack Willow**

**PLANNING SERVICE**

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE  
D. Morren. Planning Manager

The tree locations are indicative and  
may not reflect the exact locations

Date: 02/07/2024  
Scale: 1:510.596066



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