

**From:** Cannon Richard (CEX) [<mailto:Richard.Cannon@sheffield.gov.uk>]  
**Sent:** 06 December 2018 09:49  
**To:** 'Bill Anderson'  
**Subject:** RE: Tree preservation order (TPO) objection.

Dear Mr Anderson,

I have liaised with officers within the Council's Environmental Planning team, including the officers who undertook the assessment of the trees relevant to TPO 427, and I am now able to provide the following response to the various points raised within your objection.

Government guidance says visibility is not sufficient alone to warrant an order.

Visibility is one aspect of assessing visual amenity and this was included within the Council's assessment of the tree according to the TEMPO methodology, which is the recognised arboriculture industry standard. A copy of this assessment is attached.

1. These trees do not generate sufficient amenity value to justify TPO protection. They are poor specimens with numerous structural faults, none of which are easily remedied.

The TEMPO assessment undertaken by officers was clear that the protected trees are 'fair' to 'good' specimens with few minor faults and 40-100 years life expectancy. The assessment supported the making of a TPO, which the Council considered expedient in the circumstances.

2. The trees are not in a prominent position, certainly not sufficiently prominent to justify overlooking their poor quality.

Officers disagree with this assessment. Their view is that the trees are very prominent, being adjacent to, and the dominant feature of, the public road. The trees are also an important landscape feature from surrounding public roads. They would also assert that the trees, as a minimum, fall within the 'fair' category rather than 'poor' as defined by the TEMPO methodology and as stated within the guidance notes for the TPO process produced by the Forbes-Laird Arboricultural Consultancy.

3. This TPO appears to be an attempt to control a planning application, in other words a "tool of development control." This is not a proper use of the TPO system.

The Council made this TPO because it considers that it is expedient in the interests of amenity. The power to do this is detailed in section 198 of the Town And Country Planning Act 1990.

When granting planning permission for any development the local planning authority has a duty to ensure that adequate provision (if appropriate) is made for the preservation or planting of trees by the imposition of conditions, and to make any TPOs deemed necessary by the Council. This duty relating to development control and TPOs is detailed in section 197 of the Town and Country Planning Act.

If a TPO had not been made under the power contained in section 198, any future grant of planning permission may have resulted in the local planning authority seeking the making of a TPO under the duty contained section 197.

4. If the trees do have some hidden amenity value, some historic association for example, of which we are not aware, then this should be included in the amenity valuation, which ought to be placed in the public domain.

Officers inform me that they are not aware of any additional considerations other than the age and stature of the trees adding greatly to the amenity value and character of the local area.

5. It occurs to me that no details of this TPO or any supporting or objecting comments, are published on the Town Hall's website. This appears contrary to current preoccupations with "openness."

The Council ordinarily publishes copies of its TEMPO assessments along with representations received where a TPO is referred to the Planning and Highways Committee for confirmation and can provide copies of supporting documentation upon request.

Kind regards,

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**Richard Cannon**

Professional Officer

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**From:** Bill Anderson [REDACTED]

**Sent:** 26 November 2018 16:50

**To:** Cannon Richard (CEX)

**Subject:** Tree preservation order (TPO) objection.

Dear Mr Cannon,

Please find attached an objection to TPO no 427. Please note also that as of this afternoon, there is no sign of the TPO documentation on the Town Hall website, despite the site notice saying it can be seen there.

I would be grateful for an acknowledgement of this e-mail.

Yours sincerely,

**Bill Anderson**

**Anderson Tree Care Ltd.**

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