

**TREE REPLACEMENT NOTICE**  
**Watersedge**  
**Meadow Lane**  
**Hemingford Grey**  
**PE28 9DH**  
**Section 207 Town & Country Planning Act 1990**  
**(Report by Head of Planning Services)**

**1. Purpose of Report**

- 1.1 To seek approval for the serving of a Tree Replacement Notice under section 207 of the Town & Country Planning Act 1990, on the owner of Watersedge, Meadow Lane, Hemingford Grey in order to secure the planting of a replacement tree.

**2. Background**

- 2.1 On 9 January 2002 Tree Preservation Order L/TPO/36 was made protecting a number of trees on a property then known as Woburn Close, Meadow Lane, Hemingford Grey (Appendix A). This property was subsequently demolished and a new dwelling built on the site which is now known as Watersedge.
- 2.2 On 2 March 2007 consent was given (0700332TREE) for the felling and removal of a cedar (T2 in the tree preservation order). Condition 4 of the consent required the planting of a replacement *Pinus sylvestris* (Scots Pine) of advanced nursery stock size within four metres of the base of the cedar to be felled. The replacement tree was to be planted in the first planting season (October to March) following the removal of the cedar (Appendix B).
- 2.3 The property was visited in April 2008 and although the cedar had been felled no replacement tree had been planted. A letter reminding the applicant of the requirement to plant the replacement tree in the next planting season (October 2008 to March 2009) was sent on 22 April 2008 (Appendix C). No response to this letter was received.
- 2.4 A subsequent visit in May 2010 revealed that the replacement tree still had not been planted.

**3. Issues**

- 3.1 A Tree Replacement Notice can be served on the landowner to enforce any condition of consent granted under a Tree Preservation Order requiring the replacement of trees. The Act does not provide that replacement trees are automatically protected by the original TPO and therefore it is intended to vary Tree Preservation Order L/TPO/36 to take account of the felling of the cedar and the planting of the Scots Pine.
- 3.2 The power to enforce the replacement of trees is discretionary. When considering the application to fell the cedar, your Arboricultural Officer considered that

although the felling of the cedar was justified, it would result in a loss of amenity and the replacement Scots pine would mature to become a significant, long term landscape feature. Your Arboricultural Officer considers that it is both necessary and reasonable to serve a tree replacement notice in this case.

- 3.3 Failure to comply with a tree replacement notice is not currently an offence. However if a tree is not planted within the period specified in the notice, the Council is empowered under Section 209(1) of the Town & Country Planning Act 1990 to enter the land, plant the tree and recover from the landowner any reasonable costs incurred.
- 3.4 The owner will have 28 days from the date the notice is served to appeal against the notice under section 208 of the Town & Country Planning Act 1990.
- 3.5 This matter is brought to Development Management Panel as currently there are no delegated powers for the issuing of tree replacement notices

#### **4. Conclusion**

- 4.1 The owner of Watersedge was made aware of the requirement to plant a replacement in the consent of March 2007 and subsequent letter of April 2008. In this letter the owner was also made aware that a tree replacement notice could be served to secure planting of the Scots pine.
- 4.2 It is considered appropriate that a replacement tree is planted to maintain the visual amenity of the area

#### **5. Recommendation**

- 5.1 That a Tree Replacement Notice is issued under Section 207 of the Town & Country Planning Act 1990 on the owner of Watersedge, Meadow Lane, Hemingford Grey, PE28 9DH to secure the planting of a Pinus sylvestris (Scots Pine) of advanced nursery stock size within four metres of the base of the cedar felled. The replacement tree is to be planted in the first planting season (October to March) following from the date when the notice takes effect.

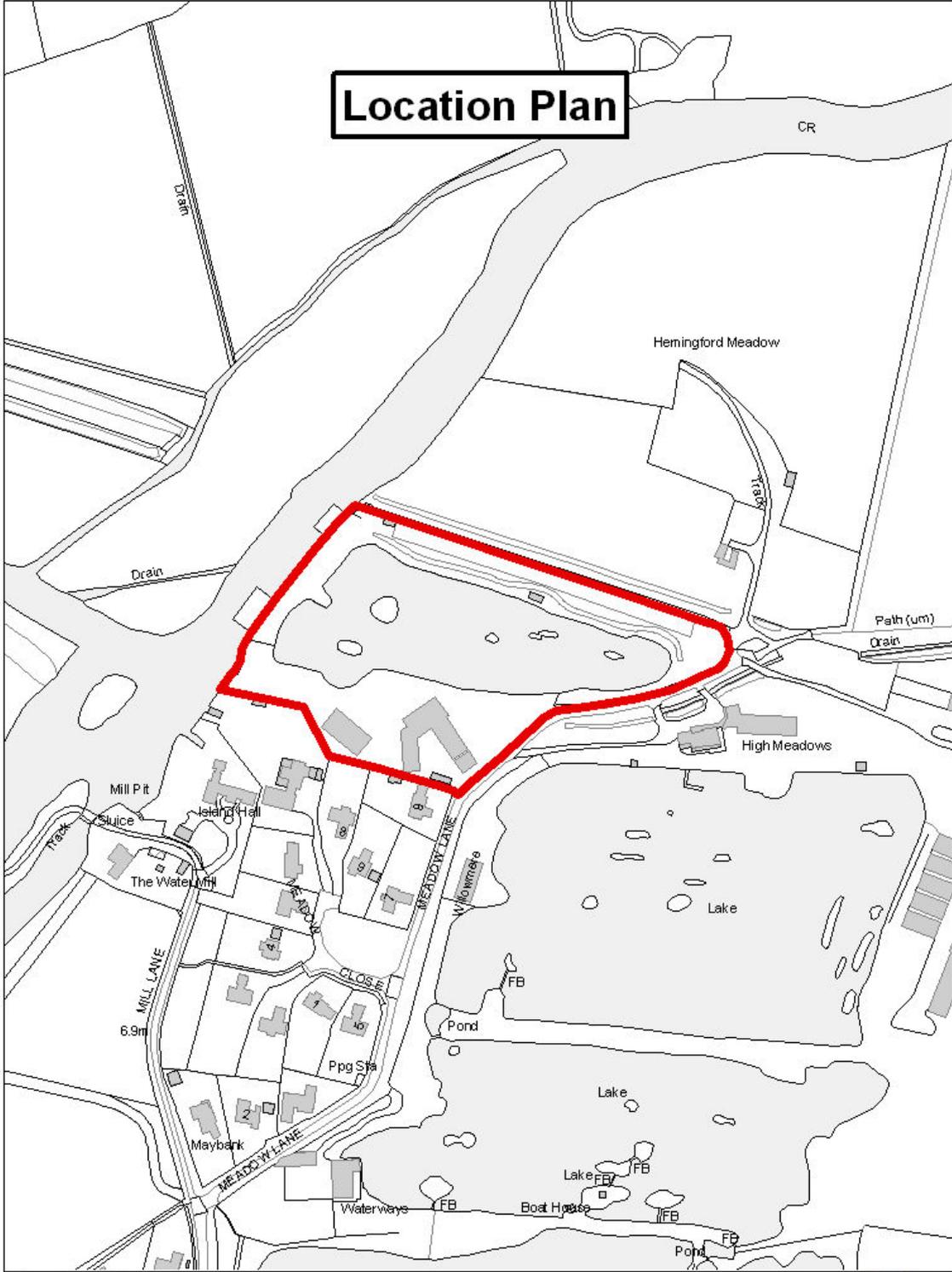
#### **BACKGROUND INFORMATION**

Tree Work Application 0700332TREE

Tree Preservation Order L/TPO/036 Woburn Close, Meadow Lane, Hemingford Grey

**Contact Officer: Mr P Bland, Planning Services Manager (Policy)**  
**☎ 01480 388430**

# Location Plan



N 1:2,500

Date: 19/05/10

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Huntingdonshire  
DISTRICT COUNCIL  
Rushmore House  
St Mary's Street  
Huntingdon  
PE29 3JW  
Planning Services



Application Number: 0700332TREE

TOWN & COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING TREE PRESERVATION ORDER REGULATIONS 1969

CONSENT TO WORK ON PROTECTED TREES

Mr E Tully  
Waters Edge  
Meadow Lane  
Hemingford Grey  
Huntingdon  
Cambs PE28 9DH

Huntingdonshire District Council in pursuance of powers under the above Act, hereby **GRANT CONSENT** to carry out the following work:

**Felling and removal of a Cedar tree  
at Watersedge Meadow Lane Hemingford Grey Huntingdon Cambridgeshire PE28 9DH**

in accordance with your application received on 31st January 2007 and the plans, drawings and documents which form part of the application subject to the following condition/s and reason/s.

1. Condition. The works hereby consented shall consist only of those detailed in the application, as qualified by these conditions, and shall be completed in their entirety.
2. Condition. The stumps of the felled tree(s) shall not be chemically treated (and shall be grubbed or ground out and removed at the time of felling or left in situ).
3. Condition. The works hereby permitted are to be completed within two years of the date of this consent (unless the Council agrees in writing to dispense with this requirement).
4. Condition. A replacement tree of advanced nursery stock size, and Pinus sylvestris (Scots Pine) species shall be planted within 4 metres of the centre of the base of the Cedar tree to be felled, in the first planting season (October to March) following removal of the tree subject to this application.
5. Condition. If within a period of two years from the date of planting, the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent.
6. Reason. To define accurately the scope of the permitted works.
7. Reason. To control the manner in which (and the time by when) the permitted works are to be carried out.

  
Planning Policy Manager  
Operational Services Directorate

ufms.rfl  
Date 2nd March 2007

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**Huntingdonshire**  
d i s t r i c t c o u n c i l

PATHFINDER HOUSE

ST MARY'S STREET

HUNTINGDON

PE29 3TN

**Appendix B**

8. Reason. To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interest of visual amenity.



**Planning Policy Manager**  
**Operational Services Directorate**  
ufm5.rtf  
Date 2nd March 2007

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**Huntingdonshire**

d i s t r i c t c o u n c i l

PATHFINDER HOUSE

ST MARY'S STREET

HUNTINGDON

PE29 3TN

## NOTES

1. If you would like any further information about the decision please contact Brian Ogden, on 01480 388437, quoting the above reference number.
2. **Right of Appeal.** If you disagree with our decision you can appeal to the Secretary of State for the Office of the Deputy Prime Minister. If you want to appeal you must do so to: The Government Office for the East of England, Planning Casework Team, Eastbrook, Shaftsbury Road, Cambridge, CB2 2DF (Tel.:01223 372735) within 28 days from the date you receive this decision.
3. **Compensation.** If you suffer any loss or damage as a result of this decision, you may be entitled to recover from the Council compensation. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the secretary of State, within 12 months of the date of his decision). Claims should be made in writing to the Head of Planning Services at the address shown below.
4. This decision notice does not convey any approval or consent which may be required under any enactment, bye-law or regulation other than Section 57 of the Town and Country Planning Act 1990.

*R. J. L. Pugh*

Planning Policy Manager  
Operational Services Directorate  
ufm5.rtf  
Date 2nd March 2007

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# Huntingdonshire

d i s t r i c t c o u n c i l

PATHFINDER HOUSE

ST MARY'S STREET

HUNTINGDON

PE29 3TN

**Watersedge  
Meadow Lane  
Hemingford Grey  
Cams  
PE28 9DH**

My Ref: MGB/40/0700332TREE

22 April 2008

Dear XXX

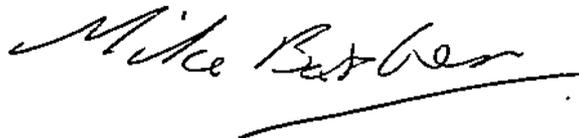
**REPLACEMENT PLANTING AT WATERSEDGE, MEADOW LANE  
TPO APPLICATION REFERENCE – 0700332TREE  
TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING AND  
COMPENSATION ACT 1991)**

Further to the tree consent dated 2<sup>ND</sup> March 2007, the replacement planting referred to in Condition 4 of the consent does not appear to have been implemented. I have enclosed a copy of the consent for your information. The replacement tree should be planted in the next available planting season (October 08-February 09) and I would be grateful if you could contact me when the replanting has been carried out so I can update our records.

Failure to comply with the requirement to plant the replacement tree may result in a formal Tree Replacement Notice being served by this Local Planning Authority under Section 207 of the Town & Country Planning Act 1990.

Please contact me if you have any questions or need further information

Yours sincerely

A handwritten signature in black ink that reads "Mike Barber". The signature is written in a cursive style and is underlined with a single horizontal stroke.

**Mike Barber  
Arboricultural Assistant  
Planning Division**

☎ 01480 388439  
Fax: 01480 388472  
e-mail: Mike.Barber@huntsdc.gov.uk

**Appendix C**