

Appendix 2

Miss D Fearn
Legal Services
Eastbourne Borough Council
1 Grove Road
Eastbourne
East Sussex
BN21 4TW

BY HAND

13th July 2014



Dear Miss Fearn,

Provisional TPO 170

I write with reference to the above provisional Tree Preservation Order in order to make representation as to why it should not be made permanent in its current form.

In compiling this representation we have had cause to speak to 3 different Arboricultural Consultants in order to obtain their views on the various merits of the trees under the protection of this order.

The first and most compelling argument is that the various single trees and groups of trees were assessed as to their suitability in a single TEMPO scoring sheet when the advice provided by the Arboricultural Association is that a separate scoring tool should be used for each single tree and group.

The single TEMPO scoring sheet completed by Mr L Michael, contains scores that cannot be true of all trees and contains within it no contemporaneous notes, again at variance with the advice provided by the Arboricultural Association.

Thus, when it comes to the preservation order applied to our own trees for example, we have asked the consultants to provide a separate scoring for each tree and group of trees which are provided below. From these scores it may be seen that only 4 trees are thought to merit a Tree Preservation Order.

Government advice on the single factor for applying a Tree Preservation Order is significant visual amenity. Since many of the trees contained within TPO 170 are not visible at all to the general public, we would submit, they are not therefore suitable for a tree preservation order.

It is worth noting here that the photograph provided to us by the Council, and supplied to the Council by Tree Officer Mr L Michael, on 4th June 2014 at 12.52 hrs, to support his contention that a tree preservation order be applied in this instance, shows mostly the South Downs National Park and its woodlands, which commences immediately at our boundary fence and that of our neighbours, and only the trees in the very immediate foreground are actually our trees.

Moreover our house is situate at the very end on the left hand side of a cul de sac. We have no passing traffic and even those houses within our road, namely Parkway, are of an orientation which does not permit them a view. There is therefore an extremely limited visual amenity being provided in this instance.

In addition, the majority of trees contained within TPO 170 are already protected by a restrictive covenant, acceded to by ourselves on purchase of our property in February 2014, which covers the rear 30 feet of garden and so to create a Tree Preservation Order and the attendant cost to the Council, in these times where the Council is looking to use its money in the wisest way possible, would seem somewhat wasteful of resources – now and into the future.

The trees in our garden are not at risk of being felled and have never been at risk of being felled. With the sole exception of even where we wished to create some light to our very shaded swimming pool, and those trees not falling within the restrictive covenant imposed upon our purchase, we still sought the opinion of the Eastbourne Borough Council's Tree Officer to ensure that all views were considered. It is fact that the only two trees then at risk of being felled, namely T2 and T3, were at risk because the Council's Tree Officer had, on the 2nd June 2014 given permission for us to fell them.

The subsequent imposition of the Tree Preservation Order caused us to seek permission to fell a single tree, T2, which, whilst rejected by the Council, did not attract a single voice of dissent from the wider public.

A different strategy has now been adopted by ourselves, which does not require the felling of any trees, and so the expediency element has been entirely removed.

As can be seen from our Arboricultural Consultants Assessment and TEMPO scoring only 4 trees would merit a Tree Preservation Order and so we would submit if the Council wishes to impose this order in perpetuity, the limit of this order be reduced to T1, T2, T3 and T4.

Yours sincerely.

Tempo scoring assessments for the trees within the provisional order 170.

T1 Lime - Amenity Assessment - 3, Retention Span - 4, Relative Public Visibility - 3, Other Factors - 2,
Total 12

Expediency Assessment 0 - Overall Total 12

Tree Preservation Order Defensible.

T2 Yew - Amenity Assessment - 3, Retention Span - 4, Relative Public Visibility - 3, Other Factors - 4,
Total 14

Expediency Assessment 0 - Overall Total 14

Tree Preservation Order Defensible.

T3 Yew - Amenity Assessment - 3, Retention Span - 4, Relative Public Visibility - 3, Other Factors - 4,
Total 14

Expediency Assessment 0 - Overall Total 14

Tree Preservation Order Defensible.

T4 Yew- Amenity Assessment - 3, Retention Span - 4, Relative Public Visibility - 3, Other Factors - 4,
Total 14

Expediency Assessment 0 - Overall Total 14

Tree Preservation Order Defensible.

T5 Yew - Amenity Assessment - 3, Retention Span - 4, Relative Public Visibility - 1, Other Factors - 1,
Total 9

Expediency Assessment 0 - Overall Total 9

Does not merit TPO but covered by Restrictive Covenant.

T6 Yew - Amenity Assessment - 3, Retention Span - 4, Relative Public Visibility - 1, Other Factors - 1,
Total 9

Expediency Assessment 0 - Overall Total 9

Does not merit TPO but covered by Restrictive Covenant

T7 Yew -Amenity Assessment - 3, Retention Span - 4, Relative Public Visibility - 1, Other Factors - 1,
Total 9

Expediency Assessment 0 - Overall Total 9

Does not merit TPO but covered by Restrictive Covenant

G1 - comprising 7 Yews, 7 Ash 1 Sycamore - Amenity Assessment - 3, Retention Span - 4, Relative
Public Visibility - 2, Other Factors - 1, Total 10

Expediency Assessment 0 - Overall Total 10

Does not merit TPO but 13 covered by Restrictive Covenant

G2 - comprising 4 no Ash -Amenity Assessment - 3, Retention Span - 2, Relative Public Visibility - 3,
Other Factors - 1,

Total 9

Expediency Assessment 0 - Overall Total 9

Does not merit TPO but covered by Restrictive Covenant.