

Environmental Planning
Cheshire East Council
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

7th March 2022

Dear Sirs,

Our Ref: 4538/TPO.21

**Town and Country Planning Act 1990
Town and Country Planning (TREE PRESERVATION)(ENGLAND) Regulations 2012.
Cheshire East Borough Council (High Legh – Land to the North of 2 North Drive) Tree
Preservation Order 2021
Tree Preservation Order SC/0475/21**

Thank you for your letter dated 4th February 2022.

We have noted its contents and are of the firm opinion that our objection still stands on the grounds that we made in our first letter 17th January 2022.

We will not be withdrawing the objection.

As advised in Guidance Tree Preservation Orders and trees in conservation areas (Paragraph: 037) Authorities should bear in mind that, since they are responsible for making and confirming Orders, they are in effect both proposer and judge. They should therefore consider how best to demonstrate that they have made their decisions at this stage in an even-handed and open manner.

We contend this has not occurred on this occasion.

We note it is stated that the sale of the land prompted a number of local residents to contact the council and express the tree was at risk, the value they placed on the tree and, the amenity it affords the area.

We would respectfully request to be advised of the number of residents who made contact.

There is no risk; the site owner could have removed the tree prior to the land being placed on the open market. There has been no attempt to remove the tree, thus a TPO is not required and is entirely the wrong approach.

We also contend the tree is not the right tree in the right place. Were the tree adjacent to a watercourse or body of water in a rural location then it would be the right tree in the right place. However, it is located in a housing estate with associated infrastructure and urban pressures where it is possible to be associated with causing direct and indirect damage particularly to leaking services.

The use of the TPO legislation in this instance is totally wrong and an abuse of the powers given to the council.

Any alternative use or development of the land would need both a stopping-up order from the Highways Authority and a planning application, both of which will consider the merits of any application. A TPO is simply not the correct instrument in this instance.

It is clear the TPO is being used as a bar to any meaningful future use of a parcel of land. A parcel of land that makes up part of the council's housing supply quota.

Yours faithfully,

