

Date: 06 November 2020

Ms. Carol Slingsby
West Lindsey District Council
Guildhall
Marshall's Yard
Gainsborough DN21 2NA

Sent by email: [REDACTED]

CC: [REDACTED]; [REDACTED]
[REDACTED]; [REDACTED]
[REDACTED]; [REDACTED]

Dear Concerned,

Ref: Tree Preservation Order Sudbrooke No1 2020

Subject: Objection and comments to the TPO Sudbrooke No1 2020.

1) Effective time and date of the order.

I object the statement that the order is effective immediately. The effective date of the order is 5:30pm on 24 September 2020 for the following reasons:

A) I have received the order FIRST TIME at 5:20 pm on 24th September 2020 and immediately contacted the council by telephone and followed by an email to Ms. Carol Slingsby at 17:32:

"Dear Carol

I have just picked the displayed envelop from the gate at 23 Wragby Road which contains the TPO Sudbrooke No1 2020. I have not read the content of the document yet and have immediately called you to get some clarity, but there is no answer. So, I have left the voice message on the phone for you. Please call me on 0333 300 2982 anytime (24 hours on any day) as a matter of urgency to discuss this as the works already started on site this morning.

Regards

Sath Vaddaram"

B) I have made several calls on 25 September 2020 (call recordings are available upon the request subject to admin charge) and made it clear to the council about the receipt of the order.

C) I have made aware various officers about the time and date of receiving the order through calls/ emails/ site visits on several different occasions.

D) It does not make any sense for any order to be effective until the point the other party receives it, for a simple reason that the other party would not be aware what the order is unless it reaches them.

2) Emergency TPO

I disagree with the urgency behind creating this order due to the following:

A) I have been discussing the proposed tree works with the council for more than 8 months. This includes the softwood as well. Please see one of the emails received from Ms. Slingsby on 11 June 2020 at 16:43:

“Good afternoon Mr Vaddaram

I am very sorry for not phoning you back, but I have not received your messages and I am currently unable to phone you back as I am having phone difficulties and will need to contact our ICT department to get it resolved.

The lady on reception who just tried to put your call through to me said you are enquiring about doing some tree work to TPO trees and want to know about time scales. Any pruning work to a TPO tree will need an application. Tree applications are free but can take up to 8 weeks to complete. Tree applications are very similar to a householder planning application, in that we require a completed application form with any necessary details, once valid, it goes on our website for public consultation for 4 weeks, and a site visit is carried out before a decision notice is issued somewhere between 5 to 8 weeks.

I have taken the liberty of attaching an application form and guidance notes, but an online application can be made through the Planning Portal. Please feel free to get back to me if there are any other aspects to your enquiry that still require answers.

Kind Regards

Carol”

B) I have made the Tree application on 14 July 2020 which included full details of proposed works within the property that clearly demonstrates my intended course of action. I have informed the officer – Ms. Slingsby about the submission in my email dated 14 July 2020 at 16:30:

"Dear Carol

I have submitted the application through planning portal. Please contact me direct if you require any clarification?

Regards

Sath"

C) The case officer has examined my application and after analyzing all the points decided to divide my application into two sections. Please see the below email received on 23 July 2020 at 16:23:

"Good afternoon Sath

Thank you for your recent tree application. Your application includes the removal of a dead tree, along with various works to other live trees. The removal of a dead tree only requires 5 working days prior notice, and does not need to go through the application process. Therefore, due to the dead tree having a different process and deadline date, your application has been split into two parts. The removal of the single dead tree has been entered into our database of applications under reference: 041634, and as the 5 working days has expired, you may go ahead and remove this tree. For the other trees, they will have to follow the tree application process, for which an acknowledgement letter will be sent to you shortly.

Please don't hesitate to contact me if you have any queries about your application.

Kind regards

Carol"

This clearly indicates that the officer was aware of my intentions and planned works in relation to every single tree.

D) I have cooperated with the officer and always offered support and answered all the questions and doubts. Please see my email to Ms. Slingsby dated 23 July 2020 at 16:32:

"Dear Carol

I am happy with the process of splitting in to two. We want to do all the approved works all in one go once both the applications conclude. If you have any queries, please don't hesitate to contact me?

Regards

Sath"

E) My Tree application was validated on 27 July 2020. Please see the email received from the officer on 27 July 2020 at 16:08:

"Good afternoon Sath

Thank you for your recent application for tree work which has been checked as valid. Please see the attached acknowledgement letter in relation to your application. Please note, that some clarification of works is required for ash tree T769, as explained on the attached letter. Also, not all the trees within the tree report accompanying your application are protected.

I have also attached a letter issued by the planning department, of which tree applications are a part of, regarding the current processing of applications and site visits during the current pandemic. Where the letter refers to development please take it as tree works.

Kind regards

Carol"

This confirms that the officer was aware of the content of my application. The officer needed a clarification in relation to works on ash tree T769 which also confirms that the officer must have gone through all details of my application. I have clarified the officer's doubt in my email dated 28 July 2020 at 19:56:

"Dear Carol

Thank you for the acknowledgment. Reference to T769: We are proposing to remove the entire tree

Kind Regards

Sath Vaddaram"

F) I have even tried to provide further clarity to the officer in case it was needed. Please see my email from 20 August 2020 at 16:08:

"Dear Carol

Please let me know if you have any further queries related to my application and let me know the progress?

Regards

Sath"

G) On 24 August 2020 the case officer confirmed in her email sent at 12:10 that no further clarification is needed, which means she has all the details regarding any tree and planned works on them. Please see the content of the email below:

"Good morning Sath

I do not have any queries regarding you application. A site visit is yet to be carried out before I can type up my report and send out a decision.

The period for the application is up to 8th September, as given on the acknowledgement letter, however, I am currently experiencing a high volume of work and tree applications are running over time. I have various applications to complete which are due before yours, but I will endeavour to complete them as quickly as possible.

Kind Regards

Carol"

H) The official decision of approval was issued on 15 September 2020 and the case officer concluded in her report:

"The tree belt across the property frontage contains a variety of trees but not all are protected. The TPO group G6 protects hardwoods, therefore any softwoods (conifers) are not protected by the TPO and will not be further discussed in this report."

I) I have been upfront, detailed and honest about all the proposed works to the trees before and during the whole application process which took several months so why this preservation order has become an emergency all of the sudden?

3) Need of TPO

I am not objecting the need of preservation order to any of the trees as long as the order is issued in non-discriminative nature.

4) Failure to issue Tree Preservation Order previously

According to my discussion with the officer it has been confirmed that Ms. Slingsby was considering issuing preservation order to the whole area for several years but did not do so. If there was a need of preservation order in that area, why it has been delayed? It is clear that the mistake by not implementing the TPO is down to the Council but they tried to penalize other people for their mistakes. I object to an emergency TPO only on my property but I do not have any concerns to any other TPO if council believes is needed in this area.

5) Discrimination against my property (location)

If there is a need for TPO for any area, the officer should have issued an appropriate order to safeguard the important trees. It is unreasonable to punish someone who sought proper advice from the officer and followed the correct process to obtain a consent of proposed works on the trees within their property. I have followed the exact council's determination and all the comments concluded in the decision notice as well as the officer's report. Upon obtaining the advice from the council and approval of my tree application I have instructed my contractor to carry out the approved works. This emergency Tree Preservation Order has disrupted these works as per the manager's advice to hold all the tree works on site. Again, this clearly demonstrates that I have followed the officer's instruction.

How the Council knows that other owners do not harm the same type of trees on their properties? Is there any guarantee the council can provide? As the order issued by the council discriminates my property this has caused me financial loss due to the delays in the building project and also have an effect on other elements of my property such as property value. If the officer thinks that the yew trees are classed as significant trees and should be given the same protection as the hardwoods, the same rules should apply to all other trees mentioned in the order within that area. Why the order only affects my property then?

6) Misleading amenity statement

All these reasons mentioned under this point are relevant to the area but not just my property and cannot be used as a reason to make an order specific to my property.

It is clear that the officer is aware of the works to the softwood from the TPO application (14 July 2020). The same officer has confirmed that there are no concerns for any work to softwood trees mentioned in the same application which clearly demonstrate that those trees are not important. This statement within this order contradicts with the above by saying "*safeguarding these important trees*".

7) Expediency

The order also stipulates that it will safeguard the trees from the proposed construction work, this is totally irrelevant as the new emergency TPO does not extend the area of the original TPO and the planning condition would suffice to safeguard any damage from the proposed construction work. There is no justification of unnecessary duplicating safeguarding precautions needed especially when the TAX payer is spending money.

8) Other points

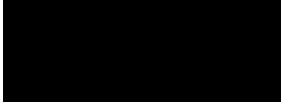
A) The officer has confirmed that the information request form is not necessary to be filled in, therefore this form has not been sent back to the council.

B) This order clearly states that any enquiries regarding the order would be dealt by the officer. I have all the evidence to prove that the officer, her manager and all other officers who dealt with the enquiries have failed to deal this matter appropriately and in a timely manner. This has caused an enormous financial loss which will be claimed from the council in due course.

As explained above this Emergency Tree Preservation Order should be squashed with immediate effect and I invite the Council to issue proper TPO order to the whole area if they feel that this is appropriate.

If the Council decides not to squash the order then it is my intention to charge the Council for administering any applications arisen due to this order and any other effects of such applications process.

Regards

A black rectangular box redacting the signature of Sath Vaddaram.

Sath Vaddaram

23 Wragby Road

Sudbrooke

Lincoln LN2 2QU.