Dear Ms Dun

Please find below our responses to East Devon District Council’s appeal questionnaire, third party representations and suggested conditions.

**East Devon District Council’s appeal questionnaire**

Q2.b. We remain of the view that it is essential for the Inspector to enter the site to see all elements of the site in context and fully assess all issues.

Q16 For information, there has been some correspondence with the local planning authority regarding the felling of a beech tree on the hedgebank on the eastern boundary of the site. By way of background, the appellant’s arboriculturalist undertook due diligence back in 2015 and was advised by the local planning authority that there were no TPOs covering the site. From a review of all on-line correspondence relating to a previous planning application for this site (reference 16/0239/OUT), the presence of a TPO was not raised by the case officer, there was no formal consultation response from the tree officer and no reference was made to a TPO within the committee report.

The local planning authority subsequently wrote to the appellant in April 2017 to advise that there might be an issue regarding the tree that had been felled on the hedgebank as, it transpires, there is a woodland TPO covering the site. The appellant sought some additional advice from an arboriculturalist at this time. The correspondence between the appellant and the local planning authority (dated 4th and 13th April 2017) and the appellant and the arboriculturalist (dated 7th April 2017) are attached for information, but the general advice received about the TPO was that the use of the woodland designation implies that the trees protected are within a “woodland”, or at least perhaps within a group of trees which might ordinarily be considered (albeit tenuously) a woodland. The Beech tree that was felled was on a hedgebank and nowhere near any apparent woodland, nor was is connected by any other contiguous line of trees to any other apparent woodland feature. Reference to old mapping suggests that while the field which comprises the development plot for application 17/0523/OUT may have had partial or complete tree cover in 1938 (see [http://maps.nls.uk/view/101444404](http://maps.nls.uk/view/101444404)), by 1961 it was apparently clear of trees (see [http://maps.nls.uk/view/95752811](http://maps.nls.uk/view/95752811)).

**Third party representations**

We are not aware of any third party comments that have been received in respect of this appeal.

**Suggested conditions**

We have reviewed the suggested conditions provided by East Devon District Council on 1st December 2017 and have no comments.
Unilateral Undertaking

A copy of a signed and completed Unilateral Undertaking has been posted to you and an electronic copy is attached: the appellant commits to making the relevant Habitat Mitigation Contribution (Pebblebed Heaths). The original, plus a cheque for £50 to cover registration costs, has been posted to the local planning authority today.

Kind regards
Amy

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Principal Planner

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