

06.12.17

Dear [Agent]

Tree preservation order: The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017.

Thank you for letter dated 24<sup>th</sup> Nov 2017 in which you have expressed concerns over the implementation of the tree preservation order (TPO) mentioned above.

In response to your concern over the expediency of the order:

Your objection letter states *'During attendance to remove the black locust the tree surgeon made the decision that T2 (cherry) had further declined to a point that it too met the criteria for exception under paragraph 14(1)(a) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Thus, T2 was removed at the same time.'*

I visited site on 10.10.17 and observed that the Black Locust T10 was still there but the Cherry T2 had been removed, no tree surgeons were on site.

If I can refer you to your Arb report, dated 7<sup>th</sup> Sept 2017, your condition comments of the Cherry tree T2 – 'Basal damage and decay. Lost limbs. Pruning wounds. Major deadwood (>100mm dia). Thinning crown. Ivy clad.' Your recommendations were to fell and you placed the risk and timescale for action as Moderate and 6 Months. No suggestion is made that the tree was an immediate risk of seriously harming anyone or that it was dead.

*Paragraph 14(1)(a) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012* states:

14.—(1) Nothing in regulation 13 shall prevent—

(a) the cutting down, topping, lopping or uprooting of a tree—

(i) which is dead;

**And continues**

(2) Where paragraphs (1)(a)(i) or (1)(c) apply, notice in writing of the proposed activities shall be given to the authority—

(a) in the case of works urgently necessary to remove an immediate risk of serious harm, as soon as practicable after the works become necessary; and

(b) in any other case at least five working days prior to the date on which the works are to be commenced.

Therefore a five day notice should have been given for the removal of this tree if it was felt to be exempt. Following on from this it was felt that there was a perceived threat to the amenity of the surrounding trees and in the interests of protecting local amenity the Tree Preservation Order was placed as a precautionary measure. The Tree Preservation Order has been placed to protect the trees that provide benefit to the community and is not in place to make it onerous for the tree owner to maintain their trees safely.

I hope that this letter has gone some way allay your concerns over the placement of the TPO on 30<sup>th</sup> Oct 2017. If you are not satisfied with my explanation, you can have the matter put forward to the Planning & Rights of Way panel for consideration. This panel is made up of elected members who will assess my report and vote on the validity of the order and if it should be confirmed. You would be invited to attend this meeting and will be given time to present your case to the panel.

I have enclosed a form that I would respectfully ask that you complete and return to this office to either declare that you have no further objection to the above order or wish to have the matter put forward at the next available planning and rights of way panel meeting.

Should you require any further information, please contact the Trees Team on the email address or number below.

Yours faithfully

[City Tree Officer]