

29.05.18

Hai,

I am sending this email regarding the TPO Issued recently when we buy this property my solicitor done all the checks (any tree protection) on the tree which is in front of the property (front garden),

We got some concerns about health and safety of the residence in this property, the recently received letter saying if we got any objection on the TPO issued on 11th of may need to inform the tree department.

My Objections are:

- 1) The making of a TPO is not justified when there was not a previous one in place at the time of purchase
- 2) Danger to the safety of family, in particular, young children by large overgrown branches that aren't trimmed/pruned; and overgrown roots.
- 3) danger to the safety of
 - a) Visitors
 - b) Passers-by
 - c) My kidsby overgrown branches and dead woods
- 4) Drainage blockages caused by the thick roots
- 5) Damage to the property (building)
- 6) hazard to the neighbouring property
- 7) Reduction in value of the property, as more people are unlikely to purchase a property with a tree in the garden got TPO.
- 8) Amenity/enjoyment of the property affected by restrictions
- 9) visibility is likely to be reduced, and That could cause a hazard,
- 10) The debris falling from the tree on windy /stormy days will create the hazard to family and third parties
- 11) individual and hide impacts
 - a) post persons,
 - b) utility attendants
- 12) please find the attached copy of the condition of the tree (PHOTO of the tree)
- 13) According to me, this tree is a real danger for my family especially to kids playing in the garden, it is a tall tree, Falling branch and the dead woods will create big health and safety issues. as per the recently issued TPO for the tree, totally ignoring the rights of a family and putting them in trouble. if anything happens to myself, my family and my property because of this tree Southampton city council will be responsible. And we need to get a written confirmation from city council

please do the needful we invest all our money to buy this house and we worked hard for that

Many Thanks,

Santhimol k Thomas

30.05.18

Dear Mr Thomas,

With regards to your email, dated 29.05.18, in which you expressed concerns over the recent Tree Preservation Order (TPO) being placed on the Oak tree to the front of your property. I would like to take this opportunity to explain about the TPO and also hope to answer the concerns you have raised.

. The TPO does not prevent urgent work being undertaken as this can be done under the exemptions of the legislation and these are as follows.

- **Deadwood.** The removal of any deadwood from a protected tree is exempt work and does not require an application. Only living parts of the tree are protected. Although not compulsory, we would recommend that the tree team

be informed of deadwood removal so we are aware in case it is reported to us from the public.

- Dead trees. If a tree is regarded as dead, there is no requirement for an application to be submitted and this work can be carried out. As above, it would be prudent to inform the tree team in case a member of the public reports the felling of a tree. It should be noted that the tree is to be dead and not dying. If a tree is considered to be dying, then an application should be submitted for the work.
- Dangerous trees. If a tree is considered to be dangerous, there are two ways in which the work can be completed and these will be detailed below, but in both cases, only enough work to remove the danger is permitted under this exemption and any further work will require an application.
 - 1) A tree that is considered to be **imminently** dangerous can be worked on without notification or an application and as mentioned above, only enough work is permitted to remove the danger. In this case, it is advisable to have photographs taken so it can be easily demonstrated why the work was completed. Some of the times that this could be expected to be used is a partially up-rooted tree that is likely to fall or a broken hanging branch over a public area, but your tree surgeon can always advise on the best way ahead.
 - 2) A tree that is not considered to be imminently dangerous but will not be suitable to be left whilst a formal application is processed can be worked on under a 5 Day Notice exemption. This is where the City Council tree team are notified of the work that will be completed after the expiry of the 5 day notice. This exemption may be used whereby a branch has partially snapped but is well secured within the canopy of the tree. It is not imminent that it will fall but it is advisable to have it removed within a week.

The tree preservation order has been placed to protect this tree which provides benefits to the local community as a whole and has not been put in place to make it difficult for you to maintain the tree safely.

During my site visit with yourself on 11.05.18 we discussed the safety of the tree and the potential works you may consider undertaking to help with debris coming from the tree during windy conditions, removing deadwood is exempt as detailed above. I inspected the tree for defects and in my professional opinion the tree was within the acceptable safety margins and I found no evidence that the tree was dangerous or causing damage, either directly or in-directly to the property itself or the drainage system. I noted on my site visit that you had installed a rope swing into the tree, even though you are suggesting you feel it is too dangerous for your children to play under.

I have also completed a Tree Evaluation Method for Preservation Orders (TEMPO) form, attached above, which is an industry recognised method to ascertain if a tree is suitable for protection and takes in to account the condition, longevity and public

visibility of the tree as well as the any threat to the tree. The form indicated that the tree was suitable for protection and the TPO was subsequently placed on the tree.

I hope that my explanation is clear and has alleviated some of your concerns over the protection status but if you are not happy with my response and still wish to uphold your objection, I will have to escalate your objection and have this matter presented to a Planning & Rights of Way Panel to be voted on by the elected members.

At this meeting, you will be invited to attend and given time to put forward your reasons for the objection. Then the panel, in conjunction to my report, will vote whether to confirm the order. As the City Councillors are appreciative of green infrastructure, I am confident that they would agree with the order and vote to have it confirmed. I fully appreciate that this is not a given and you are fully entitled to uphold your objection.

Please let me know your intentions by completing that attached form and returning it to the office.

If you have any questions about this, please contact me and I will do my best to answer them.

Kind Regards,

Will Taylor

Will Taylor
City Tree Officer

08.06.18

hai,

We received your email and we are attaching the copy of the tree preservation order -objection response. we haven't got money to deal this with solicitors at this stage, we spend all our savings to buy this house and when we buy this house there is no preservation order on this tree in our front garden, we know there is a tree in the garden the time we purchased the property, we did all the checks before buying this house and we make sure with concil that there is no preservation order on this tree, now you putting a preservation order on the tree giving more pressure to us, we are even trying to sell this property, only because of this Tree. All these years we work hard to buy a property, and we haven't got any freedom to do things on the property and it's frustrating and giving more pressure on us, we cant concentrate on our work and we are not happy, with this. The making of a TPO is not justified when there was not a previous one in place at the time of purchase of this property,

Many thanks,

santhmol kunnumpurathu Thomas

21.06.18

Dear Mr Thomas,

Apologies for the delay in responding to you regarding your objection to the TPO placed on your tree and thank you for returning the Objection response letter.

I will now look to bring this forward to The Planning Rights of Way Panel where the decision to confirm the order or not will be made by a selection of appointed members. You will be invited, closer to the time to attend the meeting and will have time, usually around 5 minutes, to address the panel should you wish. If you wish to have someone represent you that is your decision but this is not really a matter for solicitors and it is usual for people to either represent themselves or employ a suitable arboricultural consultant to represent them.

I will create a report on the decision to place the TPO and will present it to the panel and then you will be offered a time slot to respond, then the panel votes and their decision is carried forward. The whole affair usually only takes 10-15 mins.

I cannot give you the dates for the panel yet and we have six months from the date the TPO was made to seek its confirmation, however I would hope to present this to the panel towards the end of July or in August.

I am sorry this has caused you worry and my original offer of help with the TPO applications is still open, there is no reason why some pruning to the tree would not be allowed and I am happy to advise.

If you decide you would like discuss the Order, the application process or you would like to withdraw your objection and not have it go to Panel, please get in contact via the email above,

Kind regards,

Will Taylor

Will Taylor
City Tree Officer

04.07.18

hai

my Objections is that The making of a TPO is not justified when there was not a previous one in place at the time of purchase of this property, we haven't got the problem to keep the tree in the garden, we got concerns about the tree

- 1) The size of the tree, (Damaged parts of the tree) need to bring the tree to
- 2) The oversized branches
- 3) The branches lying on the top of the house or towards the side of the house need to take off (the previous landlords took some of those branches towards the side of the house)
- 4) Dead woods falling from the tree is a real health and safety issue also the tree is

standing right in front of the main entrance door, dead wood falling sometime creating problems for anyone including the kids (sometimes kids playing in the garden)

5) The branches lying to the neighbour's property need to be taken off they are a real problem for them (before we bought this property they take permission to cut those branches lying to there property)

6) the main trunk part is the tree is damaged we discuss about that last time when you came home .we are not specialist in the tree and we don't know anything about the tree, if you want to keep the TPO, AS a tree officer you need to give us a proper detailed report about the trees and give the proof that it is not going to make any harm to the property and the reason why you need to keep the TPO on this tree. also because of this tree, when we buying this property there was no TPO on this tree, we request t you to do some work on the tree and you issue a TPO on this tree. If anything happens to anyone or any harm to my property you and council need to take responsibility and that we need to get in writing. we do not have any problems with you or council if anything happens we need some proof

7) As you mentioned earlier

If you decide you would like to discuss the Order, the application process or you would like to withdraw your objection and not have it go to Panel, please get in contact via the email above, you can always reach me in 07402834573 or can reach me via email

many thanks,

santhimol k thomas

05.07.18

Dear Mr Thomas,

Thank you for your email. I feel perhaps the best thing would be to have another meeting with you and I would be happy to visit you again to discuss your concerns if you wanted.

If you are available one morning next week please tell me what day and time is convenient for you and I will confirm. If this is not good for you, please let me know when would be and I will see if I am available.

I am hopeful that we can resolve the issue

Kind Regards

Will Taylor

Will Taylor
City Tree Officer