

Appendix 4

Dear ****,

With regards to your recent email in relation to the serving of a tree preservation order (*TPO*) which protects the tree in the garden of your property, I was the tree officer who made and delivered this to you last Friday, therefore I wish to give you some further information regarding this matter.

I do understand that you made contact with the council to ask if the tree is protected and that you are disappointed that this has resulted in an order being made and served. It is a very common occurrence that a TPO is made on the back of someone contacting the council and requesting information.

When this is done, it highlights to the council that the tree may be under some threat if felling or other significant works that are regarded as harmful to the trees health and/or amenity. The tree is therefore assessed using an industry accepted method of evaluation, known as a Tree Evaluation Method for Preservation Orders (TEMPO) and this generates a score which will determine the suitability of applying a TPO. I have attached a copy of this assessment form to this email so you can see the scoring criteria and the overall score that the woodland, which includes your tree, attained.

I understand that you state that your intention was only to remove some branches to allow sunlight to the garden, however whilst on site on Friday, your contractor on site made it very clear that he had advised that the tree should have been felled last week, before the order was applied. This statement by the contractors on site would only strengthen my concerns and that the TPO is appropriate as there is the potential that it may have been felled.

Now that the tree is protected, it does not mean that you are not allowed to do any work to the tree as the tree remains in your possession and the council do not object to fair management of trees, as long as it is not harmful to the trees health or to the amenity that it provides to the local area. If you wish to carry out work, you are required to submit an application to the council with details of the work you wish to carry out. This application process is free of charge and if work is refused, there is a right of appeal, which is also free. Please let me know if you would like a copy of this form sent to you.

In relation to the land being registered to Mr ****, thank you for sending me a copy of your land registry to demonstrate that the land on which the oak is growing is now part of number 7 Swift Hollow. The TPO was not made just because the land registry shows that it belonged to Mr ****. As mentioned on site with you, our land registry search showed that the land on which the oak is growing is still showing as Mr **** and therefore I have to serve him a copy. Once you explained that you now own this land, I served you a copy of the order that was addressed to the Owner or Occupier of 7 Swift Hollow. As mentioned above, the order was made due to the potential threat that the tree was under and was not made for any other purpose.

If you wish to uphold your objection to the making of this order, please let me know and I will start the process of dealing with the objection. This process must be completed within 6 months of the date of the order, so it will not be until the early part of next year that it is likely to be completed.

All objections to the making of TPO's must be presented at a Planning & Rights of Way Panel meeting, which is a publicly held meeting of elected councillor members who will review a report that I submit to determine if the TPO was legally made correctly and that the trees are suitable for long term protection by the TPO.

You will be invited to attend this meeting to put forward your case as to why the tree should not remain protected and after this has been done, the members may ask me further questions before voting on the TPO. If the members are in support of the long term protection of the trees and vote accordingly, then the order will be confirmed and will remain in perpetuity.

If the Councillors are not in agreement with the TPO and vote against this, then the order will not be confirmed and you will be allowed to prune or fell the tree with no requirement of an application.

If there are any further questions that have arisen from this email, please let me know.

I look forward to hearing from you in due course.

Kind regards,

Gary Claydon-Bone
City Tree Officer

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