

Dear \*\*\*\*

With regards to your letter of the 24<sup>th</sup> of July 2023 relating to the making of The Southampton (112 Botany Bay Road) Tree Preservation Order 2023, I am contacting you to respond to the issues and concerns you have raised.

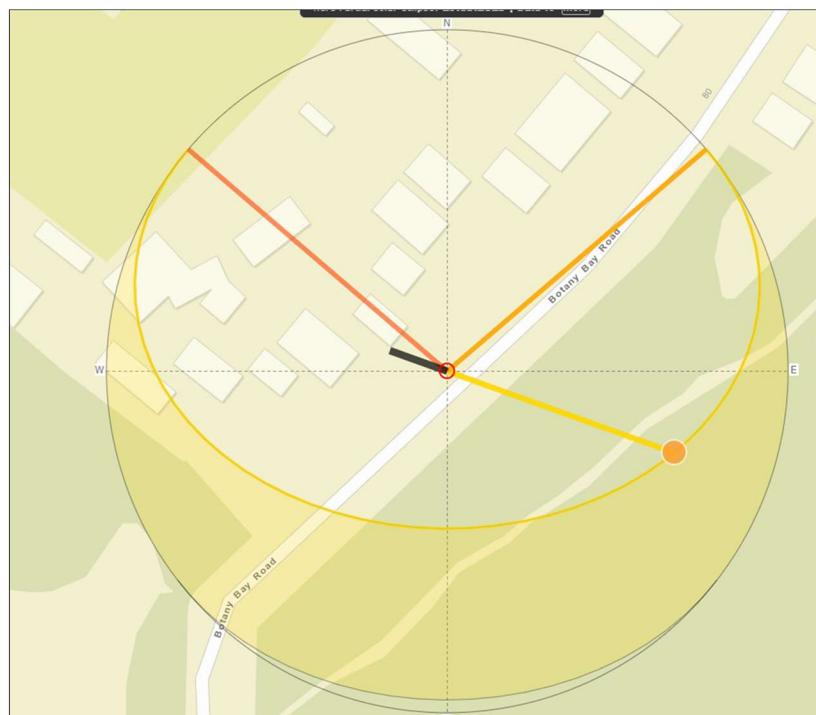
There appears to be a concern over the tree's safety and further concerns over potential damage, should the tree fall. I do understand your concerns, however, there has been no information supplied to support that the tree is in poor condition and that there is a genuine risk of failure. It would not be appropriate for the council to remove a tree preservation order from a tree on the basis that it might fail. If you have any information from an appropriate expert that gives details over the trees condition which leads to it being an identifiable risk, I request that you either forward it on to me or submit it along with an application for work. If the tree was in such a condition that presents an identifiable risk, it may support the removal of the order.

Another issue raised is the loss of light to the property. This alone would not be a valid reason for lifting of a tree preservation order, however I have undertaken some calculations of the shade that the tree produces.

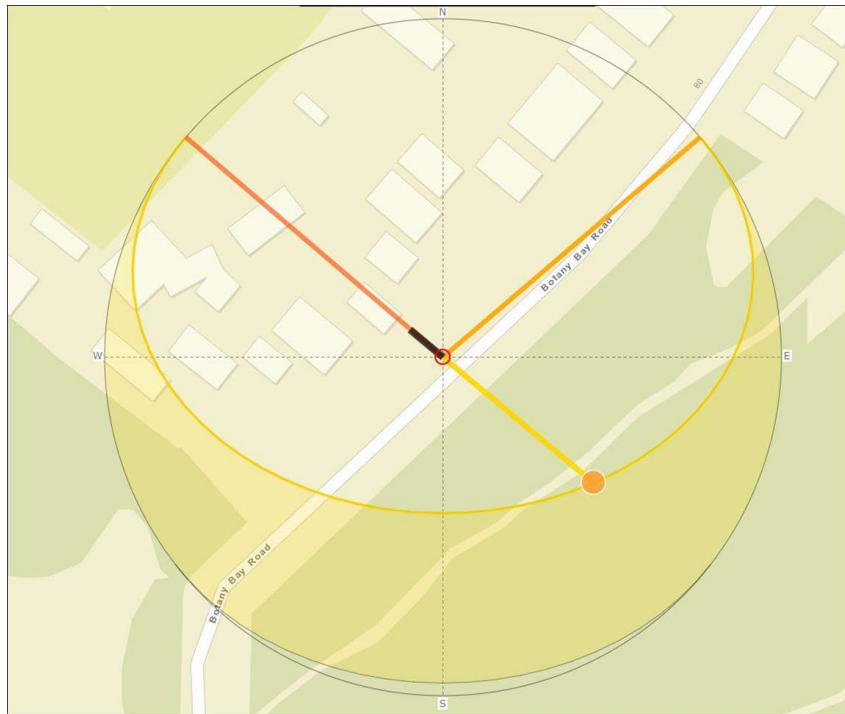
The tree is approximately 14 metres in height, and therefore the calculation below was undertaken based on the tree being this height.

The calculations are based on the longest day with the sun at its highest. The diagrams below show the shadow lengths at different times of the day on the 21st of June 2023.

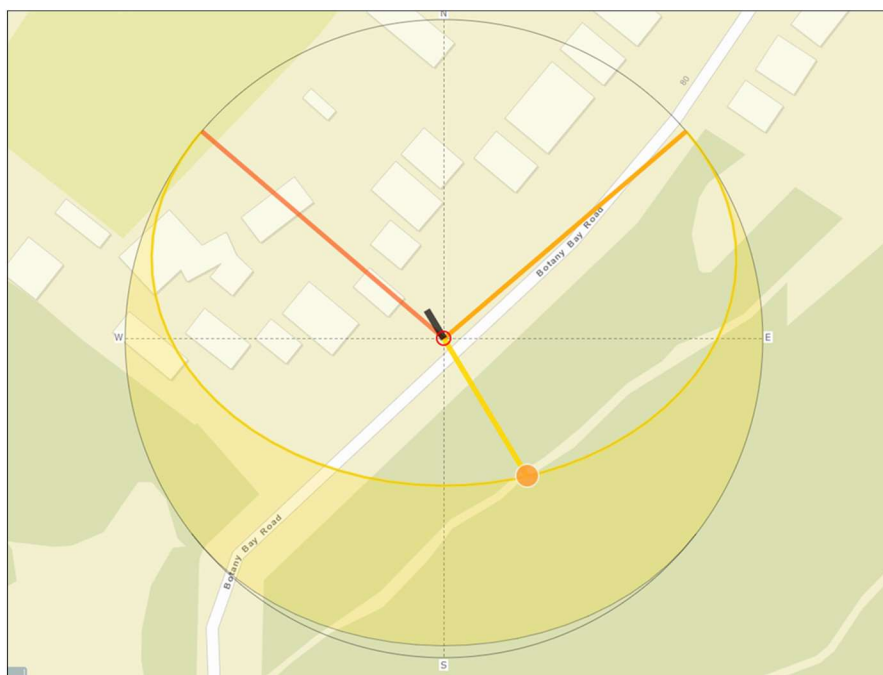
The shadow is represented by the black line would start to point toward the front left of the property by around 10:00am.



By 11:10, the shadow is pointing directly toward the property, but does not cause shade within.



By midday, the shadow has cleared the property and does not impact any neighbour.



I hope that I have been able to demonstrate that the tree does not cause a shade issue to your or your neighbour's property. The shadow length will be far longer on the winter months and will reach the property, however this is transitory, and the tree will not be in leaf during the winter months.

With regards to your concerns over the tree's canopy extending over the highway and causing it to be narrowed. I can see that the tree has been maintained in the past and the highway has been kept clear. The placing of a tree preservation order on this tree does not remove the requirement for management to keep the highway clear. If the canopy became too low, you may receive a notice from the highway authority asking for you to prune the tree to a specification suitable for the road. If this occurs, you can contact the tree team regarding this notice, and we can give you further advice on what to do. Alternatively, you can apply to carry out work to the tree. This application is a free process and if work is refused, you also have a free right of appeal to the planning inspectorate. I hope that I have been able to demonstrate that having a protected tree is not onerous or that it prevents any work being undertaken.

If you are satisfied that my response has resolved your concerns, you can remove your objection and the tree preservation order can be confirmed. However, if you are not satisfied and wish to uphold your objection, please let me know.

If you wish to uphold your objection, the next step will be to present your objection to the members of the Planning & Right of Way panel. This is a public meeting, of which you will be invited to attend, where you will have the opportunity to put your objection forward to the panel.

As part of the process, I submit a report that details why I feel it correct to protect the tree and why this should remain. The case is then voted on by the members of the panel. If the vote falls in your favour, then the TPO will be lifted, and you will be free to carry out any work to the tree. If the members agree that the tree provides amenity to the local area and should remain, then the tree preservation order can be confirmed.

I have attached the assessment form that demonstrates that the tree is suitable for protection. This form, known by the acronym of TEMPO (Tree Evaluation Method for Protection Orders) is an industry accepted form of assessment to aid with the decision as to whether a TPO is defensible and can be made.

If you have any questions regarding this assessment, or any of the points above, please do not hesitate to contact me.

I look forward to hearing from you.

Kind regards,

Gary Claydon-Bone  
City Tree Officer