

Dear * ****,

With regards to the tree preservation order that covers the two oak trees at the rear of your property and your email of the 17th of September in which you have objected to the making of this order. I have read through the contents of your email and hope that I able to offer you satisfactory answers to the points raised.

The points noted are as follows.

'The trees in question have been deemed "safe", however I believe this is not so. If you notice on photos I have sent in my previous emails, you can see at least 5 areas on the left tree listed as T2, where branches have snapped and fallen into our garden during the trees lifetime'.

From the photograph that you provided, I was able to clearly see 4 points in the photograph that may be the points that you refer to. I have marked each point with either a single red dot or a double red dot.



The single red dots represent areas of the tree that appear to have fallen as deadwood and not a failure of live material. Deadwood is exempt work from the tree preservation order legislation, therefore you do not require formal permission from the City Council to have this removed. Although not a requirement, I would ask if you could notify the tree team (trees@southampton.gov.uk) that you are having the dead removed as we may receive calls from concerned residents that the trees are

being felled. If we are aware of the work, then we are able to advise the public accordingly.

The points highlighted with two red dots are old pruning wounds rather than failure points.

I have a 1 year old, and 4 year old son and daughter, who love to be outside, and rightly so, should be playing in their own private garden. However by law of averages it will be them outside playing and at any given time a branch could fall on them, as has done since we have been living here since December 2017 - but this is deemed safe by the council.

If the tree officer deems the tree trunks safe then I'm not disputing his decision as obviously this has been checked, but as stated, and clearly shown in photos the branches are not safe.

As mentioned above, dead material can be removed from the tree with no application required, therefore if you are concerned about dead material falling, it would be my recommendation to have a professional remove this from the tree.

When reviewing a trees condition, it is only possible to form an opinion on its condition from what can be seen from a ground perspective and from symptoms the tree is displaying. If a tree is in a poor condition, it would not be appropriate to place a tree preservation order upon it. If you have further concerns over the trees health or safety, I would recommend that you have an independent report carried out on the trees. If you decide to do this, I would welcome the report from a suitably qualified person with details over the trees condition. If it is clearly demonstrate that the tree is not suitable for a tree preservation order, due to its condition or health, then it would not be suitable to confirm this provisional order.

It states in this letter received a TPO has been placed to protect "the amenity of the area and enjoyment to the public". However I find this an absurd reasoning, as up until a couple of months ago - via my correspondence, the council were not even aware of the trees existence in our property. Also the trees in question are on private property and are not an exhibition to the general public. I am angry and upset that your reasoning to keep the trees is more about the general public's perception, over the health, safety and welfare of the family involved living at the private property.

Tree preservation orders are based primarily on public visual amenity, which is to say that the trees should have a level of visibility from a public area. When assessing a trees suitability for a preservation order, an industry accepted method of calculating the suitability is completed. This method is known by TEMPO, which stands for **T**ree **E**valuation **M**ethod for **P**rotection **O**rders.

When I complete a TEMPO form, I always score conservatively, therefore this can be subjectively lower than others may score, but I believe that it makes the score more defensible if questioned. I have attached a copy of the completed TEMPO form to this email. Please review this form and feel free to raise any questions over the scoring applied.

I am kindly asking you to reconsider this provisional TPO decision, with regards to my children being able to enjoy their private garden safety.

I am of the opinion that the trees are worthy of long term retention by a tree preservation order for the reason given above, therefore I am not in agreement with your request to have the order lifted. I understand that this is not the outcome that you would have wished for, therefore you have the right to appeal against this order to a body of elected councillors.

If you wish have this order considered at a public meeting of the Planning & Rights of Way Panel, please complete the attached form and return.

Once confirmed that you wish for this to be discussed at the open public meeting, I will prepare a report that I present to the councillors on the evening of the meeting and then this is discussed and voted upon. You will be invited to the meeting and will have the opportunity to present your case to the councillors prior to a vote being taken. You are also allowed to submit any reports or documents for consideration, however these need to be sent to me in good time as they would be listed as an appendix within my report.

My report covers the merits of the trees and how the preservation order came about. I would also provide a copy of the TEMPO form as justification of the amenity and suitability of the trees for a preservation order. You would receive a copy of my report prior to the meeting and it would also be available on the night of the meeting for anyone to pick up.

Alternatively you are able to withdraw your objection to the tree preservation order.

Please note, if no response is received then this is considered as your intention to uphold your objection and this would result in the objection being presented at a Planning & Rights of Way Panel. The outcome of the meeting, along with the minutes of the case, would be published on the City Councils website.

What if the order is confirmed?

If the preservation order is confirmed, be it by approval from the elected members of the Planning & Rights of Way Panel or by the Council confirming the order with no objections, this then becomes permanent protection on the trees.

If you require to carry out work to these trees, you would be required to submit an application to the City Council*. This can be done online or submitted on a paper form. Once received and registered, your application would be assessed and a decision issued. If the application is approved, you are entitled to carry out the work detailed within the decision notice, however, if refused you are entitled to appeal against the Council's decision and submit your appeal to the Planning Inspectorate. This is independent to the council and a decision is made based on the refusal reason and how the work would impact the tree's health and/or the impact to the local amenity that the tree provides.

If the council's decision is overturned, you are entitled to carry out the work you applied for. If refused, you are able to appeal against the decision of the Planning Inspectorate but only on a point of law.

Both the application and appeal process are free of charge.

If you have any further questions on any of the points above, please do not hesitate to contact me.

Kind regards.

Gary Claydon-Bone
City Tree Officer

Tree Team
City Services

Southampton City Council

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Email: trees@southampton.gov.uk

* There are certain exceptions within the tree preservation order legislation that remove the requirement for an application to be submitted.