

Response for 139 Three Bridges Road

I write with reference to your complaint report submitted on the 23rd February 2023 and apologise for the delay in responding to your enquiry. In this response I have also addressed the points raised in your emails dated 15th February, 16th February, 23rd February and 10th March sent to Russell Spurrell which I understand he briefly acknowledged receipt of and referred onto me. I am Russell Spurrell's line manager.

By way of background, a Tree Preservation Order (TPO) is made by a Local Planning Authority (LPA) to protect specific trees, groups of trees or woodlands in the interests of amenity. The effect of a TPO prevents works (other than the deadwooding of a tree) without the LPA's written consent. Consent to carry out works is via application to the LPA and if not granted there is a right of appeal to the Planning Inspectorate.

Looking at the case file, the chronology of events suggests that the trees were brought to the attention of the LPA by a caller enquiring whether the trees was protected by a TPO. The typical Council procedure is such that tree surgeons and householders need to contact the LPA and complete a form in order to receive a check the status of a tree in the Borough (the TPO's are not displayed publicly). Tree surgeons in particular, will do this to check a trees status as they are well aware of risks of prosecution if they carry out works to a protected tree without the necessary consent. This process also allows the LPA to review the tree and consider based on the evidence provided with the request if the tree should be protected by a TPO (if it is not found to be already protected by an Order). This may seem a little underhand but is common practice, in accordance with the Town and Country Planning Act 1990, for a LPA to place a TPO order without first consulting the landowner and / or those with a relevant land interest. This is due to the need to ensure the tree in question is protected, because there is always a risk that the landowner or a party with a land interest or other third party decides to fell the tree before the TPO is able to be made.

The TPO procedures provide that any party can request that the LPA considers placing a TPO order on a tree. Trees can come to the attention of the LPA through the enquiry process described above or through a phonecall, staff member or Councillor and the LPA have a duty of care to respond to such requests. The decision to make a TPO to protect trees is based on their amenity value in the wider public interest, the potential threat to the trees from felling or excessive works so in this case the circumstances in which this tree came to the attention of the LPA were therefore not unusual. In such cases, the decision is taken to promptly protect the trees, the priority is to serve the Order to enable its immediate protection of the tree/s. At the service stage the LPA does not need to thoroughly check all the facts as, once made, the TPO legal process allows for consultation with affected parties and for transparency of process prior to any final decision being taken on whether or not to confirm the TPO.

The LPA is not able to divulge the name of the person who contacted it about your trees

The TPO process which is set in law requires those with land interests affected by the Order must be served a copy of the TPO by the Planning Authority once the TPO order has been put in place. Russell duly served the notice on all interested parties in accordance with the TPO regulations and all have the right to respond with their comment on the order within 28 days. Through your emails to Russell you have made your representations about the service of the TPO. This now means that the decision on whether or not to confirm the TPO

will be taken by the Planning Committee. A report will be prepared for a future meeting and your representations will be reported and you will have an opportunity to address the committee if you wish and will be notified of the Committee meeting date once the report has been prepared.

With regard to some other specific points you raise:

I can see from the email trail below that Russell has visited you about this matter.

I note that you do not plan to cut the trees down however, a TPO is made not just to protect the felling of a tree but also to control the level of surgery that can take place to it. This is because excessive surgery not only damages the visual appearance of a tree but can also harm its long term health. In this case, one tree has had surgery but 2 trees have been protected. This is quite normal as other trees near or adjacent to the subject tree are often included for good measure or if they form part of a group. The level of surgery carried out on the oak tree is considered to be excessive in arboricultural terms and with the TPO in place, the LPA can control the future works to the trees to protect them from excessive works in the future.

If you wish to have the trees trimmed you can make an application free of charge for surgery to the trees. I note that you are concerned about the health and safety of the trees in relation to you children. These concerns will be considered alongside any level of works if it can be demonstrated by yourself or a tree surgeon that the trees are dangerous, that remedial works are necessary and the level of works proposed can be justified. This process has a right of appeal if the LPA refuse application.

You ask how many trees have orders in Three Bridges Road, there are a number but exactly how many would need to be worked out through an audit of the Orders. Such information is obtainable via a Freedom of Information request.

In terms of amenity value, the trees are visible from Three Bridges Road and Gales Dive and are therefore considered to have considerable public amenity. Amenity is not defined in law but one test is that the loss of such trees would have a significant negative impact on the local environment, in this case it is considered that the loss of these trees due to their visibility, size and form would have negative impact on the surrounding area.

You mention that you may wish to seek professional advice, this is a matter for you. I trust this response has set out clearly the planning position for you, however if you want some further information on the processes and legislation the following websites may be of interest.

[Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Works to Trees - Consent types - Planning Portal](#)

[Tree Preservation Orders - Woodland Trust](#)