

2008.

In compliance with current Regulations, copies of the Orders were served on the owners of the property and adjoining neighbours. In keeping with the Council's community involvement policies, copies of the Order were also sent to the local Civic Society and our local Tree Warden, Mr P Lakin, for information and comment.

NOTE: Provisional tree preservation orders give immediate protection to trees and remain in force for up to six months during which time the Council can confirm an order as made, or confirm as modified, or not confirm an order. The Council is not prevented from making a further provisional order, on expiry of an earlier order.

2. The reason for serving the Order was to protect three trees (a Field Maple, a Lime and a Whitebeam) from unnecessary works or felling and a possible threat from development. It was expedient to serve the Order because the trees are of particular amenity value to the general public, being conspicuous on the road frontage, and are thus felt to be worthy of the protection afforded by a tree preservation order.

3. The County Arboriculturist had been consulted and his views about the condition of the trees were taken into account in determining the need for the Order.

4. During the statutory objection period which followed the service of the Order, no objections were received, though a letter of representation was received from the owners of the property, in the following terms:-

"Thank you for clarifying the situation with the Order as per our telephone conversation.

We acknowledge receipt of your formal notice served on 11th December 2008 and wish to inform you that we shall oblige with the Order as per the Town and Country Planning Act 1990 and Town and Country Planning (Trees) Regulations 1999.

We would, however, request confirmation that the Council will be financially responsible for all future maintenance of the trees under the Order. "

In reply to the owners, attention was drawn to para.10 of the Government's guidance leaflet (copy issued with the Order) in which it is made clear that the owner remains responsible for the trees, their condition and any damage they may cause. Nevertheless, the Council will gladly offer appropriate help and advice on how the trees should be managed.

5. **In the circumstances, Recommendation (1) above, to confirm the Order as made, is commended to Committee.**

Background Papers referred to in compiling this report: Correspondence on Files PC5/173 held in the Legal and Licensing Section.