

APPEALS PANEL – 19 AUGUST 2011

OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 07/11, LAND OF 5 WEST ROAD, BRANSGORE, HANTS.

1. INTRODUCTION

- 1.1 This meeting of an Appeals Panel has been convened to hear objections to the making of a Tree Preservation Order.

2. BACKGROUND

- 2.1 Tree Preservation Orders (TPOs, or Orders) are made under Sections 198, 199 and 201 of the Town and Country Planning Act 1990 (the Act). This legislation is supported by guidance issued by the Office of the Deputy Prime Minister on 17 April 2000 called "Tree Preservation Orders A Guide to the Law and Good Practice". This is commonly referred to as the "Blue Book".
- 2.2 This Council follows a procedure that ensures that as soon as an Order is made it gives immediate protection to the specified tree or trees. The owners and occupiers of the land on which the tree or trees are situated, together with all the owners and occupiers of the neighbouring properties, are served with a copy of the Order. Other parties told about the Order include the Town or Parish Council and District Council ward members. The Council may also choose to publicise the Order more widely.
- 2.3 The Order includes a schedule specifying the protected trees, and must also specify the reasons for protecting the trees. Normally this is on the grounds of their amenity value.
- 2.4 The procedure allows objections and representations to be made to the Council, in writing, within 28 days of the Order and corresponding documentation being served on those affected by it. The Council must have a procedure for considering those representations.
- 2.5 Where an objection is made to the Order, in the first instance, the Tree Officers will try to negotiate with the objector to see if it can be resolved. If it cannot, then the objection is referred to a meeting of the Appeals Panel for determination.
- 2.6 The Order, when first made, usually has a life of 6 months. Within that period of 6 months, the Council should decide whether or not to confirm the Order, with or without amendment. If a decision on confirmation is not taken within this time, the Council is not prevented from confirming the Tree Preservation Order afterwards. But after 6 months the trees lose protection until confirmation.

3. CRITERIA FOR MAKING A TREE PRESERVATION ORDER

- 3.1 A local planning authority may make an Order if it appears to them to be:
- “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”.

4. TYPES OF TREE PRESERVATION ORDER

- 4.1 The Tree Preservation Order may specify one or more individual trees, groups of trees, woodlands or, more rarely, refer to an area of land.
- 4.2 As a general rule, an individually specified tree must meet the criteria for protection in its own right.
- 4.3 A group of trees must have amenity value as a group, without each individual tree necessarily being of outstanding value. The value of the group as a whole may be greater than that of the individual trees.
- 4.4 A woodland order would be imposed over a more significant area of trees, where it is not practical, or indeed perhaps even desirable, to survey or specify individual trees or groups of trees. While each tree is protected, not every tree has to have high amenity value in its own right. It is the general character of the woodland that is important. In general terms a woodland will be a significant area of trees, that will not be interspersed with buildings.
- 4.5 An area designation covers all the trees, of whatever species, within a designated area of land, and these may well be interspersed among a number of domestic curtilages and around buildings. An area order may well be introduced, as a holding measure, until a proper survey can be done. It is normally considered good practice to review area orders and replace them with one or more orders that specify individuals or groups of trees. This process has been underway in this District, with the review of a number of older area orders that were imposed some years ago in response to proposed significant development. An area order is a legitimate tool for the protection of trees. It is not grounds for an objection that the order is an area order.

5. THE ROLE OF THE PANEL

- 5.1 While objectors may object on any grounds, the decision about confirmation of the Order should be confined to the test set out in 3.1 above.
- 5.2 The Secretary of State advises that it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.
- 5.3 **Amenity value**
This term is not defined in the Act, but there is guidance in the Blue Book. In summary the guidance advises:

- TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.
- There must be a reasonable degree of public benefit. The trees, or part of them, should therefore normally be visible from a public place, such as a road or a footpath. Other trees may however also be included, if there is justification.
- The benefit may be present or future.
- The value of the tree or trees may be from their intrinsic beauty; for their contribution to the landscape; or the role they play in hiding an eyesore or future development.
- The value of trees may be enhanced if they are scarce.
- Other factors, such as their importance as a wildlife habitat, may be taken into account, but would not, alone, be sufficient to justify a TPO.

As a general rule, officers will only consider protecting a tree where they are satisfied that it has a safe life expectancy in excess of 10 years.

5.4 **Expediency**

Again, this is not defined in the Act, but some guidance is given in the Blue Book. In essence, the guidance says:

- It is not expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management.
- It may be expedient to make a TPO if the local authority believes there is a risk of the trees being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate. It may be a general risk from development pressures.
- A precautionary TPO may also be considered appropriate to protect selected trees in advance, as it is not always possible to know about changes in property ownership and intentions to fell.

6. **THE EFFECT OF THE ORDER**

- 6.1 Once the TPO has been made, it is an offence to do any works to the protected tree or trees without first gaining consent from the Council through a tree work application unless such works are covered by an exemption within the Act. In this respect of the Local Planning Authority consent is not required for cutting down or carrying out works on trees which are dead, dying or dangerous, or so far as may be necessary to prevent or abate a nuisance. Great care should be exercised by individuals seeking to take advantage of an exemption because if it is wrongly misjudged offences may be committed. There is no fee charged for making a Tree Work Application.
- 6.2 If consent is refused, the applicant has the right of appeal to the Secretary of State.

7. CONSIDERATION

7.1 Members are requested to form a view, based on the evidence before them, whether it appears to them to be expedient in the interests of amenity to confirm the TPO taking into account the above guidance. Members will have visited the site immediately prior to the formal hearing, to allow them to acquaint themselves with the characteristics of the tree or trees within the context of the surrounding landscape.

7.2 The written evidence that is attached to this report is as follows:

Appendix 1 The schedule and map from the Order, which specifies all the trees protected.

Appendix 2 The report of the Council's Tree Officer, setting out all the issues he considers should be taken into account, and making the case for confirming the Order.

Appendix 3 The written representations from the objectors to the making of the Order

Appendix 4 Written representations from any supporters of the Order.

Members will hear oral evidence at the hearing, in support of these written representations. The procedure to be followed at the hearing is attached to the agenda.

8. FINANCIAL IMPLICATIONS

8.1 There are some modest administrative costs associated with the actual process of serving and confirming the TPO. There are more significant costs associated with the need to respond to any Tree Work Applications to do works (lopping, topping or felling) see 8.3 below. The officers will normally visit the site and give advice on potential works to the trees.

8.2 The Council does not become liable for any of the costs of maintaining the tree or trees. That remains the responsibility of the trees' owners.

8.3 TPOs make provision for the payment by the Local Planning Authority of compensation for loss or damage caused or incurred as a result of:

(1) their refusal of any consent under the TPO, or

(2) their grant of a consent subject to conditions.

To ascertain whether someone is entitled to compensation in any particular case it is necessary to refer to the TPO in question. It is especially important to note that the compensation provisions of TPOs made on or after 2 August 1999 differ substantially from the compensation provisions of TPOs made before that date.

TPOs made before 2 August 1999

Under the terms of a TPO made before 2 August 1999 anyone who suffers loss or damage is entitled to claim compensation unless an article 5 certificate has been issued by the Local Planning Authority.

TPOs made on or after 2 August 1999

In deciding an application for consent under a TPO made on or after 2 August 1999 the Local Planning Authority cannot issue an article 5 certificate. There is a general right to compensation. However, the TPO includes provisions which are intended to limit the Local Planning Authority's liability to a fair and reasonable extent, and so the general right to compensation is subject to the following exceptions:

- (1) no claim for compensation can be made if the loss or damage incurred amounts to less than £500;
- (2) no compensation is payable for loss of development value or other diminution in the value of the land. 'Development Value' means an increase in value attributed to the prospect of developing land, including clearing it;
- (3) no compensation is payable for loss or damage which, bearing in mind the reasons given for the application for consent (and any documents submitted in support of those reasons), was not reasonably foreseeable when the application was decided;
- (4) no compensation is payable to a person for loss or damage which was (i) reasonably foreseeable by that person, and (ii) attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent; and
- (5) no compensation is payable for costs incurred in bringing an appeal to the Secretary of State against the Local Planning Authority's decision to refuse consent or grant it subject to conditions.

9. ENVIRONMENTAL IMPLICATIONS

- 9.1 The trees must have significant value within their landscape to justify the confirmation of the TPO.

10. CRIME AND DISORDER IMPLICATIONS

- 10.1 There are no crime and disorder implications arising from this report.

11. OTHER IMPLICATIONS

- 11.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree).

11.2 In so far as the trees are on or serve private residential property the making or confirmation of a Tree Preservation Order could interfere with the right of a person to respect for his family life and his home but is capable of justification as being in accordance with the law and necessary in a democratic society for the protection of the rights and freedoms of others (Article 8).

12. RECOMMENDED:

12.1 That the Panel consider all the evidence before them and determine whether to confirm Tree Preservation Order 07/11 relating to land of 5 West Road, Bransgore with, or without, amendment.

For Further Information Please Contact:

Jan Debnam
Committee Administrator
Tel: (023) 8028 5389
E-mail: jan.debnam@nfdc.gov.uk

Grainne O'Rourke
Head of Legal and Democratic Services.
Tel: (023) 8028 5285
E-mail: grainne.orourke@nfdc.gov.uk

Background Papers:

Attached Documents:
TPO 07/11.
Published documents

APPENDIX 1

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Oak	Adjacent to the southern boundary of 5 West Road, Bransgore. As Shown on plan.
T2	Multi stemmed oak	Adjacent to the southern boundary of 5 West Road, Bransgore. As shown on plan
T3	Oak	Adjacent to the southern boundary of 5 West Road, Bransgore. As shown on plan.

Trees specified by reference to an area
(within a dotted black line on the map)

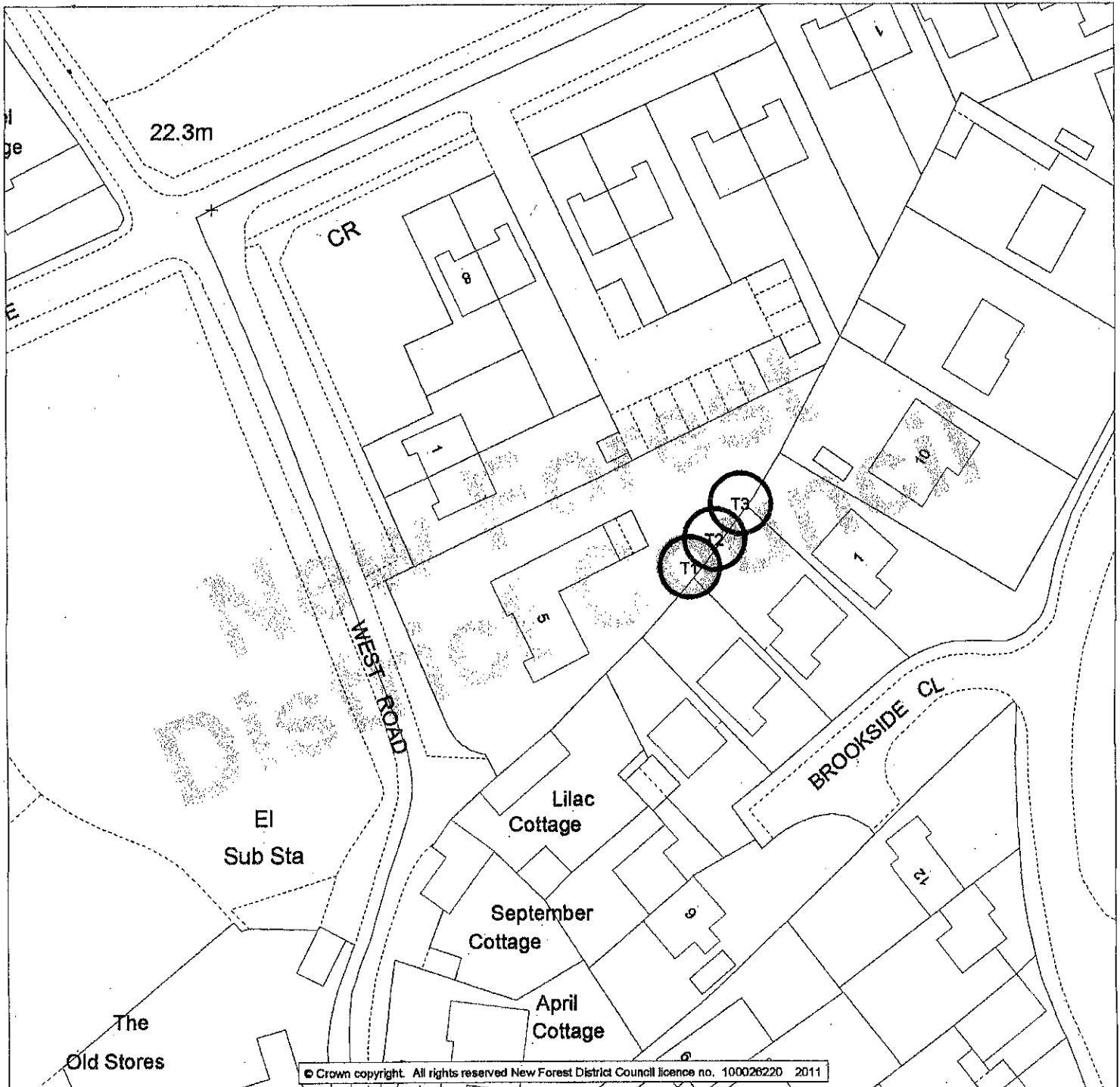
Reference on map	Description	Situation
None		

Groups of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
None		

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
None		



Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 07/11

Approximate Scale: 1:750

Date Printed: 02.03.2011

Chris Elliott
 Head of Planning and Transportation
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA



New Forest
 DISTRICT COUNCIL

Key

Individual Trees Covered by TPO

Area of Trees Covered by TPO

Groups of Trees Covered by TPO

Woodland of Trees Covered by TPO

Trees Noted but not Worthy of Preservation



AN AUTHORISED SIGNATORY

APPENDIX 2

OBJECTION TO TREE PRESERVATION ORDER NO 07/11

LAND OF 5 WEST ROAD, BRANSGORE, HANTS.

REPORT OF COUNCIL'S TREE OFFICER

1 TREE PRESERVATION ORDER HISTORY

- 1.1 Tree Preservation Order (TPO) 07/11 was served on 3 March 2011 and protects three mature oak trees T1, T2 and T3 sited within the grounds of 5 West Road, Bransgore. A copy of the TPO site plan and first schedule are attached as Appendix 1 to Report A.
- 1.2 The TPO was made following receipt of a letter (31.01.2011) and a telephone conversation with the trees' owner who highlighted concerns for the safety of the oak trees due to continued pressure to have the trees felled.
- 1.3 The Council's Tree Officer inspected three oak trees and concluded that the trees made a positive contribution to the landscape of the immediate and surrounding area.
- 1.4 Four letters objecting to the making of the TPO have been received from the residents of 1, 2 and 3 Brookside Close, Bransgore. A copy of these letters is attached in Appendix 3 to Report A. The objection from Mr and Mrs Walker of 3 Brookside Close was subsequently withdrawn as they did not feel there was any benefit in pursuing the appeal process. Their letter of objection is however still included, for completeness.

2 THE TREES

- 2.1 The trees in question are all oaks situated within the grounds of 5 West Road, Bransgore. At the time of inspection the trees had deadwood and minor structural defects within their crowns which could be simply remedied by appropriate tree surgery. Otherwise the trees were healthy, structurally sound and were likely to enjoy in excess of 40 years' safe, useful life expectancy.
- 2.2 The trees offer a good level of visual amenity to the immediate and surrounding area, as they can be seen from a number of public vantage points outside of the site.

3 THE OBJECTIONS

- 3.1 A copy of the objection letters is included in Appendix 3 to Report A.
- 3.2 The grounds for objection include:
 - The trees do not make a significant contribution to the surrounding landscape.
 - The trees are too close to one another
 - The trees will prevent afternoon sunlight entering the gardens of 1, 2 and 3 Brookside Close.
 - The trees are not in a good condition
 - No maintenance works have been carried out by the trees' owner

- The TPO would restrict the pruning of the trees
- If unmaintained the trees' root systems could invade and damage properties
- The trees are not intrinsically beautiful
- Large trees can be unstable

4 OBSERVATIONS ON THE GROUNDS OF OBJECTION

- 4.1 Two meetings have been held in order to resolve the objections raised. An initial site meeting was held with Mr and Mrs Dudley and Mr and Mrs Walker on 8 June 2011. A second meeting was held on 30 June 2011 with Mr and Mrs Waygood as they were unavailable for the first. Unfortunately the objections raised by all parties could not be satisfactorily resolved.
- 4.2 The three oak trees do grow in close proximity to one another; but this is not at all unusual. Their canopies are interwoven and form, in effect, a single larger canopy. In doing so the trees are more conspicuous and can be seen from public vantage points outside of the immediate area.
- 4.3 The trees are situated to the north of the objectors' properties, and while it is not contended that the trees may well obscure some afternoon sunlight from the gardens, direct sunlight should not be expected all day.
- 4.4 The trees do have deadwood within their canopies and there are also snags visible. This is due in part to a lack of management and could be easily remedied by appropriate tree surgery works.
- 4.5 The TPO does not prevent appropriate tree works being undertaken. The submission of a Tree Works Application would be required and formal consent gained before work could be undertaken, however this is a free application and the impartial advice of a member of the Council's tree section can be sought before submission.
- 4.6 There has been no evidence submitted to support the claim that the trees' roots could invade and damage the properties.
- 4.7 Again there has been no evidence submitted which reinforces the claim that large trees can be unstable. A visual ground level inspection of the trees has been carried out and no significant faults were identified.

5 CONCLUSIONS

- 5.1 TPO 07/11 protects three mature oak trees within the grounds of 5 West Road, Bransgore.
- 5.2 The Order was made following concerns raised by the trees' owner following continued pressure from the residents of Brookside Close to fell the trees.
- 5.3 Following an initial site visit by the Council's Tree Officer, it was evident that the oak trees were under threat and therefore it was expedient to be included within a Tree Preservation Order. The trees afford a good level of public amenity to the surrounding area.
- 5.4 At the time of inspection, the oaks T1, T2 and T3 were in a good physiological and structural condition. No major defects were noted from ground level.

- 5.5 A number of site visits have been completed in order to try and resolve the objections raised, but without success
- 5.6 The trees can be clearly seen from a number of public vantage points and contribute positively to the setting of the immediate area.

6 **RECOMMENDATION**

- 6.1 It is recommended that TPO 07/11 is confirmed without modification.

For Further Information Please Contact:

Andrew Douglas
Senior Arboricultural Officer
Tel: (023) 8028 5205
E-mail andrew.douglas@nfdc.gov.uk

Background Papers:

Tree Preservation Order No. 07/11

APPENDIX 3

Mr A. Douglas
Tree Team,
Appletree Court,
Beaulieu Road,
Lyndhurst.
SO43 7PA
Your Ref: ADOU/MAC/07/11



J. Dudley
1 Brookside Close,
Bransgore.
Christchurch.
BH23 8BT.
Tel : (

March 14th 2011

Dear sir,

Re TPO 07/11

In reply to your letter of the 3rd March I wish to object to the TPO 07/11 which relates to trees on the land of 5 West Road, Bransgore.

My reasons for objection are:

1. The trees noted T1, T2 and T3 in the order are located in an area bounded by the back gardens of just 12 houses and are little seen by anyone outside of this area consequently they do not make a significant contribution to the surrounding landscape.
2. The three trees which are the subject of this order grow extremely close together with their crowns virtually conjoined and the limbs of each fouling and damaging those of its neighbour.
3. The trees overhang the gardens of numbers 1, 2 and 3 Brookside Close and will very soon overhang the roofs also, excluding most of the afternoon sunlight.
4. The trees are not in good condition having many damaged limbs which represent a hazard to residents in the gardens below.
5. No pruning or other remedial work on the trees has been undertaken by the owner within the memory of local residents and it is unlikely that any will in the future unless this is made a requirement of this order.

Yours sincerely

J. Dudley.

Jan Debnam
Committee Administrator
Legal and Democratic Services
Appletree Court
Beaulieu Road
LYNDHURST
SO43 7PA



J. Dudley
1 Brookside Close
Bransgore.
Christchurch
Dorset
BH23 8BT
C -
25.7.2011

Dear Jan,

Re TPO 07/11 5 West Road, Bransgore.

Thank you for the opportunity to add further detail to my objections to this order, the following may seem a bit long winded but I'm not sure I will be sufficiently confident in front of a formal panel to put my major points forward so I am asking you please to make this available to the panel prior to the site meeting.

1. The site map associated with the order incorrectly defines the property boundaries between 5 West Rd, 1 Brookside Close and 10 Brookside Rd. The actual boundary means that the tree T3 will have a greater effect on the garden of 1 Brookside Close than the map would suggest.
- 2(a). Please note that tree T3 is approximately 60 feet (18.5 metres) high and stands just 35 feet (10.7 metres) from the rear wall of 1 Brookside Close with the upper canopy extending to about 3 metres of the house at present.
- 2(b). The lower 7.7 metres of T3's trunk has no lateral growth, I believe this is due to the fact that there was until recently a similar oak growing just a metre to the North which restricted its growth. T3 was also covered in dense ivy.
3. Trees T1 and T2 have quite dense lateral growth down to within about 3 metres from the ground which extends out about 6 metres in all directions. My fear is that should T3 produce similar growth it would almost completely obscure any view of the sky from 1 Brookside Close, reduce the amount of light in the garden and the rear of the house by at least 50% thus killing off most of the garden plants under its shade and making the kitchen and lounge depressingly dark.
4. In conclusion I would like to make it clear to the panel that I have never sought the removal of these trees, even though they have been unprotected for the last 10 years or so since the issue of Revocation order 484 in 2010. My objection to the imposition of this order (TPO 07/11) is that it removes my freedom to take any action I think necessary to restrict the growth across my property of the tree T3, particularly growth from the lower 7 metres or so.

Yours sincerely

J. Dudley.



2 Brookside Close
Bransgore
Christchurch
Dorset BH23 8BT

Mr A Douglas
Tree Team
Appletree Court
Beaulieu Road
Lyndhurst SO43 7PA

Ref: ADOU/MAC/07/11

9th April 2011

Dear Mr Douglas

I am writing in response to the letter regarding a TPO placed on trees at 5 West Road Bransgore which abut our land, and to which I object.

Whilst having no objection to the trees in principle, they do overhang our property to quite an extent, making it necessary to remove some of the lower branches on a regular basis. I feel it is quite unnecessary to have to apply to the council and possibly employ a tree surgeon to carry out this work on each occasion if a TPO is issued.

We have been resident here for 25 years and in all that time cannot remember the owner of the trees ever having them pruned into a good shape or the dead and broken branches removed. There is one large branch about a third of the way up the trunk which cuts out a lot of light to all three properties along the boundary. How close to our property roof do the branches have to extend before they are classed a hazard?

Please take these comments into consideration when discussing this TPO.

Yours sincerely

Nora Waygood

2 Brookside Close
Bransgore
Christchurch
Dorset
BH23 8BT
27th March 2011

Head of Legal and Democratic Services
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire
SO43 7PA

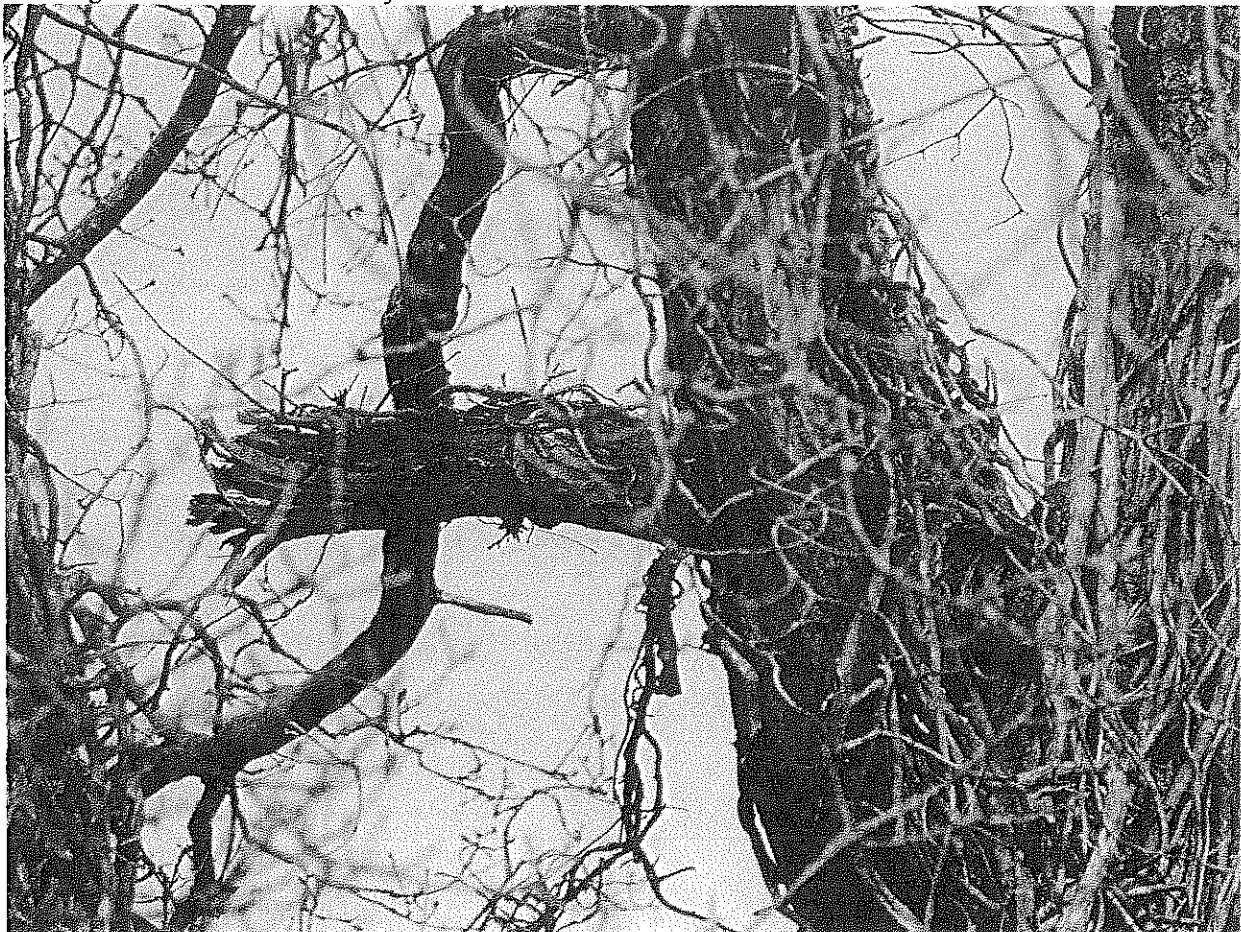
Objection & Representation
Tree Preservation Order No 07/11
Land of 5 West Road, Bransgore, In Hampshire

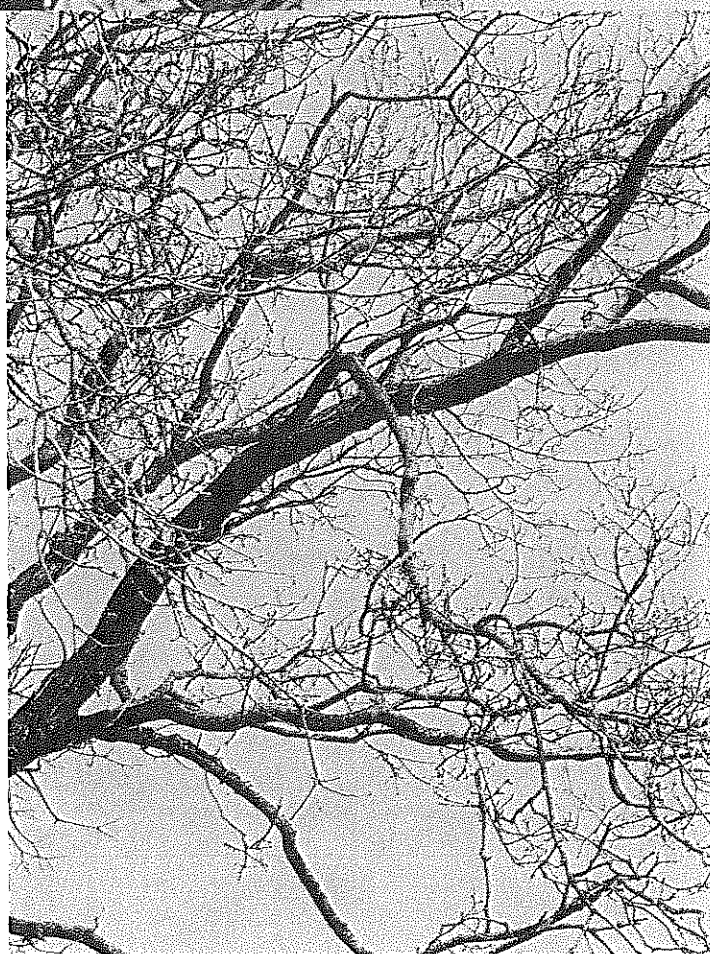
From tposguide.pdf

The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity;

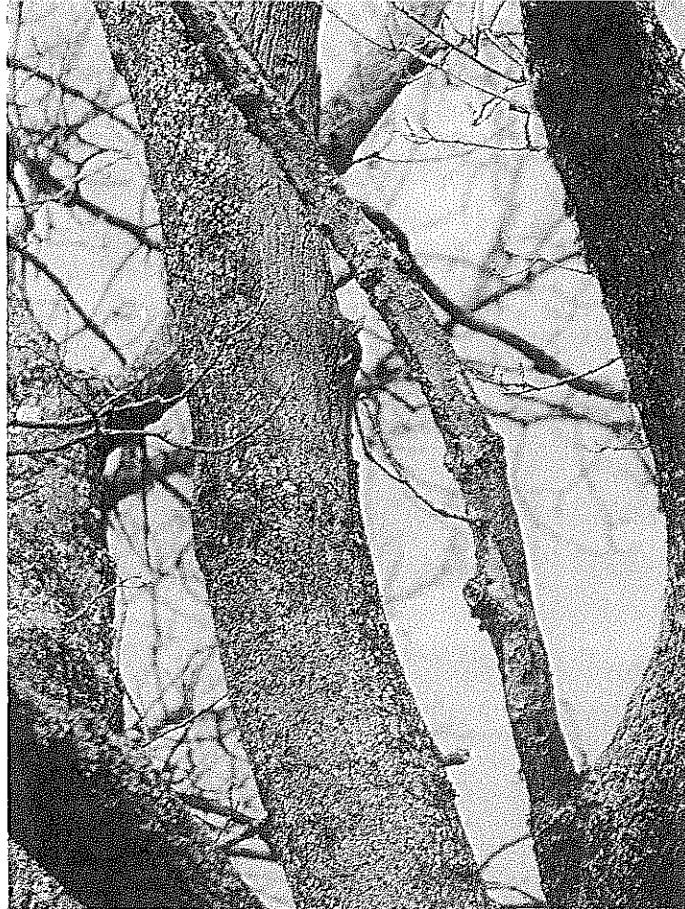
I object on the grounds that these trees are not intrinsically beautiful. They have not been cared for very often in the 26 years I have been in this property. They are showing signs of disease, damage and lack of care. They are not a scarce variety and the neighbourhood has many better visible examples of oaks.

Damage to the most easterly tree





Centre Tree





Western Tree



This year an adjacent oak tree of the same age in the grounds of No 1 Brookside had to be removed as it had taken a dangerous lean and was at risk of falling.

Previously there were two very large evergreen trees in the grounds of 5 West Road. These may actually have been subject to a TPO. They had to be felled due to taking in a lean and being in danger of falling.

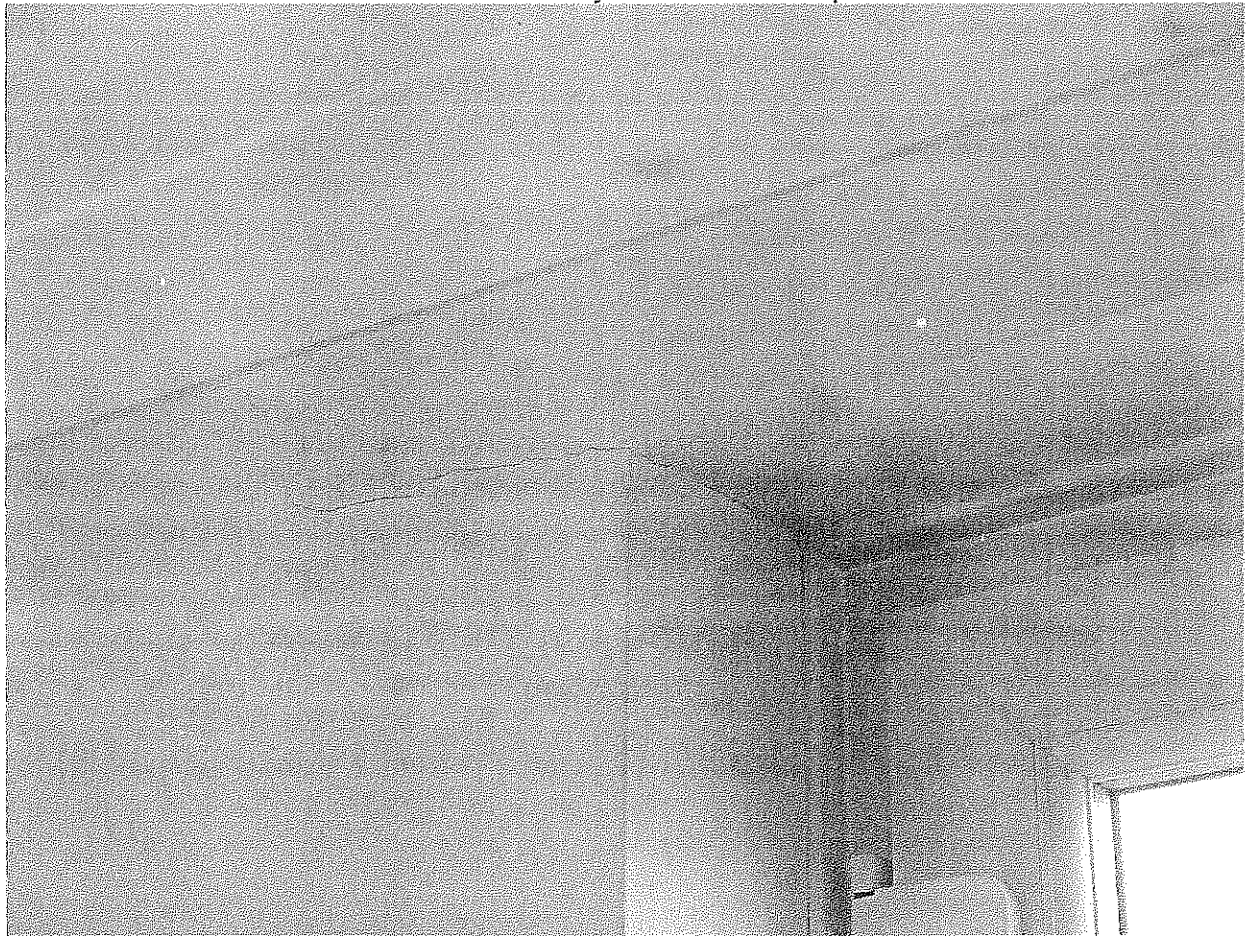
I therefore have a concern that there is a history of large trees being unstable on the ground of and adjacent to 5 West Road.

Due to the poor state of these trees we have also had fairly substantial branches falling into our garden which can make being in the garden during wind a potentially dangerous occupation.

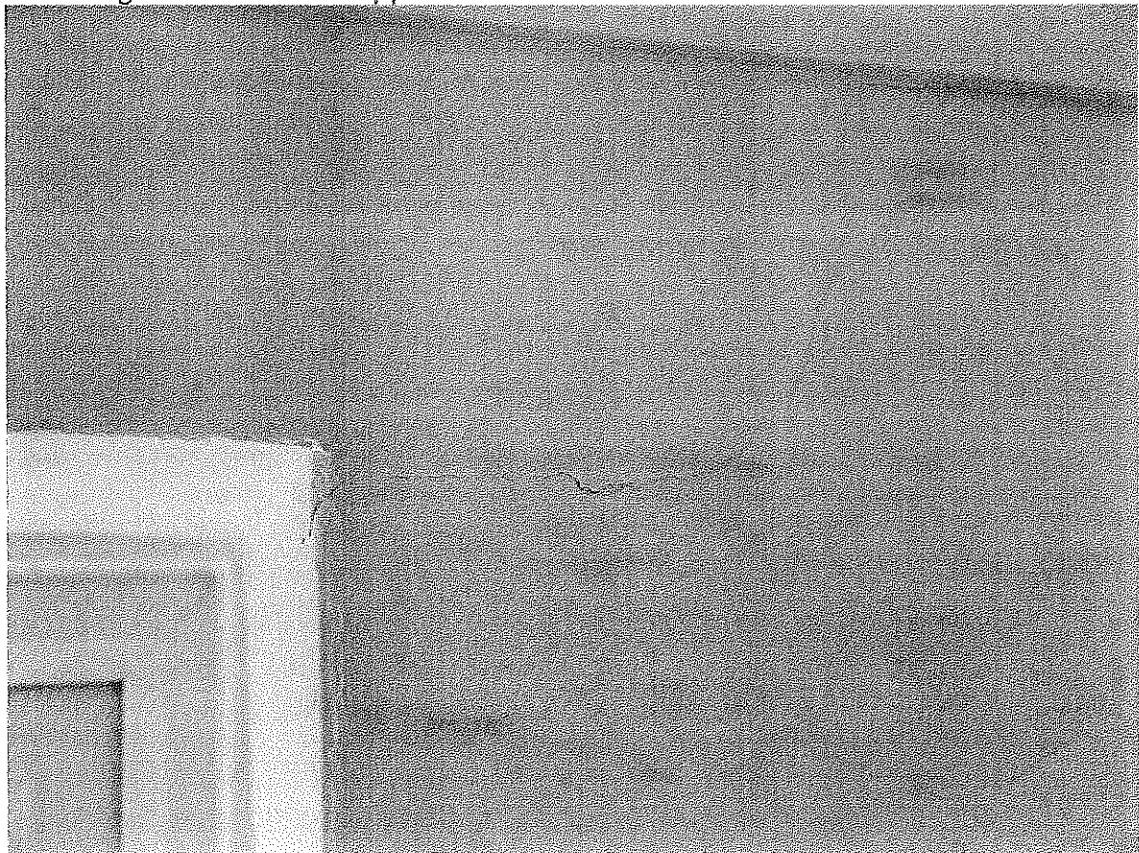
These trees are also of a height that if one were to fall there is a serious threat to my house and the life of anyone on my property.

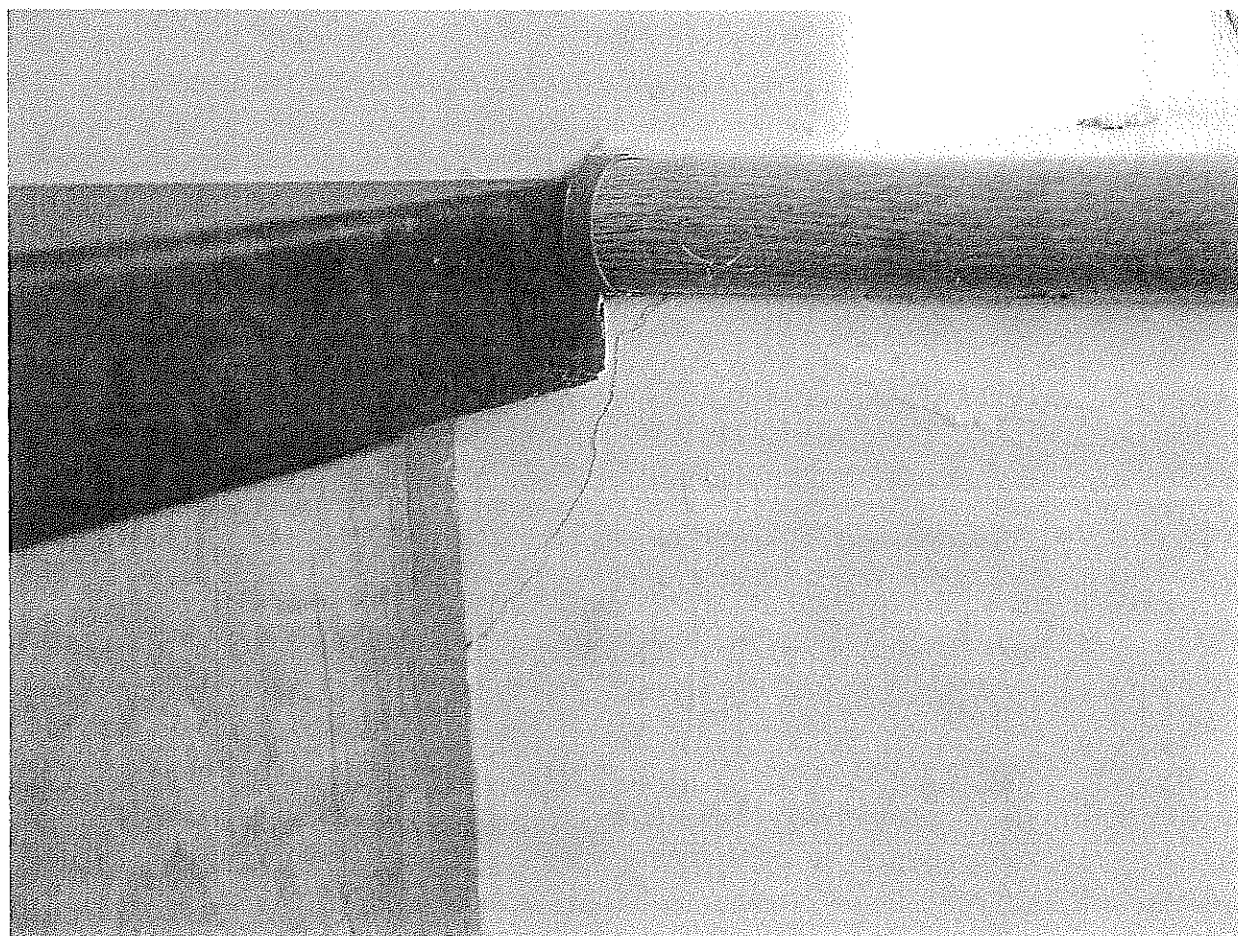
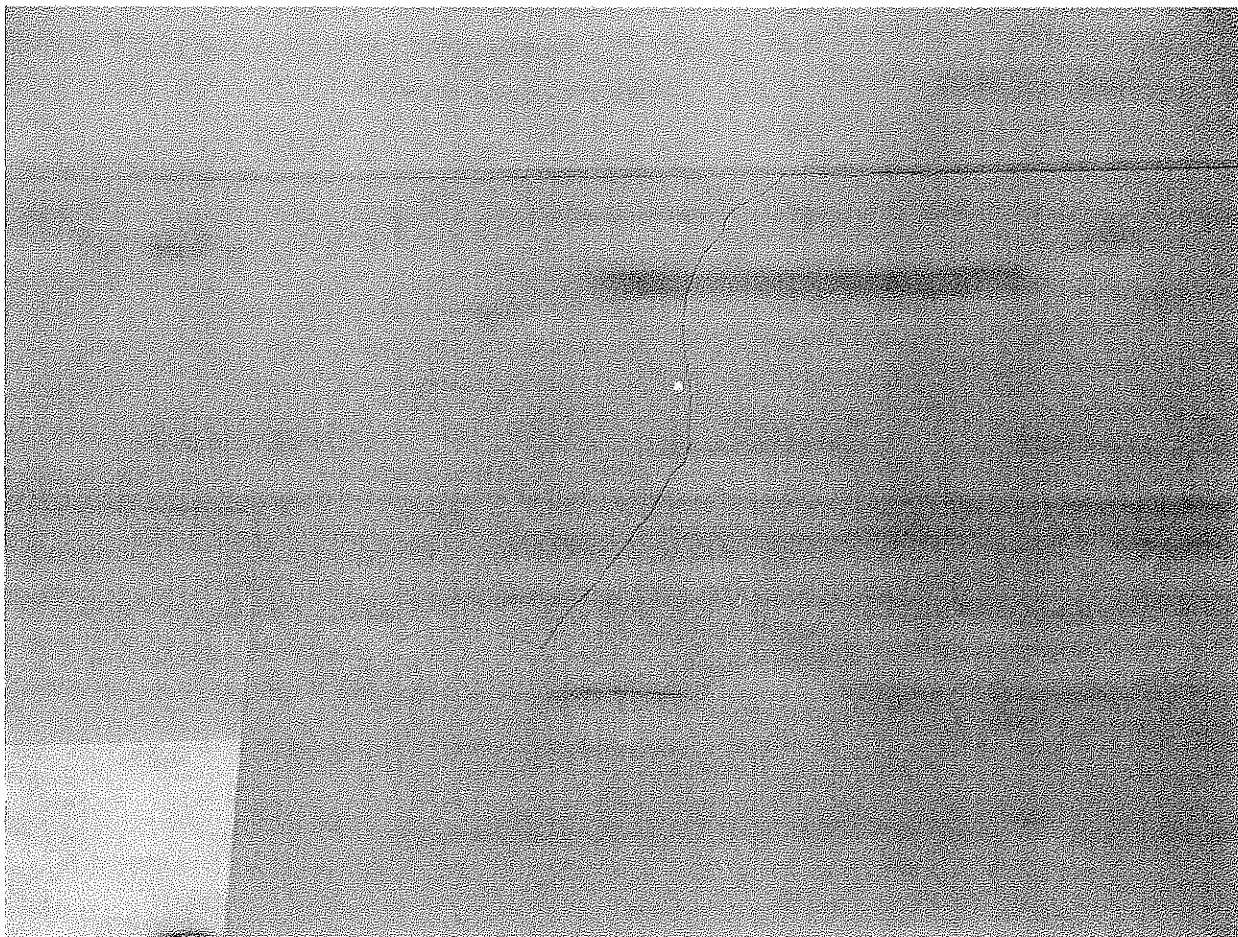
Given the lack of care that these trees have been given I fear that even less will be done to ensure their safety or that to do so will become very problematic.

I also wish to object on the basis that these trees are causing damage to my house. The first crack had been stable for about 5 years but has reopened in 2010.



The following cracks have all appeared in 2010





In conclusion I am objecting because

- 1) the trees are not intrinsically beautiful,
- 2) oaks are not scarce,
- 3) the landscape is suitably enhanced by nearby trees that are beautiful,
- 4) the trees are in a poor state,
- 5) the trees are dangerous,
- 6) there is a history of unstable trees on this land.
- 7) the trees are damaging my property.

Signed

Rex Waygood
2 Brookside Close
Bransgore
Christchurch
Dorset
BH23 8BT

DAY PHONE

EVE PHONE

MOBILE

E MAIL

m.

Mr A Douglas
Tree Team
Appletree Court
Beaulieu Road
Lyndhurst
SO 43 7PA
Your Ref: ADOU/MAC/07/11



3 Brookside Close
Bransgore
Christchurch
Dorset
BH23 8BT
T1
March 22nd 2011

Dear Sir,

In reply to your letter dated March 3rd we wish to object to the TPO 07/11 relating to the trees on the land of 5 West Road, Bransgore.

Reasons for objection;

- The owner of No.5 West Road requested a TPO on the trees in question but these trees are in fact at the bottom of their garden, a long way from the house, therefore causing no disturbance to their house or property. They have shown no concern for the close proximity of these trees to our property.
- The trees are approximately 19 metres in height and the branches are within 4 metres of our roof. We object to this TPO as we would be restricted in pruning any branches overhanging our garden and causing damage to our property.
- If these trees are allowed unrestricted growth and the root system continues to invade our property we are concerned about further damage to our property where cracks have already appeared.

Yours sincerely

C.A.Walker
K.R.Walker

3 Brookside Close
Bransgore
Christchurch
Dorset
BH23 8BT

14 July, 2011



New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PF

Dear Jan Debnam,

**APPEAL AGAINST THE MAKING OF TREE PRESERVATION ORDER 07/11
LAND OF 5 WEST ROAD, BRANSGORE.**

Thank you for your letter dated 1st July. Having researched the outcomes of appeals against Tree Preservation Orders we find that all objections are over ruled. We feel that it would be a waste of our time to pursue our objection and therefore wish to withdraw our request for appeal.

Yours faithfully

K.R.Walker
C.A.Walker

APPENDIX 4

5 West road,
Bransgore,
Dorset,
BH238BQ

Your Ref. JMD/TPO 07/11

1st August 2011

Dear Jan Debnam,

Thank you for the Information regarding the objections to the tree preservation order regarding the trees on my property. I would like to make the following comments.

1. The trees concerned are fully grown and the properties concerned were built and sold knowing the trees were there. I don't know if mention of the trees were made in their deeds. The trees are at the far end of the newer properties gardens.

2. In the past I have been asked by the owners if they could lop off the lower branches over their gardens and this was done.

3. Given the present problems of Oak, Elm trees etc. having to be destroyed due to disease, and the fact that my trees being disease free, I felt there was a need to protect them.

4. The trees are obviously a home to a lot of wildlife and last year (I have not seen them this year) there were bats flying around them.

I hope these facts address the issue.

Yours sincerely,

Pam Bufton

Tel.

