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Our Ref	SP/4901.351

7<sup>th</sup> September 2020

Dear Miss Fran Collinge

**Chesterfield Borough Council (Langhurst Road) Tree Preservation Order 351,-  
2020.**

I refer to your recent communication regarding the provisional Tree Preservation Order referenced above and the general maintenance of the trees now the woodland is protected by the provisional Order.

I can confirm that the owner remains responsible for trees covered by the preservation orders, their condition and any damage they may cause even though there is a Tree Preservation Order protecting them. This does not stop the trees being maintained or even felled but the authority's permission is usually required before any work is carried out to the trees. In general, most pruning/felling applications that the Council receive are granted consent and the works can then be carried out to the specification on the decision notice. The only time applications are refused is if the works are deemed unnecessary, do not conform to BS3998 Tree Works or are not good arboricultural/forestry practice and would reduce the trees amenity value.

The tree application process is free of charge to encourage tree owners to apply for tree works and includes free arboricultural advice. It is however, up to the tree owner whether or not they apply for any works but they do have a duty of care so if at any time there is a dangerous tree, the Council can then inform the Owner to respond or if the tree is in such a state that it may fail imminently then the Council can carry out the works and recover the cost at a later date. In addition, guidelines allow the owner to give the Council 5 working days' notice if they believe a tree is dangerous. In this time, the Council will inspect the tree and give a formal decision on the notification reducing the time to process an application which is normally 8 weeks under current Government guidelines.

With regard to your enquiry as to whether or not the Council can force the landowner to prune back the trees along the boundary then please note on the TPO site plan, that the trees along the boundary of Langhurst Road have been excluded from the Order for the exact reasons you have mentioned so that they can be maintained at any time without the consent of the Council. There is also an exemption in the TPO legislation that allows Utility Company's like Openreach to cut back trees without consent under certain conditions.

Finally, even though the trees are protected by a Preservation Order the only thing that has changed is that the Owner would need permission off the Council to fell or prune the trees. As with any woodland, a woodland management plan is advised, however that responsibility is down to the landowner.

I hope this answers your enquiry and if you have any other concerns then please do not hesitate to contact me.

Yours sincerely

Steve Perry  
Tree Officer (Planning)