



'The Arbor Centre'
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28 March 2018



Arboricultural
ASSOCIATION
Technician Member

Our ref : Maud/CTS/280318

Re : Pine tree subject to a Tree Preservation Order.

Site : Bothen Hill. Bridport. Dorset.

Trees that are deemed to be 'important' in the interests of amenity, can be protected in law under the Town & Country Planning Act 1990. This is achieved by making a Tree Preservation Order (TPO).

When a tree is made the subject of a TPO it becomes illegal to; cut down, top, lop, uproot, wilfully damage or wilfully destruct the tree, without the prior consent of the Local Planning Authority (LPA). The higher the amenity value of the tree, the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted.

The LPA are responsible for administering the process and enforcing the law covering TPOs. It is a criminal offence to contravene the Order which carries a maximum fine of £20,000.

If works are proposed to protected trees, the process has 3 main routes;

1. A full planning application. This is the most common and 'usual' approach. An application is submitted to the LPA detailing the extent and the reason for the works. This process usually takes 8 weeks allowing for consultation and consideration.

The law allows for 'exceptions' to the above, particularly where a tree is dead or dangerous.

2. 5 day notification. in writing (by email or letter) of the proposed activities allows the LPA to visit site and assess the situation for themselves. The proposed works may then be decided outside the full planning process.

3. Urgently necessary works to remove an imminent risk of serious harm. This situation is very rare. Works may immediately proceed but notification is required as soon as practicable. There is then a burden on those undertaking the works to prove that the work was undertaken within the terms of a statutory exemption. Evidence would need to be gathered before and after the event to defend their actions.

In any case, the works should amount to no more than is necessary to mitigate the risk of serious harm.

- Tree Surgeons & Arboricultural Advisors -
- Fully Qualified & Insured – Council Approved -

On 15th March 2018 we made a site visit to Bothen Hill.

We had received a report that a significant tree within the prominent TPO group of Pines had been felled illegally.

This particular group of trees have a high amenity value and make an important visual contribution to the wider landscape. They help to define the character of the area surrounding Bridport.

Given the size of the tree concerned and the remote location of the group, the zone of impact, should tree failure occur is 'low' in terms of tree hazard evaluation.

Having examined the extensive amount of tree debris still on site at the time of our visit, we have concluded that in this case there was no evidence to suggest that the felled tree had been in such a condition that immediate felling was the only course of action to avert the risk of serious harm. Further arboricultural detail can be provided to substantiate this statement if required.

In brief conclusion, there appears to have been a significant breach of planning law.

It is the duty of the LPA to investigate breaches of planning law and take appropriate action.

If we can be of further assistance, please do not hesitate to contact us.

Yours Faithfully



John Hayes TechArborA



Jacqueline Hayes.
Lantra Professional Tree Inspector.

References :

- Town & Country Planning Act 1990.
- Town and Country Planning (Tree Preservation)(England) Regulations 2012).