



-  Jayne.clarke@telford.gov.uk
-  telford.gov.uk
-  facebook.com/TelfordWrekin
-  twitter.com/TelfordWrekin
-  01952 383205

Date: 8 February 2021

Our Ref: TPO-189

Your Ref:

Dear ,

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012
BOROUGH OF TELFORD & WREKIN (WOODLAND TO THE REAR OF 39 ERCALL LANE,
WELLINGTON, TELFORD, TF1 2DY) TREE PRESERVATION ORDER 2021**

Thank you for your email dated 30 January 2021. Please find below a response from our Tree and Woodlands Officer.

The safety of the trees within the woodland is the responsibility of the owner of the land on which they are growing, not the Local Authority. The reasons for the Council imposing Tree Preservation Orders is to protect trees of amenity value for local communities.

The owner has a 'common law' duty of care to take reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to injure their neighbour. The tree or woodland owner also has a duty under other legislation, as a private landowner, to take reasonable steps to ensure that their property (trees) are reasonably safe. Whether this be having the trees surveyed by a competent person or having a tree surgeon remove any foreseeable dead or dangerous trees this is the responsibility of the owner of the trees. Although it is always advisable for owners of trees protected by a Tree Preservation Orders to obtain consent from the Council, there are exemptions to consent being required, such works as may be necessary for the prevention or abatement of a nuisance, however the works to be undertaken should be no more than to abate the nuisance.

Continued . . . /

To confirm, it is for the owners of the trees to make an application to undertake work within the woodland to the Council and as long as the works are regarded as good arboricultural practice or safety based then there would be no objections to this. It is the owners responsibly to ensure that their property is reasonably safe not the Local Authority.

Yours faithfully,

Jayne Clarke
Democratic and Scrutiny Officer