

Letter 3 (Final Letter)

Date:
Our Ref:
Enqs. To: [Serving officer]
Tel:
Fax:
Email: [Officer's email]

Owner/Occupier
Address line 1
Town/City
County
Postcode

Dear Sir/Madam,

RE: XXXXXX

PRIVATE TREES AFFECTING PUBLIC SAFETY - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - SECTION 23 WHERE TREES ARE COVERED BY A TREE PRESERVATION ORDER AND/OR ARE SITUATED WITHIN A CONSERVATION AREA. TOWN AND COUNTRY PLANNING ACT 1990.

The _____ Council has authorised me to enforce the provisions of Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, which provides for the removal or cutting of trees/shrubs etc, which endanger public safety.

I have visited the land to the rear of _____ ("the Property") and noted that the condition of a tree is such where it or parts of it could fail and fall into adjacent property in _____.

The Council hereby serves Notice under Section 23 of the above mentioned Act requiring you, the owner or occupier of this land, to prune or (subject to the internal integrity of the trunk timbers) remove this tree so as to remove the likelihood of danger or damage, within twenty one (21) days of receipt of this Notice.

What You Must Do:-

Within 21 days of the date of this Notice, either yourself or by a person competent to carry out tree works to BS 3998 (2010), the British Standard for tree work, who you must employ at your own expense to undertake the following works to the tree (s):-

- Remove insecurely rooted tree as indicated on the attached plan.

Please note:

As all of the trees outlined within this Notice are covered by a Tree Preservation Order you must only undertake the minimum work to the trees as stated above. Any additional tree work can only be carried out with prior written consent from the Local Planning Authority. Should additional work be carried out to any tree, or the pruning be of such a poor standard, it shall be taken as a contravention of the Tree Preservation Order and shall therefore lead to an offence. Anyone found guilty of this offence is liable on summary conviction to a fine of up to £20,000 per tree.

I have set out the full provisions of Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 for your information.

Your Rights:

If you are aggrieved by any requirement of this Notice you have a right of appeal within 21 days beginning with the date of service of this Notice, to the County Court, current address _____.

Grounds for Appeal must be on one or more of the following:

- a. that you are neither the owner nor an occupier of the land on which the tree/trees is/are situated;
- b. that the tree/trees is/are not in such a condition as is mentioned in the Notice;
- c. that less expensive steps than those specified in the Notice would suffice for the purpose of making the tree/trees safe;
- d. that it would have been fairer to serve the Notice on another person who is an owner or occupier of the land on which the tree/trees is/are situated; and any other person who is an owner or occupier of the land to which the Notice relates may within the period aforesaid appeal to the County Court against the Notice on one or both of the grounds mentioned in paragraph (b) and (c) above. In the event that you appeal against this Notice, the Notice shall have no effect until the appeal has been determined. Whilst it is not a statutory requirement, you are advised to supply a copy of any Notice of Appeal upon the person named at the foot of this Notice.

Non-Compliance:

If you fail to comply with this Notice, the Council may carry out the work(s) in this Notice and recover from you the expenses incurred by it in so doing.

DATED this day of 20__.

Yours faithfully

[Officer designation]

[Authority]