

LETTER 4 (Notice)

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

Name of the Occupier OR Owner
Address line 1
Town/City
County
Postcode

IMPORTANT LETTER - PLEASE READ

Local Government (Miscellaneous Provisions Act 1976, Section 23, 2 & 3) Letter of Notice [Location of the tree]

Dear Sir or Madam,

Further to my letter of [date of initial letter] I am aware that no action has been taken to make the tree safe. In its present condition it still poses an imminent threat to neighbouring property.

Under the terms of section 23 of the above act, the Council hereby serves a Notice that you carry out the necessary works to remove the danger within 21 days from the date of this Notice. The reason for this notice relates to the condition of the tree/s (common name/s) and specifically the following defects: (describe defects). The minimum work the Council expects to make the tree safe is (description). This work is to be carried out by (date).

A person on whom a notice is served by a council in pursuance of subsection (3) of the above act may, within 21 days beginning with the date of service of notice, appeal to the county court against the notice on one or more of the following grounds, namely –

- (a) that person/s is neither an owner nor an occupier of the land on which the tree is situated;
- (b) that the tree is not in such condition as is mentioned in paragraph (b) of that subsection;
- (c) that less expensive than those specified in the notice would suffice for the purpose of making the tree safe;
- (d) that it would have been fairer to serve the notice on another person who is an owner or occupier of the land aforesaid;
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 grounds mentioned in paragraphs (b) and (c)

If works to make the tree/s safe are not carried out with the above timescale, the Council will instruct the Council's tree contractor to carry out the necessary works. Under sub Section 3 of the Act, the Council will recharge you any costs it incurs in this process.

Please note this is a Legal Notice. You have the right of appeal against this notice to a County Court within 21 days from the date of the notice. (Appeal's should be made to: Mayor's and City of London Court, Guildhall Buildings, Basinghall Street, London, EC2V 5AR)

If the above tree is subject to Tree Preservation Order or Conservation Area legislation, work to comply with this notice is exempt. Any additional work over and above making the tree safe would require a tree work notification to the Council's Planning Department.

If you wish to discuss this please do not hesitate to contact me on the above number.

[*Serving Officer*]

[Officer designation]

(Authority)

