

[REDACTED]

[REDACTED]

20th August 2021 2021

Democratic Services – 3FL
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Dear Sirs

TREE PRESERVATION ORDER 2021 – [REDACTED]

Thank you for your letter of 18th August concerning the above tree preservation order. Our property is next door to this one and the tree is some eight feet from our boundary fence. We wish to object to the imposition of this order for several reasons.

First, the tree is suffering a slow and lingering death from ash dieback. This is an old mature tree and, as in almost all living things, diseases are slower to act than in a young vigorous specimen. I have seen an expert arborist report which confirms this. This is not an isolated case and the ash trees in the churchyard opposite (St. Bartholomew's) are exhibiting similar symptoms as are others in Lyndhurst Road. Our cars are frequently covered in sap and pollens from the tree which can cause damage to the paintwork.

The root system for this tree extends into our property and, although there is no evidence of damage as yet, it remains a possibility. They will also extend into and around the street drains and we have had to make frequent calls to you to unblock the drain outside our house which blocks and floods the road regularly. Before our steeet was resurfaced, I suggested you used CCTV to check for root damage, but this was never carried out. One of these days, you will find the roots to be causing the problem and then you will no doubt have to take up part of our nicely laid street.

The tree in question is becoming increasingly dangerous. Branches are shed in high winds which fall into our property and on to our motor vehicles parked in our driveway. So far, no-one has been struck by one, but the risk is always present. Damage to our cars is much more likely. Were the whole tree to come down in the storms, which we are told will be more frequent in the future, the potential for serious damage, injury or even death is catastrophic.

This order is contrary to our wishes and those of the owner, [REDACTED], to have the tree removed on the grounds of safety. Having notified you that the tree is becoming dangerous, if you persist in the imposition of this order we will consider you strictly liable for damage that occurs to persons or property on our premises. This is a classic case of non-feasance in the face of factual evidence and any litigation in this

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matter would have your defence seriously compromised as a result of this notification.

A long, lingering death is regrettably not the correct way for this case to be allowed to proceed. Were it to be a human, it is fair to say it would be heading for a care home and were it to be a pet animal it would be put down. We love trees, and, yes, this an impressive old example, but no living thing lasts forever and in our opinion, this tree's time has come. We hope you will rescind this order and allow the tree to be removed.

Yours faithfully

A large black rectangular redaction box covering the signature and name of the sender.A smaller black rectangular redaction box covering the signature and name of the sender.