



Bothenhampton & Walditch

Parish Council since 1886

Mr A Douglas
Trees Team Leader
Economic Growth and Infrastructure
Dorset Council

Via Email

13th March 2023

Dear Andrew

TREE ISSUES on SYCAMORE AVENUE

Thank you for taking the trouble to phone me on 23rd February to talk about our letter dated 16th February sent to Graham Cox about trees fallen at The Hyde across Walditch Road and damaging a tree on the other side. I am sorry to hear about Graham's illness and hope that he recovers soon.

You were at the disadvantage of not knowing the 19-year-old history of the neglect of the Sycamore Avenue by local butcher and abattoir owner John Norman; and in the absence of the back-correspondence it was difficult for me to articulate over the telephone the current situation regarding its status.

You were right to say that Dorset Council cannot insist that landlords replace any old trees that fall down and are taken away. However, the detailed documentation which has been supplied to Graham in recent correspondence since the demerger of Dorset Council and should surely be in Graham's files will show not only is this a Conservation Area, but the Avenue trees are also protected by TPOs. We argue that, under the Town & Country Planning Act 1990 and the Town & Country (Trees) Regulations 1999:

“Whenever a tree has been removed in contravention of the legislation, or because it is dead, dying or dangerous, there is an automatic duty on the landowner to plant a replacement tree of a suitable size and species at the same place as soon as reasonably possible (unless that requirement is waived by the local Planning Authority). The replacement tree is then subject to the same protection as the tree that was lost. If the landowner fails to comply with this requirement the Authority may serve a Tree Replacement Notice within a period of four years to ensure compliance.”

In 2005-6 six trees that fell down were replaced. We do not understand why a further 5 trees that fell down in 2013-14 and 2016 were not. Chris Lloyd, Tree and Landscape Officer, issued Tree Replacement Orders in March 2021 and told Cllr Dave Bolwell in an email on 11th June 2020 that Dorset Council would serve notice on John Norman of its intention to commission the works itself and recharge them to him. Despite further queries by Cllrs Bolwell and Clayton and a personal meeting I had with Graham Cox last year no further progress has been made. Graham promised to talk to James Bennett - just as you did when we talked on the 23rd last!

I hope that James has been able to take you through these issues, that the word 'protection' means something, and that you will be in touch with us again soon.

We wish you good luck in dealing with the extra work you must be facing.

Yours sincerely,

A J Basker

Chairman - Bothenhampton & Walditch Parish Council

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Cc: James Bennett (DC)
Clls Bolwell and Clayton (DC)
Robin Stapleton (Resident)