

## Notice to Property Owner

**(Authority Name)**

HIGHWAYS ACT 1980 SECTION 154(2)

### **NOTICE TO OWNER TO LOP OR CUT DANGEROUS TREE, HEDGE OR SHRUB**

TO: \*

OF: \*

1. The **[Authority name]** ("the Council"), being the Highway Authority for XXXXXXX, considers that a **\*INSERT TYPE OF VEGETATION\*** situated in the **\*front garden\*** of ...ADDRESS... presents a danger to users of the public highway known as .....**\*include map / photo if more than 1 such tree\***
2. In the Council's opinion, the XXXXXXX, being dead / diseased / insecurely rooted\* (delete as applicable) must be reduced to no higher than 2 (two) metres in height or cut down to ground level **\* delete as applicable or insert alternative\***.
3. The Council requires you, as the owner of the land, within **28 days (twenty-eight)** from the date of this Notice, to carry out the works specified above.
4. If you do not carry out the works within the period specified, then the Council may carry out the works specified in para (2) and recover any costs incurred in doing so from you. This will include officers' time, administration costs, any legal expenses incurred and contractor's costs.

#### REPLACEMENT OF TREE

***(delete section if not applicable or select relevant para)***

- A Tree Preservation Order is in effect for the tree to which this notice applies. Following removal of the tree the landowner must replace the tree with one of the same species in the same place pursuant to s206 of the Town and Country

Planning Act 1990. The Tree Preservation Order will continue to apply to the replacement tree.

- A Tree Preservation Order is in effect for the tree to which this notice applies. The Council, being the local Planning Authority for the area, have decided to dispense with the requirement on the landowner to replace the tree with one of the same species in the same place pursuant to s206 of the Town and Country Planning Act 1990.
- Your property is located within a Conservation Area. Following removal of the tree the landowner must replace the tree with one of the same species in the same place pursuant to s213 of the Town and Country Planning Act 1990. The replacement tree must be maintained by the owner of the land.
- Your property is located within a Conservation Area. The Council, being the local Planning Authority for the area, have decided to dispense with the requirement on the landowner to replace the tree with one of the same species in the same place pursuant to s213 of the Town and Country Planning Act 1990.

Signed ..... Dated .....

Print Name .....

Position .....

Authorised Officer of the [Authority Name] ("the Council")

### **IMPORTANT NOTES – PLEASE READ**

- A. You have a right of appeal against this Notice to the Magistrates' Courts within **21 days** from the date of this Notice pursuant to s315 & s316 of the Highways Act 1980.
- B. If the Council's contractors have to undertake the remedial works, any vegetation they cut down will be left in situ and remain your property. As such the costs incurred by you will not include waste removal and disposal.
- C. In the event of the Council undertaking remedial works and having to recover costs incurred, officer time will be chargeable at £XX per hour. Administration costs will be chargeable at £XX per letter / notice / email. Legal costs will be in addition to these.

cc for info only - The occupier(s)