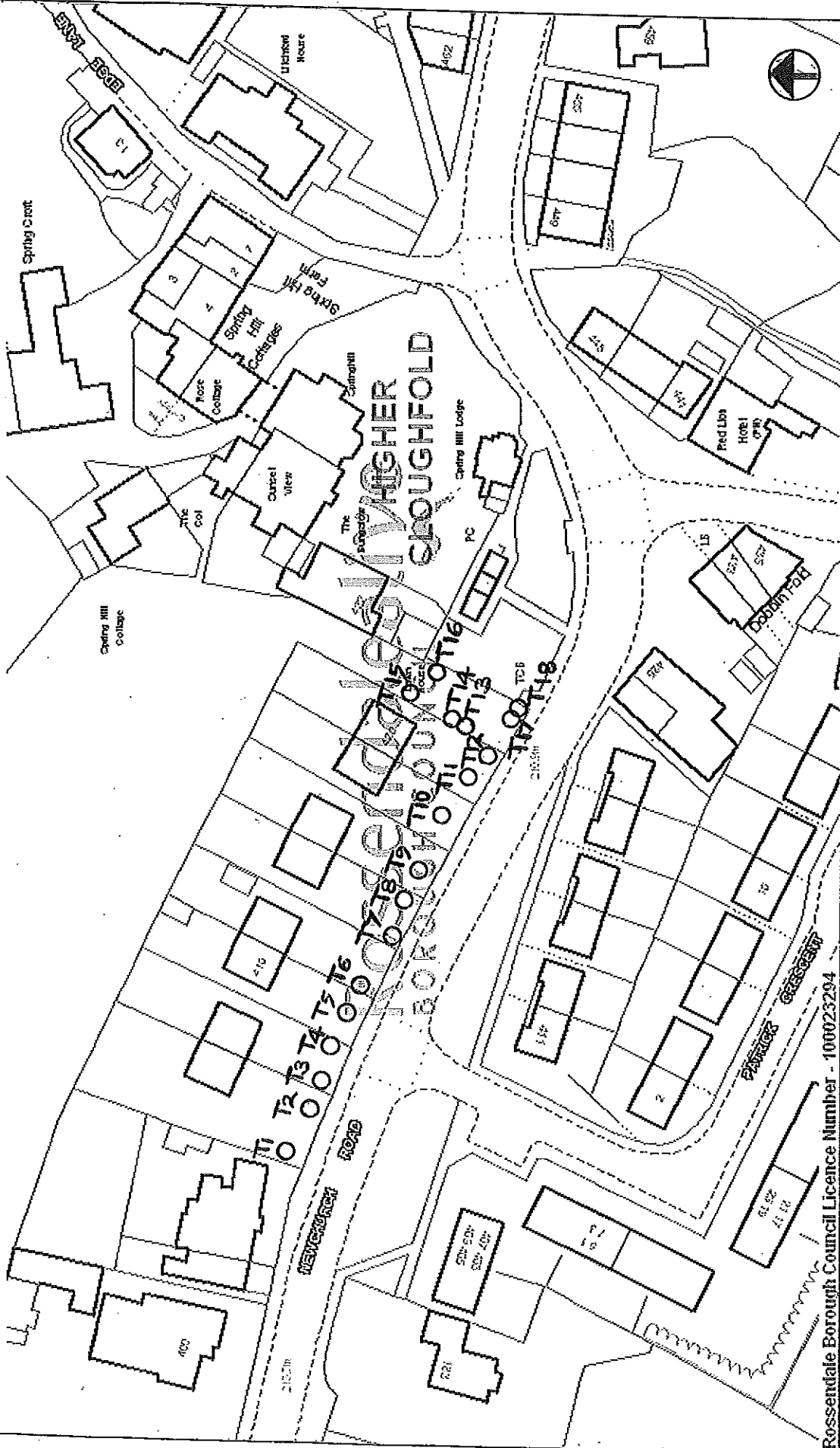


ROSSENDALE BOROUGH COUNCIL TREE PRESERVATION ORDER NO 1
(NEWCHURCH ROAD, HIGHER CLOUGHFOLD) 2011



Rossendale Borough Council Licence Number - 100023294

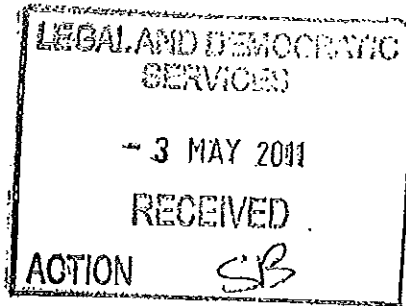
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Centre = 382316 E 422883 N

Date 18/4/2011



~~Z14-001-27~~



28th April 2011

Mr S Sugarman
Director of Business
Rossendale Borough Council
Futures Park
Bacup
Lancashire
OL13 0BB

Green Vale Court, New Hall Hey, Rawtenstall,
Rossendale, Lancashire, BB4 6HR

This matter is being dealt with by Martin Yates

E Mail: martin.yates@greenvalehomes.co.uk
Telephone: (01706) 836352

Dear Mr Sugarman,

RE: R.B.C. Tree Preservation Order, Reference SJB/Z14/TPO1/2011

Thank you for your letter dated 19th April 2011 regarding the TPO in respect of two trees (T7 and T8 in schedule 1 to your order), at 414 Newchurch Road, Higher Cloughfold, Rossendale.

I wish to object to the confirmation of this order on the grounds that Green Vale Homes is not responsible for managing or maintaining the trees at this property and does not have the legal authority to exercise day to day control over activity on this site.

Under the terms of the Tenancy Agreement the tenant has full responsibility for maintaining any and all trees within the curtilage of the property. Furthermore, while Green Vale Homes is the freeholder, the tenant enjoys exclusive possession of the property and Green Vale Homes has no statutory right of entry. Breaches of the conditions specified in the tenancy agreement can of course be addressed by Green Vale Homes but this will be in response to and after an event; clearly it is not possible to take enforcement action against tenants for something they have not yet done or may never do.

Consequently it is unreasonable and inappropriate to make an order against Green Vale Homes in respect of something for which it is not responsible and over which it is not able to exercise day to day control. I shall be obliged therefore if the above order is not confirmed.

Yours sincerely,

Martin Yates
Environmental Services Manager

Received by
SJB on 17/5/11.