Tree Work Application Decision Notices

Mr Simon Wood
26, Gatesgarth Crescent
Lindley
Huddersfield
HD3 3LG

For: Mr Simon Wood

TOWN AND COUNTRY PLANNING ACT 1990
Town & Country Planning (Tree Preservation)(England) Regulations 2012

NOTICE OF CONSENT TO FELL AND/OR PRUNE

Application Number: 2017/93425

In pursuance of its powers under the above mentioned Act and Regulations and the Tree Preservation Order made by the Kirklees Metropolitan Council (hereinafter called 'the Council') as Local Planning Authority and pursuant to the application submitted to the Council on 06-Oct-2017:-

THE COUNCIL HEREBY **CONSENTS** TO THE CARRYING OUT OF THE FOLLOWING OPERATIONS TO THE PROTECTED TREE(S) TPO HU1/69

At: 26, Gatesgarth Crescent, Lindley, Huddersfield, HD3 3LG

One heavily suppressed Sycamore overhanging the gardens on Chiltern Avenue, and shown as T9 on the application: Fell this tree.

All remaining trees, as required, crown lift to give 5 metres ground clearance. Crown thin removing 20% of the crown mass, thinning the crown evenly throughout the entire canopy ie. thinning branches in the outer portion of the canopy to prevent 'lion tailing'. Clean out crown removing any dead, dangerous, hazardous or split branches and stubs; while maintaining the tree's structural integrity and natural form.

Please note: as discussed, with regards to the Ash tree located on the boundary with 29 Gatesgarth Crescent, which lost a limb recently. Having geo-registered the TPO plan on to a current Ordnance Survey base map, and using measurement of the tree's location taken on site, it is clear that this Ash tree lies just outside of the TPO'd area, therefore it is not protected by the Preservation Order.

In addition please be aware that T12 and T13, Hornbeams (specified as Sycamore in the application), are also not covered by the Tree Preservation Order.

SUBJECT TO THE FOLLOWING **CONDITIONS:**

1) That ALL tree operations outlined in this notice be carried out within ONE year of the date of this notice. If for any reason such works are not completed within this period a new application must be made to the Council.
2) That all tree work shall be carried out in accordance with British Standard 3998: 2010 *Tree Work- Recommendations.*
3) That branchwood shall not be burned on site.

Notes to Applicant Regarding Decision

1.

Any conditions you will find detailed therein are mandatory and enforceable under the Town and Country Planning Act 1990. You are deemed to have accepted them as stated if you either:

i) Carry out works, or
ii) Fail to appeal within 28 days of receipt of the notice

2.

Should you wish to initiate an appeal, you should do so within 28 days of receipt of the notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/planning-inspectorate. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.

3.

Road & Street Works Act 1991: It is possible that part or all of the consented works may present a safety risk to the public. IT IS IMPERATIVE that before any works commence advice on sign requirements and /or traffic control is sought from our NRASWA Officers (Sean Fisher : 01484 225 426)

4.

Under section 1 and 9 of the Wildlife & Countryside Act 1981 (as amended): it is an offence to intentionally disturb or destroy any bird nest whilst it is in use or being built; or, to recklessly or intentionally damage or destroy a bat roost or, to cause disturbance or harm to bats.

5.

In no way does the Council accept any liability for damage to property or persons caused as a result of the work here authorised. Tree surgery can be very dangerous and the Council recommends strongly that a competent tree surgeon using appropriate safety equipment and with appropriate public liability insurance is employed.

6.

Consent for the tree work specified in this Notice relates only to the Town and Country Planning Act 1990 and is in principle only. If the work to be undertaken relates to trees growing on land owned by a third party, permission must be obtained from that third party before undertaking any work which requires access onto or over their land.

7.

Subject to the provision of the Tree Preservation Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under the Order or of any grant of any such consent subject to conditions shall, if he/she makes a claim within the time and in the manner prescribed by the Order, be entitled to recover from the Council compensation in respect of such loss or damage, provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any tree the subject of a certificate in accordance with Article 5 of the Order

In assessing compensation so payable, account shall be taken of:

a) Any compensation or contribution which has been paid whether to the claimant or any other person in respect of the same trees under the terms of the said or any other Tree Preservation Order under section 29 of the Town and Country Planning Act1962, or under section 203 of the Town and Country Planning Act 1990, or under the terms of any Interim Preservation Order made under section 8 of the Town and Country Planning (Interim Department) Act 1943, or any compensation which has been paid or could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932; and
b) Any injurious affection to any land of the owner which would result from the felling of trees subject of the claim.

A claim for compensation under the Order shall be in writing and shall be made by serving it on the Council, such service to be effected by delivering the claim at the offices of the Council addressed to the proper Officer thereof or by sending it by prepaid post so addressed, within 12 months from the date of the decision of the Council, or of the Secretary of State against the decision of the Council from the date of the decision of the Secretary of State on the appeal.

Any questions or disputed compensation will be determined in accordance with the provisions of section 179 of the Act (or as amended).

THE REASONS FOR THE COUNCIL'S DECISION TO **GRANT** CONSENT SUBJECT TO THE **CONDITIONS** SPECIFIED ABOVE ARE:

i. To ensure future tree cover and amenity.
ii. To ensure the continued health of the tree(s).
iii. To favour other trees.
iv. To prevent or abate a nuisance.

Dated: 30-Oct-2017

Signed: 

Naz Parkar
Strategic Director Economy and Infrastructure

If you have any questions about the above decision then please contact the application's Case Officer Joe Robertson quoting application number 2017/93425 via one of the following methods:

Call: 01484 414909

E-mail: trees.planning@kirklees.gov.uk

Write to: Trees Section
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR

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Mr Simon Wood
26, Gatesgarth Crescent
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Huddersfield
HD3 3LG

For: Mr Simon Wood

TOWN AND COUNTRY PLANNING ACT 1990
Town & Country Planning (Tree Preservation)(England) Regulations 2012

NOTICE OF REFUSAL OF CONSENT TO FELL AND/OR PRUNE

Application Number: 2017/93425

In pursuance of its powers under the above mentioned Act and Regulations and the Tree Preservation Order made by the Kirklees Metropolitan Council (hereinafter called 'the Council') as Local Planning Authority and pursuant to the application submitted to the Council on 06-Oct-2017:-

THE COUNCIL HEREBY **REFUSES** TO CONSENT TO THE CARRYING OUT OF THE FOLLOWING OPERATIONS TO THE PROTECTED TREE(S) TPO HU1/69

At: 26, Gatesgarth Crescent, Lindley, Huddersfield, HD3 3LG

As shown on the application form:

T2-Sycamore, T6-Ash, T8-Sycamore, fell for the health of the surrounding trees, there are a lot of big trees in close proximity to each other. The work is requested to increase light levels into the garden and also for safety reasons. In strong winds branches are in danger of falling due to them being so large and top heavily.

The **REASONS** for the Council's decision to refuse to grant consent are:

1. These trees are a prominent landscape feature in the locality and as such contribute significantly to public amenity.
2. The trees are an integral part of a group and their removal would have a detrimental effect on the composition of the group and the amenity it provides.
3. Due to the long period of time that these trees have grown together, they are now an essential part of the overall crown structure of the group. As such their removal

would leave other trees open to additional wind pressures that they are not adapted to, increasing the potential for branch drop and structural failure.
4. Light loss would not be justification for the loss of these trees and the public amenity they provide.
5. Dropping branches and debris in adverse weather are natural occurrences in relation to trees and are not justification for the removal of these trees.
6. There was no evidence from an appropriate expert submitted with the application to support the claim that the trees are dangerous, as required by section 8 of the application form.
7. Ash as a species naturally drop dead wood, consent to remove this dead wood is not required and the occurrence of dead wood dropping into the garden could be managed by routine removal of the dead wood from within the crown area.
8. As a legal charge on the land the presence of a protected tree shows during the land searches prior to purchasing a property. This is to allow any potential buyer the opportunity to consider the constraints, long term implications and maintenance requirements of living in close proximity to mature protected trees. With this in mind the issues described should have been a material consideration prior to purchasing this property.

Notes to Applicant Regarding Decision

1.

Should you wish to initiate an appeal, you should do so within 28 days of receipt of the notice. For an application form and further information please contact The Planning Inspectorate on 0117 372 6382 or have a look on their website www.planningportal.gov.uk/appeal

2.

Subject to the provision of the Tree Preservation Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under the Order or of any grant of any such consent subject to conditions shall, if he/she makes a claim within the time and in the manner prescribed by the Order, be entitled to recover from the Council compensation in respect of such loss or damage, provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any tree the subject of a certificate in accordance with Article 5 of the Order

In assessing compensation so payable, account shall be taken of:

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A claim for compensation under the Order shall be in writing and shall be made by

serving it on the Council, such service to be effected by delivering the claim at the offices of the Council addressed to the proper Officer thereof or by sending it by prepaid post so addressed, within 12 months from the date of the decision of the Council, or of the Secretary of State against the decision of the Council from the date of the decision of the Secretary of State on the appeal.

Any questions or disputed compensation will be determined in accordance with the provisions of section 179 of the Act (or as amended).

Dated: 30-Oct-2017

Signed: 

Naz Parkar
Strategic Director Economy and Infrastructure

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E-mail: trees.planning@kirklees.gov.uk

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Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR

Guidance Notes
Choosing a Tree Work Contractor
(Tree Surgeon)

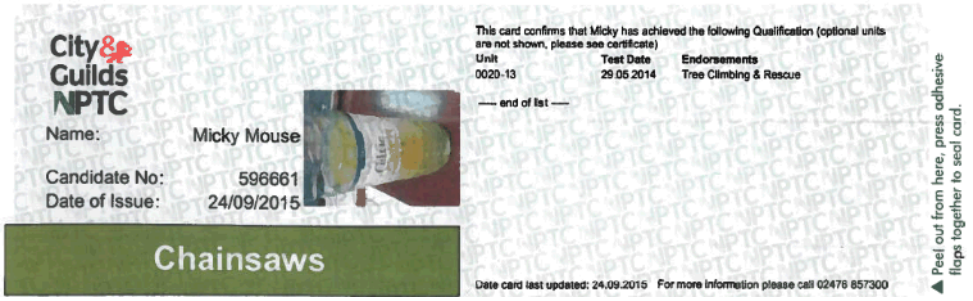
The Council does not approve or promote any private contractors, nor does it affiliate itself with any specific companies. If any company says they are Council approved or trained you should seek clarification as to which Council it is referring to and if you are not satisfied check with the authority concerned.

There are schemes running which produce a directory of approved contractors and companies. The Arboriculture Association (www.trees.org.uk) and Trust Mark (www.trustmark.org.uk) are examples of such schemes.

If you are looking for a company or contractor to carry out tree work, tree pruning, felling etc. you should consider the following:

- City and Guilds/NPTC Qualifications (National Proficiency Test Council). The company should be able to produce certificates and a photo ID card (See example ID card below) to show that they have the relevant qualifications for the operations they are intending to carry out. There are separate qualifications for using a chain saw, felling different sized trees, climbing trees, operating a chain saw in a tree etc. It is the individuals who hold the qualification, so unless they are undertaking training, employees need to be qualified for the tasks they do.

  Example City and Guilds/ NPTC Photo ID card:



(Sample ID card provided by City and Guilds September 2015, the appearance of cards issued before this date may vary slightly but are still valid)

- The company should be able to show you certificates of insurance for public liability and where the company has employees, employee liability as well.

- The company must work to the British Standard for Tree Work, BS 3998 and should be able to quote this if you ask them what the British Standard is. If you propose to carry out work to a protected tree with consent from the Council, this will be a condition of the approval.

- Ask for a written quotation, a reputable firm will be willing to do this. It would be advisable to get quotes from several different companies.

- Membership of an arboricultural organisation does not necessarily guarantee a contractor's level of competency, which will depend on the organisations terms of membership. However it does indicate that they are keeping up to date with industry changes. Examples would be the Arboricultural Association or the International Society of Arboriculture.

- The company should be able to show you copies of Health and Safety documents for their work type, risk assessments, inspection records for their climbing and rigging equipment (where applicable) etc. This will indicate that they are compliant with national Health and Safety requirements.

If you are seeking advice on a tree's health or safety, you are advised to look for:

- A company which holds professional indemnity insurance. This gives a degree of security should there be an adverse incident as a result of their comments.

- A formal qualification in arboriculture, forestry, horticulture etc would give an indication that they have the required technical knowledge about tree biology and mechanics to be able to advise you correctly. There are many different formal qualifications available examples of a few would be: National Vocational Qualifications (NVQ), Diploma or a Degree.

- A person who holds LANTRA Professional Tree Inspector. This shows that the individual has passed an assessment to show that their tree inspection skills are in line with the national standard. Holders of this award will be able to show a photo ID card.

If you are engaging an arboricultural consultant to produce a tree report for example, as a minimum they should hold the above mentioned insurance and a formal qualification.

Useful contacts:
www.kirklees.gov.uk/trees www.trees.org.uk www.trustmark.org.uk www.isa-arboriculture.org.uk

Please note that the information contained in this guidance note is for general information purposes only. The Council endeavours to keep the information accurate and up to date but makes no representations or warranties of any kind to this effect. You should note that the websites referred to in this guidance note are not under the control of the Council and their inclusion within it does not necessarily imply a recommendation or endorsement of any views expressed within them.