



Tree Work Application Decision Notices

Mr K Hunter
Woodland Glade Leisure Centre
62 The Green
Bradley
HUDDERSFIELD
HD2 1QB

For: K Hunter

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

NOTICE OF CONSENT TO FELL AND/OR PRUNE

Application Number: 2020/94419

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 31-Dec-2020:-

THE COUNCIL HEREBY **CONSENTS** TO THE CARRYING OUT OF THE FOLLOWING OPERATIONS TO THE PROTECTED TREE(S) TPO No.13/89/w1

At: Woodland Glade Leisure Centre, 62, The Green, Bradley, Huddersfield, HD2 1QB

This Consent Notice has been split into four sections to match the management plan submitted. All numbers used are as per each section of the management plan.

Please note some work has been refused, see Refusal Notice below for details.

Screamer Wood

No.	Species	Work Approved
1	Oak	Not covered by the TPO, no consent required
2	Sycamore	Fell
3	Oak	Crown lift to give 5m ground clearance, removing small diameter branches only (less than 10 cm dia)
4	Sycamore	Remove two Sycamore, marked on site
5	Oak	Crown lift to give 5m ground clearance, removing small diameter

		branches only (less than 10 cm dia)
6	Oak	Crown lift to give 5m ground clearance, removing small diameter branches only (less than 10 cm dia)
7	Oak	Crown lift to give 2m clearance from the fabric of the adjacent garage, removing small diameter branches only (less than 10 cm dia)
8	Sycamore	Remove single stem Sycamore due to canker wound at ground level, marked on site. (note removal of twin stem Sycamore has been refused, see separate notice)
9	Sycamore	Remove Sycamore
10	Oak	One Oak, remove one limb, low to garage of no.80
12	Mixed	Remove dead or damaged trees, 8 marked on site. Note Laural is not covered by the TPO
13	Sycamore	Remove 4 Sycamore, marked on site
14	Sycamore	Fell or pollard 2 Sycamore, marked on site
16	Oak	Remove dead wood over path
17	Sycamore	Not covered by the TPO, no consent required
19	Sycamore	Remove two lowest branches close to roof back to the main stem. (note removal of stem overhanging property has been refused, see separate notice)
20	Birch	Crown lift to give 5m ground clearance, removing small diameter branches only (less than 10 cm dia). (note fell Birch stems overhanging gardens has been refused, see separate notice)
21	Oak	Crown lift Oak to give 5m ground clearance, removing small diameter branches only (less than 10 cm dia) (note fell Sycamore stem interfering with Oak has been refused, see separate notice)
22	Laural	Not covered by the TPO, no consent required
23	Sycamore	Prune to ground level 3 multi-stem sycamore, marked on site

Bradley Gate Wood

No.	Species	Work Approved
1	Oaks	Crown lift, if required, to give 4m ground clearance, removing small diameter branches only (less than 10 cm dia)
2	Sycamore	Thin saplings below 100mm by 50%, prioritising trees with good form regardless of species
5	Sycamore	Thin saplings below 100mm by 50%, prioritising trees with good form regardless of species
6	Sycamore	Remove or pollard 2 Sycamore, marked on site. The twin stemmed Sycamore presented decay at the base and evidence of significant decline in the canopy.
8	Mixed	Thin saplings below 100mm by 50%, prioritising trees with good form regardless of species
10	Sycamore	Fell or pollard twin stemmed Sycamore and young Sycamore adjacent, marked on site. Due to decay evident at the main union.
14	Oak	Crown reduce Oak, reducing the main limbs over the garden, leaving a canopy extent to the north at least 6m from main stem. Remove dead wood from remaining crown. (note crown lifting the Oak has been refused as it is not the appropriate pruning operation at this time)
15	Mixed	Thin saplings below 100mm by 50%, prioritising trees with good form

		regardless of species
16	Sycamore	Fell or pollard Sycamore growing adjacent to no.34 Muirlands, due to defect at base and extensive canker in the canopy.
17	Oak	Crown lift to give 5m ground clearance, removing small diameter branches only (less than 10 cm dia)
21	Birch	Remove Birch, 5 trees marked on site, due to declining health and presence of decay fungi
A		Consent not required for replanting

Dyson Wood

No.	Species	Work Approved
1	Oak	Remove one low branch over garden, back to the main stem
5	Oak	Crown lift, if required, to give 2m clearance over garages (note crown reduction has been refused, see separate notice)
8	Mixed	Remove 3 Birch trees, marked on site. Remove dead trees as required. Remove three uprooted Birch trees. (note Laural is not covered by the TPO)

Redwood Drive, Screamer Wood, French drains as marked in the management plan and identified in photographs submitted.

Removal of saplings with stem diameter below 50mm along drainage course
Excavation of existing drain course using mini-digger to re-establish drainage bed

Note conditions have been attached to this consent notice detailing protection measures required to minimise harm to retained trees, see below.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) That ALL tree operations outlined in this notice be carried out within TWO years 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.
- 4) That all work to re-instate French drains be carried out using a mini digger, mechanised wheelbarrow or hand tools working from the existing line of the drains and where necessary using ground protection boards to prevent damage to woodland floor.
- 5) That any roots exposed, over 25mm in diameter, as part of the works to re-instate French drains, are severed using sharp and sanitised hand tools, to avoid torn wounds to the roots and to minimise risk of infection and decay.
- 6) That should any roots over 25mm in diameter be exposed within the line of the French drains, these will be retained if at all possible. If these cannot be retained details of roots to be severed shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out

Notes to Applicant in Relation to 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 Act 1962, 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. In the interest of public and/or personal safety.
- v. To prevent or abate a nuisance.
- vi. To reduce the risk of structural damage.

Dated: 26-Feb-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

If you have any questions about the above decision then please contact the application's Case Officer Nick Goddard quoting application number 2020/94419 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



Tree Work Application Decision Notices

Mr K Hunter
Woodland Glade Leisure Centre
62 The Green
Bradley
HUDDERSFIELD
HD2 1QB

For: K Hunter

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: 2020/94419

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 31-Dec-2020:-

THE COUNCIL HEREBY **REFUSES** TO CONSENT TO THE CARRYING OUT OF THE FOLLOWING OPERATIONS TO THE PROTECTED TREE(S) TPO No.03/89/w1

At: Woodland Glade Leisure Centre, 62, The Green, Bradley, Huddersfield, HD2 1QB

This Refusal Notice has been split into four sections to match the management plan submitted. All numbers used are as per each section of the management plan.

Screamer Wood

No.	Species	Work Refused
8	Sycamore	Pollard or fell twin stem Sycamore to make space for Oaks
11	Oaks	Crown lift oaks along garden boundary
15	Sycamore	Remove stem of twin stemmed Sycamore due to it interfering with Oak
18	Sycamore	Pollard Sycamore closest to property to prevent becoming problematic
19	Sycamore	Remove stem of Sycamore overhanging property at 45 degree angle
20	Birch	Fell Birch stems overhanging gardens
21	Sycamore	Fell stem of Sycamore interfering with Oak

Bradley Gate Wood

No.	Species	Work Refused
3	Oak	Crown lift
4	Oak	Crown lift
7	Oak	Crown lift over gardens
9	Sycamore	Fell or pollard Sycamore to give Oaks space
11	Sycamore	Pollard or fell Sycamore to give space to Ash and Oaks
12	Sycamore	Pollard or fell Sycamore to reduce limbs overhanging garden
13	Sycamore	Fell Sycamore as encroaching on Oak nearest path
14	Oak	Crown lift to reduce limbs overhanging garden
18	Sycamore	Pollard 2 Sycamore stems to reduce limbs overhanging garden
19	Birch	Fell Birch as growing into Oak
20	Sycamore	Pollard or fell Sycamore as growing close to adjacent property

Dyson Wood

No.	Species	Work Refused
2	Sycamore	Pollard 3 Sycamore to same height as 2 existing pollarded trees
3	Sycamore	Pollard twin stem Sycamore to height of nearby Ash tree
4	Sycamore	Pollard Sycamore to reduce overhang of garden and give space to Oaks
5	Oak	Crown reduction of branches overhanging garages
6	Sycamore	Pollard or fell Sycamore to give space to Oaks
7	Oak	Crown lift above garages
8	Mixed	Clear overgrown area of Birch to give space to Oaks

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

1. The trees to be pollarded or felled either form part of the woodland edge or were integral to the structure of the woodland and their removal or pollarding would have a detrimental impact on the amenity value provided by the woodland.
2. Due to their location within these woodlands these trees contribute significantly to public amenity. The trees are in apparent good health and show no signs of obvious major defect which would make them a threat to person or property.
3. Whilst Sycamore is not recognised as a true native species it is naturalised in the UK and is thought to have been present in our woodlands since Roman times and therefore felling or pollarding for this reason is unjustified within a protected ancient woodland.
4. No explanation has been given as to why removing healthy Sycamore to give space for Oak is a viable management objective given the contribution Sycamore make to woodland biodiversity. Management objectives for these woodlands should not seek to create a mono-culture of Oak as this is not beneficial to the woodland.
5. Crown lifting operations to trees detailed above were considered excessive or unjustified and many did not have branches considered to be low to gardens or property. Further removal of branches would result in unnecessary and unsightly pruning wounds which can lead to infection and decay for the trees adversely affecting their long term health.
6. Reducing the height or spread of trees will spoil their shape and natural form of the tree, introducing large pruning wounds in the canopy which can lead to infection and decay which will adversely affect their future viability. Accordingly reducing stems and overhanging branches for the reasons given is not an appropriate pruning operation.
7. Consent for alternative pruning solutions which may alleviate the issues described has been issued above, where appropriate.

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:

- 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 Act 1962, 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).

Dated: 26-Feb-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

If you have any questions about the above decision then please contact the application's Case Officer Nick Goddard quoting application number 2020/94419 via one of the following methods:

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

Write to: Trees Section
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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.