Kirklees Council

Planning and Development Service

PO Box 1720

Tel: 01484 414909
Email: trees.planning@kirklees.gov.uk

Date: 26-Jan-2024

Our Ref: 2024/90222

Mr M Murphy
Oakwood House Nursery
2, Hungerford Road
Edgerton
Huddersfield
HD3 3AL

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990
Town & Country Planning (Tree Preservation) (England) Regulations 2012
Dead or dangerous tree
Oakwood, Oakwood House Nursery, 2, Hungerford Road, Edgerton, Edgerton, Huddersfield, HD3 3AL

I acknowledge receipt of your five day notification of your intent to carry out work to a dead or dangerous protected tree, received by us on 26-Jan-2024. From the information you have submitted I can confirm this tree does fall under the dead or dangerous exemption and that your notification is acceptable.

Please note when removing trees using this exemption there is a legal obligation to plant a replacement tree at the same place. Replacement trees should be of an appropriate size and species and planted at the same place as soon as the owner of the land can reasonably do this, unless otherwise agreed in writing with the local planning authority.

Unlike a replacement tree planted under a condition, a replacement tree planted because of the duty under section 206 of the Town and Country Planning Act 1990 is automatically protected by the original Order.

If you have any questions in relation to the above then please contact the trees team on: 01484 414909 or via e-mail to trees.planning@kirklees.gov.uk. Please quote reference number 2024/90222 in all correspondence with us.

Yours faithfully

Trees Section
Investment and Regeneration

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 and Trust Mark 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:
Kirklees Council Trees The Arboriculture Association Trust Mark

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.