

Mr Edward Andrew
Maplebeck Tree Care
Clay Barn
Main Street
MAPLEBECK
NG22 0BS

Dear Sir/Madam

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Proposal: 1no Oak Tree - reduce height by approximately 3m; reduce laterally by approx 1.5m and crown lift to give 3.5m above ground level – tertiary branches are to be removed only (none of the larger limbs are to be removed).

Site Address: Burgage Villa Burgage Southwell NG25 0EP

Applicant: Mr Matthew Robertson

Application Ref: 24/00019/TWCA

Thank you for your application received on 4 January 2024. We have checked the details submitted and can confirm the proposed tree works do not require permission for one of the following reasons:

On undertaking any works, we recommend these are in accordance with BS3998 2010 and in general, unless your proposal is to fell, shall in no way prejudice the health, balance and natural appearance of the tree. It is expected that all vegetation control is carried out in accordance with best arboricultural practice and also care taken to not contravene the provisions of legislation protecting plants and wildlife (including bats, nesting birds or other species as specified). Please refer to the notes below.

In the event that you choose to fell any tree/s, may I take this opportunity to encourage you to plant replacement trees or bold/large shrubs (within the available space) in keeping with the surrounding space.

If you are not the owner of the tree(s) in question you will need to obtain the owner's consent for any works carried out on their land. Can I also bring the following to your attention:

- If the vegetation encroaches upon a building the tree owner has a 'duty' to remove the legal nuisance. This is a civil matter and does not involve the district council in negotiation with the neighbour involved;

- If the vegetation simply encroaches upon the airspace of your garden you may prune back to the boundary at your own expense, but no further without the express permission of the tree owner. You/your contractor cannot enter the neighbouring land (to climb the tree) without the land owner's agreement; and
- The timber does, however, belong to the tree owner and should first be offered back to them. They should indicate where it should be conveniently placed. If it is unwanted you or your contractor should arrange for the timbers proper disposal. It would not be reasonable to carry out the work and simply return the timber over the boundary. They may not take kindly to such action. Please consider your position if the situation were reversed. Your own legal adviser can explain the situation further and the options available to you.

If you are employing a contractor to undertake the works, please pass these notes on for their reference.

Yours faithfully

Kevin McDonald
Technical Support Officer

Notes –

Prior to starting work, it is necessary to be satisfied that the proposals will not harm protected species including bats, nesting birds or other species as specified.

Bats and trees:

Under the Countryside and Rights of Way Act 2002 all tree, which are to be felled, must be inspected to ensure that bat roosts are not present. A bat roost is interpreted as 'any structure or place, which is used for shelter or protection', whether or not bats are present at the time.

If any proposed work is likely to destroy or disturb bats and their roosts or you require specialist Ecological advice before implementing the work you must notify Natural England England (further details available from their website at <https://www.gov.uk/government/organisations/natural-england> or telephone 0300 060 3900) for advice on whether proposed action should be carried out and if so, the method to be used.

Birds and trees:

Trees should be inspected for birds' nests. It is an offence under section 1 of the Wildlife and Countryside Act of 1981 to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. Trees should be inspected for all birds' nests all year round but especially between the months of March and August.

It would be the responsibility of the tree contractor and landowner to ensure that this aspect is fully addressed. You can locate Ecological Consultants online.