

Mrs Sylvia Ward  
11 Farthingate Close  
Southwell  
NG25 0HU

Dear Sir/Madam

**Application for tree works: Works to Trees Subject to a Tree Preservation Order (TPO) and/or Notification of Proposed Works to Trees in Conservation Areas (CA) Town and Country Planning Act 1990**

**Proposal:** Fell diseased flowering cherry tree  
**Site Address:** 11 Farthingate Close Southwell NG25 0HU  
**Application Reference:** 24/00040/TWCA

With reference to your recent notice of intent to carry out works to tree(s), I would advise you that District Council has no objection to your proposals.

A suitable replacement tree(s) is required to be planted to compensate for the loss of the original tree/s. Prior to obtaining the tree(s), details of the size, species, location and period of replanting shall be submitted to the Local Planning Authority within 3 months of the date of this decision. Once approved the replacement planting shall be completed in accordance with the approved details.

The works are subject to being completed within two years of the date of this letter and subject to the wildlife notes provided below. Furthermore, all works undertaken should be carried out in accordance with the appropriate recommendation of BS3998:2010 (Tree Work) and in general, unless your proposal is to fell, shall in no way prejudice the health, balance and natural appearance of the tree.

Please note that this letter only grants consent for works undertaken on this request, for on-going pruning or maintenance in the future a further request is required to assess the proposal. It should not be assumed that granting works now will allow you to undertake works without consent in the future.

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.

Yours faithfully



Lisa Hughes  
Business Manager – Planning Development

**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.