Wiltshire Council

The Town and Country Planning Act 1990

Notice of Permission to Carry Out TPO Tree Work

Application Reference Number: PL/2023/04921

Decision Date: 12 July 2023

Applicant:	Highway Maintenance Wiltshire Council
Particulars of Development:	1 - Oak tree (dead) - fell 2 - Oak tree - 3m lift over footpath; 5m lift over road and 2m cutback from property 3 - Oak tree (dead) - fell 4 - Lime tree - 3m lift over footpath and 2m cutback from property
At:	HIGHWAY VERGE, TETBURY HILL, MALMESBURY, SN16 9GU

In pursuance of its powers under the above Act, the Council hereby GRANTS CONSENT for the tree works referred to in the above particulars of development to be carried out in accordance with the application and plans submitted, subject to compliance with the condition(s) specified hereunder:-

Conditions: (6)

1 The work hereby granted consent shall be carried out and completed within 2 years.

REASON: To enable the local planning authority to reassess the acceptability of the work in light of changed circumstances if it has not been completed within this period.

2 The work hereby permitted shall be carried out in accordance with good practice as set out in British Standard Tree Work - Recommendation for Tree Work", BS 3998: 2010 or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

REASON: To prevent inappropriate work being undertaken to protected trees.

3 In respect of T4 Lime, the crown lifting hereby granted by consent shall be carried out such that the lowest part of the crown is no more than 3 metres over footpath.

REASON: In the interest of maintaining healthy trees and the visual amenity and

character of the local area.

4 In respect of T4 Lime, the crown reduction works hereby granted consent shall be undertaken on branches which encroach onto neighbouring property by 2 metres. Where surgery is undertaken branches shall be reduced back to suitable growth points leaving a flowering branch line with no stub and where possible retaining the natural shape of the of the tree.

REASON: In the interest of maintaining healthy trees and the visual amenity and character of the local area.

5 In respect of T2 Oak, the crown lifting hereby granted by consent shall be carried out such that the lowest part of the crown is no more than 3 metres over footpath and 5 metres over highway.

REASON: In the interest of maintaining healthy trees and the visual amenity and character of the local area.

6 In respect of T2 Oak, the crown reduction works hereby granted consent shall be undertaken on branches which encroach onto neighbouring property by 2 metres. Where surgery is undertaken branches shall be reduced back to suitable growth points leaving a flowering branch line with no stub and where possible retaining the natural shape of the of the tree.

REASON: In the interest of maintaining healthy trees and the visual amenity and character of the local area.

Parvis Khansari **- Corporate Director, Place**

INFORMATIVES TO APPLICANT:

1. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
2. The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land, or entering land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before work starts.
3. There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.

NOTES

1. **Right of appeal against Tree Works conditions**

If you are aggrieved by the decision of the local planning authority to impose any conditions on this decision notice you may appeal to the Secretary of State for Communities and Local Government in accordance with Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 within 28 days of the date of this decision. Details of the appeals procedure and forms can be found at the Planning Portal –

http://www.planningportal.gov.uk/planning/appeals/otherappealscasework/treepreservation

A copy of the appeal documents should be sent to Wiltshire Council –

planningappeals@wiltshire.gov.uk