

Mr M Reed  
M Reed & Co Ltd  
14 Willow Gardens  
Emsworth  
PO10 8TX

For: Mrs S Hamblin

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**THE TOWN AND COUNTRY PLANNING ACT 1990**  
**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS**  
**2012**  
**Grant of Consent**

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**Application Number:** APP/19/01063

**Site Address:** 5 Brent Court, Emsworth, PO10 7JA

**Proposed Tree Works:** Fell 1 No Horse Chestnut (T1), subject to TPO 0689.

Further to your application received on 24 October 2019, Havant Borough Council, as Local Planning Authority, **Grants Consent** for the above works.

This consent is subject to compliance with:

- (i) The plans and other documents submitted with regards to your application, and
- (ii) The following conditions:

**Conditions:**

- 1 The tree works for which consent is hereby granted shall not be carried out otherwise than in full accordance with all relevant content of BS 3998 (2010).  
**Reason:** In the interests of tree health and safety.
- 2 In the first planting season following the date of felling; 1 replacement tree is planted. The tree should be a minimum 1.5 metres tall at the time of planting and should comply with BS3936:Part 1:1992. It should be planted within 2 metres of the tree to be felled. It should also be selected from the following species:
  1. *Ginkgo biloba*
  2. *Quercus robur* 'fastigiata'

or such other size, species, location or period of time as may be agreed in writing with the Council.

If within a period of three years any tree planted as a replacement is cut down, felled, uprooted, removed, or die, or becomes in the opinion of the Council seriously damaged or defective:

- a) the Council shall be notified as soon as is reasonably practicable; and

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b) another tree of the same species and size shall be planted in the same location at a time agreed in writing with the Council unless the Council agrees to dispense with or vary the requirement.

**Reason:** To conserve and safeguard the visual amenities of the locality.

#### **Other Important Information:**

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning (Trees) Regulations. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to action being taken by the Council under the Town and Country Planning (Trees) Regulations 1999. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Civic Offices or by telephoning 023 9244 6015.
- (4) You must consider the timing and type of tree work operations to avoid causing disturbance to any nesting or breeding birds or bat roosts that may be present within trees in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Before any felling of trees, tree surgery, or ground clearance commences, a thorough external inspection of the tree should be undertaken. If any protected species are identified during the inspection, you should refer to Natural England's Protected Species Standing and seek the advice of a qualified ecologist in how to proceed. Details are available via the main enquiry line 0300 060 3900 or at:

<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/advice.aspx>

Disturbance to nesting birds during the months between April and September should be avoided.

The following factors increase the probability of trees being used by roosting bats:

- Located in ancient woodland or parkland
- Large trees with complex growth form
- Species that typically form cavities, such as beech, willow or ash
- Visible damage caused by rot, wind, woodpeckers, lightning strike etc.
- Loose bark providing cavities

If nesting birds or bat roosts have been disturbed (and therefore a breach of the above-mentioned legislation has taken place), you should report the matter to the Police immediately, as a wildlife crime may have been committed.

(5) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- Offering a pre-application advice service, and
- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- Your application was acceptable as submitted and no further assistance was required.

*Tim Pointer*

Tim Pointer  
Enforcement Manager

05 December 2019