DELEGATED REPORT

Recommendation Made: 1 March 2010

Reference:- 10/00034/TPOCA **Parish:- Witherley Parish Council**

Applicant:- Hon. Shane O'Neill
Shanes Castle
Antrim
County Antrim
BT41 4NE

Location:- St Peters C Of E Parish Church Church Road Witherley Atherstone Leicestershire

Proposal:- REMOVAL OF 4 WILLOWS (T2, T3, T4, T5), 1 BIRCH (T6) AND POLLARDING OF 1 WILLOW (T1)

Introduction:-

The application originally sought approval to remove 5 Willow trees (T1-T5) and a Birch tree (T6) on the submitted plan. After further correspondence with the agent working on behalf of Hon. Shane O'Neill, it was agreed that one of the Willow trees (T1) could be pollarded instead of felled. Therefore, this application now seeks approval for the removal of 4 Willow trees (T2-T5), 1 Birch tree (T6) and the pollarding of 1 Willow tree (T1) situated on the Island Garden within the River Anker, Witherley. The trees are not protected by a Preservation Order, but do fall within the Witherley Conservation Area.

History:-

00/00552/TPOCA	Felling of one Poplar and three Willow trees and pollarding of one multi-stem Poplar	Approved	17/07/00

Consultations:-

The Director of Community Services (Ecology) has responded saying that there is a known bat roost within 25m of the site and that if approved, care should be taken to ensure that no harm comes to any bats or nesting birds.

Witherley Parish Council have responded saying that they agree that the mature and semi-mature group of willow trees on the island are an important feature of the Conservation Area. They accept that the current state of all 6 trees means that some tree management work is required. They are in support of the Tree Officer's suggestion and recommend that replacement Willow trees should be replanted or that the use of willow poles (say 4-5m long x 150mm diam. placed 33% in the ground with post hole borer) from the felled willow would be a better option. They note the tenant’s support for the sensitive management of this site.

The Borough Council's Conservation Officer has responded asking if it is essential for the trees to be removed as they are a very important feature of the Church and Conservation Area,if so, replacement trees of a mature similar variety should be relpanted.

The Borough Council's Arboriculturalist has responded saying that he agrees with the submitted report by M.E.H and due to the decay and poor condition of the trees, non are worthy of a Preservation Order. A suitable alternative to the removal of T1-T3 would be to pollard them in order to retain the natural habitat, but re-pollarding would be required about every 5 years. He also recommended that a landscape restoration programme should be encouraged to promote the wildlife habitat and landscape feature.

Development Plan Policies:-

No Policies.

Appraisal:-

The main considerations with regards to this application are the visual amenity and health and safety. On inspection of the trees it is clear that they are in a very poor and dangerous condition and in their current state have a lack of amenity value and therefore, we would not be looking to place a Preservation Order on any of the trees. A compromise has been reached with the agent working on behalf of the Hon. Shane O'Neill that the Willow tree marked T1 on the submitted plan shall be pollarded instead of felled; however, they would still like to fell trees T2 and T3 due to their poor condition. The Borough Council's Arboriculturalist has visited the site and agrees that the trees should be removed. With regards to a replacement scheme, this has been discussed with the agent who have responded with their concern over the difficulty in accessing and maintaining the site and feel that at this time replanting is not required as the self set trees on the island will grow up to replace the trees being removed.

The application is therefore approved, unconditionally with a note to applicant regarding a landscape restoration programme as recommended by the Borough Council's Arboriculturalist.

Recommendation:- No objection to work to tree(s) within Conservation Area subject to the following conditions:-

Notes to Applicant:-

1 The Local Planning Authority encourage that a landscape restoration programme is carried out involving felling and replacement to promote a valuable wildlife habitat and landscape feature.

2 It is a criminal offence to damage or destroy a bat roost. Therefore, if the tree is mature and has hollow cavities and / or is covered with ivy, or has suitable places in which bats might roost, we recommend that it be surveyed for bats before any work is carried out to the tree. All birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e between the end of August and beginning March. If work to the tree is to be undertaken during the bird breeding season, we recommend that a suitably qualified ecologist surveys the tree for nesting birds. If nesting birds are present, work must be postponed until the young have left the nest.

Contact Officer:- Debbie Phillips Ext 5603 Date Printed: 9 March 2010