

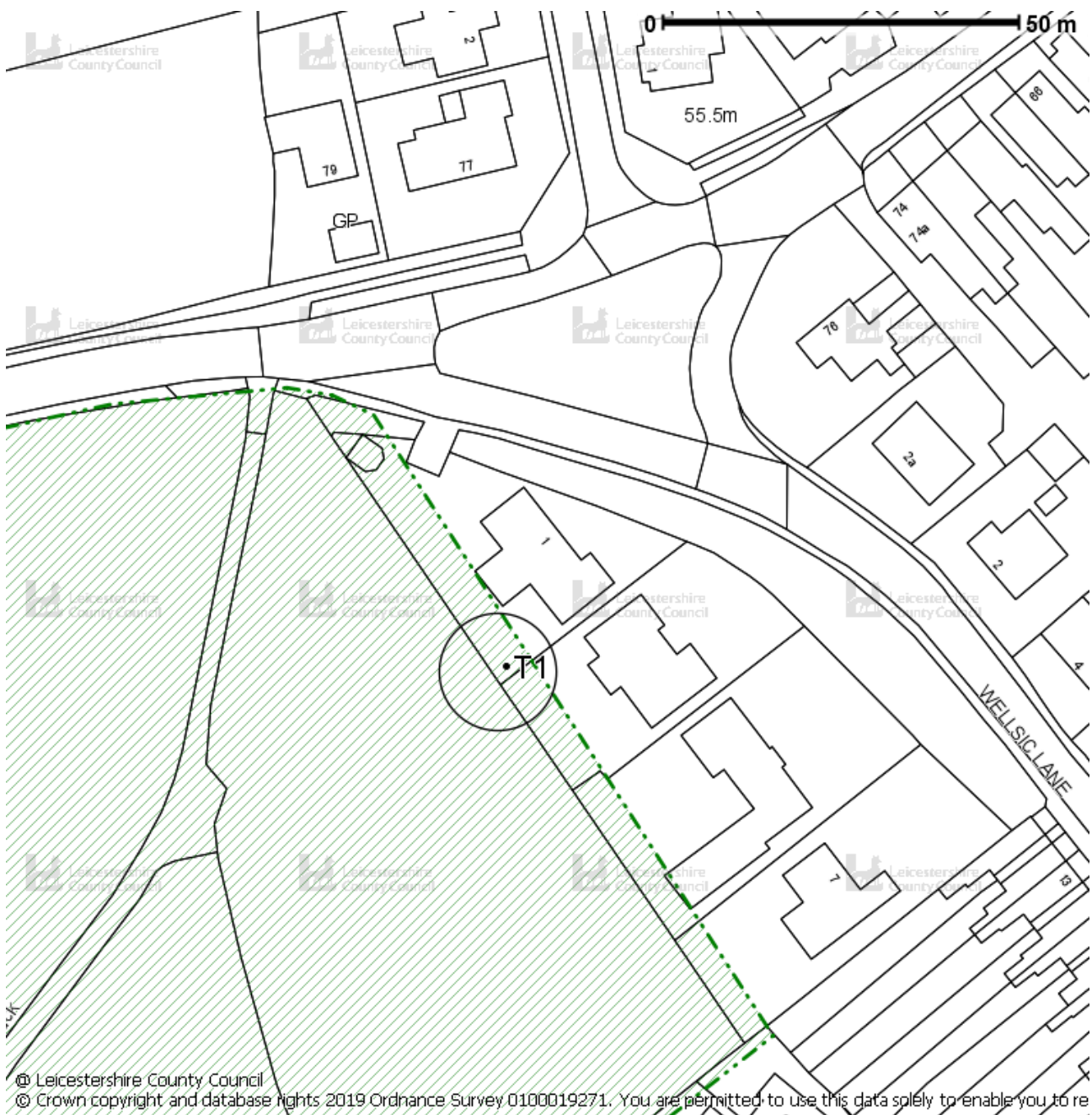


DEVELOPMENT CONTROL AND REGULATORY BOARD

14th NOVEMBER 2019

LEICESTERSHIRE COUNTY COUNCIL
ROTHLEY TREE PRESERVATION
ORDER 1958

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT



Purpose of Report

1. To consider an application by Mr. Michael Walters of 1 Wellsic Lane, Rothley LE7 7QB to fell an oak tree T1.

Background

2. The oak T1 is in a line of 5 mature oak trees in the rear gardens of 4 residential properties on Wellsic Lane. The line of oak trees is protected by 74.0ha Area Order A12 that forms part of an Order that includes 50 Individual trees, 7 Groups, 12 Areas and 15 Woodlands.
3. Consent was granted on the 14th June 1999 to thin the crowns of 6 oak trees including oak tree T1 located on 1 and 3 Wellsic Lane. This work has been carried out.
4. It was confirmed by a letter dated 10th April 2001 to the occupant of 1, Wellsic Lane that a wind damaged protected mature oak tree located on the property was exempt from the Order and could be felled in the interests of safety. This work has been carried out.
5. Consent was refused by the DCRB on 16th November 2006 to fell an oak tree (not oak tree T1) located 3.0m from the conservatory attached to the rear of 1, Wellsic Lane.
6. Consent (P/18/1577/2) was granted under delegated powers by Charnwood Borough Council on 26th September 2018 to fell an oak tree on 3 Wellsic Lane that was infected by Acute Oak Decline bacteria. This work has been carried out.
7. On the 12th September 2019 Mr Walters submitted an application to fell the oak tree T1 on safety grounds due to the likelihood of falling branches. An officer from Leicestershire County Council conducted a site visit on 30th September 2019 and discovered weeping black lesions on the main stem of the tree which indicated that the tree could be infected with Acute Oak Decline bacteria or fungal phytophthora disease.

Consultations

Borough Council

8. When the application was originally submitted it was not known that the tree was likely to be diseased and therefore Charnwood Borough Council objected to the felling of the oak tree T1 as the tree was believed to be in a sound and healthy condition and significantly contributes to the appearance of the area. When it was later discovered that the oak T1 appeared to be infected with Acute Oak Decline or phytophthora disease the Tree Officer then agreed that consideration should be given to removing the oak tree T1.

Parish Council

9. Rothley Parish Council has raised an objection to felling the oak tree T1 stating that the application provided insufficient evidence that the tree is in poor health. The oak

T1 is in a row of other mature protected oak trees that contribute to the amenity of the area.

Local Member

10. No comments received.

Local Residents

11. No comments received.

Issues

12. The Applicant wishes to fell the oak T1 in the interests of safety, as he is concerned that following the loss of large decayed branches in the last 2 years, further branches may break out from the tree and fall on to the rear bedroom of the bungalow that is 10.0m from the tree.

13. The mature oak tree T1 is in the rear garden on the south boundary of the property. The main stem is 82cm in diameter with a height of 20.0m. The main stem leans over the boundary into the rear garden of 3, Wellsic Lane. There are 3 weeping black lesions on the bark indicating that the tree could be infected with either the bacteria that causes Acute Oak Decline or phytophthora fungal disease. Both these diseases produce lesions and therefore it cannot be said for certain which disease the tree has. Acute Oak Decline is a disease which causes the cambium to die and the disease can develop rapidly in 18 months. It has been found to kill oak trees in 5 years from the initial infection. Phytophthora disease also causes oak trees to decline and will eventually kill the tree.

14. A recently fallen 15cm diameter branch was found to have broken out from a height of 11.0m leaving a tear out wound on the main stem. The crown is unbalanced to the south with over extended branches that are at risk of breaking out in high winds. There is dieback of foliage and dead wood on the west side of the crown.

15. The oak tree T1 can be viewed from the public highway on Wellsic Lane.

16. A second mature oak tree is growing in the rear garden 3.5m from the conservatory and 8.0m from the oak T1. The second oak tree is in moderate condition and has amenity value in the area.

17. The Forestry Commission guidelines on Acute Oak Decline state that where there are a limited number of infected oak trees on a site, it may be prudent to fell the infected trees to prevent the spread of the disease to healthy trees. Phytophthora disease is transmitted by fungal spores from diseased to healthy trees in moisture droplets in the air.

18. There is insufficient space and light in the rear garden to establish a new oak tree.

Equality and Human Rights Implications

18. There are no discernible equality and human rights implications.

Conclusion

19. The oak tree T1 is at risk of shedding further large diameter branches that could cause damage to property and injury to persons. The weeping black lesions on the main stem of the tree indicates that the tree is infected by either the bacteria that causes Acute Oak Decline or the fungal phytophthora disease.
20. The bacteria or the fungus spores in the weeping black fluid can infect other healthy oak trees in the area and it is considered prudent in this case to fell the infected oak tree T1 to prevent the spread of the disease.
21. There is insufficient space and light in the rear garden to plant a new oak tree. Existing trees contribute significantly to the amenity of the area and the loss of this tree will not have an overall detrimental impact on the amenity of the area.

Recommendations

22. It is recommended that Consent is granted to fell the oak tree T1.

Reason for Recommendations

23. The oak tree T1 is likely to be infected with either the bacteria that causes Acute Oak Decline or phytophthora disease and is shedding live branches that could damage property or cause injury to persons. The removal of the tree is in the interests of safety and good tree management.

Background Papers

The background papers used in the preparation of this report are held on Environment and Transport Department File No. 2019/TPO/0214/LCC.

Circulation Under the Local Issues Alert Procedure

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Officers to Contact

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APPENDIX 1 PHOTOGRAPHS

Oak T1 viewed
from Wellsic
Lane



Oak T1 viewed from
Rothley Park
showing protected
oak trees in gardens



Oak T1 viewed from Rothley Park showing lean of stem and unbalanced crown



Oak T1 showing die back of foliage and dead wood in crown



Branch broken
out of oak T1



Bleeding lesion on bark of
oak T1

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