Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990
Notification of decision in respect of proposed work to tree(s)

CONSENT TO CARRY OUT WORK TO TREE(S) PROTECTED BY A TREE PRESERVATION ORDER

Name and Address of Applicant
Witherley Parochial Church Council
The Bungalow
Watling Street
Witherley
Atherstone
CV9 1RD

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application
27 January 2009

Application No.
09/00062/TPO

Particulars and location of proposed work :

REMOVAL OF SYCAMORE TREE
Land Off Church Road Witherley Leicestershire

Part II

The tree(s) affected by the proposed work is protected by the Hinckley And Bosworth, Witherley (Land Adjacent to 5 Church Road) Tree Preservation Order 1986

Part III - Particulars of decision

The Hinckley and Bosworth Borough Council hereby consents to the work proposed in the application referred to in Part 1 hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. A suitable replacement tree shall be agreed in writing with the Local Planning Authority and planted during the next planting season (Beginning November 2009).

2. All works are to be carried out in accordance with British Standards 3998 - 'Works to Trees'.

The reasons for the conditions are :-

1. To ensure the visual amenity of Witherley Conservation Area is restored and protected.

2. To ensure the works are carried out in a satisfactory manner.

NOTES TO APPLICANT :-

1. In relation to condition 1, the Local Planning Authority advise that a suitable replacement tree would be either a Lime, Beech or Oak, planted as a standard specimen. The replacement tree will be automatically protected by the existing preservation order.

Date :- 24 March 2009

T. H Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

NOTES

1. Please quote the application number in all correspondence.

2. This decision relates either to tree(s) protected by a Tree Preservation Order or to tree(s) not so protected but which are situated in a Conservation Area. You will see which is the case by referring to Part 11 Overleaf.

3. **Tree protected by a Tree Preservation Order**

   (i) Where the Council has refused consent under the order or has granted such consent subject to conditions, or where the Council has given any certificate or direction, the applicant or the person directed, if he is aggrieved by their decision, or by any such certificate or direction may by notice appeal to The Planning Inspectorate. (Notice of appeal must be given in writing within 28 days from receipt of notification of the decision, and should be addressed to The Environment Team, The Planning Inspectorate, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN

   (ii) if any person suffers loss or damage in consequence of any refusal of consent under a tree preservation order or of any grant of such consent subject to conditions, he may be entitled to recover from the Council compensation in respect of such loss or damage provided that a claim is served on the Council in writing within 12 months of the decision of the Council or of The Planning Inspectorate on appeal and provided that the Council has not certified:

   a) that the refusal or condition is in the interests of good forestry or

   b) in the case of trees other than trees comprised in woodlands that the tree have an outstanding or special amenity value.

4. **Trees in a Conservation Area**

   (i) if consent has been granted you may commence work immediately. You must then complete the work within two years of your notice to the District Council, otherwise permission will expire and you will need to once again give six weeks notice of intention.

   (ii) if the Council has refused consent, it will probably also have made a Tree Preservation Order (see part III overleaf) in respect of same or all of the trees. If it has the provisions relating to such orders will therefore apply.

5. **Penalties**

   Any person contravening the provisions of a tree preservation order or the provisions of Section 211 of the Town and Country Planning Act, 1990, relating to trees in Conservation Areas by cutting down, or uprooting or wilfully destroying a tree or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000, or on indictment to an unlimited fine. The penalty for other offences is a fine not exceeding £2,500 on summary conviction.

6. 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.

TPOPER &
TPOCAC NOTES V2