

Hinckley & Bosworth Borough Council

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

Mrs Hutton
9 Goulton Crescent
Desford
Leicester
Leicestershire
LE9 9DR

Name and Address of Agent (if any)

Mr Edward Litchfield
Arboreco LTD
7 Preston Close
Kirkby Mallory
Leicester
LE9 7NW

Part I - Particulars of Application**Date of Application**

19 May 2023

Application No.

23/00496/TPO

Particulars and location of proposed work :

(T1) - Ash - Remove outgrown epicormic stem to clear boundary. (T2) - Oak - Fell

9 Goulton Crescent Desford Leicester Leicestershire LE9 9DR

Part II

The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Tree Preservation Order reference 08/00004/TPORD.

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. The approved works shall only be carried out in accordance with British Standards Recommendations for Tree work - BS 3998:2010.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the trees in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD, paragraph 131 of the NPPF and Policy H1 of the Desford Neighbourhood Plan.

2. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: In accordance with the provisions of the Town and Country Planning (Tree Preservation) Regulations 2012.

3. The proposed works to the Ash tree (T1) shall be restricted to the removal of the outgrown epicormic stem and the proposed works to the Oak tree (T2) shall be restricted to the felling only.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the trees in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD, paragraph 131 of the NPPF and Policy H1 of the Desford Neighbourhood Plan.

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

4. Within one month of the removal of the tree; details of the replacement tree, including its location, to replace T2 Oak; shall be submitted to and approved in writing by the Local Planning Authority. The trees shall be planted in accordance with the approved details in the next available planting season (October to March).

To ensure that the replacement tree is planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Policies Development Plan Document (2016) and Policy H1 of the Desford Neighbourhood Plan.

NOTES TO APPLICANT :-

- 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.
- You are advised that the consent is valid for a period of two years commencing from the date permission is granted, the works for this consent may only be carried out once unless stated otherwise by condition.
- It is necessary, when carrying out works to tree(s) to be aware of the WILDLIFE AND COUNTRYSIDE ACT, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.
- The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

C. Brown.

Christopher Brown MRTPI
Planning Manager (Development Management)

Date :- 12 July 2023

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 of appeal to The Planning Inspectorate. (Notice of appeal must be given in writing within 28 days from receipt of notification of the decision. Appeal forms can be obtained from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>.)
 - (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.

**TPOPER &
TPOCAC NOTES (02/07/2014)**