ROCHDALE BOROUGH COUNCIL

Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation Order) Regulations 2012

CONSENT FOR WORKS TO TREES PROTECTED BY A TREE PRESERVATION ORDER

APPLICATION REFERENCE: 21/00359/WTTPO

Name and address for correspondence:	Applicant name:
Mr Anthony Donaghue 17 Hillkirk Drive Rochdale OL12 7HD	Mr Anthony Donaghue

Part 1 - Particulars of Application

Date of Application: 9 March 2021

Proposal:	**Application to fell one Elm Tree subject to Tree Preservation Order No. 52**
Location:	**17 Hillkirk Drive, Rochdale, OL12 7HD**

Part II - Particulars of decision

The Rochdale Metropolitan Borough Council hereby gives notice in pursuance of the provisions of the Town and Country Planning Act 1990 and the above mentioned regulations that **Consent has been Granted** to carry out the works referred to in the First Schedule hereto in accordance with the application and plans submitted, subject to the limitations set out in the Second Schedule.

First Schedule

Application to fell one Elm Tree subject to Tree Preservation Order No. 52

Second Schedule

Standard Conditions:

1. The consent hereby granted is valid for a period of **two years** from the date of this decision.

2. Any trees not within the ownership of the applicant require consultation with the tree owner prior to the commencement of any on site work.

3. All tree works must comply with British Standard 3998 (2010 – British Standard for Tree Work) and the relevant industry codes for safe practice produced by the Forestry & Arboriculture Safety & Training Council (FASTCo).

4. The tree works hereby approved shall be carried out by a suitably qualified person.

Additional Conditions:

5 Within the next planting season after the felling of the one Elm tree hereby approved, two replacement trees shall be planted within the curtilage of 17 Hillkirk Drive. If any of the replacement trees are removed, die, become severely damaged or seriously diseased within five years of planting, they shall be replaced by a tree of similar at maturity size and species.

Date Decision Issued 28 April 2021

.....
Signed on behalf of the Council

IMPORTANT
PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:
The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

Please Note:
If the tree work that you are undertaking (including any plant, vehicles or machinery placed upon the highway) interferes with the free, unobstructed passage of vehicles and/or pedestrians, you shall require permission to occupy the highway whilst work is carried out. On all occasions such as this, there is a requirement to adequately sign, light and guard the works in accordance with Chapter 8 of the Traffic Signs Manual. Please seek advice from the Highways Department on 0300 303 8879 or highways@rochdale.gov.uk. This notification does not give permission to enter land owned or occupied by another or to do work to trees in other ownership without permission from the landowner.

For the avoidance of doubt, this Decision Notice relates to the following details:-
- Location plan
- Photographs
- Application form

The tree officer has recommended the replacement trees planted should be species suitable for gardens, such as Birch trees.

Please also refer to the attached guidance notes from the Greater Manchester Ecology Unit:-

bats birds and trees.pdf

NOTES

1. Subject to the provisions of the Tree Preservation Order, any person who has suffered loss or damage in consequence of any refusal [including revocation or modification] of consent under the Order or of any grant of any such consent subject to conditions shall, if he/she makes a claim within the time and in the manner prescribed by the Order be entitled to recover from the authority compensation in respect of such loss or damage.

   Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of the Order.

2. In assessing compensation so payable, accounts shall be taken of:-

   a) Any compensation or contribution which has been paid whether to the claimant or any other person in respect of the same trees under the terms of the said or any other Tree Preservation Order under Part VIII Section 204 of the Town and Country Planning Act 1990, or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning [Interim Development] Act 1943, or any compensation which has been paid or could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932: and

   b) Any injurious affection to any land of the owner who would result from the felling of the trees the subject of the claim.

3. A claim for compensation under the Order shall be in writing and shall be made by serving it on the authority, such service to be effected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed, within twelve months from the date of the decision of the authority, or the Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

4. Any questions of disputed compensation will be determined in accordance with the provisions of Section 179 of the Act.

5. (i) Where application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions or where any certificate or direction is given by the authority, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may lodge an appeal with the Planning Inspectorate within 28 days from the date of the notification of that decision.

   (ii) When an appeal is lodged with the Inspectorate, the appointed Planning Inspector may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him/her in the first instance.

   (iii) Before determining such an appeal, the appointed Planning Inspector shall, if either the appellant or authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Inspector for the purpose. The decision of the Planning Inspectorate on any such appeal shall be final.

If the applicant is aggrieved by the decision of the Local Planning Authority he/she may appeal to: -

The Planning Inspectorate,
Environment Team
Room 4/04, Kite Wing,
Temple Quay House,
2 The Square
Temple Quay
Bristol, BS1 6PN

In all cases this will require the completion of an appeal form which can be requested by telephone – 0117 372 8192 or via the Planning Inspectorate web site at:
http://www.planning-inspectorate.gov.uk/pins/appeals/treepreservation/index.htm