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: 19/00017/WTTPO

Name and address for correspondence:	Applicant name:
Mrs Hilary Birtwistle Birtle Tree Services Ltd Penn Green House Birtle Road Bury BL9 6US	Kay Barlow

Part 1 - Particulars of Application

Date of Application: 4 January 2019

Proposal:	**Fell T1 Sycamore due to soil erosion from roots subject to Tree Preservation Order TPO 010**
Location:	**Rear Of 315 Bury And Rochdale Old Road, Heywood, OL10 4BG**

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

Fell T1 Sycamore due to soil erosion from roots subject to Tree Preservation Order TPO 010

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 contractor the identity of whom shall be agreed in advance by the Council's Arboricultural Services.

Additional Conditions:

1 Within the next planting season after the felling of the tree hereby approved, a minimum of two replacement trees shall be planted within the site in accordance with details that have first been submitted to and approved in writing by the local planning authority. If the replacement trees are removed, die, become severely damaged or seriously diseased within three years of planting, they shall be replaced by trees of similar size and species.

Reason: To mitigate for the loss of the existing tree and to protect the visual amenity of the area.

Date Decision Issued 3 May 2019

.....
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 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