

Tendring
District Council



Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES PRESERVATION)(ENGLAND) REGULATIONS 2012**

To: Mr Wayne Manson
27 Laxton Grove
Great Holland
Frinton On Sea
Essex
CO13 0SD

**Tree Preservation Order No. 77/00034/TPO
6 Banister Close, Clacton On Sea, Essex**

CONSENT TO CUT DOWN, ETC

In pursuance of its powers under the above mentioned Act and Regulations and the Tree Preservation Order made by the TENDRING DISTRICT COUNCIL (hereinafter called “the Council”) as Local Planning Authority and confirmed by the Council on the 11th January 1978 the Council have considered the application submitted to the Council on the 9th May 2024 to

Works related to Trees Preservation Order (77/00034/TPO) - 1 No. Oak - Fell.

AND DO HEREBY GIVE NOTICE of their decision to GRANT consent subject to compliance with the following conditions:

01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.

2) You are advised that trees have the potential to support roosting bats. Bats and their roosts are legally protected. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Trees should be inspected before any works commence and if the presence of bats is suspected works must cease and advice sought from The Bat Conservation Trust on 0845 1300228.

3) This decision is valid for two years from the date of this decision or until the work is completed, whichever is the sooner. You are advised that the appropriate standards for tree work are set out in British Standard 3998:2010. Failure to ensure the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.

4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

02 Condition - a replacement tree shall be planted in the first planting season following the removal of the tree. It shall be planted in the same or as close as possible to the same location as the tree to be felled. The tree shall be a Silver Birch (*Betula pendula*) with a girth of 10 to 12 cm or other species as agreed in writing with the local planning authority prior to the planting of the tree.

Reason - To ensure that existing tree cover is retained at approximately the same level and to maintain the current amenity value provided by an established tree.

DATED: 6th June 2024

SIGNED:



John Pateman-Gee
Head of Planning and Building Control

The attached notes explain the right of appeal against the decision.

NOTES

1. Where an application is made for consent to carry out work to trees subject to a Tree Preservation Order and that consent is refused or granted subject to conditions, the applicant may, if aggrieved, appeal against that decision. Your appeal should be made on the relevant TPO (consents) appeal form obtained from the Planning Inspectorate and must be received by the Planning Inspectorate within 28 days from the date of receipt of the decision notice. You can find the form on their website http://www.planningportal.gov.uk/uploads/pins/tpo_appeal_form.pdf
2. Forms can also be obtained by writing to them at The Environment and Transport Team, Trees and Hedges, Room 3/A, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or by telephoning 0303 4445000
3. An appeal should be sent to The Environment and Transport Team, Trees and Hedges, Room 3/A, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or e-mail it to: environment.appeals@planninginspectorate.gov.uk
4. When an appeal is brought under this provision the Planning Inspectorate may allow or dismiss the appeal or may reverse or vary any part of the decision of the Authority and may deal with the application as if it had been made to him in the first instance.
5. Before determining such an appeal, the Planning Inspectorate shall, if either the appellant or the authority so desire, afford each an opportunity of appearing before and being heard by, a person appointed by the Planning Inspectorate for the purpose. The decision of the Planning Inspectorate on any such appeal shall be final.