

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 Todd Rothwell - Rothwell Tree Services
Ltd
31 Manchester Road
Holland On Sea
Clacton On Sea
Essex
CO15 5PL

**Tree Preservation Order No. 93/00005/TPO
14 Gerard Road, Clacton On Sea, Essex**

REFUSAL 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 14th May 1993 the Council have considered the application submitted to the Council on the 24th April 2025 to

Works related to Tree Preservation Order (93/00005/TPO) - Option 1 - 1 No. Oak - Remove unbalanced tree to ground level. Option 2 - If refused reduce Oak tree by 50% (Pollard).

AND DO HEREBY GIVE NOTICE of their decision to REFUSE consent.

Option 1 - 1 No. Oak - Remove unbalanced tree to ground level

The reasons for the Council's decision to refuse consent are:-

- 01 Reason - the tree is a mature healthy specimen with a long safe useful life expectancy. It has continued amenity value and the reasons put forward for the removal of the tree are not considered sufficiently serious to justify its complete removal.

AND DO HEREBY GIVE NOTICE of their decision to GRANT consent

Option 2 - If refused reduce Oak tree by 50% (Pollard).

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.

DATED: 23rd May 2025

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. The 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. The form can be found on their website http://www.planningportal.gov.uk/uploads/pins/tpo_appeal_form.pdf
2. Forms can also be obtained by writing 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 by telephoning 0303 444 5000
3. The completed appeal form 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.