

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant:

Mrs Goldrick
Orchard cottage
Thorney Mill Road
SL0 9AN

TPO Determination

Date Registered: 9th April 2020

Proposal: G1 - Hornbeam & Rowan - located adjacent to No 3 on grass area - crowns are low - to crown lift pendulous growth to approx.. 2.5m. Works are for general maintenance - subject to TPO 08/2012

Location: Land Adjacent, 3 Wise Close, Bodicote, OX15 4BG

Parish(es): Bodicote

CONSENT UNDER TREE PRESERVATION ORDER(S) SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** consent for the operations described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA



David Peckford
Assistant Director – Planning and
Development

Date of Decision: 22nd July 2020

Checked by: Paul Ihringer

SCHEDULE OF CONDITIONS

1. The works hereby permitted must be completed within two years of the date of this consent.

Reason - In accordance with the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. The works hereby granted consent shall consist only of those detailed in the description of the application for which consent has been sought.

Reason - In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

3. All tree works shall be carried out in accordance with British Standard 3998: Recommendations for Tree Works and undertaken by suitably qualified and insured arboricultural contractors.

Reason - In the interests of health and safety and good arboricultural practice and Government guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. **Bird nesting/breeding season** - All wild birds, their young, their eggs and active nests are protected under law. It is an offence to damage a nest intentionally while it is in use or being built. Non-urgent major tree work involving tree removal/reduction and hedge cutting operations should not be undertaken during the bird nesting/breeding season, which is considered to be from the beginning of March to the end of August however, depending on seasonal temperatures, some birds do continue breeding into September.
2. **Bats** - All bats and their roosts are strictly protected by law. Deliberately capturing, distributing, injuring and killing bats is prohibited. Damaging or destroying their roosts is also prohibited. Where bats are suspected to be present, please seek advice from a qualified arboriculturalist or a licensed bat specialist and if appropriate, get the relevant licence/s before you carry out any major tree work or hedge cutting.
3. **Implementation** - In accordance with Regulation 17(4) of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 (as amended), this consent is valid for a period of two years beginning with the date of the decision, and the works for which such consent is granted may only be carried out once.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

SCOPE OF CONSENT

Any consent under the Tree Preservation Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except insofar as the consent otherwise provides) ensure for the benefit of the land and of all persons for the time being interested therein.

COMPENSATION

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.

This is 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.

In assessing compensation so payable, account 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 Section 198 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 which would result from the felling of the trees the subject of the claim.

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 Chief Executive thereof or by sending it by prepaid post so addressed, within twelve months from the date of the decision of the Authority, or of the First Secretary of State, as the case may be, or where an appeal has been made to the First Secretary of State against the decision of the Authority, from the date of the decision of the First Secretary of State on the appeal.

Any question of disputed compensation will be determined in accordance with the provisions of Section 205 of the Act.

APPEALS TO THE SECRETARY OF STATE

Where an application is made to the Authority for consent under the Order and that consent is refused by the Authority or is granted by them subject to conditions, or where any certificate or direction is given by the Authority, the applicant, if he/she is aggrieved by their decision on the application, or by any such certificate, or the person directed if he/she is aggrieved by the direction, may by notice under this provision appeal to the First Secretary of State.

A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the First Secretary of State may allow.

If you wish to appeal this decision, details of how you do so can be found via <https://www.gov.uk/appeal-decision-about-tree-order/how-to-appeal>

When an appeal is brought under this provision from a decision, certificate or direction of the Authority, the First Secretary of State, subject to the following provisions, 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 in the first instance.

Before determining such an appeal, the First Secretary of State shall, if either the appellant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the First Secretary of State for the purpose. The decision of the First Secretary of State on any such appeal shall be final.