Amber Valley
Borough Council

S Gladwin
Chief Executive
Development Management

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Mr David Shaw
Birchwood Farm
Lower Birchwood
Somercotes
Alfreton
Derbyshire
DE55 4NG

TOWN AND COUNTRY PLANNING ACT 1990

The Town and Country (Tree Preservation)(England) Regulations 2012

Tree Preservation Order: TPO 372
Application Reference No: TRE/2025/0719

Proposal T1 Willow - Option 1 - if a 5.2 metre clearance is stipluated by AVBC then the complete tree will have to be removed.
Option 2 - if all the lower branches across the footpath were removed then the tree would be crowned and retained and there would be good clearance for a vehicle to pass through.
T2 Ash - this tree is to be crowned to leave a similar height for vehicle access as per T1. Also side "offshoot" growths to be removed.

Location Birchwood Farm Lower Birchwood Somercotes

Applicant Mr David Shaw
Birchwood Farm Lower Birchwood Somercotes

With regards to the above application for consent to carry out works to trees(s) protected by a Tree Preservation Order **NOTICE IS HEREBY GIVEN** that permission for the proposed works is **PERMITTED subject to the following conditions:**

The works hereby consented shall consist only of those detailed in the application, as qualified by these conditions, and shall be completed in their entirety.

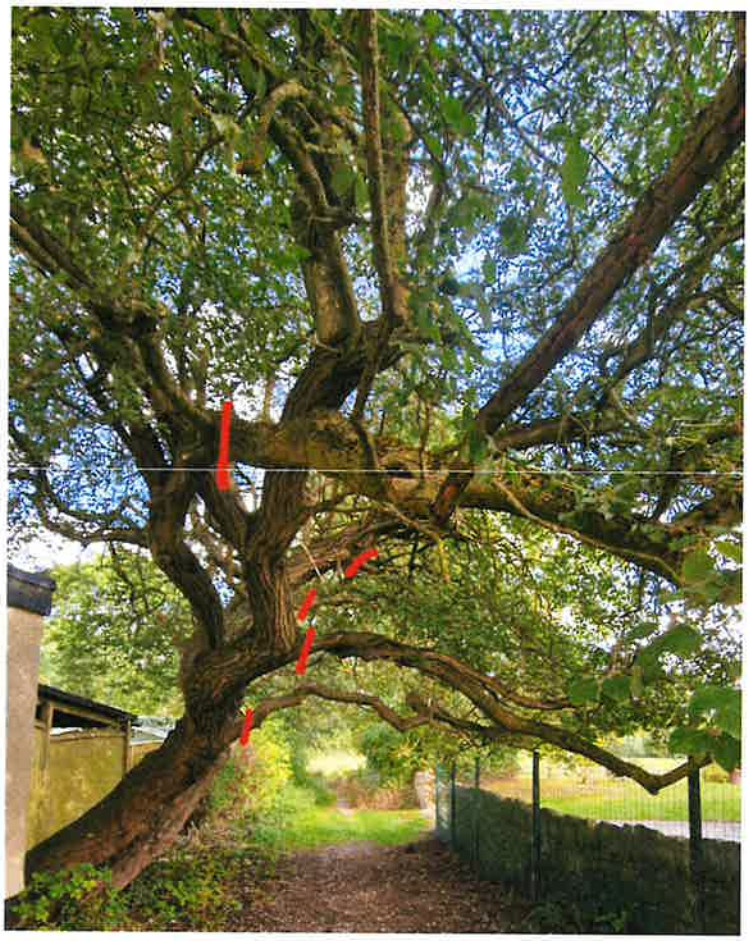
The tree works shall consist of the following (as per the schedule and drawings):

- **T1 – Willow – Pruning of low branches over footpath, as shown below (in addition to any small diameter branches causing an obstruction) to give approximately 3m clearance above the access.**

Date : 18 September 2025

Signed

Chris Beal
Landscape Maintenance Manager



- **T2 Ash - this tree is to be crown lifted to up to 5.2m above ground level over the access into the field. Basal and epicormic growth to be removed.**

The tree works shall not include

- **T1 – Willow - Removal.**

Method of Carrying Out the Permitted Works

- **All works shall be carried out so as to conform to a minimum standard of;**
  - **British Standard 3998:2010, Tree work - Recommendations**
- **The works hereby permitted are to be carried out within two years of the date of this consent.**

Date : 18 September 2025

Signed

Chris Beal
Landscape Maintenance Manager

The reasons for imposing the above are:

- **To ensure effective control over the issuing of consents under the tree preservation order.**
- **To ensure that the works are carried out in such a way that is not significantly detrimental to the tree's health or appearance, or detrimental to the amenity of the surrounding area.**
- **To ensure that the work is carried out to a recognised arboricultural standard.**

To ensure that tree cover and the amenity that it provides is maintained in the area for future benefit

Your Right Of Appeal

If you disagree with our decision, you can appeal to the Secretary Of State. If you want to appeal, you must do so in writing to:
Environment and Transport Team
3/A Eagle Wing, Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN
Email: environment.appeals@planninginspectorate.gov.uk
Phone: 0303 444 5000
within 28 days from the date you receive this decision.

Compensation

If you suffer any loss or damage as a result of this decision or its conditions, you may be entitled to compensation from the Council. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to The Planning Inspectorate, within 12 months from the date of his decision). Claims should be made in writing to S Gladwin, Chief Executive, Amber Valley Borough Council, Town Hall, Ripley, Derbyshire, DE5 3BT.

Notes
Attention is drawn to the attached notes:

Choice Of Contractor

Date : 18 September 2025

Signed

Chris Beal
Landscape Maintenance Manager

The Council recommends that a competent arboricultural contractor carries out this work (see enclosed leaflet 'Tree Work – Choosing Your Arborist'). Whilst the Council do not recommend or assess any individuals or companies it does recognise the Arboricultural Association Approved Contractor scheme as being the best way of assuring the professional competence of companies engaged in tree work.

Details of Arboricultural Association Approved Contractors can be obtained from their website - www.trees.org.uk or by telephone – 01242 522152.

Any permission given in this letter satisfies the requirement for consent prior to carrying out works to a tree covered by a Tree Preservation Order (TPO). It does not give you any legal right to carry out works to a tree which is not under your ownership.

If permission is granted to work on a tree protected by TPO, you do have the right to remove any branches from a tree on neighbouring land which overhang your boundary. You can do this without the consent of the owner, but you must offer to return any removed branches to them. However, you cannot enter the neighbouring land to carry out the works without the owner's permission (climbing the tree would be considered entering the land). This also applies to any works to parts of the tree which do not overhang your boundary. These will all need the consent of the land/tree owner.

Tree works must be carried out in a way that does not disturb wild birds or other protected species. All wild birds are protected. This includes their nests (whilst in use or being built) as well as any eggs the nest may contain. Under the Wildlife and Countryside Act 1981 (as amended), it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally damage, destroy or take the nest of any wild bird while it is in use or being built
- intentionally destroy an egg of any wild bird
- intentionally or recklessly disturb certain wild birds or their dependent young while they are nesting (including disturbance of nesting young)

Although within the Wildlife and Countryside Act no dates are legally stated, the main bird breeding season is recognised as being between 1 March and 31 July. Therefore the risk of committing any of the above offences is increased between these dates. It is recommended that if any works are carried out within these dates a thorough check for any signs of breeding activity should be carried out first.

Date : 18 September 2025

Signed

Chris Beal
Landscape Maintenance Manager