Amber Valley Borough Council

S Gladwin
Chief Executive
Development Management

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Mr Jonathan Beard
Ley View, Portway
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DE56 0TE
United Kingdom

TOWN AND COUNTRY PLANNING ACT 1990

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

Tree Preservation Order: TPO471
Application Reference No: TRE/2025/0821

Proposal	To remove 2No. large Ash trees that have an excessive lean out over the public open space at the top of the site behind plots 106 and 107. One of the trees has shed a branch in the recent winds. What 3 Words = ///villas.eclipses.physics
Location	Wheeldon Brothers Ltd Derwentside Derby Road
Applicant	Mr Sean Ingle
Agent	Mr Jonathan Beard Ley View, Portway Holbrook Belper

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):

- **To remove 2No. large Ash trees that have an excessive lean out over the public open space at the top of the site behind plots 106 and 107. As identified in the application.**

Replacement Tree Planting

2 replacement trees shall be planted within the site with as close as possible to the position of the trees removed, within the first planting season following the permitted tree removal. Due to current disease threats to Ash trees an alternative species

Date : 23 January 2026

Signed

Chris Beal
Landscape Maintenance Manager

should be planted. This should be native or naturalised broadleaf woodland species including oak, sweet chestnut, lime, hawthorn, birch or maple. This planting should be in accordance with British Standard 8545:2014, Trees: from nursery to independence in the landscape - Recommendations.

If, within a period of five years from the date of planting, the trees (or any other tree planted in replacement) is removed , uprooted , or destroyed or dies or becomes , in the opinion of the council , seriously damaged or defective , another tree of the same size and species shall be planted at the same place, or in accordance with any variations for which the local authority give there written consent.

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.**

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

Date : 23 January 2026

Signed

Chris Beal
Landscape Maintenance Manager

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

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.

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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.

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