HILLINGDON
LONDON

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND) REGULATIONS 2012

Tree Preservation Order No. 32A

To:

Mr P Agarwal
Haveli Oak
9a Sweetcroft Lane
Hillingdon
Middlesex
UB10 9LD

Ref: 48373/TRE/2012/116

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above-mentioned Act and Orders and Regulations made thereunder give notice that consent is hereby **GRANTED** to carry out the following operation(s) :-

Description of operation(s) :

To fell one Oak tree (T80) on TPO 32a.

Location : Haveli Oak 9a Sweetcroft Lane Hillingdon Middlesex.

Date of receipt: 30 July 2012

Drawing/plan Numbers: See attached sheet for details

Consent is however given subject to the conditions listed on the attached schedule:-

Signed: James Rodger

Head of Planning & Enforcement

Date: 10 September 2012

NOTES: Attention is particularly drawn to the attached schedule which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.

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SCHEDULE OF CONDITIONS

1 · The works hereby permitted shall be carried out within 2 years of the date of this consent.

REASON
To enable the Local Planning Authority to reconsider the appropriateness of the works in the light of any change in circumstances.

2 · The Oak tree (T80) to be felled in pursuance of this consent shall be replaced in accordance with the details set out in the application. The felled tree shall be replaced during the first planting season following the tree felling works hereby permitted and thereafter the replacement tree(s) shall be maintained for a period of five years.

REASON
In order to comply with the requirements of Section 206 of the Town and Country Planning Act 1990.

INFORMATIVES:

1 · Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats, nesting birds or other protected species. It is advisable to consult your tree surgeon/consultant to agree an acceptable time for carrying out any work.

2 · Risk of heave: You are advised that a risk of soil heave and heaved-related damage to properties may arise following from the felling/removal of trees and that it is advisable to obtain independent expert advice prior to carrying out the approved tree felling.

3 · Replacement tree species: An Oak has been suggested, however, given the risk of infection with Oak Processionary Moth (OPM), it is advisable to plant either Hornbeam or Field Maple instead.

4 · Replacement tree: The replacement tree must be of 'standard' size and short-staked. It will require basic maintenance (watering and weeding during spring and summer)

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for approximately 2-3 years to allow it to establish.

Address:
Planning, Environment and Community Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

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Schedule of Plans / Drawings

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Tree work application form dated 2nd June 2012, letter from Boward Tree Surgey Ltd. (Ref: R27439) dated 18th July 2012, and photographs of tree received 30th Agusut 2012. Details of replacement tree received 23rd August 2012.

SCHEDULE

1. Regulation 24

(1) If, on a claim under this regulation, a person establishes that loss or damage has been caused or incurred in consequence of-
(a) the refusal of any consent required under these Regulations;
(b) the grant of any such consent subject to conditions; or
(c) the refusal of any consent, agreement or approval required under such a condition, that person shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this regulation—
(a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
(b)if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under these Regulations for the felling in the course of forestry operations of any part of a woodland area—
(a) they shall not be required to pay compensation to any person other than the owner of the land;
(b) they shall not be required to pay compensation if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is subject to an appeal to the Secretary of State, the date of the final determination of the appeal; and
(c) such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any case other than those mentioned in paragraphs (2) or (3), no compensation shall be payable to a person—
(a) for loss of development value or other diminution in the value of the land;
(b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
(c) for loss or damage reasonably foreseeable by that person and attributable to that person's failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
(d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under these Regulations or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 of the Forestry Act 1967(21) (terms of compensation on refusal of licence) shall apply to the assessment of compensation under paragraph (3) as they apply to the assessment of compensation where a felling licence is refused under section 10 of that Act(22) (application for felling licence and decision of Commissioners thereon), as if—
(a) for any reference to a felling licence there were substituted a reference to a consent required under these Regulations; and
(b) for the reference to the Commissioners there were substituted a reference to the authority.

(6) Claims for payment of compensation by virtue of paragraph (1) shall be made in writing to and paid by the authority.

(7) (a) This paragraph applies where—
(i) an authority have granted consent under regulation 17(1) and (3) for felling in the course of forestry operations all or any part of a woodland area to which an order applies;
(ii) such consent is granted subject to a condition under regulation 17(2)(a) requiring trees to be planted; and
(iii) the Forestry Commissioners decide not to make a grant or loan under section 1 of the Forestry Act 1979(23) (finance for forestry) in respect of the planting required by such a condition as is mentioned in paragraph (ii) for the reason that such a condition frustrates the use of the woodland area for the growing of timber or other forest products for commercial purposes and in accordance with the rules or practice of good forestry;
(b) where this paragraph applies, the Forestry Commissioners shall, at the request of the person under a duty to comply with such a condition as is mentioned in sub-paragraph (a)(ii), give a certificate stating whether they have decided not to make such a grant or loan as is mentioned in sub-paragraph (a)(iii) and, if so, the grounds for their decision.

(8) Any question of disputed compensation under this regulation shall be referred to and determined by the Upper Tribunal(24).

(9) In relation to the determination of any such question, the provisions of section 4 of the Land Compensation Act 1961(25) (costs for proceedings of Upper Tribunal) and sections 22 (Tribunal Procedure Rules) and 29 (costs or expenses) of the Tribunals, Courts and Enforcement Act 2007 shall apply subject to any necessary modifications and to the provisions of these Regulations.

(10) This regulation shall not apply to orders to which regulations 26(3) or 26(4) apply.

(11) In this regulation—
"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and "owner" has the meaning given by section 34 of the Forestry Act 1967(26) (meaning of "owner").

2.

I) Where an application is made to the Authority for consent under the Order and consent is refused by that Authority or is granted by them subject to conditions, then if the applicant is aggrieved by the decision on the application the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision or such longer period as the Planning Inspectorate may allow, appeal to the Secretary of State. Appeals must be made on a form which is obtainable from the Planning Inspectorate, Environment Team, 4/04. Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel 01173728192, Fax 01173726241, e-mail environment.appeals@pins.gsi.uk) or from their website www.planning-inspectorate.gov.uk/pins/appeals/tree_preservation/index.htm

II) When an appeal is brought under this provision from a decision of the Authority, the 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 and may deal with the application as if it had been made to him in the first instance.