

Council of the Borough of North Tyneside

Consent Notice

To: Mr T Archment
AllAboutTrees Ltd
Unit B10
Durham Dales Centre
Castle Gardens
Stanhope
Co Durham
DL13 2FJ

Planning Ref. No: 14/01925/TPO

**The Council of the Borough of North Tyneside (6 Ashcroft Drive, Forest Hall)
Tree Preservation Order 2005**

In accordance with the powers conferred on them by the provisions of the Council of the Borough of North Tyneside (6 Ashcroft Drive, Forest Hall) Tree Preservation Order 2005, the Council of the Borough of North Tyneside, as Local Planning Authority, hereby consents to work being carried out to the following trees, subject to the conditions detailed below.

Reference Description and Location of Tree	Description of Works (The works hereby permitted may only be carried out once unless the number of occasions is specified in the conditions)
The following trees are contained within Area A1 lying within the grounds to the east and south of 6 Ashcroft Drive	
24 trees marked on site with a yellow painted dot	Remove (thin out)
Trees encroaching over footpath to the north of the site (located between 2 fences)	Prune back to a suitable fork to give 2.4 metres clearance over the footpath

Conditions

- The works to the tree hereby permitted shall be begun before the expiration of two years from the date of this consent.

Reason: To retain control over the work in the interests of local amenity.

- Any works hereby permitted shall be undertaken in accordance with BS3998: 2010 Recommendations for Tree Work.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management.

- The trees to be felled shall be replaced with 12 no trees chosen from the following list:

Hazel (*Corylus avellana*)
Hawthorn (*Crataegus monogyna*)
Crab Apple (*Malus sylvestris*)
Silver or Downy Birch (*Betula pendula* or *Betula pubescens* respectively)
Wych Elm (*Ulmus glabra*)
Hornbeam (*Carpinus betulus*)
English or Pendunculate Oak (*Quercus robur* and *Quercus peretraea* respectively)
Scot's Pine (*Pinus sylvestris*)

The replacement trees shall be of a minimum size of 10 – 12 cm girth, 3.00 – 3.50 metres high for standard trees, 12 – 14 cm girth, 3.50 – 4.00 metres high for heavy standard trees and a minimum girth of 10 – 12 cm and a minimum height of 3.00 metres for feathered trees.

The replacement trees shall be planted within the first planting season following the removal of the trees subject to this consent

Reason: To ensure that the treescape value of the area is retained in the interest of visual amenity

Your Right to Appeal

You have the right to appeal against the conditions included in this Consent Notice to the Department for Communities and Local Government. If you wish to pursue this course of action you will need to do so in writing, within 28 days of receiving this notice, to:

The Environment Appeals Team
Trees and Hedges
Room 3/25, Hawk Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

You can find more information by going to:

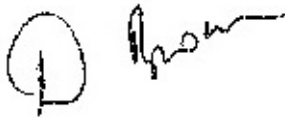
<http://www.planningportal.gov.uk/planning/appeals/otherappealscasework/treepreservation>

Or contact the Planning Inspectorate's Customer Services Team on Tel: 0117 372 8192.

If you suffer any loss or damage which is caused or incurred in consequence of this granting of consent subject to conditions, you may be entitled to recover from the Council compensation in respect of such loss or damage.

No claim can be made if more than 12 months has elapsed from the date of this decision (or, if you appeal to the Department for Communities and Local Government, within 12 months from the date of their decision) or if the claim would be for less than £500. Claims should be submitted in writing to this office.

Dated this 2 day of March 2015

A handwritten signature in black ink, appearing to read 'Dave Brown', written over a circular stamp or mark.

Dave Brown
Governance Services Manager
On behalf of:

Vivienne Geary
Head of Law and Governance
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY



INTERNAL MEMORANDUM

North Tyneside Council

TO: See Below
FROM: Head of Legal Services
DATE: 21 October 2005

YOUR REF:
OUR REF: DP/JMB/PLA.4
This matter is being dealt with by:
Mr D Parkin

The Council of the Borough of North Tyneside (6 Ashcroft Drive, Forest Hall)
Tree Preservation Order 2005

I refer to my previous memo dated 8 July 2005 enclosing a copy of the above Tree Preservation Order made by the Council.

I hereby give you notice that in accordance with the powers confirmed upon them by Sections 198 and 201 of the Town and Country Planning Act 1990, as amended, the Council have confirmed without modification, the foregoing Order, with effect from 20 October 2005.

Circulated to:-

- Building Design Agency
- Head of Development (for the attention of Malcolm Howe)
- Land Charges Section - Legal and Democratic Services

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TOWN AND COUNTRY PLANNING ACT 1990

THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE (6 ASHCROFT DRIVE, FOREST HALL) TREE PRESERVATION ORDER 2005

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by Sections 198 [201^a] and 203 of the Town and Country Planning Act 1990^b hereby make the following Order:-

Citation

1. This Order may be cited as the Council of the Borough of North Tyneside (6 Ashcroft Drive, Forest Hall) Tree Preservation Order 2005.

Interpretation

2. In this Order "the authority" means the Council of the Borough of North Tyneside and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

[Application of Section 201]

3. The authority hereby direct that Section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 8 July 2005

Prohibited acts in relation to trees

4. Without prejudice to sub-sections (6) and (7) of Section 198 (power to make tree preservation orders)^c [or sub-section (3) of Section 200 (orders affecting land where Forestry Commissioners interested)], and subject to Article 5, no person shall:-
 - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

^a Under Section 199(1), tree preservation orders generally do not take effect until confirmed, but a direction may be given under Section 201 for an order to take provisional effect immediately.

^b Where the Order is to be made under the sections cited *and* Section 300 of the Town and Country Planning Act 1990, all those provisions should be cited, as should the fact of the consent of the appropriate authority. As to the circumstances in which the consent of the Forestry Commission is required (and should be cited) *see Section 200(1) of the Act.*

^c Sub-section (6) of Section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping of trees which are dying, dead or have become dangerous, or the undertaking of those acts in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. Sub-section (7) of that section makes Section 198 subject to Section 39(2) of the Housing and Planning Act 1986 (c 63) (saving for effect of Section 2(4) of the Opencast Coal Act 1958 on land affected by a tree preservation order despite its repeal) and Section 15 of the Forestry Act 1967 (c 10) (licences under that Act to fell trees comprised in a tree preservation order).

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

5.(1) Nothing in Article 4 shall prevent:-

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land^d of the statutory undertaker and the work is necessary:-
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995^e;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991^f; or

^d See Section 263 of the Town and Country Planning Act 1990.

^e SI 1995/418.

^f 1991 c 59, see Section 72.

- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989^g.

5.(2) In paragraph (1), "statutory undertaker" means any of the following:-

a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power;

a relevant airport operator (within the meaning of Part V of the Airports Act 1986^h;

the holder of a licence under Section 6 of the Electricity Act 1989;

a public gas transporter;

the holder of a licence under Section 7 of the Telecommunications Act 1984ⁱ to whom the telecommunications code (within the meaning of that Act) is applied;

a water or sewerage undertaker;

the Civil Aviation Authority or a body acting on behalf of that Authority; or

the Post Office.

Applications for consent under the Order

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall:-

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

Applications of provisions of the Town and Country Planning Act 1990

7.(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

7.(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

^g 1989 c 29.

^h 1986 c 31.

ⁱ 1984 c 12.

- 8.(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- 8.(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- 8.(3) A direction under paragraph (1) may include requirements as to:-
- (a) species;
 - (b) the number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

- 9.(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:-
- (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions.
- he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- 9.(2) No claim, other than a claim made under paragraph (3), may be made under this article:-
- (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.

9.(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and 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.

9.(4) In any other case, 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 statement of reasons submitted in accordance with Article 6(c) and any documents or other evidence submitted in support of any such statement, 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 his 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 this Order or the grant of any such consent subject to conditions.

9.(5) Sub-sections (3) to (5) of Section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under Section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

9.(6) In this article:-

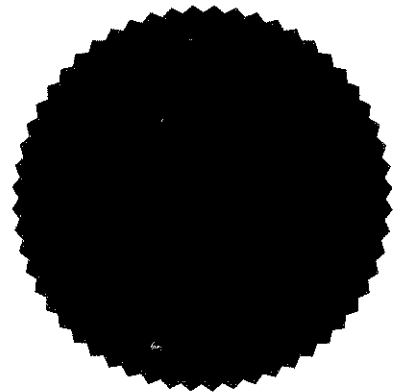
"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

"owner" has the meaning given to it by Section 34 of the Forestry Act 1967.

THE COMMON SEAL of the)
COUNCIL OF THE BOROUGH OF)
NORTH TYNESIDE was hereunto)
affixed this 8 day of July 2005)
in the presence of:)

M. Newcraft

Chair of the Council



Wedy Innes

Head of Legal and Democratic Services

SCHEDULE 1

SPECIFICATION OF TREES

The map referred to is taken from the Ordnance Survey based on North Tyneside Council's Geographic Information System (GIS).

The area covered lies to the East and South of 6 Ashcroft Drive

The area is wholly in the Borough of North Tyneside.

Trees specified individually (encircled in black on the map)

Reference on Map	Description	Situation
	NONE	

Trees specified by reference to an area (within a dotted black line on the map)

Reference on Map	Description	Situation
A1	The several Sycamore, Beech, Cherry, Willow and Spruce trees standing in the area numbered A1 on the map	Lying within the grounds to the east and south of 6 Ashcroft Drive

Group of Trees (within a broken line on the map)

Reference on Map	Description	Situation
	NONE	

Woodlands (within a continuous black line on the map)

Reference on Map	Description	Situation
	NONE	

SCHEDULE 2

PART 1

**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990
APPLIED WITH ADAPTATIONS OR MODIFICATIONS**

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In sub-section (1):-</p> <p>(i) omit:-</p> <p>“, in such manner as may be prescribed by a development order,”,</p> <p>“such” in the second place where it appears, and</p> <p>“as may be so prescribed”; and</p> <p>(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In sub-section (2):-</p> <p>(i) after “contain” insert “, as regards each such order”; and</p> <p>(ii) for paragraphs (a) and (b) substitute:-</p> <p>“(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”.</p> <p>(c) Omit sub-section (3) and (4) (as required by Section 198(4)).</p>
Section 70 (determination of applications: general consideration)	<p>(a) In sub-section (1):-</p> <p>(i) substitute:-</p> <p>“Subject to sub-sections (1A) and (1B), where” for “Where”;</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 70 (determination of applications: general consideration) (<i>continued</i>)</p>	<p>“the authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert:-</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”;</p> <p>and</p> <p>(iii) omit “subject to sections 91 and 92,”.</p> <p>(b) After sub-section (1) insert:-</p> <p>“(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).”.</p> <p>(c) Omit sub-sections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In sub-section (1) substitute:-</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</p> <p>(iii) “the consent” for “the permission”; and</p> <p>(iv) “the land to which the order relates” for “the land”.</p> <p>(b) Omit sub-sections (2) and (3).</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 78 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) In sub-section (1) substitute:-</p> <ul style="list-style-type: none"> (i) "the authority" for "a local planning authority"; (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear; (iii) "consent under such an order" for "planning permission" in the second place where those words appear; <p>(iv) for paragraph (c) substitute:-</p> <ul style="list-style-type: none"> "(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,". <p>(b) Omit sub-section (2).</p> <p>(c) In sub-section (3) for "served within such time and in such manner as may be prescribed by a development order." Substitute:-</p> <p>"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:-</p> <ul style="list-style-type: none"> (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of sub-section (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 75 (right to appeal against planning decisions and failure to take such decisions) (<i>continued</i>)</p>	<p>(b) in respect of such a failure as is mentioned in paragraph (d) of that sub-section, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.”</p> <p>(d) For sub-section (4), substitute:- “(4) The appellant shall serve on the authority a copy of the notice mentioned in sub-section (3).”</p> <p>(e) For sub-section (5), substitute:- “(5) For the purposes of the application of Section 79(1), in relation to an appeal made under sub-section (1)(d), it shall be assumed that the authority decided to refuse the application in question.”</p>
<p>Section 79 (determination of appeals)^j</p>	<p>(a) In sub-sections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit sub-section (3).</p> <p>(c) In sub-section (4), substitute:-</p> <p>(i) “Section 70(1), (1A) and (1B)” for Sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission”; and</p> <p>(iii) “the authority.” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of Section 65 or 71.”.</p> <p>(d) Omit sub-sections (6) and (6A).</p> <p>(e) In sub-section (7), omit the words after “Section 78”.</p>

^j Section 79 was amended by the Planning and Compensation Act 1991 (c 34), Section 18 and Schedule 7, paragraph 19.

PART II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.
- (2) The register shall contain, as regards such order:-
 - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
 - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.
- (3) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

- (1) Subject to sub-sections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order:-
 - (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
 - (b) they may refuse consent under the order.
- (1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) ensure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

order

(1) Where the authority:-

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such applications as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

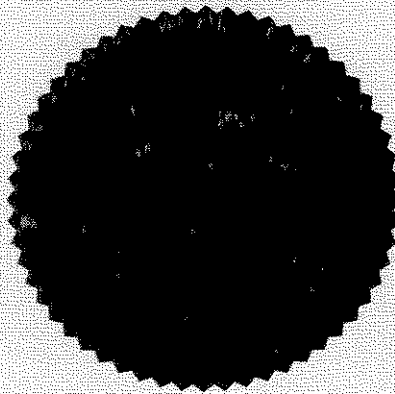
the applicant may by notice appeal to the Secretary of State.

- (3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:-
- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
 - (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.
- (4) The appellant shall serve on the authority a copy of the notice as mentioned in subsection (3).

**THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE (6
ASHCROFT DRIVE, FOREST HALL) TREE PRESERVATION
ORDER 2005**

***CONFIRMATION OF ORDER**

This Order was confirmed by the Council of the Borough of North
Tyneside without modification on the 20th day of October 2005



Marian Huscraft
CHAIR OF THE COUNCIL

H.M. Coombs
SENIOR ASSISTANT SOLICITOR
HEAD OF LEGAL AND DEMOCRATIC SERVICES

27/9/06 – Jackie Palmer (DC) had conversation with Mr Bertram (applicant of 06/01827/FUL – Building of a 3 bedroomed bungalow with garage and construction of a new access to a highway to the east of 6 Ashcroft Drive) and was informed that he was looking to fell trees on site but that local residents had contacted the police stating that the trees were a habitat for bats. I (Henry Jones of DC) was asked to look into the issue and call Mr Bertram back with some information.

Notes of various conversations

**Conversation with Stephen Ballantyne of North Tyneside Legal Services
27/9/06**

I spoke with Stephen and explained that if Mr Bertram is felling trees which are not covered by the 6 Ashcroft Drive TPO 2005 he is not in any breach of planning regulations but I asked whether there was any other legislation he may be in breach of. Stephen stated he did not know that if the trees were a bat habitat whether this would be illegal and added that legal services cannot look into such issues for members of the general public. Stephen advised that me that Mr Bertram contact a solicitor to investigate and that the planning department explain that although the felling of trees may not be in breach of planning regulations we cannot confirm that it is not in breach of other legislation.

Conversation with Allison Povey of English Nature 27/9/06

Allison confirmed that if the trees felled are a bat habitat then prosecution is possible and may take the form of a fine. I asked if she held information on whether bats are found at the site, Allison said she did not but told me to contact Ruth Haddon of Northumberland Bat Group who has a list of habitats although it may not be definitive. I asked whether prosecution was possible if the trees felled were not included within a known habitat and Allison confirmed prosecution was still possible. Ruth stated she had tried to get in touch with Jackie Hunter North Tyneside biodiversity officer but had not managed to do so. I asked what Mr Bertram would need to do to find out if the trees were a bat habitat and Allison said surveys can be conducted to find out – Jackie Hunter may be able to do this or alternatively companies exist who could be employed by Mr Bertram. I asked for a list of these companies and Allison submitted them to me by email (see enclosed list). I thanked Allison for calling and stated I would try and advise Mr Bertram accordingly.

Conversation with Ruth Haddon of the Northumberland Bat Group 27/9/06

I spoke with Ruth and stated that I had been given her contact details from English Nature. I asked Ruth if she could find out whether they have any record of bat habitats at the site.

Ruth rung me back later having checked the maps and confirmed that there was no record of bat habitats at the site. However, she also confirmed that this did not mean that bats do not live at the site. Ruth also confirmed again, as had Allison Povey that prosecution was a possibility if the trees felled were a bat habitat.

Conversation with Mr Bertram (applicant of 06/01827/FUL) 27/9/06

I spoke with Mr Bertram and asked him to confirm that the police had been called do to removal of trees taking place at land to the east of 6 Ashcroft Drive. Mr Bertram confirmed that this was the case but that he was not actually on site himself. I informed Mr Bertram that although the removal of trees not covered by the TPO on site was not in breach of planning regulations, prosecution was possible if the felled trees were found to be a bat habitat. Mr Bertram stated he did not feel that bats were at the site and he intended on continuing to fell the trees regardless.

Conversation with Jackie Hunter North Tyneside Biodiversity Officer 28/9/06

Jackie rung me and informed me that messages had been left for her from residents of Ashcroft Drive relating to trees being felled which were, in the opinion of the residents, bat habitats. I explained to Jackie that the site was subject to a recent planning application for a bungalow and garage and that an appeal was pending against a decision of non-determination by the Council. I told Jackie that I had spoken with English Nature, The Northumberland Bat Group and that the Planning enforcement team was aware of the situation. I told Jackie that I had informed the applicant that prosecution was possible if the felled trees were a bat habitat. Jackie stated that the local residents should really inform the police as it would be a police issue. I told Jackie the police had already been informed. Jackie stated whether anything was required of her – I told Jackie that it was possible that she could have gone on site (if possible considering workload) and check for evidence of bats but also said that the applicant could employ a company to carry out surveys for bats. Jackie said she would be willing to go on site. However, I said that the applicant was going to fell the trees regardless and may have already done much of the felling. Jackie stated in that case it is really now a police matter to investigate. Jackie therefore requested that in the future she is consulted on applications at the site, I stated that the appeal is pending and therefore we could ask for her comments in the preparation of a statement and that I would make a note of the appeal file to do this.

HS

28/9/06.



"Allison Povey"
<Allison.Povey@Engli
sh-Nature.Org.UK>

To: <henry.jones@northtyneside.gov.uk>
cc:
Subject: Bat consultant list

27/09/06 14:09

Here is the list as discussed

Allison

Allison Povey
Conservation Officer (Protected Species)

English Nature and parts of the Rural Development Service and the
Countryside Agency are being brought together to form Natural England on
1st October 2006. In preparation for Natural England, we will be moving
offices from 31st July 2006. Our new contact details are:

Address: The Quadrant, Newburn Riverside, Newcastle upon Tyne, NE15
8NZ.

Tel: 0191 2293342; Fax: 0191 2295508.

Generic email: northumbria@english-nature.org.uk

My email address will remain the same until 1st October ie.

allison.povey@english-nature.org.uk

This email has been scanned for viruses, spam and inappropriate content by
Clearswift MIMESweeper service. If you need to report a problem with this
service please call the ICT Service Desk on 5444.



Bat Consultants_1. disclaimer.t

Consultants in Northumbria

handling bat work

(Northumberland, Co.Durham, Tyne & Wear and Cleveland)

BATS CAN ONLY BE HANDLED OR ROOSTS DISTURBED BY LICENCED BAT WORKERS. THE WILDLIFE AND COUNTRYSIDE ACT REQUIRES THAT ADVICE IS SOUGHT FROM ENGLISH NATURE BEFORE ANY ACTION IS TAKEN WHICH MIGHT AFFECT BATS OR THEIR ROOSTS.

IN NORTHUMBRIA ENGLISH NATURE'S BAT ADVICE LINE IS

0845 1300 228

The list below includes some of the individuals and organisations prepared to contribute to projects where bats are or may be involved. Some will be licensed bat workers or have such individuals available.

Inclusion of any party in this list is without prejudice and does not imply any recommendation from English Nature.

This list is not comprehensive, other ecological consultants may be prepared to take on projects where bats are to be considered

Contact Details		Area prepared to work
Mervyn Anthony 5 Dukes Meadow Woosington Newcastle upon Tyne NE13 8AU	Tel 0191 28609752 Mob 07776 200993	ALL
Trina Barrett, MSc, CEnv, MIEEM, Barrett Environmental Ltd Gale Cottage Wolsingham Bishop Auckland Co. Durham, DL13 3TL	Tel 01388 526978 Mob 07815 149754 trina@barrettenvironmental.co.uk	ALL
Noel Jackson, MA 3 East Law Ebchester Co Durham DH8 0QH	Tel 01207 560684 Email: noelbats@onetel.com	County Durham

Veronica Howard 9 South View Mickley Northumberland NE43 7BZ	Tel 01661 844486 Email: vhoward@globalnet.co.uk	Northumberland Tyne & Wear
Dr A.D.Martin E3 Ecology Ltd Pasture House Wark Hexham NE 48 3LD	Tel 01434 230982 Fax 01434 230979 Email: mail@e3ecology.co.uk	ALL
Graeme Smart Ltd Consultant Ecologists Unit 7 Stocksfield Hall Stocksfield Northumberland NE43 7TN	Tel/Fax 01661 844449 Email: graeme@graemesmart.co.uk	ALL
Steve Betts Baker Shepherd Gillespie 56-58 Castlegate Berwick on Tweed Northumberland TD15 1JT	Tel 01289 302004 Fax 01289 302016 Email: s.betts@bsg-ecology.com	Not specified
John Drewett 3 Victoria Row Eppleby Richmond North Yorkshire DL11 7BE	Tel 01325 718133 Email: mail@drewettj.freeseve.co.uk	Not specified
Envirotech The Old Cottage Hale Milnthorpe Cumbria LA7 7BL	Tel: 07812 081 320 Email info@envtech.co.uk	Not specified

Provision of Existing Records :-

Northumberland Bat Group -

Contact - Ruth Hadden, East Farm Cottage, Ryal, Northumberland, NE20 0SA

Tel - 01661 886562, Fax ; 01661 886918.

Hold records for Northumberland/Tyne and Wear, North

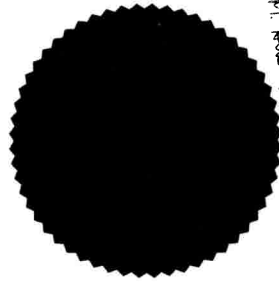
Durham Bat Group :-

Contact - Noel Jackson, 3 East Law, Ebchester, Co.Durham, DH8 0NH
Tel - 0191 3865715

Hold records for Co.Durham and Tyne and Wear, South. The group also carries out consultancy in Co.Durham/ Tyne and Wear, south, in some instances.

The COMMON SEAL of the COUNCIL OF THE)
BOROUGH OF NORTH TYNESIDE was hereunto)
affixed this day of 2005 in the presence of:-)
Chair of the Council

Head of Legal and Democratic Services



Ashcroft Wedy Trees

Ward Bdy

Path

Subway

A1

Def

200

NORTH TYNESIDE COUNCIL
6 ASHCROFT DRIVE, FOREST HALL, TYNE AND WEAR
TREE PRESERVATION ORDER 2005

Ken Wilson
Head of Environment
Recreation & Housing
PO Box 113
Station Road
Killingworth
Newcastle upon Tyne
NE12 6WH

Scale 1:200 500



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North Tyneside Council - LA076232 - 2005

