

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 2012**

ENFORCEMENT TREE REPLACEMENT NOTICE

Issued by: THANET DISTRICT COUNCIL

Land at: Land East of Park Wood Close Broadstairs
To: Bernard G Benn
Of: 13 Masons Yard, St James, London SW1Y 6BU

1. Tree Replacement Notice

This is a formal notice issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) of Section 207(1) of the Town & Country Planning Act 1990 at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. The Land To Which The Notice Relates

Land East of Park Wood Close Broadstairs relating to TPO No:1 1956 and TPO/1/1985 - shown edged red on the attached plan

3. The matters which appear to constitute the breach of planning control

The failure to comply with Section 206 of the Town and Country Planning Act 1990 and Condition 2 on Tree Preservation Order TH/TPO/1/1956 and TH/TPO/1/1985 which states that no person shall, except with the consent of the Local Planning Authority and in accordance with conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage, or wilfully destroy or cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the First Schedule on the map annexed hereto which map for the purpose of such definition as forsaied, prevail where and ambiguity arises between it and the specification on the First Schedule

4. Reasons for Issuing This Notice

It appears to the Council that the above breach of planning control has occurred within the last four years.

Between 29th February and 6th March 2020, a number of trees protected by the above tree preservation orders were cut down, without the consent of this Council, or if the tree(s) was/were dead, without giving notice to the Council that the tree was to be removed. Under section 206 of the Act the owner of the land is under a duty to plant a replacement tree(s). It appears to the Council that this duty has not been complied with.

The Council considers it expedient to issue the Tree Replacement Notice due to the detrimental effect to the impact on the amenity land due to the removal of the trees included in the First Schedule as imposed on Tree Preservation Order TH/TPO/1/1956 and TH/TPO/1/1985

The trees, subject to this order make a substantial contribution to the character in the view of their considerable amenity value, it is therefore considered expedient to take the necessary steps to ensure its preservation.

5. What You Are Required To Do

Replace trees with the species specified below in the area on the map shown uncoloured and numbered within the red line line.

The replacement trees shall be of not less than Nursery standard size (8-10cm girth, 2.75-3m height), conforming to the specifications of the current edition of BS3936, planted in accordance with the current edition of BS4428 and maintained until securely rooted and able to thrive with minimal intervention

6. Trees to be replaced

- | | |
|----|-----------------|
| 1 | Sycamore |
| 2 | Sycamore |
| 3 | English Elm |
| 4 | Common Hornbeam |
| 5 | Common Ash |
| 6 | Common Ash |
| 7 | Sycamore |
| 8 | Manna Ash |
| 9 | Sycamore |
| 10 | Common Lime |
| 11 | Wild Cherry |
| 12 | Wild Cherry |

7. Time for Compliance

The periods for compliance with the steps set out in paragraph 5 are: Within the current planting season between December 2020 and 31st March 2021.

8. When This Notice Takes Effect

This notice takes effect on 30th December 2020, unless an appeal is made against it beforehand.

Dated: 1st December 2020

Signed:

A handwritten signature in black ink, appearing to read 'Iain Livingstone', written over a horizontal line.

Iain Livingstone - Planning Applications Manager

COUNCIL'S AUTHORISED OFFICER

on behalf of Thanet District Council, PO Box 9, Cecil Street, Margate, Kent CT9 1XZ

Nominated officer: Nicki Burford

Telephone number: 01843 577129

Email: nicki.burford@thanet.gov.uk

ANNEX

Thanet District Council has issued an enforcement notice relating to Land East of Park Wood Close Broadstairs and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal to the Planning Inspectorate. If you want to appeal, you can make this on a TRN appeal form obtained from the Planning Inspectorate. The form can be found at: <https://www.gov.uk/government/publications/tree-replacement-notice-appeal-form>.

The form can be completed electronically and emailed to:
treeandhedgeappeals@planninginspectorate.gov.uk

You may also obtain a form by telephoning or writing to the Planning Inspectorate here:

3A Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN Telephone: 0303 444 5570

You MUST make sure that PINS receive your appeal before the effective date on the enforcement notice.

You can appeal on any one or more of the following grounds:

- (1) that the provisions of the duty to replace trees or, as the case may be, the conditions of consent requiring the replacement of trees, are not applicable or have been complied with;
- (2) that in all the circumstances of the case the duty to replace trees should be dispensed with in relation to any tree;
- (3) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it;
- (4) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;
- (5) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose.

You must also state the facts on which your appeal is based.

A guide to the appeal process is available here:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/894798/TRN_guidc_for_appellants_June_2020.pdf

FAILURE TO COMPLY

Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council, including entering the land, planting the

trees and recovering from you any reasonable expenses incurred. The maximum penalty for carrying out unauthorised felling of protected trees is £20,000 per tree. In serious offences where, if found guilty through the Magistrates or Crown Court, an unlimited fine can be given.

ADVICE

If you have any questions about this notice or would like some advice on how to comply with it, please contact Nicki Burford using the details given above.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 8 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 7 of the notice.

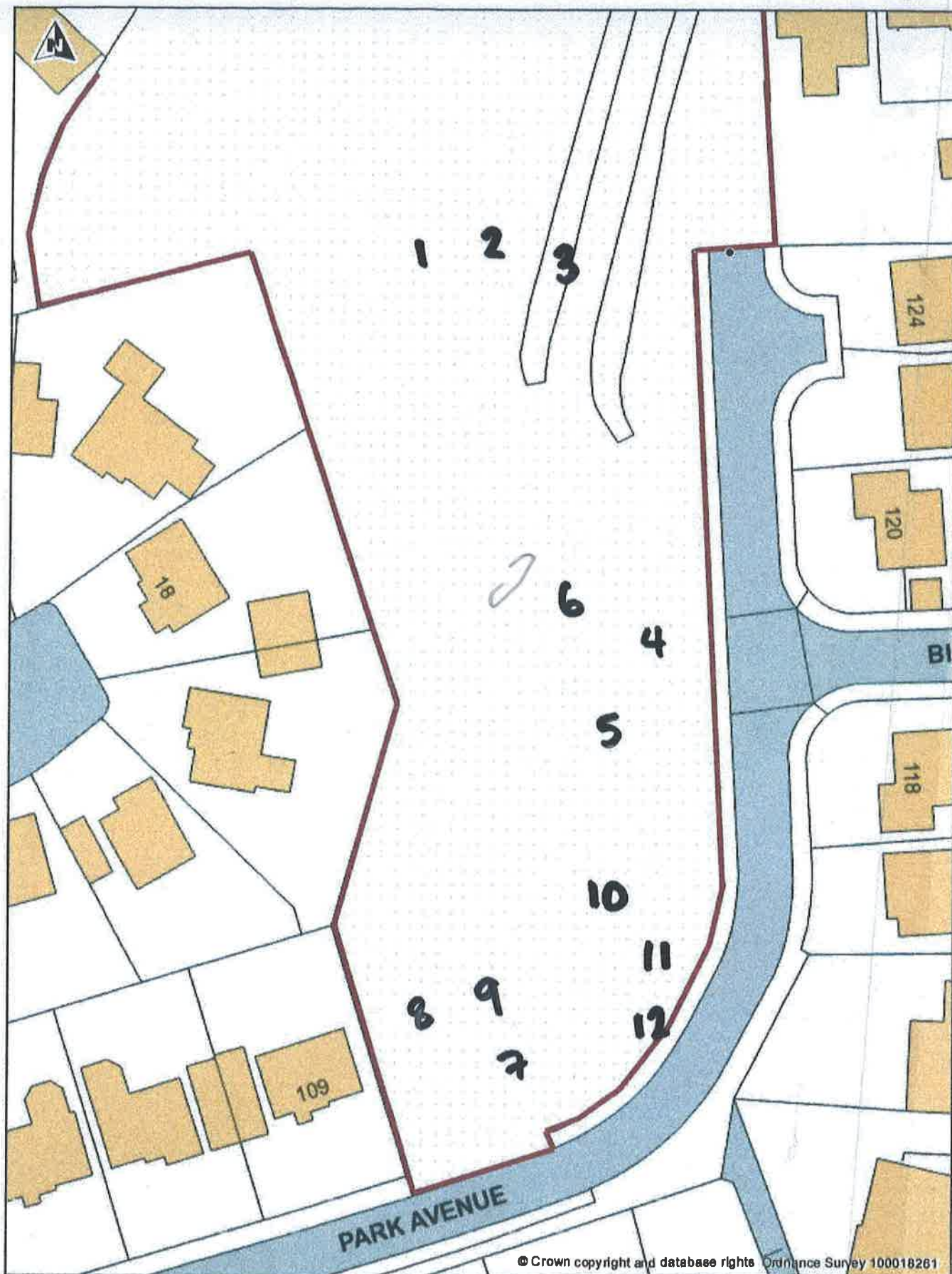
Persons served with a copy of this enforcement notice are as follows:

Bernard G Benn
13 Masons Yard
St James
London SW1Y 6BU

Parkstairs Limited
3rd Floor
Paternoster House
65 St Pauls Churchyard
London EC4M 8AB

Heather Gedalla
3rd Floor
Paternoster House
65 St Pauls Churchyard
London EC4M 8AB

Owner
Land East of Park Wood Close
Broadstairs
Kent



Title: Thanet District Council
 Scale 1:500
 Author: Thanet District Council
 Map Dated: 24/11/2020

Thanet District Council
 Cecil Street
 Margate
 Kent
 CT9 1XZ



