

My address:

Date:

Kyle Williams (Case Officer)
The Planning Inspectorate
Tree and Hedge Team
Eagle Wing, Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Dear Sir

Subject: Tree Replacement Notice Appeal APP/TRN/M1005/8424 relating to Tree Preservation Order TPO 34/1978 at Haytop Country Park, Whatstandwell, Matlock Derbyshire DE4 5HP

I am writing to the Planning Inspectorate to make representation regarding the above appeal in relation to a Tree Replacement Notice issued by Amber Valley Borough Council on 27 January 2021. The matter that requires an official Tree Replacement Notice, is the cutting down and wilfull destruction of 121 trees protected by the above TPO, on days between 17 and 23 March 2017.

The tree felling in 2017 was clearly a deliberate and calculated act, carried out in order to clear the land and pave the way for the development of the site. The trees simply had to be removed, albeit unlawfully, otherwise the development could not proceed. However, the Appellant must not be allowed to profit from his own criminality.

Therefore, when considering this appeal, the baseline position for the Tree Replacement Notice must be that replanting is undertaken at the same locations to where the unlawfully trees were felled, as required by Section 206 Town & Country Planning Act 1990:

“(1) If any tree in respect of which a tree preservation order is for the time being in force –
(a) is removed, uprooted or destroyed in contravention of *the order* [tree preservation regulations] [...]
it shall be the duty of owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.
[...]
(3) In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees –
(a) on or near land on which the trees removed, uprooted or destroyed stood, or
(b) on such land as may be agreed between the local planning authority and the owner of the land,
and in such places as may be designated by the local planning authority.”

I fully support the order issued by Amber Valley Borough Council and the **specific** requirements contained within, including size, species and **location** for the replacement trees.

Yours sincerely,

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Signature

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Date