

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)

TREE REPLACEMENT NOTICE

Tree Preservation Order: Tree Preservation Order No. 34/1978 (TPO)

Issued by: Amber Valley Borough Council (Council)

Issued to: Haytop Country Park Limited

1. TREE REPLACEMENT NOTICE

This is a formal notice served by the Council under section 207 of the TCPA 1990 because it appears you have not complied with a duty to plant trees under section 206 of the TCPA 1990. The land affected by this notice is,

Land at Haytop Country Park, Alderwasley Park, Whatstandwell, Derbyshire, DE4 5HP as shown edged red on the attached plan at Appendix A.

2. REASONS FOR SERVING NOTICE

On days between 17th day of March 2017 and 23rd day of March 2017 121 trees protected by the TPO were cut down and wilfully destroyed. Under section 206 of the TCPA 1990 the landowner is under a duty to plant replacement trees. It appears to the Council that you have not complied with this duty.

Planting that has taken place on the site since the illegal felling works, in part, is outside the area covered by the TPO. A total of 20 trees were identified with only 13 within the TPO area. Much of this planting has been damaged, is of poor quality, is now dead, has been poorly planted or staked, or is of an unsuitable species (e.g. non-native *Betula utilis* or *Prunus Sp.*). This planting has been disregarded for the purpose of this Notice.

3. WHAT YOU ARE REQUIRED TO DO

You must plant the number, species and size of trees as shown in Appendix B, titled the Design Schedule and those trees to be replanted

at the places shown marked with a dot on Appendix C, titled the Design Plan.

Time for compliance: 12 months from the date stated in paragraph 4 below.

4. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 25th February 2021, unless an appeal is made against it beforehand.

Dated: 27th January 2021

Signed:

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

Julian Townsend
Executive Director of Operations

on behalf of
Amber Valley Borough Council
Town Hall
Market Place
Ripley
Derbyshire
DE5 3BT

Annex YOUR RIGHT OF APPEAL

You can appeal to the Secretary of State against this notice by writing to the Planning Inspectorate.

Your appeal must be received, or posted in time for it to be received, before DATE SPECIFIED IN THE NOTICE (AT PARAGRAPH 4 ABOVE).

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

- (a) 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.
- (b) In all the circumstances of the case the duty to replace trees should be dispensed with in relation to any tree.
- (c) The requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it.
- (d) 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.
- (e) 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.

FAILURE TO COMPLY

If you do not comply with this notice, the Council may enter the land, plant the trees and recover from you any reasonable expenses incurred.

ADVICE

If you have any questions about this notice or would like some advice on how to comply with it, please contact Peter White, Assistant Trees and Conservation Officer, Amber Valley Borough Council, Town Hall, Market Place, Ripley, Derbyshire, DE5 3BT telephone: 01773 84 1536.

APPENDIX A

Land at Haytop Country Park, Alderwasley Park, Whatstandwell, Derbyshire,
DE4 5HP

**Haytop Country Park
Tree Preservation Order 034 / 1978**

Legend

 Amber Valley TPO 34



1:2,500

Scale produced in A3

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APPENDIX B

Design Schedule

Tree Reference Number	Species		Size	Replant Location Coordinates	
	Scientific Name	Common name		X (Easting)	Y (Northing)
1	<i>Betula pendula</i>	Silver Birch	Standard	433040	353722
2	<i>Sorbus aucuparia</i>	Rowan	Standard	433039	353725
3	<i>Betula pendula</i>	Silver Birch	Standard	433051	353725
4	<i>Quercus petraea</i>	Sessile Oak	Standard	433060	353727
5	<i>Betula pendula</i>	Silver Birch	Standard	433062	353738
6	<i>Betula pendula</i>	Silver Birch	Standard	433076	353747
7	<i>Quercus petraea</i>	Sessile Oak	Standard	433083	353750
8	<i>Sorbus aucuparia</i>	Rowan	Standard	433079	353756
9	<i>Betula pendula</i>	Silver Birch	Standard	433086	353762
10	<i>Quercus petraea</i>	Sessile Oak	Standard	433079	353778
11	<i>Betula pendula</i>	Silver Birch	Standard	433074	353729
12	<i>Sorbus aucuparia</i>	Rowan	Standard	433083	353740
13	<i>Ilex aquifolium</i>	Holly	Standard	433076	353780
14	<i>Tilia cordata</i>	Small-Leaved Lime	Standard	433069	353789
15	<i>Sorbus aucuparia</i>	Rowan	Standard	433117	353832
16	<i>Alnus glutinosa</i>	Common Alder	Standard	433268	353929
17	<i>Salix alba</i>	White Willow	Standard	433253	353937
18	<i>Alnus glutinosa</i>	Common Alder	Standard	433239	353949
19	<i>Quercus robur</i>	English Oak	Standard	433070	353726
20	<i>Alnus glutinosa</i>	Common Alder	Standard	433209	353957
21	<i>Quercus petraea</i>	Sessile Oak	Standard	433223	353935
22	<i>Betula pubescens</i>	Downy Birch	Standard	433084	353733
23	<i>Quercus petraea</i>	Sessile Oak	Standard	433094	353731
24	<i>Quercus petraea</i>	Sessile Oak	Standard	433108	353747
25	<i>Quercus petraea</i>	Sessile Oak	Standard	433099	353736
26	<i>Quercus robur</i>	English Oak	Standard	433110	353754
27	<i>Betula pendula</i>	Silver Birch	Standard	433119	353758
28	<i>Salix alba</i>	White Willow	Standard	433227	353944
29	<i>Quercus petraea</i>	Sessile Oak	Standard	433118	353763
30	<i>Betula pendula</i>	Silver Birch	Standard	433128	353781
31	<i>Quercus petraea</i>	Sessile Oak	Standard	433143	353789
32	<i>Quercus petraea</i>	Sessile Oak	Standard	433122	353772
33	<i>Quercus robur</i>	English Oak	Standard	433118	353793
34	<i>Betula pendula</i>	Silver Birch	Standard	433130	353798
35	<i>Quercus petraea</i>	Sessile Oak	Standard	433121	353805
36	<i>Tilia cordata</i>	Small-Leaved Lime	Standard	433116	353810
37	<i>Quercus petraea</i>	Sessile Oak	Standard	433086	353797
38	<i>Sorbus aucuparia</i>	Rowan	Standard	433100	353808
39	<i>Quercus petraea</i>	Sessile Oak	Standard	433107	353810
40	<i>Prunus avium</i>	Wild Cherry	Standard	433118	353816
41	<i>Tilia cordata</i>	Small-Leaved Lime	Standard	433093	353820
42	<i>Betula pendula</i>	Silver Birch	Standard	433143	353864
43	<i>Sorbus aucuparia</i>	Rowan	Standard	433179	353856
44	<i>Tilia cordata</i>	Small-Leaved Lime	Standard	433170	353865
45	<i>Quercus petraea</i>	Sessile Oak	Standard	433173	353875
46	<i>Ilex aquifolium</i>	Holly	Standard	433178	353882
47	<i>Quercus petraea</i>	Sessile Oak	Standard	433164	353881
48	<i>Sorbus aucuparia</i>	Rowan	Standard	433231	353931
49	<i>Quercus petraea</i>	Sessile Oak	Standard	433159	353888
50	<i>Betula pendula</i>	Silver Birch	Standard	433140	353888
51	<i>Quercus petraea</i>	Sessile Oak	Standard	433163	353891
52	<i>Tilia cordata</i>	Small-Leaved Lime	Standard	433166	353894
53	<i>Quercus robur</i>	English Oak	Standard	433156	353895
54	<i>Sorbus aucuparia</i>	Rowan	Standard	433094	353899
55	<i>Betula pendula</i>	Silver Birch	Standard	433231	353913
56	<i>Quercus petraea</i>	Sessile Oak	Standard	433118	353901
57	<i>Quercus petraea</i>	Sessile Oak	Standard	433096	353908
58	<i>Prunus avium</i>	Wild Cherry	Standard	433098	353917
59	<i>Quercus petraea</i>	Sessile Oak	Standard	433098	353923

60	<i>Betula pendula</i>	Silver Birch	Standard	433105	353925
61	<i>Quercus petraea</i>	Sessile Oak	Standard	433112	353933
62	<i>Quercus petraea</i>	Sessile Oak	Standard	433112	353912
63	<i>Tilia cordata</i>	Small-Leaved Lime	Standard	433126	353914
64	<i>Alnus glutinosa</i>	Common Alder	Standard	433142	353907
65	<i>Betula pubescens</i>	Downy Birch	Standard	433141	353919
66	<i>Quercus petraea</i>	Sessile Oak	Standard	433149	353918
67	<i>Quercus petraea</i>	Sessile Oak	Standard	433153	353907
68	<i>Quercus petraea</i>	Sessile Oak	Standard	433155	353901
69	<i>Prunus avium</i>	Wild Cherry	Standard	433163	353905
70	<i>Betula pendula</i>	Silver Birch	Standard	433167	353908
71	<i>Sorbus aucuparia</i>	Rowan	Standard	433171	353911
72	<i>Quercus petraea</i>	Sessile Oak	Standard	433186	353915
73	<i>Ilex aquifolium</i>	Holly	Standard	433183	353921
74	<i>Prunus avium</i>	Wild Cherry	Standard	433185	353927
75	<i>Prunus avium</i>	Wild Cherry	Standard	433188	353932
76	<i>Quercus robur</i>	English Oak	Standard	433185	353942
77	<i>Quercus petraea</i>	Sessile Oak	Standard	433199	353928
78	<i>Betula pubescens</i>	Downy Birch	Standard	433206	353922
79	<i>Alnus glutinosa</i>	Common Alder	Standard	433212	353913
80	<i>Quercus petraea</i>	Sessile Oak	Standard	433217	353922
81	<i>Corylus avellana</i>	Common Hazel	Whip	433125	353768
82	<i>Sorbus aucuparia</i>	Rowan	Whip	433077	353724
83	<i>Sambucus nigra</i>	Elder	Whip	433136	353780
84	<i>Corylus avellana</i>	Common Hazel	Whip	433125	353799
85	<i>Ilex aquifolium</i>	Holly	Whip	433228	353935
86	<i>Corylus avellana</i>	Common Hazel	Whip	433209	353918
87	<i>Sorbus aucuparia</i>	Rowan	Whip	433206	353926
88	<i>Ilex aquifolium</i>	Holly	Whip	433189	353928
89	<i>Corylus avellana</i>	Common Hazel	Whip	433163	353901
90	<i>Sambucus nigra</i>	Elder	Whip	433148	353906
91	<i>Sorbus aucuparia</i>	Rowan	Whip	433145	353916
92	<i>Corylus avellana</i>	Common Hazel	Whip	433114	353907
93	<i>Sorbus aucuparia</i>	Rowan	Whip	433170	353899
94	<i>Corylus avellana</i>	Common Hazel	Whip	433180	353905
95	<i>Corylus avellana</i>	Common Hazel	Whip	433198	353912
96	<i>Sambucus nigra</i>	Elder	Whip	433198	353934
97	<i>Sorbus aucuparia</i>	Rowan	Whip	433193	353940
98	<i>Corylus avellana</i>	Common Hazel	Whip	433215	353928
99	<i>Sambucus nigra</i>	Elder	Whip	433224	353932
100	<i>Corylus avellana</i>	Common Hazel	Whip	433202	353947

APPENDIX C

Design Plan

**Haytop Country Park
Tree Preservation Order 034 / 1978**



Legend

- Replant location and reference no
- ▭ Amber Valley TPO 34

1:1,000

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