(4) the cutting down, uprooting, topping or lopping of a tree
(a) in pursuance of the power conferred on the Post Office by
virtue of Section 5 of the Telegraph (Construction) Act 1908;
(b) by or at the request of
   (i) a statutory undertaker where the land on which the
tree is situated is operational land as defined by
the Act and either works on such land cannot otherwise
be carried out or the cutting down, uprooting,
topping or lopping is for the purpose of securing
safety in the operation of the undertaking;
   (ii) an electricity board within the meaning of the
Electricity Act 1947, where such tree obstructs
the construction by the board of any main
transmission line or other electric line within
the meaning respectively of the Electricity (Supply)
Act 1919 and the Electric Lighting Act 1882 or
interferes or would interfere with the maintenance
or working of any such line;
   (iii) a river authority established under the Water
Resources Act 1963, a drainage board constituted or
acted as having been constituted under the Land
Drainage Act 1930, the Conservators of the River
Thames, or the Lee Conservancy Catchment Board,
where the tree interferes or would interfere with
the exercise of any of the functions of such river
authority, drainage board, conservators of the River
Thames or Lee Conservancy Catchment Board in relation
to the maintenance, improvement or construction of
water courses or of drainage works; or
   (iv) the Minister of Defence for the Royal Air Force, the
Minister of Technology or the Board of Trade where in
the opinion of such Minister or Board the tree obstructs
the approach of aircraft to, or their departure from, any
aerodrome or hinders the safe and efficient use of
aviation or defence technical installations;
(c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;

(d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

**THIRD SCHEDULE**

Provisions of the following parts of Parts III and IV of the Act as adapted and modified to apply to this Order.

Without prejudice to the following provisions as to the revocation or modification of consents, any consents under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except insomuch as the consent otherwise provides) ensue for the benefit of the land and of all persons for the time being interested therein (33(1)).

If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as it considers expedient (45(1)).

The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out (45(4)).

The following provisions shall have effect where the planning authority has made an Order (hereinafter called "such Order") under Section 45 (above) revoking or modifying any consent granted on an application made under a Tree Preservation Order and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order (46(1)).
The Authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the authority that they wish for an opportunity of appearing before, and being heard by, a person appointed for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given, such Order may take effect by virtue of this section (46(2)).

The Authority shall also serve notices to the same effect on the persons mentioned in sub-section (1) above (46(3)).

If within the period referred to in sub-section (2)(a) above no person claiming to be affected by such Order has given notice as aforesaid, such Order shall at the expiration of the period referred to in sub-section (2)(b) of this section take effect by virtue of this section. S.60(5) "Provision may be made by regulations under this Act with respect to the form of Tree Preservation Orders, and the procedure to be followed in connection with the submission and confirmation of such Orders, and the regulations may (without prejudice to the generality of this sub-section) make provision as follows:-

(a) that, before a Tree Preservation Order is confirmed by the local planning authority, notice of the making of the Order shall be given to the owners and occupiers of land affected by the Order and to such other persons, if any, as may be specified in the regulations;

(b) that objections and representations with respect to the Order, if duly made in accordance with the regulations, shall be considered before the Order is confirmed by the local planning authority;

(c) that copies of the Order, when confirmed by the authority, shall be served on such persons as may be specified in the regulations".

10.
Given under the Common Seal of Castle Point District Council this Seventh
day of January One thousand nine hundred and eighty-eight

THE COMMON SEAL OF CASTLE
POINT DISTRICT COUNCIL was
hereunto affixed in the
presence of :-)
Castle Point District Council

Castle Point Tree Preservation Order 1/88

199 Furtherwick Road, Canvey Island.

Statement of Reasons for the Council Making the Order

1. The Council is the local planning authority for the district of Castle Point.

2. The Council considers that the trees, the subject of this Order, are good specimens, and being sited close to the highway boundary of the busy Furtherwick Road, form an attractive feature in the street scene, worthy of preservation.

Dated this 7th day of January 1988

Council Offices,
Kiln Road,
Benfleet,
Essex.

Chief Executive and Clerk of the Council