98. Procedure for s.97 Orders: opposed cases.—(1) Except as provided in section 99, an Order under section 97 shall not take effect unless it is confirmed by the Secretary of State.

(2) Where an authority submit such an Order to the Secretary of State for confirmation, they shall provide the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the statement on—

(a) the owner of the land affected,
(b) the occupier of the land affected, and
(c) any other person who in their opinion will be affected by the Order.

(3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) If within that period such a person so requires, before the Secretary of State confirms the Order he shall give such an opportunity both to him and to the local planning authority.

(5) The period referred to in subsection (3) shall be 28 days from the service of the notice.

(6) The Secretary of State may confirm an Order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

(7) Where a notice has been served in accordance with the provisions of subsection (2) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under this section.

99. Procedure for s.97 Orders: unopposed cases.—(1) This section applies where—

(a) the authority have made an Order under section 97 above; and
(b) the owner and occupier of the land and all persons who in the authority’s opinion will be affected by the Order have notified the authority in writing that they do not object to it.

(2) Where this section applies, instead of submitting the Order to the Secretary of State for confirmation the authority shall advertise the fact that the Order has been made and the advertisement must specify—

(a) the period within which persons affected by the Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and
(b) the period at the expiration of which, if no such notice is given to the Secretary of State, the Order may take effect by virtue of this section without being confirmed by the Secretary of State.

(3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).

(4) The period referred to in subsection 2(a) must be not less than 28 days from the date the advertisement first appears.

(5) The period referred to in subsection 2(b) must be less than 14 days from the expiration of the period referred to in subsection (2)(a).

(6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than three days after the publication.

(7) If—

(a) no person claiming to be affected by the Order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and
(b) the Secretary of State has not directed within that period that the Order be submitted to him for confirmation,

the Order shall take effect at the expiry of the period referred to in subsection 2(b) without being confirmed by the Secretary of State as required by section 98(1).

(8) This section does not apply to an Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part VII or Part VIII of the Act.
CASTLE POINT DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER
relating to
5 HAMILTON CLOSE, LEIGH-ON-SEA, ESSEX

Cat. No. TCP 38
Shaw & Sons Ltd., Shaway House, Crayford, Kent DA1 4BZ
LLE 13591
Plan referred to in Castle Point Tree Preservation Order No 1/92

signed

DIRECTOR OF PLANNING

Dated this day of 9 January 1992

Council Offices, Long Road, Canvey Island, Essex, SS8 0JW
CASTLE POINT DISTRICT COUNCIL

TREE PRESERVATION ORDER 1/92

5 Hamilton Close, Leigh-on-Sea, Essex

STATEMENT OF REASONS FOR THE MAKING OF THE ORDER

1. The Council is the Local Planning Authority for the District of Castle Point the area in which the site is located.

2. The Council considers that the trees provide a significant degree of natural vegetation and in addition are enjoyed by occupiers of neighbouring dwellings.

3. The Council considers that the tree forms an essential part of the general amenity of this area

DATED THIS DAY 9 January 1992

T. P. Burchill
DIRECTOR OF PLANNING

Council offices
Long Road
Canvey Island
Essex
SS8 0JW