WOODLAND*
(within a continuous black line on the map)

<table>
<thead>
<tr>
<th>No. on Map</th>
<th>Description</th>
<th>Situation</th>
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<td>NONE</td>
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* The word "NONE" must be entered where necessary.

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

1. The cutting down of any tree on land which is subject to a forestry dedication covenant where
   - any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
   - the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.

2. The cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under a grant scheme under section 1 of the Forestry Act 1979 except a scheme which applies to a forestry dedication covenant

3. The cutting down, uprooting, topping or lopping of a tree
   - by or at the request of the Post Office where the land on which the tree is situated is land which has been acquired for the purpose of the Post Office's undertaking 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; or the lopping in pursuance of the power conferred on any operator of a telecommunications code system by virtue of paragraph 19 of Schedule 2 to the Telecommunications Act 1984;
   - by or at the request of a statutory undertaker or a holder of a licence under section 6(1) of the Electricity Act 1989 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;
   - by or at the request of the National Rivers Authority or an internal drainage board established under the Water Act 1989, where the tree interferes or would interfere with the maintenance or working of such line;
   - by or at the request of the Secretary of State for Defence, the Secretary of State for Transport, the Civil Aviation Authority, or in relation to any airport managed by a company to which any property, rights or liabilities have been transferred in pursuance of a scheme made under section 1 or 15 of the Airports Act 1986, the person for the time being having the management of the airport, where in the opinion of such Secretary of State, Authority or person the tree obstructs the approach of aircraft to, or their departure from, any airport or hinders the safe and efficient use of aviation or defence technical installations;
   - 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 Part III of the Town and Country Planning Act 1990 as adapted and modified to apply to this Order.

75. - (1) Without prejudice to the following provision as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land of all persons for the time being interested in it.

77. - Reference of applications to the Secretary of State. -

(1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to such an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(7) The decision of the Secretary of State on any application referred to him under this section shall be final.

78. Appeals against decisions or in default of decision. -

(1) Where an authority-

(a) refuse an application for consent under the Order or grant it subject to conditions, or

(b) give any certificate or direction, on granting consent, the applicant may by notice appeal to the Secretary of State.

(2) A person who has made an application for consent under the Order may also appeal to the Secretary of State if the authority have neither-

(a) given notice to the applicant of their decision on the application; or

(b) given notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 77 above, within two months from the date of receipt of the application, or within such extended period. As may at any time be agreed upon in writing between the applicant and the authority.

(3) Any appeal under this section shall be made by notice in writing served within such time as is specified in sub section (4) below.

(4) The service of such a notice must be within-

(a) 28 days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow; or

(b) in the case of an appeal under subsection (2), 28 days or such longer period as the Secretary of State may allow from the end of the period of two months or, as the case may be, the extended period agreed.

(5) In relation to an appeal under subsection (2). It shall be assumed that the authority decided to refuse the application in question.
79. Determination of appeals. -

(1) On an appeal under section 78 the Secretary of State may -
   (a) allow or dismiss the appeal,
   (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part or not),
   (c) cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(5) The decision of the Secretary of State on such an appeal shall be final.

97. Power to revoke or modify the consent under the Order. -

(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 they consider expedient.

(2) The power conferred by this section may be exercised at any time before the operations for which consent has been given have completed.

(3) The revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

98. Procedure for Section 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 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 Section 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 land and 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 person 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 that 28 days from the date the advertisement first appears.

(5) The period referred to in subsection 2(b) must be not 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.

the day of March 1996

[Signature]

Director of Planning
CASTLE POINT BOROUGH COUNCIL

TREE PRESERVATION ORDER 1/96

Land 130m South East of Benfleet Road
Abutting the Public Footpath
at Land known as
The Manor House,
Shipwrights Close,
Benfleet, Essex

STATEMENT OF REASONS FOR THE MAKING OF THE ORDER

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

2. The Council considers that the tree provides a significant degree of natural vegetation and in addition are enjoyed by visitors to the area and the occupiers of neighbouring dwellings.

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

DATED THIS 11 DAY OF March 1996

[Signature]
DIRECTOR OF PLANNING

Council Offices
Kiln Road
Benfleet
Essex
SS7 1TF
CASTLE POINT BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER

relating to

Land 130m South East of Benfleet Road
Abutting the Public Footpath
at Land known as
The Manor House,
Shipwrights Close,
Benfleet, Essex

1/96
Plan referred to Castle Point Tree Preservation Order No 1/96

signed. ........................................
Director of Planning

NORTH
SCALE 1:1250

Dated this of 11 March 1996

Council Offices, Kiln Road, Benfleet, Essex, SS7 1TF