TYPE: TPO


BOX: 2
1999
2000
2001
2002
2009
2010
2011
2013
2015
Town and Country Planning Act 1990

The Tree Preservation Order 4/2015, 25 Hadleigh Park Avenue, Thundersley, Benfleet, Essex SS7 1SA

The Castle Point Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order 4/2015, 25 Hadleigh Park Avenue.

Interpretation

2.— (1) In this Order "the authority" means the Castle Point Borough Council.
   (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
   (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
      (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
      (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
   any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.
Dated this 9th December 2015

Signed on behalf of the Castle Point Bough Council

[Signature]

Authorised by the Council to sign in that behalf
**SCHEDULE**

**Specification of trees**

**Trees specified individually**
(entered in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Sequoiadendron giganteum</td>
<td>In the rear garden approximately 14 metres from the rear boundary</td>
</tr>
</tbody>
</table>

**Trees specified by reference to an area**
(within a dotted black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Groups of trees**
(within a broken black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description (including number of trees of each species in the group)</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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(C) Crown copyright. All rights reserved.
Substitute your Council Name here.
Town and Country Planning Act 1990

The Tree Preservation Order 3/2015, Land At Downer Road North And
Thundersley Church Road, Benfleet, Essex,

The Castle Point Borough Council, in exercise of the powers conferred on them by
section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order 3/2015 Land at Downer
Road North and Thundersley Church Road.

Interpretation

2.— (1) In this Order “the authority” means the Castle Point Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so
numbered in the Town and Country Planning Act 1990 and any reference to a
numbered regulation is a reference to the regulation so numbered in the Town and

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on
which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree
preservation orders) or subsection (1) of section 200 (tree preservation orders:
Forestry Commissioners) and, subject to the exceptions in regulation 14, no person
shall—
   (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
   (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage
   or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the
authority in accordance with regulations 16 and 17, or of the Secretary of State in
accordance with regulation 23, and, where such consent is given subject to
conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter
“C”, being a tree to be planted pursuant to a condition imposed under paragraph (a)
of section 197 (planning permission to include appropriate provision for preservation
and planting of trees), this Order takes effect as from the time when the tree is
planted.
Dated this 28th August 2015

Signed on behalf of the Castle Point Borough Council

Authorised by the Council to sign in that behalf

This Order was confirmed by The Castle Point Borough Council without modification on the 3rd day of November 2015.
# Schedule

## Specification of trees

### Trees specified individually

(Encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
</table>

### Trees specified by reference to an area

(Within a dotted black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
</table>

### Groups of trees

(Within a broken black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description (including number of trees of each species in the group)</th>
<th>Situation</th>
</tr>
</thead>
</table>

### Woodlands

(Within a continuous black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1</td>
<td>Ash, Oak, Elm, Field Maple, Hawthorn, Blackthorn, Cherry, Sycamore, Holly, Yew</td>
<td>Land between Downer Road North and Thundersley Church Road</td>
</tr>
</tbody>
</table>
Castle Point Borough Council

Plan referred to in Tree Preservation Order 3/2015
Signed on behalf of the CASTLE POINT BOROUGH COUNCIL

CHIEF DEVELOPMENT CONTROL OFFICER
Dated this 28th August 2015

TPO/3/2015
CONFIRMED YES
DATED 3/11/2015

Scale: 1:1250
Date: 25/08/2015
OS
Sheet: TQ7888NW

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Substitute your Council Name here
A 999999 (OS Licence number here)
999
Town and Country Planning Act 1990

The Tree Preservation Order 2/2015, Land On Corner Swale Road, Swale Road, Thundersley, Benfleet Essex

The Castle Point Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order 2/2015 Land on the south side of Swale Road.

Interpretation

2. (1) In this Order “the authority” means the Castle Point Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
   (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
   (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation
and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 12th May 2015

Signed on behalf of the Castle Point Bough Council

Authorised by the Council to sign in that behalf
## SCHEDULE
### Specification of trees

### Trees specified individually
(encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Trees specified by reference to an area
(within a dotted black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Oak trees within the area marked A1 on the map</td>
<td></td>
</tr>
</tbody>
</table>

### Groups of trees
(within a broken black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description (including number of trees of each species in the group)</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Woodlands
(within a continuous black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Plan referred to in Castle Point Borough Council Tree Preservation Order No. 2/2015

Signed on behalf of the CASTLE POINT BOROUGH COUNCIL

CHIEF DEVELOPMENT CONTROL OFFICER

Dated this 12th May 2015
Town and Country Planning Act 1990

The Tree Preservation Order 1/2015

The Castle Point Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as TPO/1/2015, Benfleet Station, Ferry Road, Benfleet, Essex.

Interpretation

2.— (1) In this Order “the authority” means the Castle Point Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 12th day of March 2015

Signed on behalf of the Castle Point Borough Council

[Signature]

Steve Rogers
Head of Regeneration & Neighbourhoods

Authorised by the Council to sign in that behalf
## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Trees specified by reference to an area

(within a dotted black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Trees of whatever species within the area marked A1 on the map</td>
<td>Trees to the north and south of the station bridge adjacent to Ferry Road and adjoining station buildings</td>
</tr>
</tbody>
</table>

#### Groups of trees

(within a broken black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description (including number of trees of each species in the group)</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Woodlands

(within a continuous black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Plan referred to in Castle Point Borough Council Tree Preservation Order No. 1/2015

Signed on behalf of the CASTLE POINT BOROUGH COUNCIL

Steve Rogers
Head of Regeneration & Neighbourhoods

HEAD OF REGENERATION AND NEIGHBOURHOODS

Dated this 12th March 2015
Town and Country Planning Act 1990

The Tree Preservation Order 1/2014

The Castle Point Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as TPO/1/2014, 278 Kiln Road, Benfleet, Essex.

Interpretation

2.—(1) In this Order “the authority” means the Castle Point Borough Council.

(2) In this Order reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.
Application to trees to be planted pursuant to a condition

4.— In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated: 17 April 2014.

Signed on behalf of the Castle Point Borough Council

[Signature]

Authorised by the Council to sign in that behalf
SCHEDULE 1
Article 3

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Oak</td>
<td>The front garden of 278 Kiln Road.</td>
</tr>
</tbody>
</table>

Trees specified by reference to an area
(within a dotted black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Groups of trees
(within a broken black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description (including number of trees in the group)</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Woodlands
(within a continuous black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Plan referred to in Castle Point Borough Council Tree Preservation Order No. 1/2014

Signed on behalf of the CASTLE POINT BOROUGH COUNCIL

CHIEF DEVELOPMENT CONTROL OFFICER

Dated this 17 April 2014
IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

CASTLE POINT BOROUGH COUNCIL
Tree Preservation Order 3/2013, 208 Rushbottom Lane, Benfleet, Essex.

This is a formal notice to let you know that the Council has made a Tree Preservation Order in respect of an Oak tree at the above property.

Under the provisions of the legislation I am required to serve owners and occupiers of any land affected by the Order, and those parties on adjoining land who have a right to prune or fell the trees covered by the Order, with a copy of the Order and its map reference.

In simple terms it prohibits anyone from cutting down, topping, lopping or undertaking any other works to any of the trees described in the Order and shown on the map, without the Council's consent.

The Council has made the Order because it considers that the Oak is an attractive specimen, which contributes to the natural vegetation of the area to the benefit of the general amenity of the area and the interests of the amenity of neighbours and passersby, and is worthy of preservation.

The Order takes effect provisionally on the date on which it is made and will continue in force on this basis until the expiration of 6 months beginning with the date on which the Order was made, or the date on which the Order is confirmed, or the date on which the Council decide not to confirm the Order, whichever occurs first.

People affected by the Order have the right to make objections or other representations about any of the trees covered by this Order in accordance with regulation 6.

If you would like to make an objection or other comments, please make sure we receive them in writing by the 31st October 2013. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations, 2012, a copy of which is provided below. Send your comments to the Head of Regeneration and Neighbourhoods, Council Offices, Kiln Road, Benfleet, Essex SS7 1TF. All valid objections or representations will be carefully considered before a decision on whether to confirm the Order is made.

Tree Preservation Orders are legal documents and I am obliged to present them in this manner, however, some guidance on Tree Preservation Orders is given in the enclosed publication, 'Protected trees: a guide to tree preservation procedures', produced by the Department of the Communities and Local Government, which
gives guidance and answers many of the most asked questions concerning preserved trees. If you have any further queries about this please contact Robert Davis at the Planning Department, Council Offices, Kiln Road, Benfleet, Essex SS7 1TF, telephone 01268 882285.

Dated: 25 September 2013.

Signed: [Signature]

On behalf of
Castle Point Borough Council

COPY OF REGULATION 6 OF
THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6. (1) Subject to paragraph (2), objections and representations -

(a) shall be made in writing and -

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.
Town and Country Planning Act 1990

The Tree Preservation Order 3/2013

The Castle Point Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as TPO/3/2013, 208 Rushbottom Lane, Benfleet, Essex.

Interpretation

2.—(1) In this Order “the authority” means the Castle Point Borough Council.

(2) In this Order reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4.— In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a)
of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated: 25th September 2013.

Signed on behalf of the Castle Point Borough Council

[Signature]

Authorised by the Council to sign in that behalf
### SPECIFICATION OF TREES

#### Trees specified individually

(encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Oak</td>
<td>In the front garden by the boundary adjacent the public footpath.</td>
</tr>
</tbody>
</table>

#### Trees specified by reference to an area

(within a dotted black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Groups of trees

(within a broken black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description (including number of trees in the group)</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Woodlands

(within a continuous black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Town and Country Planning Act 1990

The Tree Preservation Order 2/2013

The Castle Point Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as TPO/2/2013, 320 Benfleet Road, Benfleet, Essex.

Interpretation

2.—(1) In this Order “the authority” means the Castle Point Borough Council.

(2) In this Order reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4.— In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a)
of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated: 21·06·2013.

Signed on behalf of the Castle Point Borough Council

[Signature]

Authorised by the Council to sign in that behalf
### SCHEDULE 1

**Article 3**

**SPECIFICATION OF TREES**

#### Trees specified individually

(encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Oak</td>
<td>The front garden of 320 Benfleet Road.</td>
</tr>
</tbody>
</table>

#### Trees specified by reference to an area

(within a dotted black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Groups of trees

(within a broken black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description (including number of trees in the group)</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Woodlands

(within a continuous black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Town and Country Planning Act 1990

The Tree Preservation Order 1/2013

The Castle Point Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as TPO/1/2013, 390 Church Road, Benfleet.

Interpretation

2.—(1) In this Order “the authority” means the Castle Point Borough Council.

(2) In this Order reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4.— In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation
and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 6th day of March 2013

Signed on behalf of the Castle Point Borough Council

[Signature]

Authorised by the Council to sign in that behalf
SCHEDULE 1

SPECIFICATION OF TREES

**Trees specified individually**

(encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Lime</td>
<td>Rear of 390 Church Road adjacent to its eastern boundary with the adjoining church hall and the vehicular access to St. Peter’s Church.</td>
</tr>
</tbody>
</table>

**Trees specified by reference to an area**

(within a dotted black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Groups of trees**

(within a broken black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description (including number of trees in the group)</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Woodlands**

(within a continuous black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Castle Point Borough Council, in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation
1. This Order may be cited as Tree Preservation Order 1/2012, Land at 18 Malwood Road, Benfleet, Essex.

Interpretation
2. In this Order “the authority” means the Castle Point Borough Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application of section 201
3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 8 March 2012.

Prohibited acts in relation to trees
4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions
5.—(1) Nothing in article 4 shall prevent—

(a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—
(i) in the interests of the safe operation of the undertaking;

(ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or

(iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;

(aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);

(ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;

(b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;

(c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;

(d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);

(e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;

(f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or

(g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1), "statutory undertaker" means any of the following—
• a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

• a relevant airport operator (within the meaning of Part V of the Airports Act 1986),

• the holder of a licence under section 6 of the Electricity Act 1989,

• a gas transporter,

• the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,

• a water or sewerage undertaker,

• the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000,

• a universal postal service provider in connection with the provision of a universal postal service.

1 Application of provisions of the Town and Country Planning Act 1990

7.——(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

8.—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

(a) species;

(b) number of trees per hectare;
(c) the preparation of the relevant land prior to the replanting; and
(d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation
9.—(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

(a) the refusal of any consent required under this Order; or
(b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

(a) if more than 12 months have elapsed since the date of the authority’s decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
(b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

(a) for loss of development value or other diminution in the value of the land;
(b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
(c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
(d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

"owner" has the meaning given to it by section 34 of the Forestry Act 1967.

Dated this 8th day of March 2012

Signed on behalf of the Castle Point Borough Council

[Signature]

Authorised by the Council to sign in that behalf
SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Oak</td>
<td>Rear garden</td>
</tr>
</tbody>
</table>

Trees specified by reference to an area

None

Groups of trees

None

Woodlands

None
SCHEDULE 2

PART I

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

<table>
<thead>
<tr>
<th>Provision of the Town and Country Planning Act 1990</th>
<th>Adaptation or Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 69 (registers)</td>
<td>(a) In subsection (1)—</td>
</tr>
<tr>
<td></td>
<td>(i) omit—</td>
</tr>
<tr>
<td></td>
<td>&quot;in such manner as may be prescribed by a development order,&quot;;</td>
</tr>
<tr>
<td></td>
<td>&quot;such&quot; in the second place where it appears, and</td>
</tr>
<tr>
<td></td>
<td>&quot;as may be so prescribed&quot;; and</td>
</tr>
<tr>
<td></td>
<td>(ii) substitute &quot;matters relevant to tree preservation orders made by the authority&quot; for &quot;applications for planning permission&quot;.</td>
</tr>
<tr>
<td></td>
<td>(b) In subsection (2)—</td>
</tr>
<tr>
<td></td>
<td>(i) after &quot;contain&quot; insert &quot;as regards each such order&quot;; and</td>
</tr>
<tr>
<td></td>
<td>(ii) for paragraphs (a) and (b) substitute—</td>
</tr>
<tr>
<td></td>
<td>&quot;(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</td>
</tr>
<tr>
<td></td>
<td>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.&quot;.</td>
</tr>
<tr>
<td></td>
<td>(c) Omit subsections (3) and (4) (as required by section 198(4)).</td>
</tr>
<tr>
<td>Section 70 (determination of applications: general considerations)</td>
<td>(a) In subsection (1)—</td>
</tr>
<tr>
<td></td>
<td>(i) substitute—</td>
</tr>
</tbody>
</table>
where” “Subject to subsections (1A) and (1B), for “Where”; “the authority” for “a local planning authority”; “consent under a tree preservation order” for “planning permission” where those words appear; and “consent under the order” for “planning permission” in both of the other places where those words appear;

(ii) after “think fit”, insert—

“(including conditions limiting the duration of the consent or requiring the replacement of trees)”; and

(iii) omit “subject to sections 91 and 92,”.

(b) After subsection (1) insert—

“(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).”.

(c) Omit subsections (2) and (3).

Section 75 (effect of planning permission) (a) In subsection (1) substitute—

(i) “Any” for the words from “Without” to “any”;

(ii) “consent under a tree preservation order” for
| Section 78 (right to appeal against planning decisions and failure to take such decisions) | (a) In subsection (1) substitute—  
(i) “the authority” for “a local planning authority”;  
(ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear;  
(iii) “consent under such an order” for “planning permission” in the second place where those words appear;  
(iv) for paragraph (c) substitute—  
“(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or  
(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority.”.  
(b) Omit subsection (2).  
(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order.” substitute—  
“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—  
(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or |
direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.”.

(d) For subsection (4), substitute—

“(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).”.

(e) For subsection (5), substitute—

“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.

| Section (determination of appeals) | 79 of | (a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.
(b) Omit subsection (3).
(c) In subsection (4), substitute—
   (i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”;  
   (ii) “consent under a tree preservation order” for “planning permission”; and  
   (iii) “the authority,” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.”.
(d) Omit subsections (6) and (6A).
(e) In subsection (7), omit the words after “section 78”. |
The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and

(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

(a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

Section 75
Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

**Section 78**

(1) Where the authority—

(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;

(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

**Section 79**
(1) On an appeal under section 78 the Secretary of State may—

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made 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.

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

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

(7) Schedule 6 applies to appeals under section 78.
Plan referred to in Castle Point Borough Council Tree Preservation Order No. 1/2012

Signed on behalf of the CASTLE POINT BOROUGH COUNCIL

CHIEF DEVELOPMENT CONTROL OFFICER

Dated this 8th March 2012
The CASTLE POINT BOROUGH COUNCIL, in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation
1. This Order may be cited as 32 Langford Crescent Tree Preservation Order No 1/2011.

Interpretation
2. In this Order "the authority" means the Castle Point Borough Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application of section 201
3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 2nd March 2011.

Prohibited acts in relation to trees
4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions
5.—(1) Nothing in article 4 shall prevent—

(a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—

(i) in the interests of the safe operation of the undertaking;
(ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or

(iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;

(aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);

(ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;

(b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;

(c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;

(d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);

(e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;

(f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose “drainage body” and “drainage” have the same meanings as in the Land Drainage Act 1991; or

(g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1), “statutory undertaker” means any of the following—

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

- a relevant airport operator (within the meaning of Part V of the Airports Act 1986),
• the holder of a licence under section 6 of the Electricity Act 1989,
• a gas transporter,
• the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
• a water or sewerage undertaker,
• the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000,
• a universal postal service provider in connection with the provision of a universal postal service.

Application of provisions of the Town and Country Planning Act 1990
7.—(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting
8.—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

(a) species;
(b) number of trees per hectare;
(c) the preparation of the relevant land prior to the replanting; and
(d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation
9.—(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

(a) the refusal of any consent required under this Order; or
(b) the grant of any such consent subject to conditions,
he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

(a) if more than 12 months have elapsed since the date of the authority’s decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or

(b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

(a) for loss of development value or other diminution in the value of the land;

(b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

(c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or

(d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967.
### SCHEDULE 1

**SPECIFICATION OF TREES**

**Trees specified individually**
(encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Oak</td>
<td>Rear boundary</td>
</tr>
</tbody>
</table>

**Trees specified by reference to an area**
(within a dotted black line on the map)

None

**Groups of trees**
(within a broken black line on the map)

None

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

None
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<th>Provision of the Town and Country Planning Act 1990</th>
<th>Adaptation or Modification</th>
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| Section 75 (effect of planning permission) | (a) In subsection (1) substitute—  
| | (i) “Any” for the words from “Without” to “any”;  
| | (ii) “consent under a tree preservation order” for “planning permission to develop land”;  
| | (iii) “the consent” for “the permission”; and  
| | (iv) “the land to which the order relates” for “the land”.  
| (b) Omit subsections (2) and (3).  
| Section 78 (right to appeal against planning decisions and failure to take such decisions) | (a) In subsection (1) substitute—  
| | (i) “the authority” for “a local planning authority”;  
| | (ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear;  
| | (iii) “consent under such an order” for “planning permission” in the second place where those words appear;  
| (b) Omit subsections (2) and (3).  

“planning permission” where those words first appear; and  
“consent under the order” for “planning permission” in both of the other places where those words appear;  
(ii) after “think fit”, insert—  
“(including conditions limiting the duration of the consent or requiring the replacement of trees)”; and  
(iii) omit “subject to sections 91 and 92.”.

(b) After subsection (1) insert—  
“(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.  
(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).”.  
(c) Omit subsections (2) and (3).
(iv) for paragraph (c) substitute—

"(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority, ".

(b) Omit subsection (2).

(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute—

"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(d) For subsection (4), substitute—

"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).".

(e) For subsection (5), substitute—

"(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question. ".

Section 79 (determination of appeals)

(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".
(b) Omit subsection (3).

(c) In subsection (4), substitute—

(i)  "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5";

(ii) "consent under a tree preservation order" for "planning permission"; and

(iii) "the authority," for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.".

(d) Omit subsections (6) and (6A).

(e) In subsection (7), omit the words after "section 78".
PART II
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,
AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and

(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

(a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78
(1) Where the authority—

(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;

(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

(1) On an appeal under section 78 the Secretary of State may—

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made 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.

...........

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

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

...........

(7) Schedule 6 applies to appeals under section 78.
Plan referred to in Castle Point Borough Council Tree Preservation Order No. 1/2011

Signed on behalf of the CASTLE POINT BOROUGH COUNCIL

CHIEF DEVELOPMENT CONTROL OFFICER

Dated this 2/3/2011
The CASTLE POINT BOROUGH COUNCIL, in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation
1. This Order may be cited as the Tree Preservation Order 2/2010.

Interpretation
2. In this Order “the authority” means the Castle Point Borough Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application of section 201
3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 28th April 2010.

Prohibited acts in relation to trees
4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions
5.—(1) Nothing in article 4 shall prevent—

(a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—
(i) in the interests of the safe operation of the undertaking;

(ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or

(iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;

(aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);

(ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;

(b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;

(c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;

(d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);

(e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;

(f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or

(g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.
In paragraph (1), "statutory undertaker" means any of the following—

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986),
- the holder of a licence under section 6 of the Electricity Act 1989,
- a gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000,
- a universal postal service provider in connection with the provision of a universal postal service.

Application of provisions of the Town and Country Planning Act 1990

7.—(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

8.—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

(a) species;
(b) number of trees per hectare;
(c) the preparation of the relevant land prior to the replanting; and
(d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation
9.—(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

(a) the refusal of any consent required under this Order; or

(b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

(a) if more than 12 months have elapsed since the date of the authority’s decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or

(b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

(a) for loss of development value or other diminution in the value of the land;

(b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

(c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
(d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

"owner" has the meaning given to it by section 34 of the Forestry Act 1967.

Dated this 27th day of April 2010

Signed on behalf of the CASTLE POINT BOROUGH COUNCIL

[Signature]

Authorised by the Council to sign in that behalf
# SCHEDULE 1

## SPECIFICATION OF TREES

### Trees specified individually
(encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
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<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Oak</td>
<td>Located at the front of the side garden of 445 London Road.</td>
</tr>
</tbody>
</table>

### Trees specified by reference to an area
(within a dotted black line on the map)

<table>
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<tr>
<th>Reference on map</th>
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<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>NONE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Groups of trees
(within a broken black line on the map)

<table>
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<tr>
<th>Reference on map</th>
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<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>NONE</td>
<td></td>
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</tr>
</tbody>
</table>

### Woodlands
(within a continuous black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>NONE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE 2

PART I
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED
WITH ADAPTATIONS OR MODIFICATIONS

<table>
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<tr>
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<td>(c) Omit subsections (3) and (4) (as required by section 198(4)).</td>
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Section 70
(determination of applications: general) (a) In subsection (1)—

|                                                    | (i) substitute— |

- 7 -
"Subject to subsections (1A) and (1B), where" for "Where";

"the authority" for "a local planning authority";

"consent under a tree preservation order" for "planning permission" where those words first appear; and

"consent under the order" for "planning permission" in both of the other places where those words appear;

(ii) after "think fit", insert—

"(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and

(iii) omit "subject to sections 91 and 92, ".

(b) After subsection (1) insert—

"(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).".

(c) Omit subsections (2) and (3).

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Section 78 (right to appeal against planning decisions and failure to take such decisions)

| (iv) | "the land to which the order relates" for "the land". |
| (b) Omit subsections (2) and (3). |

| (a) | In subsection (1) substitute— |
| (i) | "the authority" for "a local planning authority"; |
| (ii) | "consent under a tree preservation order" for "planning permission" in the first place where those words appear; |
| (iii) | "consent under such an order" for "planning permission" in the second place where those words appear; |
| (iv) | for paragraph (c) substitute— |
| (c) | give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or |
| (d) | fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,". |

| (b) | Omit subsection (2). |

| (c) | In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute— |
| | "in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served— |
| (a) | in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow; |
| (b) | in respect of such a failure as is mentioned |
in paragraph (d) of that subsection, at any
time after the expiration of the period
mentioned in that paragraph, but if the
authority have informed the applicant that
the application has been refused, or
granted subject to conditions, before an
appeal has been made, an appeal may
only be made against that refusal or
grant."

(d) For subsection (4), substitute—

"(4) The appellant shall serve on the authority a
 copy of the notice mentioned in subsection (3)."

(e) For subsection (5), substitute—

"(5) For the purposes of the application of section
79(1), in relation to an appeal made under
subsection (1)(d), it shall be assumed that the
authority decided to refuse the application in
question."

| Section 79 (determination of appeals) | (a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”. 
(b) Omit subsection (3). 
(c) In subsection (4), substitute—

(i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”; 

(ii) “consent under a tree preservation order” for “planning permission”; and 

(iii) “the authority,” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.”. 

(d) Omit subsections (6) and (6A). 

(e) In subsection (7), omit the words after “section 78”. |
Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

(1) Where the authority—

(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;

(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.
PART II
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,
AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and

(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

(a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

Section 75