To: Ernst Erasmus, Trees, Environment & Leisure, 151 Walworth Rd, London SE5

From: Rachel Mckoy
Dept: Legal Services
Ext: 50060
Fax: 57609
E-mail: Rachel.Mckoy@southwark.gov.uk
Our ref: LEG/RP/PL/116808/RM
Your ref: TPO 324
Date: 18 June 2007
Copies: Paul Horsnell, Local Land Charges, Town Hall, Peckham Rd

London Borough of Southwark Tree Preservation Order (No.324) 2007
Land at Glenhurst Court, Knoll Court and Lowood Court Farquhar Road SE19 1SP

Further to your instructions, a tree preservation order to protect certain trees on the above land was confirmed without modifications on 12 June 2007 under s201 of the Town and Country Planning Act 1990.

Please note - The Order has permanent effect.

By copy of this memorandum, a copy of the tree preservation order have been sent to Local Land Charges to be placed on the Register. I would be grateful if confirmation of placement on the register could be advised in writing.

Rachel Mckoy
Lawyer – Regeneration & Partnerships
For Borough Solicitor

MEMO TO CLIENT AND LAND CHARGES CONFIRMATION 8.3.07.DOC(R)
The London Borough of Southwark, 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 London Borough of Southwark (No. 324) Tree Preservation Order 2007.

Interpretation

2. In this Order "the authority" means the London Borough of Southwark 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 23 February 2007.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders), 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
11. This Order was confirmed by the ___________ subject to the modifications indicated by on the ___________ day of ___________.

Authorised by the Council to sign on that behalf

12. A decision not to confirm this Order was taken by ___________ on the ___________ day of ___________.

Authorised by the Council to sign on that behalf

13. This Order was varied by the number ___________ on the ___________ day of ___________ under the reference ___________.

Authorised by the Council to sign on that behalf

14. This Order was revoked by the number ___________ on the ___________ day of ___________ under the reference ___________.

Authorised by the Council to sign on that behalf

The Common Seal of the LONDON BOROUGH OF SOUTHWARK was hereunto affixed in the presence of: 

Authorised Signatory:
<table>
<thead>
<tr>
<th>Provision of the Town and Country Planning Act 1990</th>
<th>Adaptation or Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) After subsection (1) insert-</td>
<td></td>
</tr>
</tbody>
</table>
| "(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 fall 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 "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 |                           |
| (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:" |                           |
| (b) in respect of such failure as is mentioned in paragraph |                           |
To: Ernst Erasmus, Trees, Environment & Leisure, 151 Walworth Rd, London SE5
From: Anjana Ghosh
Dept: Legal Services
Ext: 57007
Fax: 57609
E-mail: Anjana.Ghosh@southwark.gov.uk
Our ref: LEG/RP/PL/118808 (AG)
Your ref: TPO 324
Date: 26 February 2007
Copies: Paul Horsnell, Local Land Charges, Town Hall, Peckham Rd

London Borough of Southwark Tree Preservation Order (No. 324) 2007
Knoll Court, Lowood Court and Glenhurst Court

Further to your instructions, a tree preservation order to protect a tree on the above land has been made. The protected tree is identified on the plan attached to the order.

Please find attached a copy of the order identifying the tree and the notice which gives those affected the right to object to such an order taking permanent effect. Service of the above together with a copy of the Protected Trees booklet has been made on the affected parties by recorded delivery sent out today.

The TPO took effect provisionally from the date specified on the Order (23 February 2007). Please put a copy of the made order and notice on public inspection for the duration of the objection period, i.e. at least 28 days from the date of the Notice.

Any objections are to be sent to my reference (LEG/PL/118808/AG) at South House. I will advise you whether I have received any objections which are to be considered before making the decision to confirm the order.

Please note - The Order is effectively provisionally for 6 months, i.e. until 23 August 2007. The Order must be confirmed before this date or it will lapse.

By copy of this memorandum, a copy of the tree preservation order and Notice have been sent to Local Land Charges to be placed on the Register. I would be grateful if confirmation of placement on the register could be advised in writing.

Anjana Ghosh
Regeneration & Partnerships
For Borough Solicitor

cc Paul Horsnell – Local Landcharges
Horsnell, Paul

From: Horsnell, Paul
Sent: 06 March 2007 11:27
To: Ghosh, Anjana
Subject: TREE PRESERVATION ORDER

Anjana

Further to your memo dated 26 February 2007, I confirm that the Tree Preservation Order, made in respect of Knoll Court, Glenhurst Court and Lowood Court, Farquhar Road, has been entered in the Register of Local Land Charges.

Paul Horsnell
Land Charges Manager
London Borough of Southwark
Tel: 020 7525 7686
Fax: 020 7525 7396
Paul.Horsnell@southwark.gov.uk

Tracking: Recipient
Ghosh, Anjana

Delivery
Delivered: 06/03/2007 11:27
IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

London Borough of Southwark
Tree Preservation Order (No. 324) 2007

Tree Preservation Order at land at Glenhurst Court, Knoll Court, and Lowood Court, Farquhar Road, SE19 1SP

THIS IS A FORMAL NOTICE to let you know that on 23 February 2007 Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map, without the Council’s consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, Protected Trees: A Guide to Tree Preservation Orders, produced by the Department of the Environment, Transport and the Regions.

The Council has made the order because the trees all appear in good condition and make a positive contribution to the local environment. Furthermore, the trees have great wildlife value for birds, animals, insects, and fungal organisms vital to a healthy ecosystem.

The order took effect on a provisional basis on 23 February 2007. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect permanently. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any representations, please make sure we receive them in writing within 28 days of this date of this notice. Your comments must comply with regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is provided. Send your comments to London Borough of Southwark, South House (Ref LEG/RP/PL/TPO/118808(AG)), Peckham Road, London SE5 8PX. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made.
The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this notification, please contact the Tree Officer Emst Erasmus on 020 7525 2210 or Joshua Tinker on 020 7525 2088.

Dated 23 February 2007

Glen Egan
Acting Borough Solicitor

London Borough of Southwark
South House
30-32 Peckham Road
London
SE5 8PX
Regulation 4 of the Town and Country Planning (Trees) Regulations 1999

Objections and representations

4(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 3(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.

4(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.
The London Borough of Southwark, 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 London Borough of Southwark (No. 324) Tree Preservation Order 2007.

Interpretation

2. In this Order "the authority" means the London Borough of Southwark 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 23 February 2007.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders), 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

(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(8)(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 public 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 or a body acting on behalf of that Authority
- the Post Office
Applications for consent under the Order

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall-

(a) identify the tree or trees to which it relates (if necessary, by reference to a plan)

(b) specify the work for which consent is sought; and

(c) contain a statement of the applicant's reasons for making the application.

Application of provisions of the Town and Country Planning Act 1990

7. (1) The provisions of the Town and County 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) the 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 statement of reasons submitted in
accordance with article 6(c) and any documents or other evidence submitted in
support of any such statement, 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.

Confirmation of Order

10. This Order was confirmed by the without modification on the day of
11. This Order was confirmed by the subject to the modifications indicated by on the day of

Authorised by the Council to sign on that behalf

Decision not to Confirm Order

12. A decision not to confirm this Order was taken by on the day of

Authorised by the Council to sign on that behalf

Variation of Order

13. This Order was varied by the on the day of under the reference number

Authorised by the Council to sign on that behalf

Revocation of Order

14. This Order was revoked by the on the day of under the reference number

Authorised by the Council to sign on that behalf

The Common Seal of the LONDON BOROUGH OF SOUTHWARK was hereunto affixed in the presence of:

Authorised Signatory:
**SCHEDULE 1**

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></td>
<td>NONE</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></td>
<td>NONE</td>
<td></td>
</tr>
</tbody>
</table>

Groups of trees
(within a broken line on map)

<table>
<thead>
<tr>
<th>Reference of map</th>
<th>Description (incl. Number of trees in the group)</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>G1 -trees</td>
<td>Various Hardwoods</td>
<td>Land at Glenhurst Court, Knoll Court and Lowood Court Farquhar Road, SE19 1SP</td>
</tr>
<tr>
<td>identified by black circles on map</td>
<td><strong>Species</strong></td>
<td><strong>Number of trees</strong></td>
</tr>
<tr>
<td></td>
<td>Oak trees</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>Indian Bean trees</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Cherry trees</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Birches</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Yew trees</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Acer spp.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>False Acacia</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Horse chestnut</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Willow</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>56 trees</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>
</table>
## SCHEDULE 2
### PART 1

Provisions of the Town and Country Planning Act 1990 applied with adaption 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</td>
</tr>
<tr>
<td></td>
<td>order.&quot;</td>
</tr>
<tr>
<td></td>
<td>(ii) substitute &quot;such&quot; in the second place where it appears and &quot;as may</td>
</tr>
<tr>
<td></td>
<td>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; &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>(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>
</tbody>
</table>

<p>| Section 70 (determination of applications; general considerations) | (a) In subsection (1)- |
|                                                                  | (i) substitute-       |
|                                                                  | &quot;Subject to subsections (1A) and (1B) where&quot; for &quot;Where&quot; |
|                                                                  | &quot;the authority&quot; for &quot;a local planning authority&quot; |
|                                                                  | &quot;consent under a tree preservation order&quot; for &quot;planning permission&quot; where those words first appear; and &quot;consent under the order&quot; |
|                                                                  | for &quot;planning permission&quot; in both of the other places where those words appear |
|                                                                  | (ii) after &quot;think fit&quot; insert-  |
|                                                                   | &quot;(including conditions limiting the duration of the consent or requiring the replacement of trees)&quot; and |
|                                                                  | (iii) omit &quot;subject to sections 91 and 92&quot; |</p>
<table>
<thead>
<tr>
<th>Provision of the Town and Country Planning Act 1990</th>
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</tr>
</thead>
<tbody>
<tr>
<td>(b) After subsection (1) insert-</td>
<td>(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</td>
</tr>
<tr>
<td>(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)</td>
<td></td>
</tr>
<tr>
<td>(c) Omit subsections (2) and (3)</td>
<td>(a) In subsection (1) substitute-</td>
</tr>
<tr>
<td>Section 75 (effect of planning permission)</td>
<td>(i) &quot;Any&quot; for the words from &quot;Without&quot; to &quot;any&quot;</td>
</tr>
<tr>
<td></td>
<td>(ii) &quot;consent under a tree preservation order&quot; for &quot;planning permission to develop land&quot;</td>
</tr>
<tr>
<td></td>
<td>(iii) &quot;the consent&quot; for the &quot;permission&quot; and</td>
</tr>
<tr>
<td></td>
<td>(iv) &quot;the land to which the order relates&quot; for &quot;the land&quot;</td>
</tr>
<tr>
<td>Section 78 (right to appeal against planning decisions and failure to take such decisions)</td>
<td>(b) Omit subsection (2)</td>
</tr>
<tr>
<td></td>
<td>(c) In subsection (3) for &quot;served within such time and in such manner as may be prescribed by a development order&quot;, substitute-</td>
</tr>
<tr>
<td></td>
<td>&quot;in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:-&quot;</td>
</tr>
<tr>
<td></td>
<td>(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;</td>
</tr>
<tr>
<td></td>
<td>(b) in respect of such failure as is mentioned in paragraph</td>
</tr>
<tr>
<td>Provision of the Town and Country Planning Act 1990</td>
<td>Adaptation or Modification</td>
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<td>--------------------------------------------------</td>
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<tr>
<td>(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*</td>
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<tr>
<td>(d) For subsection (4), substitute- &quot;(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)*&quot;</td>
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<tr>
<td>(e) For subsection (5), substitute- &quot;(5) For the purpose 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*.</td>
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<tr>
<td>Section 79 (determination of appeals)</td>
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<tr>
<td>(a) In subsections (1) and (2), substitute the &quot;authority&quot; for &quot;the local planning authority&quot;</td>
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<tr>
<td>(b) Omit subsection (3)</td>
<td></td>
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<tr>
<td>(c) In subsection (4) substitute- (i) &quot;section 70(1), (1A) and (1B)&quot; for &quot;sections 70, 72(1), and (5), 73 and 73A and Part 1 of Schedule 5&quot;</td>
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<tr>
<td>(ii) &quot;consent under a tree preservation order &quot;for &quot;planning permission&quot; and</td>
<td></td>
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<tr>
<td>(iii) &quot;the authority&quot; for &quot;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 section 65 or 71*</td>
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<tr>
<td>(d) Omit subsections (6) and (6A)</td>
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<tr>
<td>(e) In subsection (7), omit the words after &quot;section 78&quot;.</td>
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</tbody>
</table>
PART II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990
AS ADAPTED AND MODIFIED BY PART 1

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

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

(8) 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 States 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) ensure 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 directions 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.