Town and Country Planning Act 1971
Town and Country Planning (Tree Preservation Order) Regulations 1969.

No 37.

LC/TPO/14

LAND CHARGES

Notice of Confirmation of Tree Preservation Order

To : [redacted]

3B/0008/92

8212/5

NOTICE IS HEREBY GIVEN that the ROTHER DISTRICT COUNCIL

13/0006/92

~~[acting for and on behalf of the~~

]

in pursuance of their powers as Local Planning Authority under the Town and Country Planning Act 1971 and under Regulation 6 of the above-mentioned Regulations, have [this day] ~~[on the day of , 19]~~ confirmed (without modification) as an unopposed order the Tree Preservation Order made by the said Council on the twenty-third day of June, 1975, and called the District of Rother (Chowns Hill Road, Guestling) Tree Preservation Order 1975.

DATED this nineteenth day of August, 1975.

Town Hall,
BEXHILL-ON-SEA,
Sussex. TN39 3JX.

Signed.....
District Planning Officer.
Proper Officer.

Cat. No. T.C.P. 145. SHAW & SONS LTD., Shaway House, Lower Sydenham, London, S.E.26. S2220 (J)

No. 57

Land Charges

LC/TPO, 14

REF:- O.155

[illegible]

[illegible] under called "the authority" in pursuance of the powers conferred in that behalf by [illegible] of the Town and Country Planning Act 1971, and subject to the provisions of the [illegible], hereby make the following Order :—

1. In this Order :—

"the Act" means the Town and Country Planning Act 1971 ;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years ; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more and a mortgagee in possession ; and

"the Secretary of State" means the Secretary of State for the Environment/[illegible] Wales.

2.—Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, [illegible] person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any trees specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto, which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3.—An application for consent made to the authority under article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4.—(1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof) as the authority may think fit, or may refuse consent.

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as it may be in accordance with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(2) The authority shall keep a register of all applications for consent under this Order stating [illegible] as to the nature of the application, the decision of the authority thereon, any conditions [illegible] the consequence of such decision and any directions as to replanting of woodlands ; and every such register shall be available for inspection by the public at all reasonable hours.

5.—Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied —

(a) that the refusal or condition is in the interests of good forestry ; or

(b) in the case of trees other than trees comprised in woodlands, that the trees have no outstanding or special amenity value.

6.—(1) Where consent is granted under this Order to fell any part of a woodland other than consent for felling in accordance with a plan of felling which [illegible] —

(a) [illegible] consent is granted for felling [illegible] with a proposal to develop the land for other than the use of woodland, or

(b) [illegible] with the approval of the Secretary of State [illegible]

[illegible] to the owner of the land shall [illegible] the woodland [illegible] the place in which [illegible] the trees which [illegible] felled [illegible] and the place in which the owner [illegible] to the provisions of this Order [illegible] trees, replant the felled land in accordance with the [illegible] set forth.

[illegible] Order contains directions [illegible] section [illegible] of [illegible]

[illegible] of trees shall be included in [illegible] the [illegible] relating to which [illegible]

[illegible] of the [illegible] relating to this Order which [illegible]

[illegible] paragraph (1) of this Article may include requirements as to —

(a) [illegible];

(b) [illegible] per acre;

(c) [illegible] of fencing necessary for protection of the replanting;

(d) [illegible] of grubbing, digging, removal of brushwood, lop and top; and

(e) protective measures against fire.

[illegible]—(1) [illegible] any condition requiring the replacement of any tree under Article [illegible] of this Order with respect to the replanting of woodlands [illegible] under Articles 6 of this Order with respect to the replanting of woodlands [illegible] such condition or direction relates to land in respect of which byelaws made by a river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board are in force to regulate the planting of trees, notify the applicant or the owner of the land, or the [illegible] of the existence of such byelaws and that any such condition or direction that affect subject to [illegible] requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board under those byelaws and the condition or direction shall have effect accordingly.

[illegible]—The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act [illegible] modified for the purposes of this Order, shall apply in relation thereto.

[illegible]—Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any [illegible] (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage.

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

[illegible]—In assessing compensation payable under the last preceding Article account shall be taken of:

(a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act, Section 29 of the Town and Country Planning Act 1944 or under the terms of any Interim Preservation Order made under Section 5 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

[illegible]—(1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority which serves to be effected by delivering the claim at the office of the authority addressed to the proper officer thereof or by sending it by prepaid post so addressed.

(2) Subject to the time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State on the appeal.

[illegible]—Any question of disputed compensation shall be determined in accordance with the provisions of section 175 of the Act.

[illegible]—The provisions of section 51 of the Act shall apply to this Order and the Order shall take effect on the date thereof.

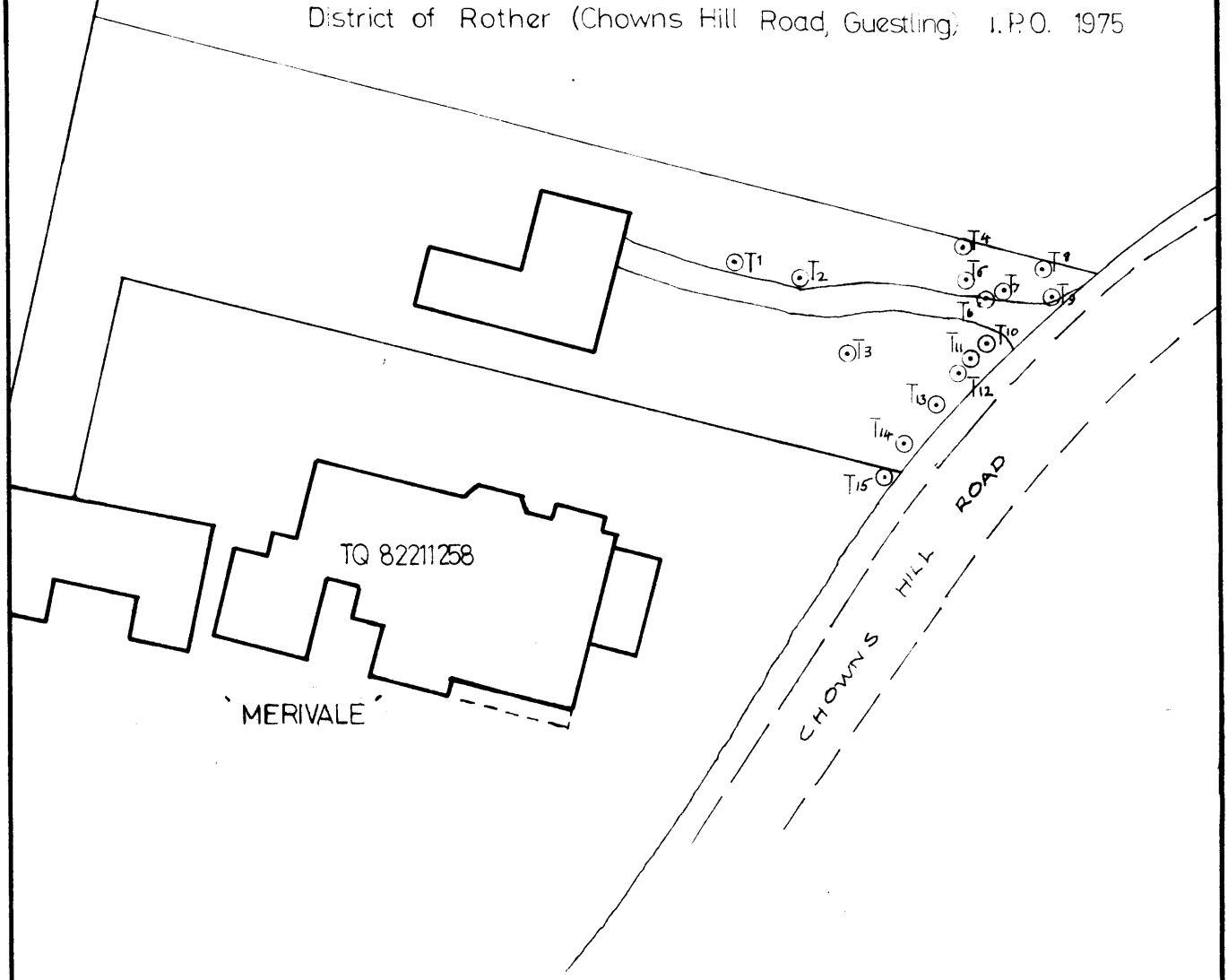
[illegible] This Order may be cited as the DISTRICT OF [illegible] (TREES AND WOODLANDS) PROTECTION ORDER 1975.

[illegible] Any person contravening the provisions of this Order by cutting down, uprooting, [illegible] of any tree or wrenching, topping or lopping a tree in such a manner as to be [illegible] shall be liable on summary conviction to a fine not exceeding £100 or [illegible] to the same to be the value of the tree, whichever is the greater, or on [illegible] any other contravention of this Order is a fine not exceeding [illegible] of a continuing offence when the contravention is continued after [illegible] conviction to an additional fine not exceeding £5 for every day on which the [illegible] continued.

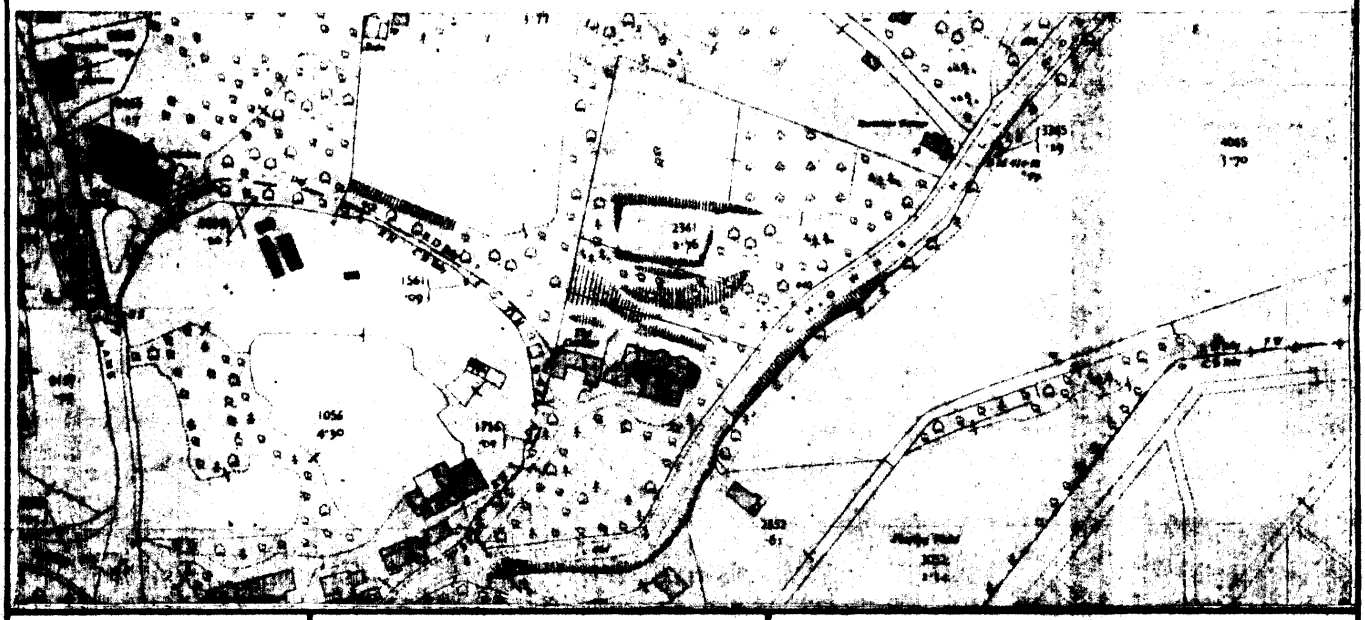
[illegible] In the case of trees to which an Order applies as part of a woodland [illegible] removed, [illegible] the owner or is removed, [illegible] shall be [illegible] only by section [illegible] of the Town and Country Planning Act [illegible] dead or have become [illegible] the local planning authority [illegible] the same place as soon as [illegible] of the removal, and shall be given to the authority [illegible] together with the requisitions.

[illegible] and where it appears to the [illegible] by the Order [illegible] shall be [illegible] planting [illegible]

District of Rother (Chowns Hill Road, Guestling) T.P.O. 1975



BLOCK PLAN 1/500



ROTHER DISTRICT COUNCIL	D. F. POWELL F.R.I.C.S., M.R.T.P.I., DISTRICT PLANNING OFFICER, TOWN HALL, BEXHILL-ON-SEA, SUSSEX.	SCALE 1:2500	DATE JUNE 75		
		DRAWING NUMBER	JOB No.	SERIAL No.	DRAWN
			0098	0238	

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

No. on Map.	Description.	Situation.
[illegible]	Cypress	[illegible]
[illegible]	Oak	
[illegible]	Oak	
[illegible]	Sycamore	
[illegible]	Silver Birch	
[illegible]	Oak	
[illegible]	Beech	
[illegible]	Oak	
[illegible]	Pine	
[illegible]	Pine	
[illegible]	Pine	
[illegible]	Pine	
[illegible]	Oak	
[illegible]	Oak	
[illegible]	Pine	

TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line on the map)

No. on Map.	Description.	Situation.
	N O N E	

GROUPS OF TREES*

(within a broken black line on the map)

No. on Map.	Description.	Situation.
	N O N E	

WOODLANDS*

(within a continuous black line on the map)

No. on Map.	Description.	Situation.
	[illegible]	

SECOND SCHEDULE

[illegible] shall not apply so as to require the consent of the undertaker to

[illegible] felling of any tree on land which is subject to a statutory dedication [illegible]

(a) [illegible] covenants on the part of the owner of the land contained in the [illegible] statutory dedication covenant and at the time of the cutting down the land is not [illegible] statutory dedication;

(b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission [illegible] deed.

(c) [illegible] any tree which is in accordance with a plan of operations approved by the Forestry Commission [illegible] or other grant scheme under section 4 of the Forestry Act 1967 except [illegible] the land is subject to a statutory dedication covenant;

(3) the cutting down, uprooting, topping or lopping of a tree.

(a) In pursuance of the power conferred on the Post Office by virtue of section 5 of the Telegraph (Construction) Act 1908;

(b) By or on the request of

(i) any statutory undertaker where the land on which the tree is situated is operational land for the purposes of the Act and either rights on such land cannot sufficiently be secured by the exercise of the cutting down, uprooting, topping or lopping is for the purposes of enabling safety in the operation of the undertaking;

(ii) an electricity board within the meaning of the Electricity Act 1947, where such [illegible] declares the construction by the board of any line in connection with an order made within the meaning respectively of the Electricity (Supply) Act 1919 and the Electricity (Supply) Act 1882 or interferes or would interfere with the maintenance or working of any such line;

(iii) a river authority established under the Water Resources Act 1963 or a land drainage [illegible] constituted or treated as having been constituted under the Land Drainage Act 1930, the Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames, or Lee Conservancy Catchment Board, in relation to the maintenance improvement or construction of water courses or of drainage works; or

(iv) the Secretary of State for Defence, the Secretary of State for Trade and Industry or the Board of Trade where in the opinion of their Secretary of State or Board the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;

(c) where immediately required for the purpose of carrying out development authorised by the grant of a planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;

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

[Where the trees are within the area administered by the Conservators of the River Thames]

[(e) In pursuance of the powers conferred on the Conservators of the River Thames by virtue of section 105 of the Thames Conservancy Act 1932.]

THIRD SCHEDULE

Provisions of Part III of the Act as adapted and modified to apply to this Order.

[illegible] (1) Without prejudice to the following provisions, as to the revocation or modification of planning permission, any consent [illegible] (including any direction as to replanting) given by the authority on the granting of such consent, shall [illegible] (unless the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

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

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

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

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

(5) Before determining any application referred to him under this section the Secretary of State shall, if it appears to him that a hearing ought to be held, give to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

[illegible] Appeal against refusal.—(1) Where an application is made to the authority for consent to a [illegible] is refused by the authority or is granted by them subject to conditions, or within such period [illegible] the application, the applicant, if he is aggrieved by their decision or [illegible] may by notice under this section appeal to the Secretary of State.

(2) [illegible] shall be served in writing within twenty-eight days from the [illegible] or within such further period as the Secretary of State may, of his own motion, or on the application of the appellant, either before or after the expiration of the said period, allow.

(3) [illegible] under this section from a decision on an application relating to land which is situated in Greater London, [illegible] authority, provided that in relation to any such application [illegible] the authority, notwithstanding any direction, this may deal with the application [illegible]

[illegible] appeal under this section, and [illegible] of them as if [illegible] to such of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purposes.

(3) [illegible] of a Secretary of State on any appeal under this section shall be final.

[illegible] Notice of consent.—(1) [illegible] an application for the consent of the Crown in relation to the authority, [illegible] within a period of three months from the date of receipt of the application, or within such further period as may be [illegible] upon in writing between the applicant and the authority, the Secretary of State—

(a) [illegible] to the applicant of their decision on the application; or

(b) [illegible] to him that the application has been referred to the Secretary of State in accordance [illegible] direction given under section 55 of the Act;

[illegible] of the [illegible] providing a action shall apply in relation to the application as if it [illegible] consent [illegible] authority, and as if notification of [illegible] decision [illegible] of the application [illegible] of the [illegible], or at the end of the [illegible] period, as the case may be.

[illegible] of consents or modifying the consents [illegible].—(1) If it appears to the authority that it is [illegible] for the time under the Order granted [illegible] of the Order, the authority may by Order revoke or modify the consents to such extent as they consider [illegible].

(2) Subject to the provisions of sections 10 and 11 of the Act an Order under this section shall have effect [illegible] by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him under it [illegible] or subject to such modifications as he considers expedient.

(3) [illegible] an authority submit an Order to the Secretary of State for his confirmation under this section, the authority shall [illegible] the Secretary of State with a statement of their reason for making the Order [illegible] and shall [illegible] a copy of the aforesaid statement on the owner and on the occupier of the land affected, and [illegible] of any [illegible] which in their opinion will be affected by the Order, and if within the period of a month after the date [illegible] any person on whom the notice is served [illegible] the Secretary of State, before confirming the Order, shall give to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) [illegible] power conferred by this section to revoke or modify a consent may be exercised at any time before the [illegible] for which consent has been given have been completed.

Provided that a revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

(5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, the operations or [illegible] operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under subsection (2) of this section.

[illegible] Revocation or modification of consents.—(1) The following provisions shall have effect where the [illegible] authority have made an Order (hereinafter [illegible] "such Order") under section [illegible] above revoking or [illegible] consent granted on an application made under a [illegible] order and have submitted such [illegible] the Secretary of State for confirmation by him and the owner and the occupier of the land and [illegible] who [illegible] in their opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

(2) The authority shall thereupon the fact that such Order has been made and the advertisement shall apply (a) the [illegible] twenty-eight days from the date on which the advertisement shall [illegible] the period [illegible] such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, [illegible] a person appointed by the Secretary of State for the purpose and (b) [illegible] the expiration of the period referred to in paragraph (a) above) in the direction of which, in its [illegible] notice is given [illegible] such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

(3) The authority shall also serve notices to the same effect on the persons mentioned in subsection (3) above.

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

(5) If within the period referred to in subsection (2) (a) above [illegible] shall be [illegible] by an Order [illegible] to the Secretary of State as aforesaid and the Secretary of State has not [illegible] Order [illegible] such Order shall at the expiration of the period referred to in subsection (2) (b) [illegible] by virtue of this section and without being confirmed by the Secretary of State as [illegible] (2) of this [illegible].

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been given by the Secretary of State under Part III, Part IV or Part V of the Act.

[illegible] under the Common Seal of the

[illegible] COUNCIL

Twenty third day of June in the year

Nineteen hundred and seventy-five.

L.S

(Signed) N C FRITH

[illegible]

(Signed) N C WALSH