[**Application to trees to be planted pursuant a condition**

10. In relation to the tree[s] identified in the first column of Schedule 1 by the letter "**C**", being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include approriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

[**Orders made by virtue of section 300**

11. This Order takes effect in accordance with subsection (3) of section 300 (tree preservation orders in anticipation of disposal of Crown land).]

Dated this 25 day of MAY 2000
(month and year)

(if the Council's Standing Orders require the sealing of such documents:)

[The Common Seal of the *(name of Council)* WANSBECK DISTRICT COUNCIL was hereunto affixed in the presence of–

Chairman

Duly Authorised Officer

251/99

(if the Council's Standing Orders do not require the sealing of such documents:)

[Signed on behalf of the *(name of Council)*

.....

Authorised by the Council to sign in that behalf]

[**CONFIRMATION OF ORDER**

[This Order was confirmed by the *(name of Council)* WANSBECK DISTRICT COUNCIL without modification on the 5 day of SEPTEMBER 2000 *(month and year)*] OR

[This Order was confirmed by the *(name of Council)* subject to the modifications indicated by *(state how indicated)*

on the day of *(month and year)*]

.....

Authorised by the Council to sign in that behalf]

[**DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by the *(name of Council)*
on the day of *(month and year)*

.....

Authorised by the Council to sign in that behalf]

[**VARIATION OF ORDER**

This Order was varied by the *(name of Council)*
on the day of *(month and year)* under the reference number

.....

Authorised by the Council to sign in that behalf]

[**REVOCATION OF ORDER**

This Order was revoked by the *(name of Council)*
on the day of *(month and year)* under the reference number

.....

Authorised by the Council to sign in that behalf]

Article 4

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Map	*Description*	*Situation**
T1	SORBUS ARIA (WHITEBEAM)	
T2	SORBUS ARIA (WHITEBEAM)	

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

Reference on Map	*Description*	*Situation**

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

Reference on Map	*Description*	*Situation**

Woodlands
(within a continuous black line on the map)

Reference on Map	*Description*	*Situation**

* complete if necessary to specify more precisely the position of the trees.

(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[e];

(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[a]; 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[b].

(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)[c],

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[d] 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 for the cutting down, topping, lopping or uprooting of any tree in respect of which his 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 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)

(a) 1991 c.59, *see* section 72.
(b) 1989 c.29.
(c) 1986 c.31.
(d) 1984 c.12.

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

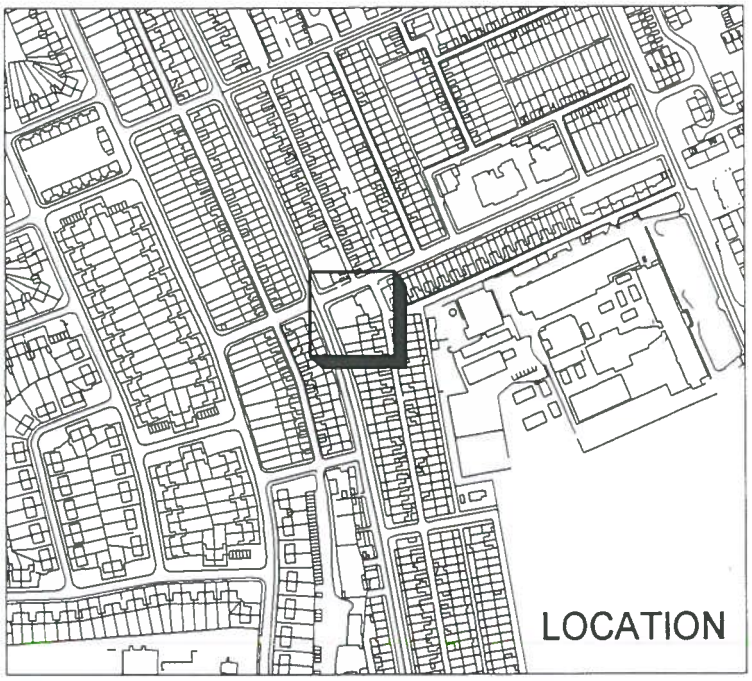
(1) On an appeal under section 78 the Secretary of State may–

(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),

THE WANSBECK DISTRICT COUNCIL
Corner of Seventh Avenue/Milburn Road, Ashington
TREE PRESERVATION ORDER, 2000





Map Scales :
Site Plan 1 : 1250
Location 1 : 5462

Date : 5th May 2000

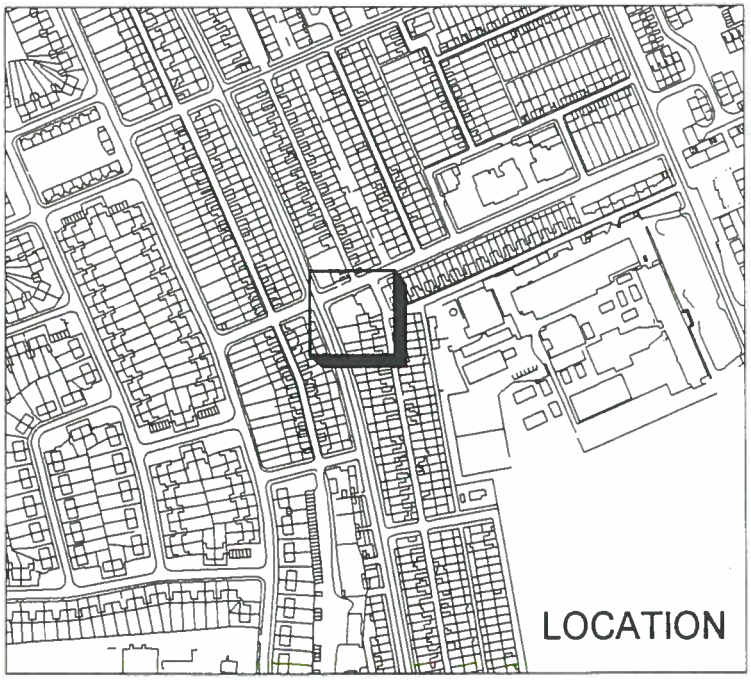
WANSBECK DISTRICT COUNCIL
A French., MRTPI.,MIEDO.
Chief Economic and Environment Services Officer
Council Offices, Bedlington,
Northumberland

Produced by Planning Services

25/1/99

THE WANSBECK DISTRICT COUNCIL
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