

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

**NORTH NORFOLK DISTRICT COUNCIL  
(High Kelling)  
TREE PRESERVATION ORDER 2007 NO.3**

**64 Pineheath Road, High Kelling,  
Norfolk**

**Dated 29/03/07**

**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**  
**Town and Country Planning Act 1990**

**NORTH NORFOLK DISTRICT COUNCIL**  
**(HIGH KELLING)**  
**TREE PRESERVATION ORDER 2007 NO.3**  
**LAND AT**  
**64 Pineheath Road, High Kelling, Norfolk .**

The North Norfolk District 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:-

**1. Citation**

This Order may be cited as the North Norfolk District Council, (High Kelling) . Tree Preservation Order 2007 No.3.

**2. Interpretation**

In this Order "the authority" means the North Norfolk District 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.

**3. Application of Section 201**

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 29/03/07.

**4. Prohibited acts in relation to trees**

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 destruct; 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.

**5. Exemptions**

- (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 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 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

## **6. Applications for consent under the Order**

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.

## **7. Application of provisions of the Town and Country Planning Act 1990**

- (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.

## **8. Directions as to replanting**

- (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.

## 9. Compensation

- (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 twelve months has 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.

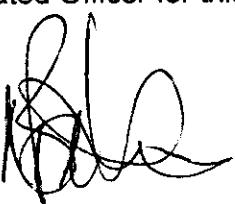
Dated this 29th day of March 2007

The COMMON SEAL of NORTH NORFOLK DISTRICT COUNCIL  
was hereunto affixed in the presence of:-

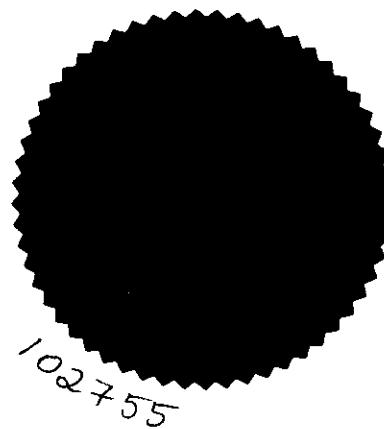
.....  
  
Title: ..... CHAIRMAN .....

Delegated Officer for this Purpose

and

.....  
  
Title: ..... STRATEGIC HEALTH AUTHORITY .....

Delegated Officer for this Purpose



## **CONFIRMATION OF ORDER**

This Order was confirmed by the North Norfolk District Council, subject to the modifications indicated by changing from an Area Order to an Order identifying specific trees, namely One Individual and Three Groups. These are identified on Schedule 1 of the Order and illustrated on the amended map, on the 21st day of September 2007.

S.J. Oxenham

Authorized by the Council to sign in that behalf

## **DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by the North Norfolk District Council on the        day of

.....  
Authorized by the Council to sign in that behalf

## **VARIATION OF ORDER**

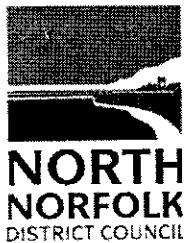
This Order was varied by the North Norfolk District Council on the        day of        under the reference number

.....  
Authorized by the Council to sign in that behalf

## **REVOCATION OF ORDER**

This Order was revoked by the North Norfolk District Council on the day of        under the reference number

.....  
Authorised by the Council to sign in that behalf



**Map referred to in North Norfolk District Council  
(HIGH KEELING)**

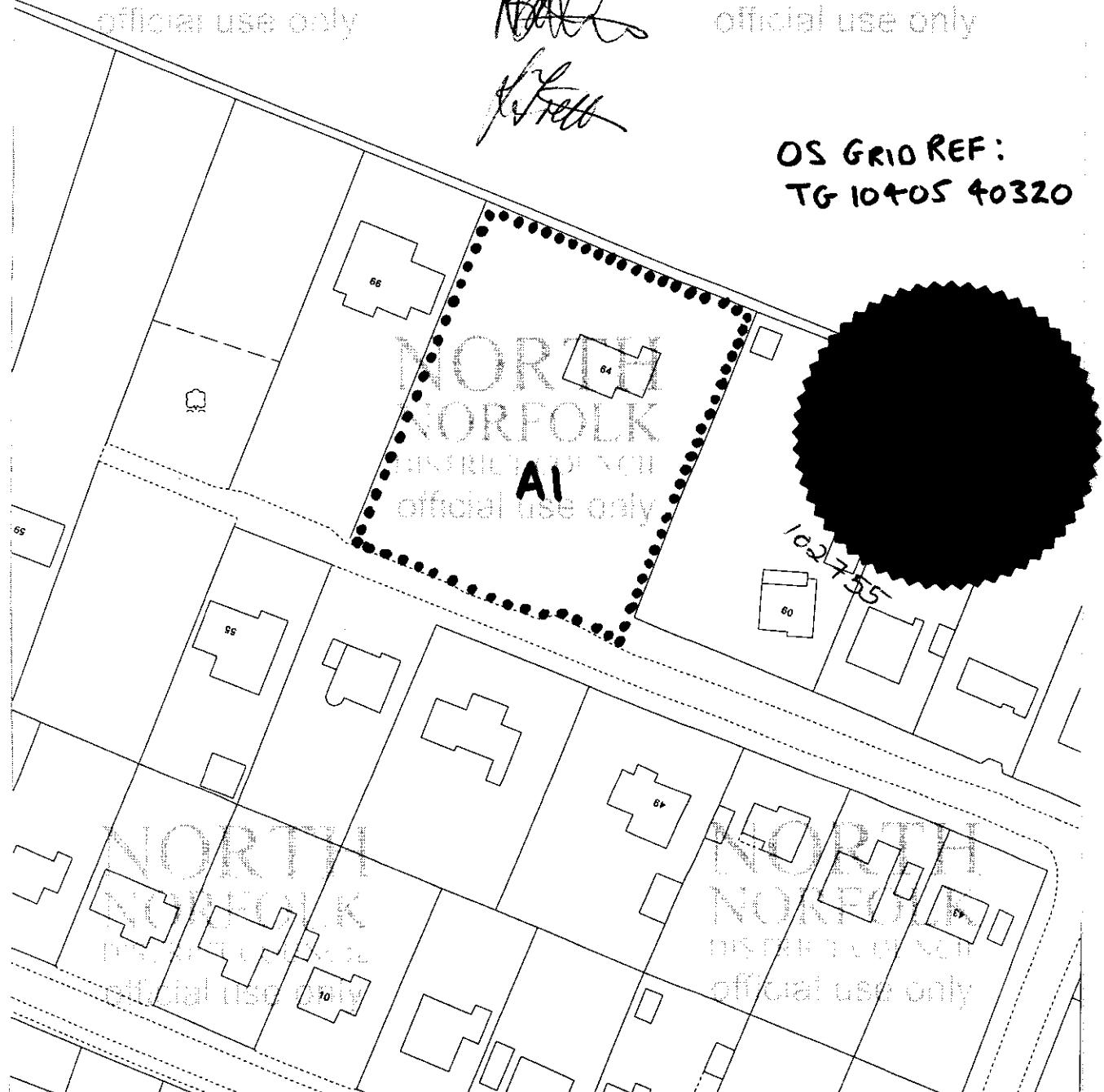
Tree Preservation Order 2007 No.3  
64 Pineheath Road, High Kelling, Norfolk.

**SUPERSEDED**

Category	Sub-Category	Item	Description
A	Algebra	Equation Solving	Linear, quadratic, and systems of equations.
	Function Analysis	Polynomial, exponential, and logarithmic functions.	
B	Calculus	Derivatives and Integrals	Computing derivatives and definite integrals.
	Series and Sequences	Convergence tests and summation formulas.	
C	Geometry	Area and Volume	Calculating areas under curves and volumes of solids.
	Coordinate Geometry	Equations of lines, circles, and ellipses.	
D	Statistics	Probability and Distributions	Computing probabilities and moments for various distributions.
	Regression Analysis	Fitting curves to data points.	
E	Trigonometry	Trigonometric Functions	Computing values of trigonometric functions for various angles.
	Trigonometric Equations	Solving trigonometric equations.	
F	Number Theory	Prime Numbers	Identifying prime numbers and their properties.
	Diophantine Equations	Solving equations with integer solutions.	
G	Calculus	Integration Techniques	Advanced integration methods including substitution and integration by parts.
	Series and Sequences	Convergence tests and summation formulas.	
H	Geometry	Surface Areas and Volumes	Calculating surface areas and volumes of complex 3D shapes.
	Coordinate Geometry	Equations of lines, circles, and ellipses.	
I	Statistics	Statistical Inference	Computing confidence intervals and hypothesis testing.
	Regression Analysis	Fitting curves to data points.	
J	Trigonometry	Trigonometric Identities	Proving and applying trigonometric identities.
	Trigonometric Equations	Solving trigonometric equations.	
K	Number Theory	Modular Arithmetic	Computing remainders and solving congruence equations.
	Diophantine Equations	Solving equations with integer solutions.	
L	Calculus	Advanced Integration	Advanced integration methods including substitution and integration by parts.
	Series and Sequences	Convergence tests and summation formulas.	
M	Geometry	Surface Areas and Volumes	Calculating surface areas and volumes of complex 3D shapes.
	Coordinate Geometry	Equations of lines, circles, and ellipses.	
N	Statistics	Statistical Inference	Computing confidence intervals and hypothesis testing.
	Regression Analysis	Fitting curves to data points.	
O	Trigonometry	Trigonometric Identities	Proving and applying trigonometric identities.
	Trigonometric Equations	Solving trigonometric equations.	
P	Number Theory	Modular Arithmetic	Computing remainders and solving congruence equations.
	Diophantine Equations	Solving equations with integer solutions.	
Q	Calculus	Advanced Integration	Advanced integration methods including substitution and integration by parts.
	Series and Sequences	Convergence tests and summation formulas.	
R	Geometry	Surface Areas and Volumes	Calculating surface areas and volumes of complex 3D shapes.
	Coordinate Geometry	Equations of lines, circles, and ellipses.	
S	Statistics	Statistical Inference	Computing confidence intervals and hypothesis testing.
	Regression Analysis	Fitting curves to data points.	
T	Trigonometry	Trigonometric Identities	Proving and applying trigonometric identities.
	Trigonometric Equations	Solving trigonometric equations.	
U	Number Theory	Modular Arithmetic	Computing remainders and solving congruence equations.
	Diophantine Equations	Solving equations with integer solutions.	
V	Calculus	Advanced Integration	Advanced integration methods including substitution and integration by parts.
	Series and Sequences	Convergence tests and summation formulas.	
W	Geometry	Surface Areas and Volumes	Calculating surface areas and volumes of complex 3D shapes.
	Coordinate Geometry	Equations of lines, circles, and ellipses.	
X	Statistics	Statistical Inference	Computing confidence intervals and hypothesis testing.
	Regression Analysis	Fitting curves to data points.	
Y	Trigonometry	Trigonometric Identities	Proving and applying trigonometric identities.
	Trigonometric Equations	Solving trigonometric equations.	
Z	Number Theory	Modular Arithmetic	Computing remainders and solving congruence equations.
	Diophantine Equations	Solving equations with integer solutions.	

OS GRID REF:  
TG 10405 40320

*Bob  
Keller*



761

NONE	Individual Trees	<input type="radio"/>
NONE	Groups of Trees	<input checked="" type="radio"/>
A1	Area	<input type="radio"/>
NONE	Woodland	<input type="radio"/>

Scale.. 1:1000

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**SCHEDULE 1**  
**SPECIFICATION OF TREES**

**(North Norfolk District Council - High Kelling)**  
**Tree Preservation Order 2007 No.3**

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

Ref: on map	Description	Situation
T1	Beech	Standing in the rear garden of 64 Pineheath Road, High Kelling. OS Grid Ref.: TG 10405 40320

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

Ref: on map	Description	Situation
NONE		

**Groups of Trees**  
(within broken black line of the map)

Ref: on map	Description	Situation
G1	19 trees identified by numbers 1 to 19 on the attached tree survey (dated 26/07/07).	Standing in the garden of 64 Pineheath Road, High Kelling. OS Grid Ref.: TG 10405 40320
G2	19 trees identified by numbers 20 to 38 on the attached tree survey (dated 26/07/07).	Standing in the garden of 64 Pineheath Road, High Kelling. OS Grid Ref.: TG 10405 40320
G3	13 trees identified by numbers 68 to 80 on the attached tree survey (dated 26/07/07).	Standing in the garden of 64 Pineheath Road, High Kelling. OS Grid Ref.: TG 10405 40320

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

Ref on map	Description	Situation
NONE		

**Tree Preservation Order**

**Tree Survey**

**Date:** 26/07/07

**64 Pineheath Road, High Wycombe** Survey record for: **TPO/57761**

TREE NO	GROUP	SPECIES	COMMON NAME	HEIGHT (m) range	DBH at 1.5m range	AGE CLASS for Group	TPO	Include in UNAUTHORISED WORKS/ COMMENTS	USEFUL LIFE EXPECTANCY
1	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
2	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
3	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
4	1	Fagus sylvatica	Beech	8 to 17	155 to 530	Young to Mature	✓	Pollarded, old hedge tree, poor form	> 50 years
5	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
6	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
7	1	Fagus sylvatica	Beech	8 to 17	155 to 530	Young to Mature	✓		> 50 years
8	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
9	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
10	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
11	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
12	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years
13	1	Pinus sylvestris	Scots Pine	8 to 17	155 to 530	Young to Mature	✓		> 50 years

14	1	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	155 to 530	Young to Mature	✓	> 50 years
15	1	<i>Fagus sylvatica</i>	Beech	8 to 17	155 to 530	Young to Mature	✓	> 50 years
16	1	<i>Betula pendula</i>	Birch	8 to 17	155 to 530	Young to Mature	✓	> 50 years
17	1	<i>Fagus sylvatica</i>	Beech	8 to 17	155 to 530	Young to Mature	✓	> 50 years
18	1	<i>Betula pendula</i>	Birch	8 to 17	155 to 530	Young to Mature	✓	> 50 years
19	1	<i>Fagus sylvatica</i>	Beech	8 to 17	155 to 530	Young to Mature	✓	> 50 years
20	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓	> 50 years
21	2	<i>Fagus sylvatica</i>	Beech	8 to 17	135 to 400	Young to Mature	✓	> 50 years
22	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓	> 50 years
23	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓	> 50 years
24	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓	> 50 years
25	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓	> 50 years
26	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓	> 50 years
27	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓	> 50 years
28	2	<i>Fagus sylvatica</i>	Beech	8 to 17	135 to 400	Young to Mature	✓	> 50 years
29	2	<i>Betula pendula</i>	Birch	8 to 17	135 to 400	Young to Mature	✓	> 50 years
30	2	<i>Betula pendula</i>	Birch	8 to 17	135 to 400	Young to Mature	✓	> 50 years
31	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓	> 50 years

32	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓		> 50 years
33	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓		> 50 years
34	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓		> 50 years
35	2	<i>Betula pendula</i>	Birch	8 to 17	135 to 400	Young to Mature	✓		> 50 years
36	2	<i>Betula pendula</i>	Birch	8 to 17	135 to 400	Young to Mature	✓		> 50 years
37	2	<i>Fagus sylvatica</i>	Beech	8 to 17	135 to 400	Young to Mature	✓		> 50 years
38	2	<i>Pinus sylvestris</i>	Scots Pine	8 to 17	135 to 400	Young to Mature	✓		> 50 years
39	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
40	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
41	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
42	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
43	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
44	3	<i>Betula pendula</i>	Birch	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
45	3	<i>Fagus sylvatica</i>	Beech	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
46	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
47	3	<i>Fagus sylvatica</i>	Beech	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
48	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓		> 50 years
49	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✗	Dead	0

50	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
51	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
52	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
53	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
54	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
55	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
56	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
57	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
58	3	<i>Betula pendula</i>	Birch	14 to 17	140 to 330	Young to Semi Mature	✗	> 50 years
59	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
60	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✗	0
61	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✗	> 50 years
62	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
63	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✗	> 50 years
64	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
65	3	<i>Pinus sylvestris</i>	Scots Pine	14 to 17	140 to 330	Young to Semi Mature	✓	> 50 years
66	3	<i>Picea abies</i>	Norway Spruce	14 to 17	140 to 330	Young to Semi Mature	✗	> 50 years
67	Individual	<i>Fagus sylvatica</i>	Beech	13	715	Semi Mature	✓	> 50 years

68	4	<i>Pinus sylvestris</i>	Scots Pine	6 to 18	130 to 470	Young to Mature	✓		> 50 years
69	4	<i>Pinus sylvestris</i>	Scots Pine	6 to 18	130 to 470	Young to Mature	✓		> 50 years
70	4	<i>Pinus sylvestris</i>	Scots Pine	6 to 18	130 to 470	Young to Mature	✓		> 50 years
71	4	<i>Picea abies</i>	Norway Spruce	6 to 18	130 to 470	Young to Mature	✓		> 50 years
72	4	<i>Picea abies</i>	Norway Spruce	6 to 18	130 to 470	Young to Mature	✓		> 50 years
73	4	<i>Picea abies</i>	Norway Spruce	6 to 18	130 to 470	Young to Mature	✓		> 50 years
74	4	<i>Picea abies</i>	Norway Spruce	6 to 18	130 to 470	Young to Mature	✓		> 50 years
75	4	<i>Betula pendula</i>	Birch	6 to 18	130 to 470	Young to Mature	✓		> 50 years
76	4	<i>Picea abies</i>	Norway Spruce	6 to 18	130 to 470	Young to Mature	✓		> 50 years
77	4	<i>Picea abies</i>	Norway Spruce	6 to 18	130 to 470	Young to Mature	✓		> 50 years
78	4	<i>Betula pendula</i>	Birch	6 to 18	130 to 470	Young to Mature	✓		> 50 years
79	4	<i>Pinus sylvestris</i>	Scots Pine	6 to 18	130 to 470	Young to Mature	✓		> 50 years
80	4	<i>Fraxinus excelsior</i>	Ash	6 to 18	130 to 470	Young to Mature	✓		> 50 years

## SCHEDULE 2

### PART I

Provisions of the Town and Country Planning Act 1990 applies with adaptions or modifications

Provision of the Town and Country Planning Act 1990	Adaption or Modification
Section 69 (registers)	<p>(a) In subsection (1) -</p> <p>(i) omit -</p> <p>"in such manner as may be prescribed by a development order",</p> <p>"such" in the second place where it appears, and</p> <p>"as may be so prescribed", and</p> <p>(ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission".</p> <p>(b) In subsection (2) -</p> <p>(i) after "contain" insert "as regards each such order" and</p> <p>(ii) for paragraphs (a) and (b) substitute -</p> <p>(a) "details of every application under the order and of the authority's decision (if any) in relation to each such application" and</p> <p>(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".</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4))</p>

Section 70	(a) In subsection (1) -
------------	-------------------------

<p>(determination of applications: general considerations)</p>	<p>(i) substitute -  "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 the other places where those words appear;</p> <p>(ii) after "think fit", insert -  "(including conditions limiting the duration of the consent or requiring the replacement of trees)", and</p> <p>(iii) omit "subject to sections 91 and 92".</p> <p>(b) After subsection (1) insert -</p> <p>(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.</p> <p>(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)".</p> <p>(c) Omit subsections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In subsection (1) substitute -</p> <p>(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".</p> <p>(b) Omit subsections (2) and (3).</p>

<p>Section 78 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) In subsection (1) substitute -</p> <ul style="list-style-type: none"> <li>(i) "the authority" for "a local planning authority";</li> <li>(ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;</li> <li>(iii) "consent under such an order" for "planning permission" in the second place where those words appear;</li> <li>(iv) for paragraph (c) substitute -</li> </ul> <p style="margin-left: 40px;">(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</p> <p style="margin-left: 40px;">(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".</p> <p>(b) Omit subsection (2)</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order" substitute -</p> <p style="margin-left: 40px;">"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served -</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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".</li> </ul> <p>(d) For subsection (4), substitute -</p> <p style="margin-left: 40px;">"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)".</p> <p>(e) For subsection (5), substitute -</p> <p style="margin-left: 40px;">"(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".</p>
---	--

Section 79 (determination of appeals)	<ul style="list-style-type: none"> <li>(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".</li> <li>(b) Omit subsection (3).</li> <li>(c) In subsection (4), substitute - <ul style="list-style-type: none"> <li>(i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5";</li> <li>(ii) "consent under a tree preservation order" for "planning permission"; and</li> <li>(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".</li> </ul> </li> <li>(d) Omit subsections (6) and (6A).</li> <li>(e) In subsection (7), omit the words after "section 78"</li> </ul>
---	---

**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 any 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),
- (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.

and may deal with the application as if it had been made to him in the first instance.

.....

- (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.

Dated 29/03/07

**NORTH NORFOLK DISTRICT COUNCIL**

**(High Kelling)**

**TREE PRESERVATION ORDER 2007 No.3**

**TOWN AND COUNTRY PLANNING (TREES)**

**REGULATIONS 1999**

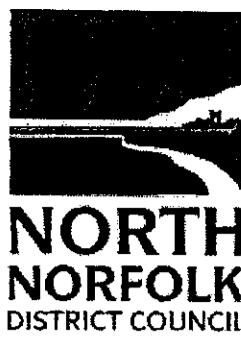
**TOWN AND COUNTRY PLANNING ACT 1990**

**64 Pineheath Road, High Kelling,  
Norfolk.**

**Photos to Demonstrate Visibility and Amenity Value of Trees  
from Public Places for:**

**64 Pineheath Road, High Kelling, Holt. TPO 2007 No.3**

	
A1 from Pineheath Road	A1 viewed from entrance to 66 Pineheath Road



## Map referred to in North Norfolk District Council

(HIGH KELLING)

## Tree Preservation Order 2007 No.3

64 Pineheath Road, High Kelling, Norfolk.

Map showing the North Norfolk District Council area. The map is divided into several regions, including G1, G2, G3, and T1. Numerous locations are marked with circled numbers, such as 01 through 038, 040 through 067, 070 through 080, and 083. Handwritten text includes 'Philip Atton' (signature), 'Chief Executive', 'S.A.L.', and 'chairman.' A large central title reads 'NORTH NORFOLK DISTRICT COUNCIL' and 'official use only'. A large number '66' is in the top left corner. A black circular stamp in the top right corner contains the number '102883'. The word 'NORTH' is partially visible at the bottom.

761

1	Individual Trees	<input type="radio"/>
3	Groups of Trees	<input checked="" type="radio"/>
NONE	Area	<input type="radio"/>
NONE	Woodland	<input type="radio"/>



**Not to Scale**

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.