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

NORTH NORFOLK DISTRICT COUNCIL
(Hoveton)
TREE PRESERVATION ORDER 2009 NO.6
TWO SAINTS CLOSE , HOVETON

Dated 26/08/2009

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
As amended by the Town and Country Planning (Trees)(Amendment)(England) Regulations 2008

MODEL FORM OF TREE PRESERVATION ORDER

Town and Country Planning Act 1990
NORTH NORFOLK DISTRICT COUNCIL
(HOVETON)
TREE PRESERVATION ORDER 2009 NO.6
LAND AT
TWO SAINTS CLOSE, HOVETON

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—

Citation
1. This Order may be cited as the North Norfolk District Council Hoveton Tree Preservation Order 2009 NO.6.

Interpretation
2. 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.

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 26/08/2009.

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

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

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

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

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

(a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is

(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.

Application of provisions of the Town and Country Planning Act 1990

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

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

Directions as to replanting

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

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

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

(a) species;

(b) number of trees per hectare;

(c) the preparation of the relevant land prior to the replanting; and

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.

[Application to trees to be planted pursuant to 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 appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

Dated this 26th day of August 2009

[The Common Seal of the North Norfolk District Council was hereunto affixed in the presence of -

.....]

102978

[CONFIRMATION OF ORDER

[This Order was confirmed by the North Norfolk District Council without modification on the [ ] day of [*insert month and year*]]

OR 5 October 2009

[This Order was confirmed by the North Norfolk District Council, subject to the modifications indicated by [*state how indicated*], on the [ ] day of [*insert 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 North Norfolk District Council on the [ ] day of [*insert month and year*]

.....

Authorised 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 [*insert month and year*] under the reference number [*insert reference number of the variation order*]

.....

Authorised by the Council to sign in that behalf]

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.

[Application to trees to be planted pursuant to 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 appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

Dated this 26th day of August 2009

[The Common Seal of the North Norfolk District Council
was hereunto affixed in the presence of -

Philip Burton .....]

102978

[CONFIRMATION OF ORDER

[This Order was confirmed by the North Norfolk District Council without modification on the [ ] day of [*insert month and year*]]

OR

[This Order was confirmed by the North Norfolk District Council, subject to the modifications indicated by [*state how indicated*], on the [ ] day of [*insert 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 North Norfolk District Council on the [ ] day of [*insert month and year*]

.....

Authorised 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 [*insert month and year*] under the reference number [*insert reference number of the variation order*]

.....

Authorised by the Council to sign in that behalf]

SCHEDULE 1

SPECIFICATION OF TREES

(Hoveton)
Tree Preservation Order 2009 NO.6

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
None		

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

Reference on map	Description	Situation
None		

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

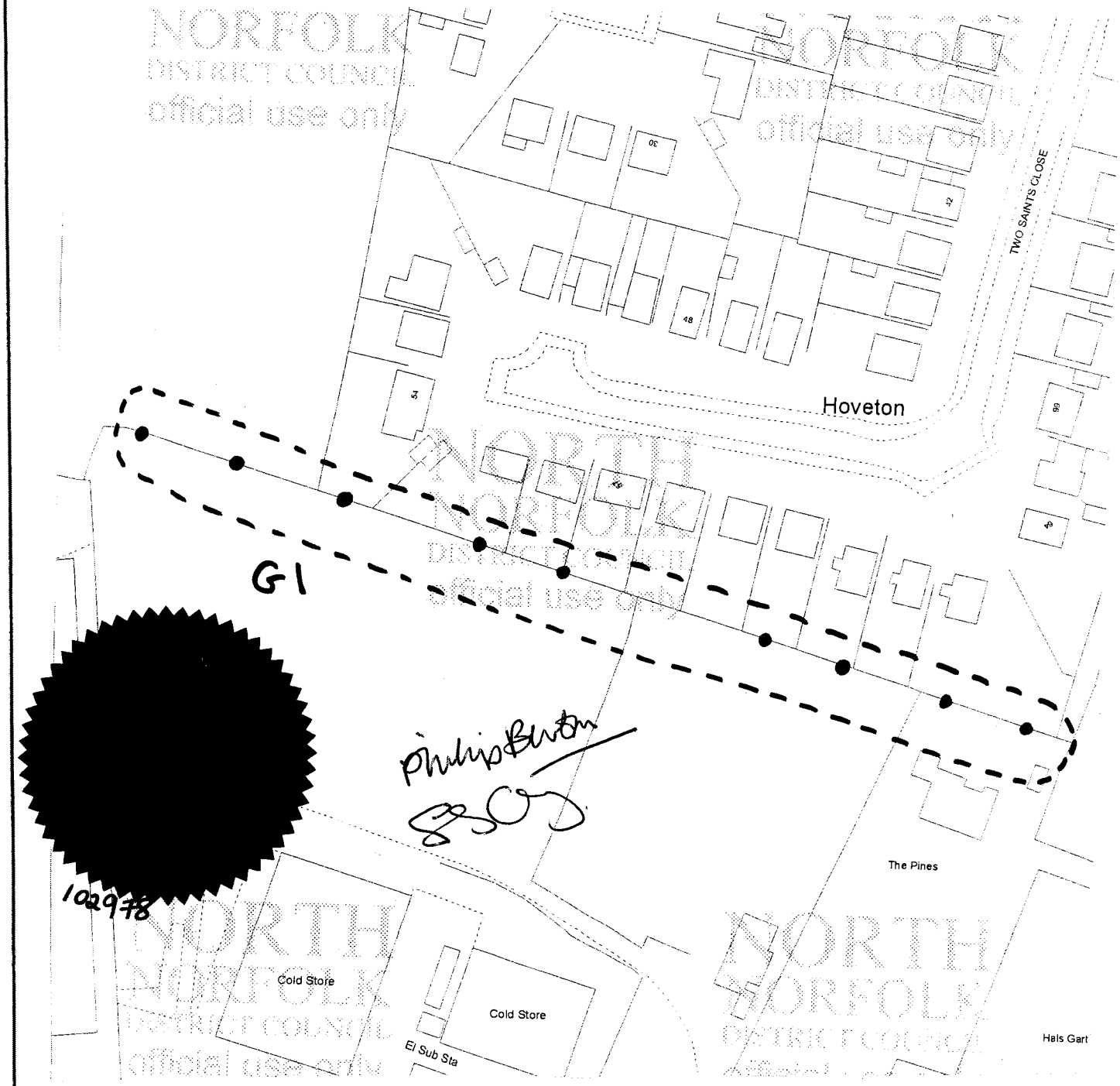
Reference on map	Description (including number of trees in the group)	Situation
G1	9 (nine) oak trees	Situated on the boundary of Tilia Business Park and the rear of properties on Two Saints Close, Hoveton. Between TG3037119007 and TG3057518953

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
None		

NORTH NORFOLK DISTRICT COUNCIL

Map referred to in the North Norfolk District Council
(HOVETON)
Tree Preservation Order 2009 NO.6
Two Saints Close, Hoveton



789

None	Individual Trees	
G1	Groups of Trees	
None	Woodland	

N

Scale..... 1:1250

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SCHEDULE 2

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

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	(a) In subsection (1)— (i) omit— ", in such manner as may be prescribed by a development order,", "such" in the second place where it appears, and "as may be so prescribed"; and (ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission". (b) In subsection (2)— (i) after "contain" insert ", as regards each such order"; and (ii) for paragraphs (a) and (b) substitute— (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.". (c) Omit subsections (3) and (4) (as required by section 198(4)).
Section 70 (determination of applications: general considerations)	(a) In subsection (1)— (i) substitute— "Subject to subsections (1A) and (1B), where" for "Where";

and failure to take such decisions)	(i) "the authority" for "a local planning authority"; (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear; (iii) "consent under such an order" for "planning permission" in the second place where those words appear; (iv) for paragraph (c) substitute— "(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,". (b) Omit subsection (2). (c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute— "in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served— (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow; (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.". (d) For subsection (4), substitute— "(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).".

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

(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.

Dated 26/08/2009

NORTH NORFOLK DISTRICT COUNCIL

(Hoveton)

TREE PRESERVATION ORDER 2009 NO.6

TWO SAINTS CLOSE, HOVETON

TOWN AND COUNTRY PLANNING (TREES)

REGULATIONS 1999

TOWN AND COUNTRY PLANNING ACT 1990