

MEMORANDUM

Confirmed by Council
11/1/82.

TO: DP., cc. CETC., LAND CHARGES., DTS.	Your Ref:
FROM: BOROUGH SOLICITOR	My Ref: BS/DE/JW/PL.T.01/093
Subject TOWN & COUNTRY PLANNING ACT 1971 - TOWN & COUNTRY PLANNING (TREE PRESERVATION ORDER) REGS.1969 - BOROUGH OF REIGATE & BANSTEAD TPO NO. 453 1981	Date 17.11.81.

I enclose, for your information and records, a copy of the abovementioned Tree Preservation Order recently made by the Borough Council.

I also attach a copy of a Notice served on the owners/occupiers, considered to be affected by the making of the Order, (a list of whose names and addresses is also attached).

Under the provisions of s.61 of the Town & Country Planning Act 1971, this Order comes into immediate provisional effect and remains in force for a period of six months from the date of service of the Notice, or until the date upon which the Order is confirmed by the Council, or the date upon which the Council decides not to confirm the Order following objections thereto, whichever occurs first.

I will keep you informed in this matter.

Blaine D Dardo

BS

Enc.

TOWN AND COUNTRY PLANNING ACT 1971 (AS AMENDED)

BOROUGH OF REIGATE & BANSTEAD TREE PRESERVATION ORDER NO. 435 1981

BANSTEAD HALL SCHOOL, BANSTEAD,

The Borough of Reigate and Banstead Council in this Order called "the authority", in pursuance of the powers conferred in that behalf by Section 60 and Section 61 of the Town and Country Planning Act 1971 (as amended by Section 10(1) of the Town and Country Amenities Act 1974), and subject to the provisions of the Forestry Act 1967, hereby makes 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" means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no 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 accords 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.

Registered in The Local Land
Charges Register. Pt 2

Date 11/11/81

***NOTE:** If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should be made not to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (Section 15(5)).

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in 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 an 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 silvicultural thinning, then unless -

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
- (b) the authority with the approval of the Secretary dispense with replanting,

the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provisions of this Order and Section 175 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to -

- (a) species;
- (b) number of trees per acre/hectare;
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a water authority (since 31 March 1974, by any other authority whose functions are now exercised by a water authority) who at any time prior to 1 April 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in the exercise of any of its functions in relation to the maintenance,

improvement or construction of watercourses or of drainage works) restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the water authority (the drainage board, or the Greater London Council under those byelaws and the condition or direction shall have effect accordingly).

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (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.

10. 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 or under the terms of any Interim Preservation Order made under Section 8 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.

11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by delivering the claim at the offices of the authority at the Town Hall, Reigate, Surrey, addressed to the Chief Executive and Town Clerk thereof or by sending it by prepaid post so addressed.

(2) 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, as the case may be, or where an appeal has been made to the Secretary against the decision of the authority, from the date of the decision of the Secretary on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

13. The provisions of Section 61 of the Act shall apply to this Order and the Order shall take effect on 30th October, 1981

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of any Order or is removed, uprooted, or destroyed or dies at a time when its cutting down or uprooting is authorised only by Section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as he reasonably can. Except in emergency, not less than 5 days' previous notice of the removal, etc. should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.

TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Wellingtonia	Banstead Hall
T2	Beech	Brighton Road
T3	Beech	Banstead
T4	Pine	"
T5	Sycamore	"
T6	Sycamore	"
T7	Beech	"
T8	Beech	"
T9	Sycamore	"
T10	Sycamore	"
T11	Sycamore	"
T12	Sycamore	"
T13	Sycamore	"
T14	Sycamore	"
T15	Sycamore	"
T16	Sycamore	"
T17	Sycamore	"
T18	Scots Pine	"
T19	Scots Pine	"
T20	Sycamore	"
T21	Sycamore	"
T22	Beech	"
T23	Ash	"
T24	Beech	"
T25	Ailanthus	"
T26	Copper Beech	"
T27	Horse Chestnut	"
T28	Horse Chestnut	"
T29	Horse Chestnut	"
T30	Horse Chestnut	"
T31	Horse Chestnut	"
T32	Horse Chestnut	"
T33	Horse Chestnut	"

TREES SPECIFIED BY REFERENCE TO AN AREA

(Within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
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None

GROUP OF TREES

(Within a broken line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
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None

WOODLANDS

(Within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
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None

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to:

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.

- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under Section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant.

- (3) the cutting down, uprooting, topping or lopping of a tree
 - (a) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act 1908 and Section 21 of the Post Office Act 1969, or by or at the request of the Post Office where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulations and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking
 - (b) by or at the request of
 - (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance of working of any such line;
 - (iii) a water authority established under the Water Act 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, or the Greater London Council, where the tree interferes or would interfere with the exercise of any of the functions of such water authority, drainage board, or Council in relation to the maintenance, improvement or construction

- of watercourses or of drainage works; or
- (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority 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 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;
 - (e) in pursuance of the powers of the Thames Water Authority under Section 105 of the Thames Conservancy Act 1932.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

33-(1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except insofar as the consent otherwise provides) enure for the benefit of the land and of all persons for the time being interested therein.

Reference of applications to the Secretary of State

35-(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.

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

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

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

35-(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

Appeals
against
decisions

36-(1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

36-(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

36-(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

36-(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before and being heard by, a person appointed by the Secretary of State for the purpose.

36-(6) The decision of the Secretary of State on any appeal under this section shall be final.

Appeal in
default of
decision

37. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

Power to
revoke or
modify the
consent
under the
Order

45-(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

45-(2) Subject to the provisions of Sections 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

45-(3) Where an authority submit an Order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford 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.

45-(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:

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

45-(5) Where a notice has been served in accordance with the provisions of sub-section (3) of this section, no operations or further 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 sub-section (2) of this section

unopposed
revocation
or
modification

46-(1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 45 above revoking or modifying any consent granted on an application made under a Tree Preservation Order but have not submitted such Order to the

Secretary of State. That if the authority have not submitted such Order to the Secretary of State within the period of three months beginning on the date on which the advertisement first appears within which the authority may give notice to the Secretary of State for an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose and to the period (not less than fourteen days from the expiration of the period referred to in paragraph (a) above) the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section without being confirmed by the Secretary of State.

(3) The authority shall also serve notices to the same effect on persons mentioned in sub-section (1) above.

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

(5) If within the period referred to in sub-section (2) (a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (2) (b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 of the Act.

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

GIVEN under the COMMON SEAL)
of the Council of the)
Borough of Reigate and Banstead)
this Thirtieth)
day of October)
One thousand nine hundred and)
eighty-one)

SEAL

M. S. ADAMS

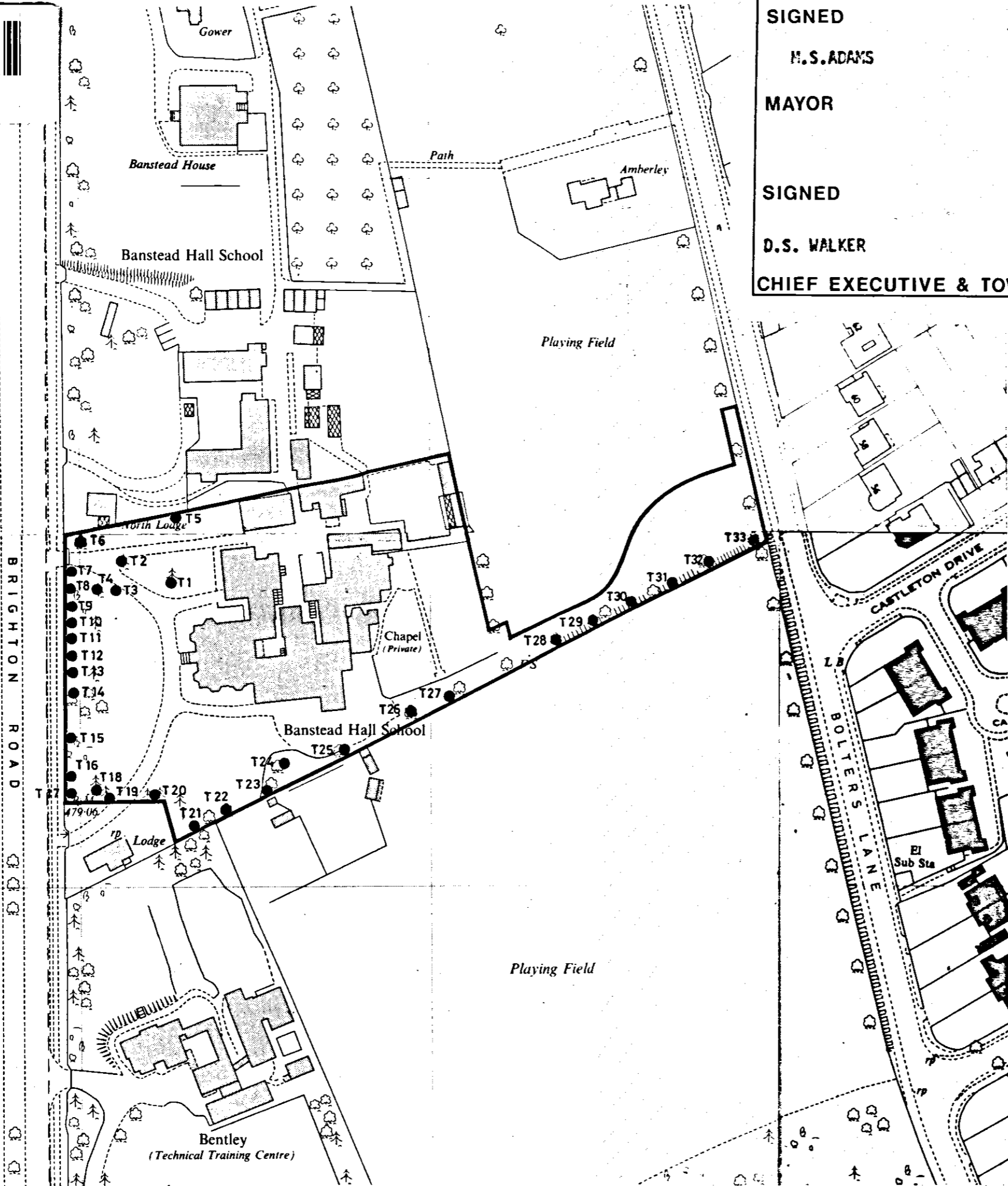
Mayor

D. S. WALKER

Chief Executive and Town Clerk



Special Document
278959



SIGNED
M.S. ADAMS
MAYOR

SIGNED
D.S. WALKER
CHIEF EXECUTIVE & TOWN CLERK

SEAL

O.S. Revision

TITLE
TREE PRESERVATION ORDER 435
Banstead Hall, Brighton Road,
Banstead.



rb PLANNING DEPARTMENT
R. Ingle, Dip. T.P.(Lond.) F.R.T.P.I.
Director of Planning

BOROUGH OF REIGATE & BANSTEAD
TOWN HALL, REIGATE

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SCALE 1:1250
DATE 13.10.81
DRAWN V.L.

PLAN NO TPO-435

BOROUGH OF REIGATE AND BANSTEAD

TOWN AND COUNTRY PLANNING ACT, 1971

BOROUGH OF REIGATE AND BANSTEAD TREE PRESERVATION ORDER NO.⁴³⁵ 198¹

To: See attached list

being the owner/occupier of or person otherwise interested in land affected by the above Order.

TAKE NOTICE that the Council of the Borough of Reigate and Banstead (hereinafter called "the Council") in pursuance of the powers conferred in that behalf by sections 60 and 61 of the Town and Country Planning Act, 1971, as local planning authority have made a Tree Preservation Order in respect of the tree or trees specified in the First Schedule thereto.

AND TAKE NOTICE ALSO that since it appears to the Council that the said Order should take effect immediately without previous confirmation the said Order contains a direction that section 61 shall apply thereto and accordingly, the said Order shall take effect immediately as from the date specified therein and shall continue in force provisionally until:-

(a) the expiration of a period of six months with effect from the date specified in the Order;

or

(b) the date on which the Order is confirmed by the Council, the Council being authorised to confirm the Order after not less than forty-two days if no objections or representations are made or if any so made are withdrawn;

or

(c) the date upon which the Order is confirmed by the Borough of Reigate and Banstead after the consideration of objections and representations.

whichever first occurs.

THE grounds upon which the Council consider that the Order should be made are as follows:-

It is expedient in the interest of amenity in that the tree(s) form(s) a pleasing feature in the locality and its/their retention is essential to preserve the visual appearance of the surrounding area.

Copies of the said Order and of the map referred to therein have been deposited at the Information Centres at the following addresses and will be available for inspection at the times shown:-

Town Hall, Castlefield Road, Reigate, Surrey (9.00 a.m. - 1.00 p.m.,
2.00 p.m. - 4.00 p.m.)

The Council House, Brighton Road, Banstead, Surrey (8.45 a.m. - 1.00 p.m.,
2.00 p.m. - 5.00 p.m.)*

The Information Centre, Victoria Road Car Park, (8.45 a.m. - 1.00 p.m.,
Horley, Surrey. 2.00 p.m. - 5.00 p.m.) *

*(4.45 p.m. on Fridays)

ANY objection or representation with respect to the said Order may be made in writing to the undersigned within twenty-eight days of the service of this Notice upon you in accordance with Regulation 7 of the Town and Country Planning (Tree Preservation Order) Regulations 1969 (as amended) (a copy of which is set out hereunder) and shall state the grounds thereof and specify the particular trees, groups of trees or woodlands in respect of which it is made.

If no objections or representations are duly made or any so made are withdrawn, then not less than forty-two days from the date of the service thereof, the Order may be confirmed (but without modification) as an unopposed Order by the Council.

(Signed) D.S. WALKER

Chief Executive and Town Clerk

DATED: 30th October, 1981

Town Hall,
Reigate,
SURREY RH2 0SH.

REGULATION 7 reads as follows:-

- "7. (1) Every objection or representation with respect to an Order shall be made in writing to the authority and shall state the grounds thereof and specify the particular trees, groups of trees, or woodlands in respect of which it is made.
- (2) An objection or representation shall be duly made if it complies with paragraph (1) of this Regulation and is received by the Authority within twenty-eight days from the date of the service of the notice of the making of the Order."

TREE PRESERVATION ORDER NUMBER 435

Banstead Hall School, Banstead

LIST OF PERSONS ON WHOM NOTICE & ORDER SERVED:

Barratt Developments Ltd., 2 Grosvenor Road, Wallington SM6 0EF.

The Owner/Occupier, North Lodge, Brighton Road, Banstead.

The Owner/Occupier, The Lodge, Brighton Road, Banstead.

cc. LAND CHARGES

BS/DE/JW/PL.T.01/ 435

27th July, 1982.

Barratt Developments Ltd., 2 Grosvenor Road, Wallington SM6 0EF.
The Owner/Occupier, North Lodge, Brighton Road, Banstead.
The Owner/Occupier, The Lodge, Brighton Road, Banstead.
The Conservator of Forests.
The District Valuer & Valuation Officer.

Dear Sir(s),

TOWN & COUNTRY PLANNING ACT 1971
TOWN & COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1969
(AS AMENDED)
BOROUGH OF REIGATE AND BANSTEAD TREE PRESERVATION ORDER NO. 435/81

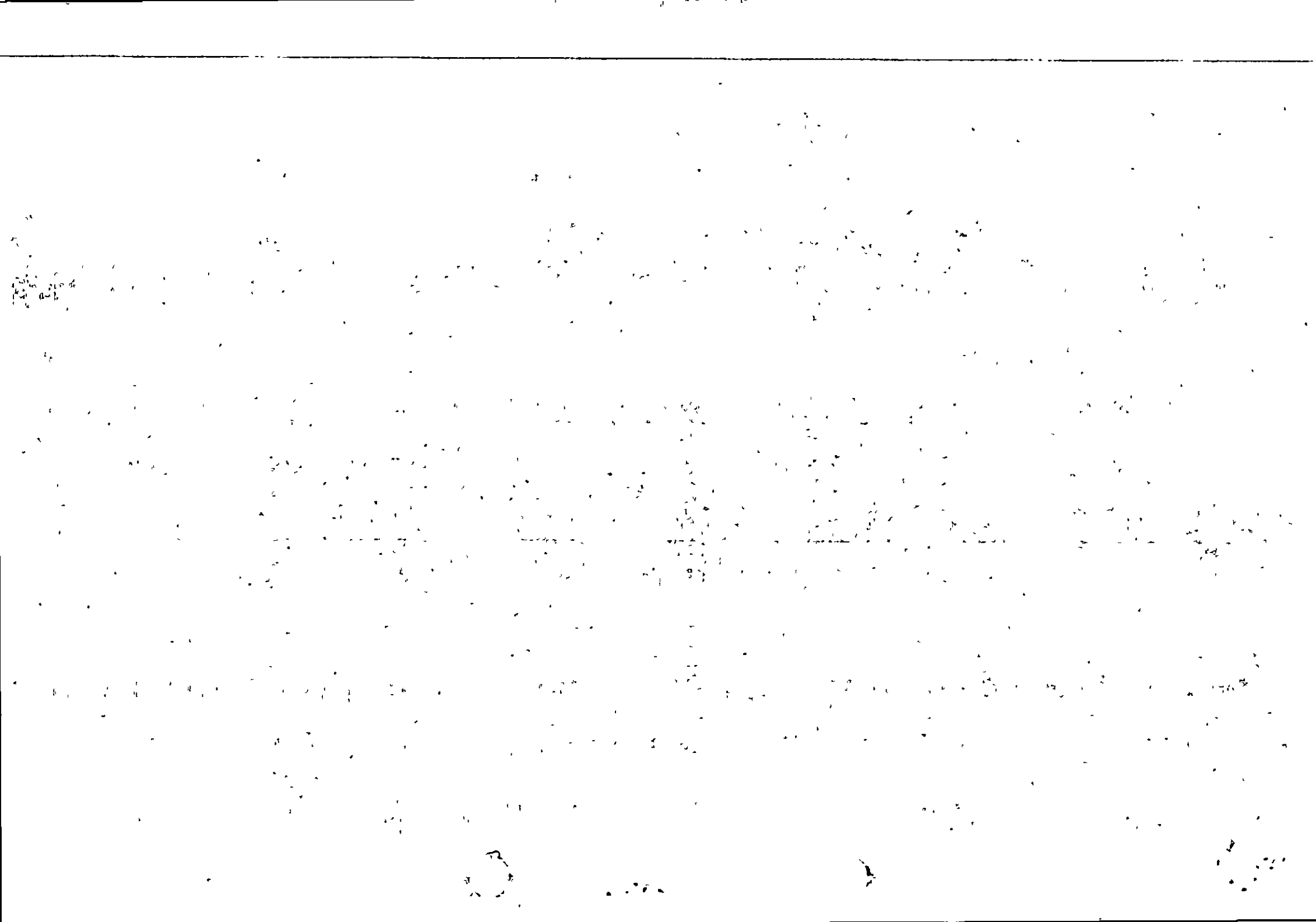
I refer to my earlier letter enclosing a copy of the above Tree Preservation Order.

No objections or representations with respect to the Order having been received within the specified period, the Council have accordingly confirmed such Order without modification.

Yours faithfully,

(Sgnd) E. D. DANDO

Borough Solicitor



c.c. Treemasters, Rozel, Tadworth Street, Tadworth, Surrey, KT20 5RG

REIGATE AND BANSTEAD BOROUGH COUNCIL

Town and Country Planning Act 1990 (As Amended)

Consent for Works to Trees the Subject of Tree Preservation Orders

Mr Edwards
c/o Kerchesters
Waterhouse Lane
Kingswood
Surrey
KT20 6HT

c.c. Land Charges
c.c. Tree Register
c.c. File 97P/1468
c.c. File RE 434
c.c. File T2/8

Reigate and Banstead Borough Council, as Local Planning Authority, under the provisions of the above legislation and order made thereunder **DO HEREBY GRANT CONSENT** to the works referred to in the undermentioned schedule(s) subject to any conditions set out herein.

SCHEDULE

Date of Application: 24 October 1997 (amended 20.11.97) Application No: 97P/1468

Tree works approved: Fell 1 Birch, 1 Cypress and 1 Pine and prune 1 Sycamore and 2 Beech (see conditions below)

Location of tree(s): Land at Hazel Way and rear of Surrey Cottage, Walpole Avenue, Chipstead

Tree Preservation Order No: RE 434

Individual Tree References:- To fell T8 (Birch), T6 (Scots Pine); T5 (Cypress)
:- To prune T7 (Sycamore); T4 (Beech); T3 (Beech)

Conditions

1. ALL WORK SHOULD CONFORM TO BRITISH STANDARD 3998:1989 'RECOMMENDATIONS FOR TREE WORK' and should consist only of that detailed in the amended application as qualified by these conditions. The work should be completed in its entirety - continue on next page

Reasons for the decision and any conditions specified as part of that decision:

In the interests of the visual amenity and landscape of this locality plus good arboricultural practice.

Dated this 15th day of December 1997

Director of Environmental Services (duly authorised in this behalf)

Reigate and Banstead Borough Council, Environmental Services Department
(Planning & Development), Town Hall
Reigate, Surrey, RH2 0SH

Your attention is drawn to the notes overleaf

C:\DOCS\TEMPNOV\KERCHEST WPD

STL10

Conditions

2. The pruning work on the two Beech trees should consist of the following -
 - (i) the cleaning out of any stumps, dead wood, hung up branches or climbers.
 - (ii) crown lifting to a maximum height above ground level of 3.0 metres consisting of the removal of secondary branches and/or branch tip reduction and to include lifting the crowns by the same method to provide a 1.5 metre clearance ONLY of the proposed garage.
3. The work should NOT include any pollarding, topping, lopping or any reduction in the height of the crown(s) of the tree(s) except in the case of the Sycamore consistent with the 25% crown reduction in accordance with British Standard 3998.1989 as above
4. Replacement planting should be undertaken, to a specification and in a location agreed by the Council, in the next planting season following felling. The planting should be completed by 31st December 1998. The specification for replacement planting shall be as detailed below or otherwise agreed by the Council, which might consist of an approved landscaping scheme as part of a planning permission. (see notes).
5. The work approved in this consent shall be undertaken within a period of one year from the date of decision, as indicated herein, otherwise a further application will be required

NOTES:

1. If you are aggrieved at this decision, any of the conditions imposed or certification of the decision by the Council, you may appeal to the Department of the Environment. Such an appeal should be in writing within twenty-eight days of the receipt of this decision notice, or such longer period as the Secretary of State may allow. In respect of an appeal the necessary form and other details can be obtained from: Government Office for the South-East, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4GA
2. The immediate neighbours, and other interested parties, should be advised, as far as possible, of the work proposed and the reasons for it, to avoid unnecessary concern.
3. The Council's Tree Officer should be advised of the date the work is to be undertaken to allow inspection to be made at this time or subsequently.
4. A condition of this consent requires replacement planting, but has not specified the type, size, number, variety, location and other details of the tree(s) required. Therefore, you are requested to contact the Tree Officer in this matter at your convenience, but at least two months before the planting completion date.
5. The use of suitably experienced, equipped and insured tree surgeons is essential for the correct implementation of the above work. The tree surgeon/arborist undertaking the approved work MUST see a copy of this decision and the amended application details which now form the approved specification BEFORE work is commenced. A copy of both these documents must be available on site when the work is implemented.
6. Various advisory leaflets are enclosed for your attention as detailed below. Please contact the Tree Officer if any further information is required.
7. The maintenance of the proper protection of the root areas of retained trees is essential throughout the construction period, to ensure the future survival of healthy trees. Soil compaction on development sites is a major cause of tree decline and death after development is complete. All works should be in accordance with British Standard 5837:1991 "Trees in relation to Construction" and will generally be necessary for compliance with the relevant planning conditions. Breach of such conditions can result in enforcement action.

Continued

- 8 On commencement of the planning permission for development, please provide prompt written confirmation that the required protection of tree root areas is in situ in the correct locations to the proper standards.
- 9 The Tree Preservation Order protects other trees at this property in addition to those detailed in the above consent.

Enclosed Leaflets

1. 'Protected Trees' a guide to tree preservation procedures (DoE).