



Departments of the Environment and Transport

South East Regional Office

Charles House 375 Kensington High Street London W14 8QH

Direct line 01-605
Switchboard 01-605 3000
GTN 2570

KH/LLC

Messrs A L Hughes and Company
Solicitors
Midland Bank Chambers
211 Streatham High Road
LONDON
SW16 6EG

Your reference

LNМ/SNW/17373

Our reference

SE2/5388/460/1

Date

5 September 1986

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 103
BOROUGH OF REIGATE AND BANSTEAD TREE PRESERVATION ORDER NO. 376, 1976
APPEAL AGAINST ENFORCEMENT NOTICE IN RESPECT OF REPLACEMENT TREE AT GLADE CROFT,
THE GLADE, KINGSWOOD

1. I am directed by the Secretary of State for the Environment to refer to your appeal on behalf of Mr G J Mead against the Enforcement Notice dated 11th October 1984 served by the Reigate and Banstead Borough Council in respect of an Oak tree numbered T11 in the above mentioned Order and situated in the garden of Glade Croft, The Glade, Kingswood.

2. The representations made in support of the appeal have been considered together with the Council's observations and comments from third parties. An officer of the Department has visited the site.

3. The notice enforced a replacement planting condition, in accordance with Section 103 of the Town and Country Planning Act 1971 following the removal of the Oak T11 in contravention of the above mentioned Order. The notice required your client to plant another tree of a similar size and species in the same place, namely a semi-mature Oak tree at least thirty feet in height in the same position as was occupied by the said Oak tree T11 shown on the plan to the TPO within 1 month of the date on which the notice takes effect.

4. Your appeal was based mainly on the grounds that:

i) the requirements of the Notice are unreasonable in respect of the period or size of tree specified therein;

ii) the planting of a tree or trees in accordance with the Notice is not required in the interests of amenity or would be contrary to the practice of good forestry, and

iii) the place on which the tree is required to be planted is unsuitable for that purpose.

5. The property "Glade Croft", which was built in approximately 1905, is a large detached house standing in half an acre of land off the access roadway known as The Glade, a turning off Forest Drive, Kingswood. The properties in The Glade are substantial, large detached houses set in grounds of around half to three quarters of an acre, with well maintained and groomed gardens. Nearly all the gardens in The Glade and surrounding areas are well treed with a wide range in age and variety of forest and ornamental trees, including many species of conifers. It has been noted that your client has planted a considerable numbers of trees on the site over several years. This mature treescape is an outstanding feature of the local landscape, and is one which does much to bring picturesque charm to this fine residential area. It is appreciated, therefore, that the local authority wish to ensure that the sylvan appeal of this site, and the area as a whole, is maintained.

6. Having regard to the first ground of your appeal, however, it is considered that the time scale of one month for replacement is too short and is not compatible with Article 3 to the Notice which uses the words ".....as soon as he reasonably can." Also, the view is taken that it is not requisite for a semi-mature tree of at least 30 feet in height to be planted. It has been shown that the smaller the tree planted, the quicker it establishes and the greater the chances of successful settlement. An extra large nursery stock sized tree would have a much better chance of success and would soon catch up with a semi-mature sized tree, which would remain almost static in growth for up to two seasons.

7. With regard to the second ground of appeal, under sub-section 3(6) of Section 103, while it is considered necessary to spread the age range of the trees in the area in the interests of visual amenity, and for the benefit of future generations, it is considered that a replacement for the felled tree is not required in the practice of good forestry.

8. Concerning the final ground of your appeal (Section 103(3)(d) it is considered that the revised layout of the access drive is an improvement over the original, and of benefit to the owner, in that it makes better provision for large vehicles in the event of an emergency. It is also considered that the siting of a replacement tree in the same place is unsuitable, as well as unreasonable, and not of benefit to either the tree or the future visual amenity of the area. In the circumstances the Secretary of State has decided to uphold the appeal. He hereby quashes the Enforcement Notice and the requirement to replant on the site of T11, as shown in the map contained in the Borough of Reigate and Banstead Tree Preservation Order No. 376, is thereby waived.

9. Section 245 of the Town and Country Planning Act 1971 provides that if a person is aggrieved by any action on the part of the Secretary of State of a description which includes the present decision on the grounds that it is not within the powers of the Act, or that any of the relevant requirements have not been complied with in relation to that action, he may within six weeks from the date on which the action is taken apply to the High Court to quash the action. The relevant requirements are any requirements of the Act of 1971 or of the Tribunals and Inquiries Act 1971, or of any order, regulations or rules made under either of those Acts which are applicable to this action. If the application is made on the grounds that any of the relevant requirements have not been complied with, it must be shown to the satisfaction of the Court that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to the action. A similar right of appeal is given by the Section to the local authority directly concerned with the action.

10. A copy of this letter has been sent to Reigate and Banstead Borough Council and to other interested parties.

I am Sir
Your obedient Servant

MISS J TOMLIN

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1971 (AS AMENDED)

TOWN & COUNTRY PLANNING (TREE PRESERVATION ORDER) ENFORCING DUTY
TO REPLACE A PRESERVED TREE

To: Mr. Gerald John Mead,
Glade Croft,
The Glade,
Kingswood,
Surrey.

*Quashed
or Appeal*

The Owner,
Glade Croft,
The Glade,
Kingswood,
Surrey.

WHEREAS:

- (1) The Council of the Borough of Reigate and Banstead ("the Council") is the local planning authority for the purposes of Sections 60 to 62 and Sections 102 and 103 of the Town and Country Planning Act 1971 (as amended) ("the 1971 Act")
- (2) On the 30th September 1976 the Council pursuant to Sections 60 and 61 of the 1971 Act made the "Borough of Reigate and Banstead (The Glade, Kingswood) Tree Preservation Order No. 376 ("the TPO") which was confirmed without modification as an unopposed Order with effect from 30th March, 1977.
- (3) It appears to the Council that within four years from the date of this Notice the Oak Tree at Glade Croft, The Glade, Kingswood, Surrey which tree is marked T11 on the TPO has been removed or destroyed in contravention of the TPO and as yet no replacement tree has been planted by the owner so as to comply with Section 62(1) of the 1971 Act nor has he applied to the Council to dispense with the requirement to replant another tree of an appropriate size and species at the same place as soon as he reasonably can.
- (4) It appears to the Council that you are the owner of Glade Croft, The Glade, Kingswood, Surrey.

NOW TAKE NOTICE that the Council requires you to plant another tree of a similar size and species in the same place, namely a semi-mature Oak tree at least Thirty feet in height in the same position as was occupied by the said Oak Tree T11 shown on the plan to the TPO (a copy of which is

attached hereto) within one month from the date this Notice takes effect.

THIS NOTICE SHALL TAKE EFFECT on the 15th day of November, 1984.

ISSUED the 11th day of October, 1984.



.....
Chief Executive and Town Clerk
duly authorised in that behalf

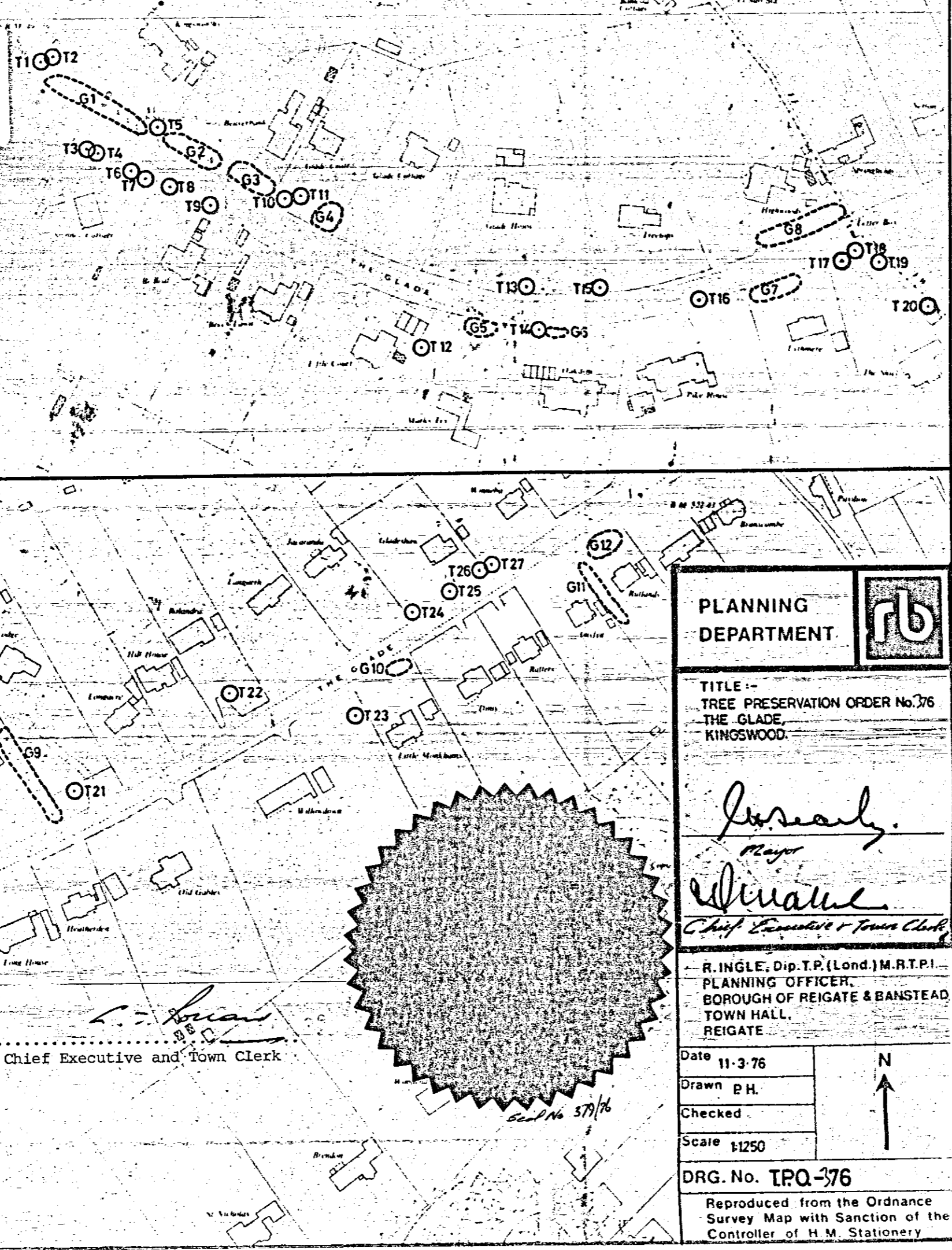
Town Hall,
REIGATE,
Surrey,
RH2 OSH.

BS/TPO/MB/PL.T.02/376

YOUR ATTENTION IS DRAWN TO THE STATUTORY PROVISIONS ATTACHED HERETO WHICH DESCRIBE YOUR RIGHTS OF APPEAL, ETC.



Special Document
279564



PLANNING
DEPARTMENT



TITLE :-
TREE PRESERVATION ORDER No. 376
THE GLADE,
KINGSWOOD.

J. Sealy
Mayor

R. Ingle
Chief Executive & Town Clerk

R. INGLE, Dip. T.P. (Lond.) M.R.T.P.I.
PLANNING OFFICER,
BOROUGH OF REIGATE & BANSTEAD
TOWN HALL,
REIGATE

Date 11-3-76
Drawn P.H.
Checked
Scale 1:250

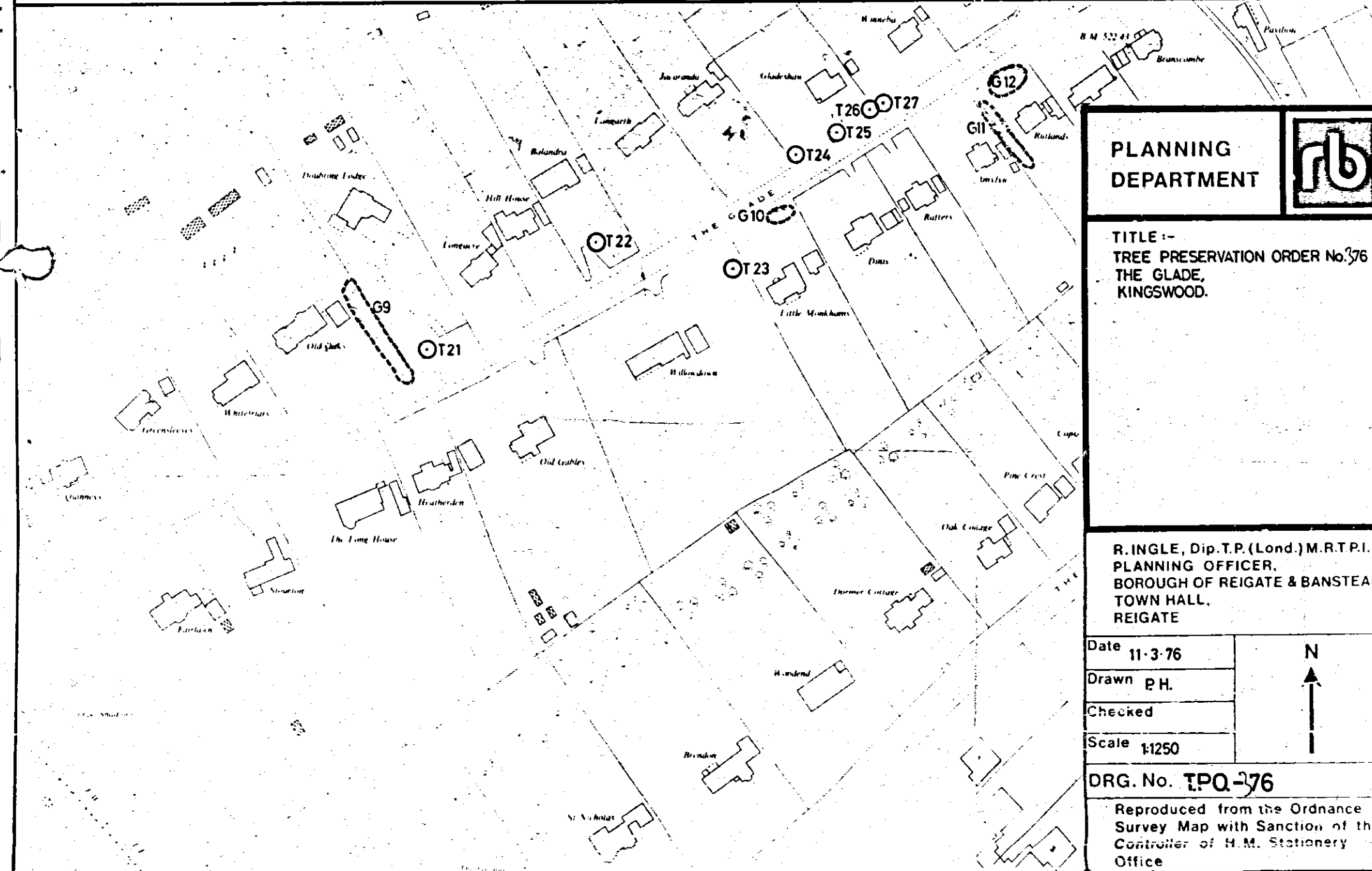
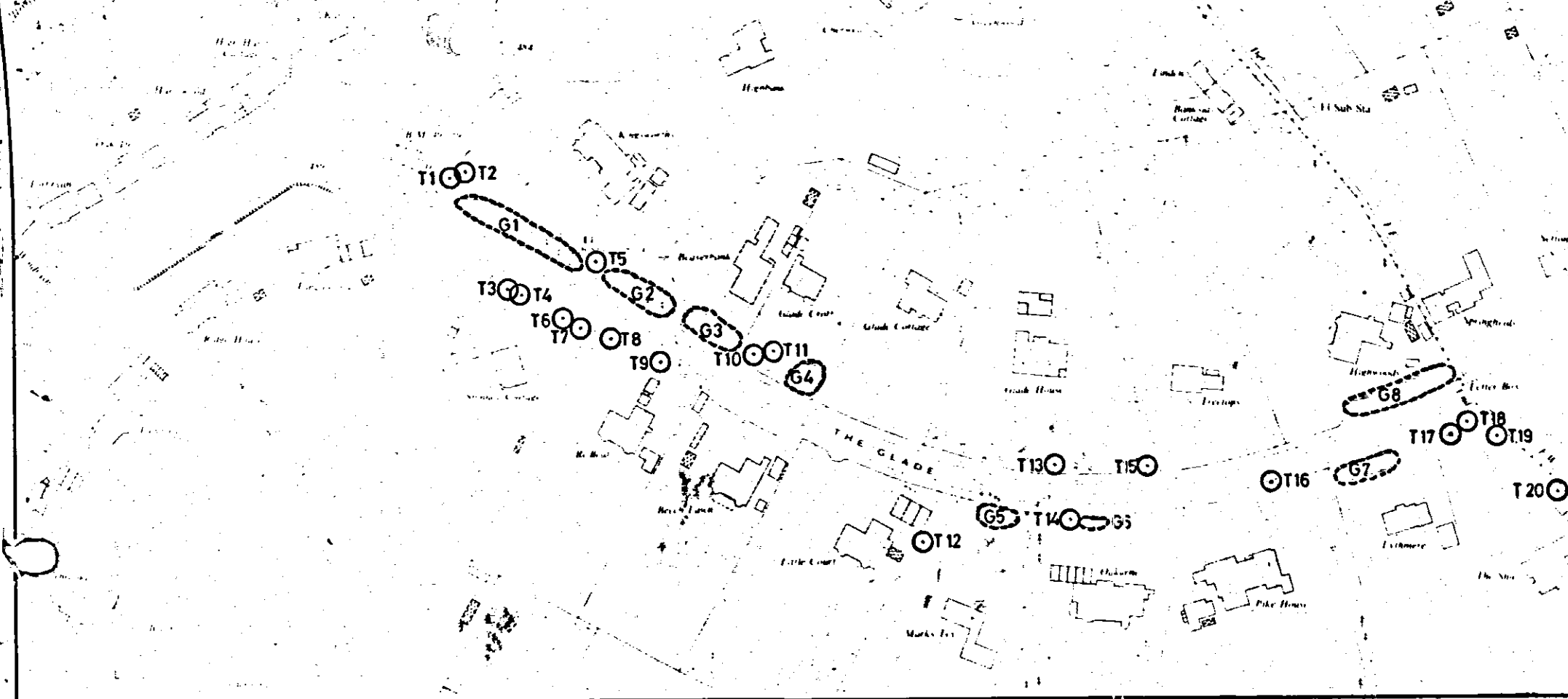



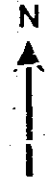
DRG. No. TPQ-376

Reproduced from the Ordnance
Survey Map with Sanction of the
Controller of H.M. Stationery

R. Ingle
Chief Executive and Town Clerk

Scal No 379/76



PLANNING DEPARTMENT 	
TITLE :- TREE PRESERVATION ORDER No. 376 THE GLADE, KINGSWOOD.	
R. INGLE, Dip. T.P. (Lond.) M.R.T.P.I. PLANNING OFFICER, BOROUGH OF REIGATE & BANSTEAD TOWN HALL, REIGATE	
Date 11-3-76	
Drawn P.H.	
Checked	
Scale 1:250	
DRG. No. TPO-376	
Reproduced from the Ordnance Survey Map with Sanction of the Controller of H.M. Stationery Office	

SECTION 62 TOWN AND COUNTRY PLANNING ACT 1971 REPLACEMENT OF TREES

(1) If any tree in respect of which a Tree Preservation Order is for the time being enforced, other than a tree to which the Order applies as part of a woodland, is removed, uprooted or destroyed in contravention of the Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by virtue of the provisions of section 60(6) of this Act relating to trees which are dying or dead or have become dangerous, it shall be the duty of the owner of the land

(c) that the planting of a tree or trees in accordance with the Notice is not required in the interests of amenity, or would be contrary to the practice of good forestry;

(d) that the place on which the tree or trees are required to be planted is unsuitable for that purpose;

(3A) An Appeal under this section shall be made by Notice in writing to the Secretary of State.

(3B) The Notice shall indicate the grounds of the appeal and state the facts on which it is based.

(3C) On any such appeal the Secretary of State shall, if either the appellant or the local planning 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.

(3D) Where an appeal is brought under this section, the Notice under sub-section (1) of this section shall be of no effect pending the final determination or the withdrawal of the appeal.

(3E) On the determination of an appeal under this section, the Secretary of State shall give directions for giving effect to the determination, including, where appropriate, directions for quashing the Notice under sub-section (1) of this section or for varying its terms

(3F) On such an appeal the Secretary of State may correct any informality, defect or error in the Notice under sub-section (1) of this section, or give directions varying the terms, if he is satisfied that the correction or variation can be made without injustice to the appellant, or the local planning authority.

(4) Schedule 9 to this Act applies to appeals under sub-section (3) of this section.

(5) In Section 91 of this Act, and in regulations in force under that section, references to an Enforcement Notice and an Enforcement Notice a copy of which has been served in respect of the breach of any planning control shall include references to a notice under this section; and in relation to such a Notice the reference in sub-section (2) of that section to the person by whom the breach of planning control was committed shall be construed as a reference to any person, other than the owner, responsible for the cutting down, destruction or removal of the original tree or trees.

BOROUGH OF REIGATE AND BANSTEAD

TOWN AND COUNTRY PLANNING ACT 1971 - 1974

Tree Preservation Order No. RE 76

To: R. C. P. Tanson
Horsley Cottage,
The Glade
Kingswood,
Surrey

Whereas in accordance with the provisions of the above Act you have made an application dated the 13th day of January 1981 for the consent of the Local Planning Authority to do tree work on certain trees in the above Order.

NOW THEREFORE THE MAYOR OF THE BOROUGH OF REIGATE AND BANSTEAD acting by the Council or the said Borough as the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and Order that CONSENT IS HEREBY GRANTED TO ~~REMOVE~~ carry out tree work on oak trees numbered T1 and T2.

Subject to the following conditions:-

That the tree work is done as set out by your Tree Contractor's estimate submitted with your letter dated 13.1.81.

That the tree work is done in accordance with the British Standard Specification No. 3998:1966.

IT IS HEREBY CERTIFIED that the Council is satisfied that the above conditions are necessary as the trees have an outstanding or special amenity value.

Dated this 29th day of January 1981

Signature: .....
Director of Planning

Borough of Reigate and Banstead,
Town Hall,
Reigate,
Surrey,
RH2 0SH.

Note (1) Attention is particularly drawn to the Schedule on the reverse of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.

c.c. to Land Charges

SCHEDULE

Rights of Applicants Aggrieved by Decision of Local Planning Authority

Extract from Schedule 3 of the Town and Country

Planning (Tree Preservation Order) Regulations 1969.

(4) 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 a certificate that he is thereof, or to a certificate or direction, or may cancel any certificate or direction, and may deal with the application as if it had been made to him in the first instance.

(5) Before determining an appeal under this section, the Secretary of State shall give the appellant and the authority so desiring, an opportunity to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

MEMORANDUM

Confirmed Unapproved 30/3/77

TO: PLANNING OFFICER (Copy Local Land Charges)	Your Ref:
FROM: DIRECTOR OF ADMINISTRATIVE & LEGAL SERVICES	My Ref: DALSA/AN/T.01/76
Subject o TOWN AND COUNTRY PLANNING ACT, 1971 TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1969	Date 30th September, 1976

BOROUGH OF REIGATE AND BANSTEAD - TREE PRESERVATION ORDER NO.876
1976. (RE76)

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

I also attach a copy of a Notice served on 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 Section 61 of the Town and 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 Secretary of State for the Environment, or the date upon which the Secretary of State notifies the Council that he does not propose to confirm it, whichever occurs first.

I will keep you informed in this matter.

J. A. Dando

DALSA

Registered in The Local Land Charges Register. P 3
Date 7/10/76

BOROUGH OF REIGATE & BANSTEAD

TOWN AND COUNTRY PLANNING ACT, 1971

TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1969

BOROUGH OF REIGATE & BANSTEAD TREE PRESERVATION ORDER NO. 19

To:

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 & 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 Secretary of State for the Environment after the consideration of objections and representations;

OR

- (d) the date upon which the Secretary of State notifies the Council that he does not propose to confirm the Order.

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(a) a pleasing feature in the locality and its/their retention

Copies of the said Order and of the map referred to therein have been deposited at the Information Centres at the following addresses:- Town Hall, Castlefield Road, Reigate; The Council House, Brighton Road, Banstead; Four Limes, Warwick Road, Redhill; and the Council Offices, Massetts Road, Horley, and will be open for inspection on weekdays between the hours of 9.00 am - 1.00 p.m., 2.00 pm - 4.00 pm at Reigate; 10.30 am - 1.00 pm, 2.00 pm - 3.30 pm at Redhill; and 8.45 am - 1.00 pm, 2.00 pm - 5.00 pm (4.45 pm on Fridays) at Banstead and Horley.

ANY objection or representation with respect to the said Order may be made in writing to the Secretary of State, the Department of the Environment, 2, Marsham Street, London, SW1P 3EB in accordance with Regulation 7* of the Town and Country Planning (Tree Preservation Order) Regulations, 1969.

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 instead of being confirmed by the Secretary of State.

CHIEF EXECUTIVE AND TOWN CLERK

Date:

Town Hall,
REIGATE,
Surrey.

* REGULATION 7 reads as follows:-

7. (1) Every objection or representation with respect to an Order shall be made in writing to the Secretary of State, and shall state the grounds thereof and the name of the authority who made the Order, 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 Secretary of State within twenty-eight days from the date of the service of the notice of the making of the Order.

- Mr. & Mrs. G. E. Bromley,
"Horsley Cottage",
Forest Drive,
Kingswood.
- Dr. D. P. N. Satchell,
"Spinney Cottage",
The Glade,
Kingswood.
- Mr. & Mrs. G. E. Bromley,
"Kingsworthy",
The Glade,
Kingswood.
- Mr. & Mrs. J. R. Welch,
"Killara",
The Glade,
Kingswood.
- Mr. J. A. Hawkes,
"Beaverbank",
The Glade,
Kingswood.
- Mr. R. J. Young,
"Glade Croft",
The Glade,
Kingswood.
- Mr. F. Hood,
"Marks Tey",
The Glade,
Kingswood.
- Mrs. D. P. Elliott,
"Glade House",
The Glade,
Kingswood.
- * Mr. R. W. Brewis,
Flat 1,
"Oakdene",
The Glade,
Kingswood.
- * Mr. P. M. Fuller,
Flat 2,
"Oakdene",
The Glade,
Kingswood.
- * Miss E. R. Smith,
Flat 3,
"Oakdene",
The Glade,
Kingswood.
- * The Occupier,
Flat 3A, 'Oakdene',
The Glade,
Kingswood.
- * Mr. A. Smith,
Flat 4, "Oakdene",
The Glade,
Kingswood.
- * Miss J. M. Allchurch,
Flat 4B,
"Oakdene",
The Glade,
Kingswood.
- Mr. & Mrs. G. H. Stone,
"Pike House",
The Glade,
Kingswood.
- Mr. R. J. Wheatley,
"Lythmere",
The Glade,
Kingswood.
- Mr. & Mrs. B. J. Bale,
"The Shiel",
The Glade,
Kingswood.
- M/s J. Gosnell,
'Old Oaks',
The Glade,
Kingswood.
- Mr. D. B. Mathieson,
'Fox Haven',
The Glade,
Kingswood.
- Mr. R. F. Simons,
"Balandra",
The Glade,
Kingswood.
- Mr. F. D. W. Long,
"Willowdown",
The Glade,
Kingswood.
- Messrs. J. R. S. & D. J. Manson,
"Little Monkham",
The Glade,
Kingswood.
- Mr. & Mrs. H. C. Bouldstridge,
"Gladeshaw",
The Glade,
Kingswood.
- Mr. & Mrs. H. E. W. Simons,
"Amylyn",
The Glade,
Kingswood.
- Mr. C. W. Brindley,
"Rutlands",
The Glade,
Kingswood.
- Mr. J. D. G. White,
"Highwoods",
The Glade,
Kingswood.
- * AGENT \\
Edwards and Sharp,
12, High Street,
EPSOM.
- OWNER
John Livesey Orchards,
The Avenue,
Tadworth.

BOROUGH OF REIGATE AND BANSTEAD

TREE PRESERVATION ORDER NO: 376, 1976 (RE 76)

TOWN AND COUNTRY PLANNING ACT, 1971

The Council of the Borough of Reigate and Banstead 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 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

(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;
- (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,

or Regional Land Drainage Committee 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 or Regional Land Drainage Committee 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 and of section 46 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.

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

13. (1) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on

(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.

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 £400 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 an 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 soon 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.

14. This Order shall be known as "The Borough of Reigate and Banstead (The Glade, Kingswood), Tree Preservation Order No. 76".

FIRST SCHEDULETREES SPECIFIED INDIVIDUALLY

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1 T2	Oak Oak	On south-east boundary of 'Horsley Cottage', The Glade, Kingswood
T3 T4	Oak Silver Birch	On front boundary of 'Spinney Cottage', The Glade, Kingswood
T5	Oak	In south-east corner of 'Kingsworthy', The Glade, Kingswood
T6 T7	Silver Birch Silver Birch	On front boundary of 'Spinney Cottage', The Glade, Kingswood
T8 T9	Lawson's Cypress Lawson's Cypress	On front boundary of 'Redleaf', The Glade, Kingswood
T10 T11	Douglas Fir Oak	In front garden of 'Glade Croft', The Glade, Kingswood
T12	Beech	On west boundary of 'Marks Tey', The Glade, Kingswood
T13	Silver Birch	On front boundary of 'Glade House ', The Glade, Kingswood
T14	Oak	On front boundary of 'Oakdene', The Glade, Kingswood
T15	Oak	On front boundary of 'Glade House', The Glade, Kingswood
T16	Oak	On front boundary of 'Pike House', The Glade, Kingswood
T17	Oak	On front boundary of 'The Shiel', The Glade, Kingswood
T18	Oak	
T19 T20	Oak Oak	On east boundary of 'The Shiel', The Glade, Kingswood
T21	Oak	In front garden of 'Fox Haven', The Glade, Kingswood
T22	Oak	In front garden of 'Balandra' The Glade, Kingswood
T23	Silver Birch	In front garden of 'Willowdown' The Glade, Kingswood

/continued.....:

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T24	Silver Birch	} On front boundary of 'Glade Shaw', The Glade, Kingswood
T25	Silver Birch	
T26	Silver Birch	
T27	Silver Birch	

TREES SPECIFIED BY REFERENCE TO AN AREA

None

GROUPS OF TREES

(Within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation.</u>
G1	Group of 4 Lawson's Cypress and 2 Beech	} On front boundary of 'Kingsworthy', The Glade, Kingswood
G2	Group of 3 Oak and 1 Birch	} On front boundary of 'Beaverbank', The Glade, Kingswood
G3	Group of 3 Oak	
G4	Group of 3 Oak and 1 Beech	} In south-east corner of 'Glade Croft', The Glade, Kingswood

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 (a) 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;

(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 or working of any such line;

(iii) a water authority or regional land drainage committee established under the Water Act 1973, where the tree interferes or would interfere with the exercise of any of the functions of such water authority or regional land drainage committee in relation to the maintenance, improvement or construction of water courses or of drainage works; or

(iv) the Secretary of State where in the opinion of such Secretary of State 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 authorized 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.

THIRD SCHEDULE

Provisions of the following parts of (a) Part III of the Town and Country Planning Act 1971 and (b) section 46 of the said Act as adapted and modified to apply to this Order.

(a) Part III of the Act

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 in so far as the consent otherwise provides), endure for the benefit of the land and of all persons for the time being interested therein.

Reference of Appli- cations to the Secretary. 35. (1) The Secretary may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

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

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

(4) Where an application for consent under the Order is referred to the Secretary 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.

(5) Before determining an application referred to him under this section the Secretary 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 for the purpose.

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

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.

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

(3) Where an authority submit an Order to the Secretary for his confirmation under this section, the authority shall furnish the Secretary 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, 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 for the purpose.

(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.

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 under sub-section (2) of this section.

(b) Town and Country Planning Act, 1971 Section 46

Unopposed
Revocation
or Modifica-
tion of
Consent.

46. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

(2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary, such Order may take effect by virtue of this section and without being confirmed by the Secretary.

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

(4) The authority shall send a copy of any advertisement published under sub-section (2) above to the Secretary, 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 as aforesaid and the Secretary 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 as required by section 45 (2) of the Town and Country Planning Act, 1971.

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

GIVEN under the COMMON SEAL)
of the Council of the)
Borough of Roigate & Banstead)
this 30th)
day of September)
One thousand nine hundred and)
Seventy-six)

G.H. Searle

Mayor

D.S. Walker

Chief Executive & Town Clerk

33. Lyme Regis Road.

Banstead.

MEMORANDUM

Confirmed unapproved 7/12/76

TO PLANNING OFFICER (Copy Local Land Charges)	Your Ref
FROM DIRECTOR OF ADMINISTRATIVE & LEGAL SERVICES	My Ref DAL5/BG/CMT.01/75
Subject TOWN AND COUNTRY PLANNING ACT, 1971 TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1969	Date 7 JUN 1976

BOROUGH OF REIGATE AND BANSTEAD - TREE PRESERVATION ORDER NO. **375** (RE 75)
1976

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

I also attach a copy of a Notice served on 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 Section 61 of the Town and 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 Secretary of State for the Environment, or the date upon which the Secretary of State notifies the Council that he does not propose to confirm it, whichever occurs first.

I will keep you informed in this matter.

R. A. Davis

DAL5

Registered in The Local Land Charges Register.
Date 7th June 1976

BOROUGH OF REIGATE AND BANSTEAD
TREE PRESERVATION ORDER NO: 375, 1976.
TOWN AND COUNTRY PLANNING ACT, 1971

The Council of the Borough of Reigate and Banstead 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 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.

* 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;
- (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,

or Regional Land Drainage Committee 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 or Regional Land Drainage Committee 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 and of section 46 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

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

(b) any injurious affection to any land or to any trees the subject of a claim for compensation under this Order.

(2) The time within which any such claim shall be made 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, where an appeal has been made to the Secretary against the decision of the authority, from the date of the decision of the Secretary.

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

13. (1) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on **7 JUN 1976**

(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.

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 £400 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 an 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 soon 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.

14. This Order shall be known as "The Borough of Reigate and Banstead (33 Lyme Regis Road, Banstead) Tree Preservation Order No. 75".

FIRST SCHEDULETREES SPECIFIED INDIVIDUALLY

(Uncoloured and encircled in black on the map)

<u>No. on Map.</u>	<u>Description</u>	<u>Situation</u>
T1	Lebanon Cedar	On rear boundary of 33 Lyme Regis Road, Banstead
T2	Lebanon Cedar	
T3	Lebanon Cedar	

TREES SPECIFIED BY REFERENCE
TO AN AREA

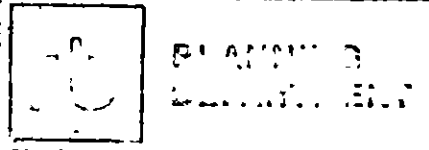
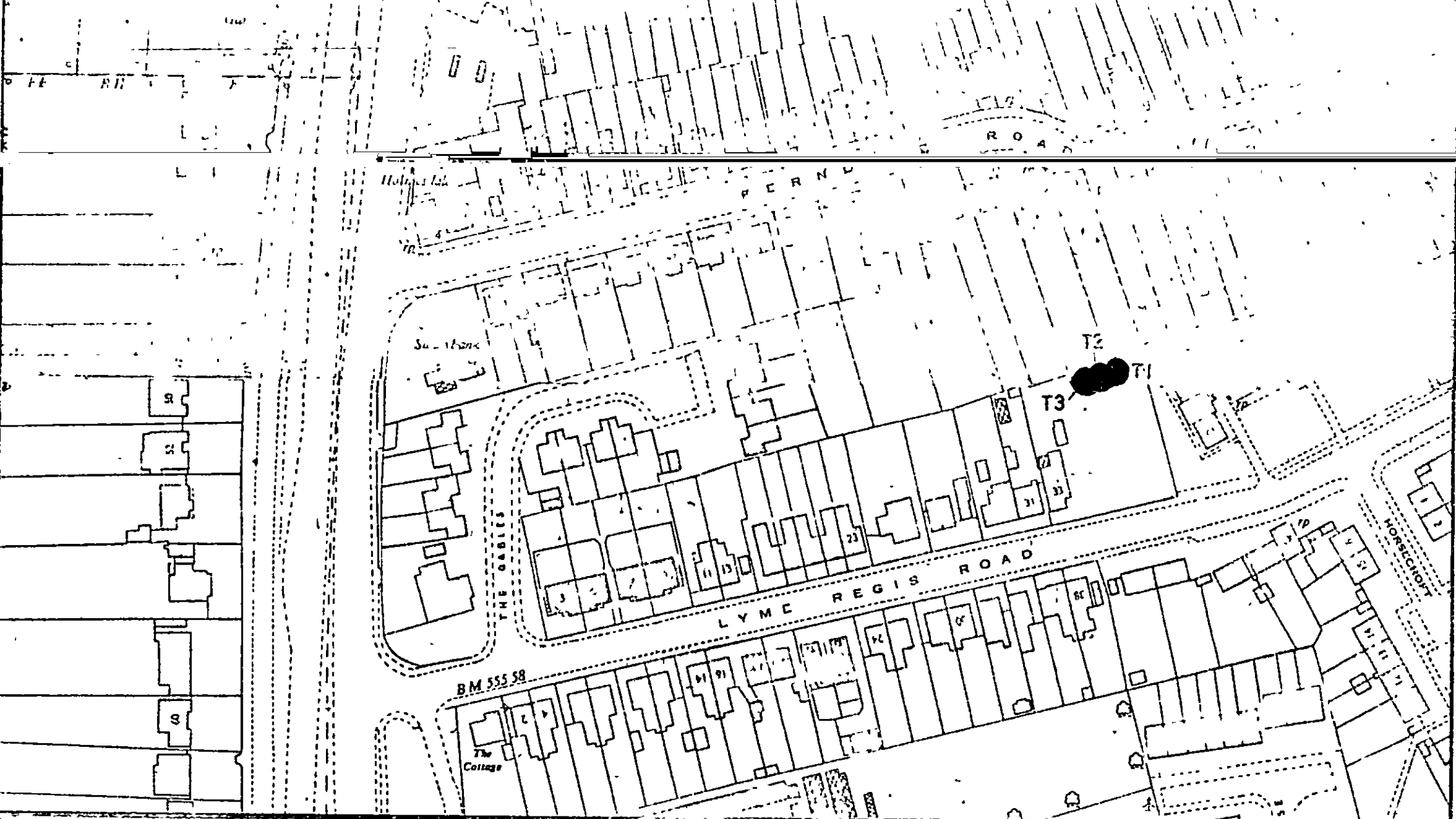
None

GROUPS OF TREES

None

WOODLANDS

None



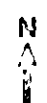
R. Ingle, Dip. T. P. (Lond) M R. T. P I
 Planning Officer,
 Borough of Mole and Banstead,
 Town Hall, Reigate

Scale
 1: 1250

TITLE
 TREE PRESERVATION ORDER NO. 375
 33, LYME REGIS ROAD,
 BANSTEAD.

DATE 2000
 DRAWN: L.O.
 CHECKED:

Produced from the Ordnance Survey 1:1250 map with the permission of the Controller of Her Majesty's Stationary Office, Crown Copyright Reserved



ERG. NO. T. 375/3

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 (a) 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;

(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 or working of any such line;

(iii) a water authority or regional land drainage committee established under the Water Act 1973, where the tree interferes or would interfere with the exercise of any of the functions of such water authority or regional land drainage committee in relation to the maintenance, improvement or construction of water courses or of drainage works; or

(iv) the Secretary of State where in the opinion of such Secretary of State 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 authorized 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.

THIRD SCHEDULE

Provisions of the following parts of (a) Part III of the Town

(4) Where an application for consent under the Order is referred to the Secretary 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.

(5) Before determining an application referred to him under this section the Secretary 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 for the purpose.

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

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.

(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 may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary, 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.

(4) Before determining an appeal under this section, the Secretary 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 for the purpose.

(5) The decision of the Secretary on any appeal under this section shall be final.

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 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.

* See Note at foot of Page 1.

Appeals
against
Decisions

Appeal in
Default of
Decision.

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.

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

(3) Where an authority submit an Order to the Secretary for his confirmation under this section, the authority shall furnish the Secretary 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, 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 for the purpose.

(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~~

~~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 under sub-section (2) of this section.~~

(b) Town and Country Planning Act, 1971 Section 46

146. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

Unopposed
Revocation
or Modifica
tion of
Consent.

(2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary, such Order may take effect by virtue of this section and without being confirmed by the Secretary.

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

(4) The authority shall send a copy of any advertisement published under sub-section (2) above to the Secretary, 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 as aforesaid and the Secretary 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 as required by section 45 (2) of the Town and Country Planning Act, 1971.

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

GIVEN under the COMMON SEAL)
of the Council of the)
Borough of Reigate & Banstead)
this 26th)
day of May)
One thousand nine hundred and)
ninety-six)

Mayor

Chief Executive & Town Clerk

BOROUGH OF REIGATE & BANSTEAD

TOWN AND COUNTRY PLANNING ACT, 1971

TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1969

BOROUGH OF REIGATE & BANSTEAD TREE PRESERVATION ORDER NO. 375/1974

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 & 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 Secretary of State for the Environment after the consideration of objections and representations;

or

- (d) the date upon which the Secretary of State notifies the Council that he does not propose to confirm the Order.

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.

(over)

Copies of the said Order and of the map referred to therein have been deposited at the Information Centres at the following addresses:- Town Hall, Castlefield Road, Reigate; The Council House, Brighton Road, Banstead; 12, London Road, Redhill; and the Council Offices, Massetts Road, Horley, and will be open for inspection on weekdays between the hours of 9.00 am - 1.00 pm, 2.00 pm - 4.30 pm (4.00 pm on Fridays) at Reigate; ~~9.00 am - 5.00 pm (4.45 pm on Fridays) at Redhill;~~ and 9.00 am - 1.00 pm, 2.00 pm - 5.00 pm (4.45 pm on Fridays) at Banstead and Horley.

ANY objection or representation with respect to the said Order may be made in writing to the Secretary of State, the Department of the Environment, 2, Marsham Street, London, SW1P 3EB in accordance with Regulation 7* of the Town and Country Planning (Tree Preservation Order) Regulations, 1969.

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 instead of being confirmed by the Secretary of State.

(sgd) D.S. Walker

CHIEF EXECUTIVE AND TOWN CLERK

Date: 7/6/76

Town Hall,
REIGATE,
Surrey.

* REGULATION 7 reads as follows:-

7. (1) Every objection or representation with respect to an Order shall be made in writing to the Secretary of State, and shall state the grounds thereof and the name of the authority who made the Order, 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 Secretary of State within twenty-eight days from the date of the service of the notice of the making of the Order.

Mr. A. Booth,
10 South Street,
Lancing,
Sussex.
BN15 8AG.

Messrs. A. J. Waite Ltd.,
Canons Lane,
Burgh Heath,
Surrey.

Mrs. E. R. R. Dodd,
33 Lyme Regis Road
Banstead,
Surrey.