

# MEMORANDUM

<b>To:</b> DES(DC) f a o Malcolm James <b>c c:</b> Land Charges	<b>Your Ref</b> DES/DC/MBJ/RE779
<b>From:</b> <b>DIRECTOR OF RESOURCES</b>	<b>My Ref</b> SH/MJN/PL T 01/779(4029)
<b>Date</b> 17th December, 1998	<b>Contact</b> Mrs S Hall <b>Extn No.</b> 6068
<b>Subject</b>  <b>REIGATE &amp; BANSTEAD BOROUGH COUNCIL TREE PRESERVATION ORDER NO RE779/1998 LAND AT THE FAIRWAYS, REDHILL AND AT THE STONELEIGH, THE PETWORTH AND THE RIPLEY, PENDLETON ROAD, REDHILL</b>	

I confirm that the above-mentioned Tree Preservation Order was confirmed without modification by the Council on 16th December, 1998

I attach a list of all recipients of the confirmation of the Order

*Sally Hall*

Mrs S Hall  
Legal Assistant

**ENCs:**

address	salutation	yours
Linden Homes South East Limited, Linden House, 34, Crowhurst Mead, Godstone, Surrey, RH9 8BF	Sirs,	faithfully,
Linden Homes, Tiltdene, Stoke Road, COBHAM, Surrey, KT11 3AS	Sirs,	faithfully,
Mr & Mrs Macgregor, 58 Clarence Walk, Leadvale, REDHILL, Surrey	Mr & Mrs Macgregor,	sincerely,
The Owner/Occupier, The Stoneleigh, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, The Petworth, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, The Ripley, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 2, The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 4 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 6 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,

address	salutation	yours
The Owner/Occupier, 8 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 10 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 12 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 1 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 3 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 5 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 7 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 9 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, "Poplar House", 11 The Fairways, REDHILL, Surrey, RH1 6LP	Sir/Madam,	faithfully,
The Owner/Occupier, 15 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,

address	salutation	yours
The Owner/Occupier, 17 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 19 The Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
Reigate & Banstead Borough Council (Leisure Services), Community Services Department, For the attention of Fran Hodgkinson	Madam,	faithfully,
The Owner/Occupier, Birch Tree Cottage, Somerset Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, Havering Patch, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, Pinewood, Somerset Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, Haven, Somerset Road, REDHILL, Surrey	Sir/Madam,	faithfully,

# MEMORANDUM

<b>To:</b> DES(DC) f a o Malcolm James <b>c.c.</b> Land Charges	<b>Your Ref</b> DES/DC/MBJ/RE779
<b>From</b> <i>DIRECTOR OF RESOURCES</i>	<b>My Ref</b> SH/MJN/PL T 01/779(4029)
<b>Date</b> 29th October, 1998	<b>Contact</b> Mrs S Hall <b>Extn No.</b> 6068
<b>Subject</b>  <b>TOWN &amp; COUNTRY PLANNING ACT 1990</b> <b>TOWN &amp; COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1969</b> <b>REIGATE &amp; BANSTEAD BOROUGH COUNCIL TREE PRESERVATION ORDER NO RE779/1998</b> <b>LAND AT THE FAIRWAYS, REDHILL AND AT THE STONELEIGH, THE PETWORTH AND THE RIPLEY, PENDLETON ROAD, REDHILL</b>	

I enclose for your information and record a copy of a Notice served on the owner/occupier, listed considered to be affected by the making of the Order, and a list of affected trees.

The provisions of s 61 of the Town and Country Planning Act 1990: 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.

You are informed in this matter.

*Sally Hall*  
Assistant

*Sally Hall*  
Sally Hall  
Legal A

ENCLOSURE

address	salutation	yours
Linden Homes South East Limited, Linden House, 34, Crowhurst Mead, Godstone, Surrey, RH9 8BF	Sirs,	faithfully,
Linden Homes, Tiltdene, Stoke Road, COBHAM, Surrey, KT11 3AS	Sirs,	faithfully,
Mr & Mrs Macgregor, 58 Clarence Walk, Meadvale, REDHILL, Surrey.	Mr & Mrs Macgregor,	sincerely,
The Owner/Occupier, The Stoneleigh, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, The Petworth, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, The Ripley, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 2, Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 4 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 6 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,

address	salutation	yours
The Owner/Occupier, 8 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 10 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 12 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 1 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 3 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 5 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 7 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 9 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 11 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 15 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 17 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,

address	salutation	yours
The Owner/Occupier, 19 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
Reigate & Banstead Borough Council (Leisure Services), Community Services Department, For the attention of Fran Hodgkinson	Madam,	faithfully,
The Owner/Occupier, Birch Tree Cottage, Somerset Road, REDHILL, Surrey	Sir/Madam,	faithfully,
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The Owner/Occupier, Pinewood, Somerset Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, Haven, Somerset Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 32 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 34 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 36 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,

address	salutation	yours
The Owner/Occupier, 38 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 40 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 42 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 44 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 46 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 48 Clarence Walk	Sir/Madam,	faithfully,

address	salutation	yours
The Owner/Occupier, 56 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,
<i>50 copies of this letter</i> <del>The Owner/Occupier, 58 Clarence Walk, Meadvale, REDHILL, Surrey</del>	<del>Sir/Madam,</del>	<del>faithfully,</del>
The Owner/Occupier, 60 Clarence Walk, Meadvale, REDHILL, Surrey	Sir/Madam,	faithfully,

*Order confirmed without  
modification 16/12/98*

**THE COUNCIL OF THE BOROUGH OF REIGATE & BANSTEAD**

**TOWN & COUNTRY PLANNING ACT 1990**

**TOWN & COUNTRY PLANNING (TREE PRESERVATION ORDER)**

**REGULATIONS 1969 (AS AMENDED)**

**BOROUGH OF REIGATE & BANSTEAD TREE PRESERVATION**

**ORDER NO. RE779/1998**

**RE: LAND AT THE FAIRWAYS, REDHILL  
AND AT THE STONELEIGH, THE PETWORTH AND  
THE RIPLEY, PENDLETON ROAD, REDHILL**

Head of Legal and Estates Services,  
Town Hall,  
Reigate,  
Surrey,  
RH2 0SH

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER)  
REGULATIONS 1969 (AS AMENDED)**

**BOROUGH OF REIGATE & BANSTEAD TREE PRESERVATION ORDER  
NUMBER/RE779/1998**

**Re: LAND AT THE FAIRWAYS, REDHILL AND AT THE STONELEIGH,  
THE PETWORTH AND THE RIPLEY, PENDLETON ROAD, REDHILL**

The Borough of Reigate and Banstead Council in this Order called "the authority" in pursuance of the powers conferred in that behalf by Section 198 and Section 201 of the Town and Country Planning Act 1990 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 1990

"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 mortgagor 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 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 conditions is in the interests of good forestry, or
- (b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value, or
- (c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section 15(1)(b) or 15(2)(a) of the Forestry Act 1967

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 development 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 204 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 this 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 (or their successors in title) 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, notifying 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 (or their successors in title) 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 such 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 198 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

shall be made by serving it on the authority, such service to be effected by delivering a copy of the claim at the offices of the authority at the Town Hall, Reigate, Surrey, or by sending it by post addressed to the Chief Executive thereof, or by sending it by post addressed to the authority at the address specified in the notice of the authority.

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, 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.

The amount of disputed compensation shall be determined in accordance with the provisions of Section 12 of the Act.

12 Any question arising under the provisions of Section 2

13 The provisions of Section 201 of the Act shall apply to this Order and the Order shall take effect on the 29th day of October 1998

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 £20,000 or twice the sum which appears to the Court to be the value of the tree, whichever is the greater. The penalty for any other contravention of this Order is a fine not exceeding level 4 on the standard scale on summary conviction. The local planning authority also has power to apply to the Court for an injunction, under Section 214A of the Act

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 198(6) of the Town and Country Planning Act 1990 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 approximate size and species at the same place as he reasonably can. Except in emergency, not less than 5 day's 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

## FIRST SCHEDULE

### TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the map)

<u>No. On Map</u>	<u>Description</u>	<u>Situation</u>
T1	Corsican Pine	Land at Fairways, Somerset Road
T2	Purple Prunus	“ ” “ ” “
T3	Monterey Cypress	“ ” “ ” “
T4	Horse Chestnut	“ ” “ ” “
T5	Norway Maple	“ ” “ ” “
T6	Ash (twin-stemmed)	“ ” “ ” “
T7	Copper Beech	“ ” “ ” “
T8	Silver Birch	“ ” “ ” “
T9	Box Elder	Land at The Ripley Pendleton road

### 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>
A1	All those trees within Area A1 on the plan, including Oak, Ash, Horse Chestnut, Norway Maple, Yew and Thorn	Land at Fairways and Pendleton Road

### GROUP OF TREES

(Within a broken line on the map)

<u>No. On Map</u>	<u>Description</u>	<u>Situation</u>
G1	7 Limes 2 Ash (1 ash twin-stemmed)	Land at Fairways, Somerset Road
G2	1 Pine 1 Horse Chestnut	“ ” “ ” “
G3	2 Ash 2 Monterey Cypress 1 Thorn Row of young Beech (outgrown hedge 25 + in total)	“ ” “ ” “

G4	1 Corsican Pine	Land at Fairways, Somerset Road
	1 Yew	“ ” “ ” “
	1 Copper Beech	“ ” “ ” “
	1 Silver Birch	“ ” “ ” “
G5	1 Oak	“ ” “ ” “
	2 Ash	

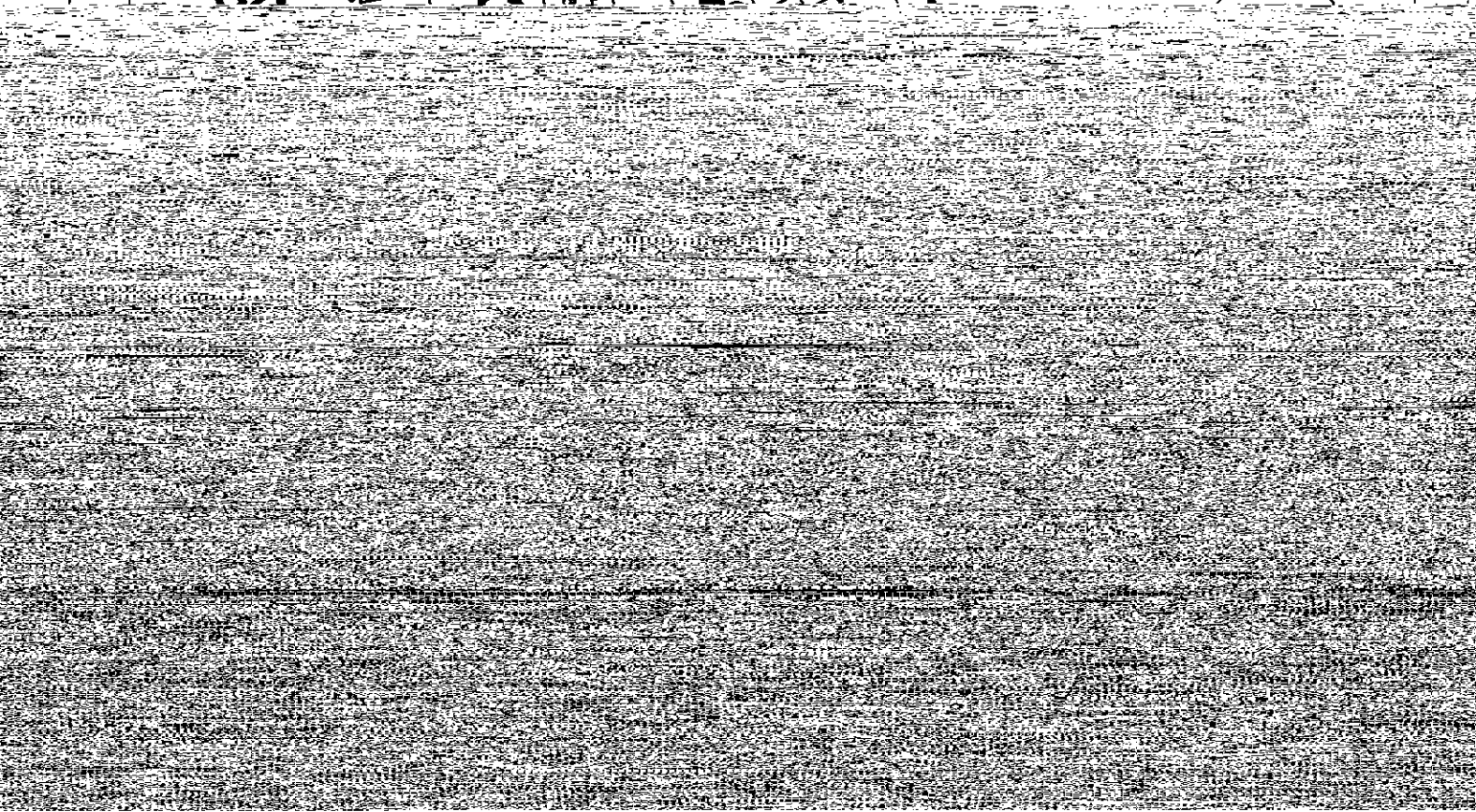
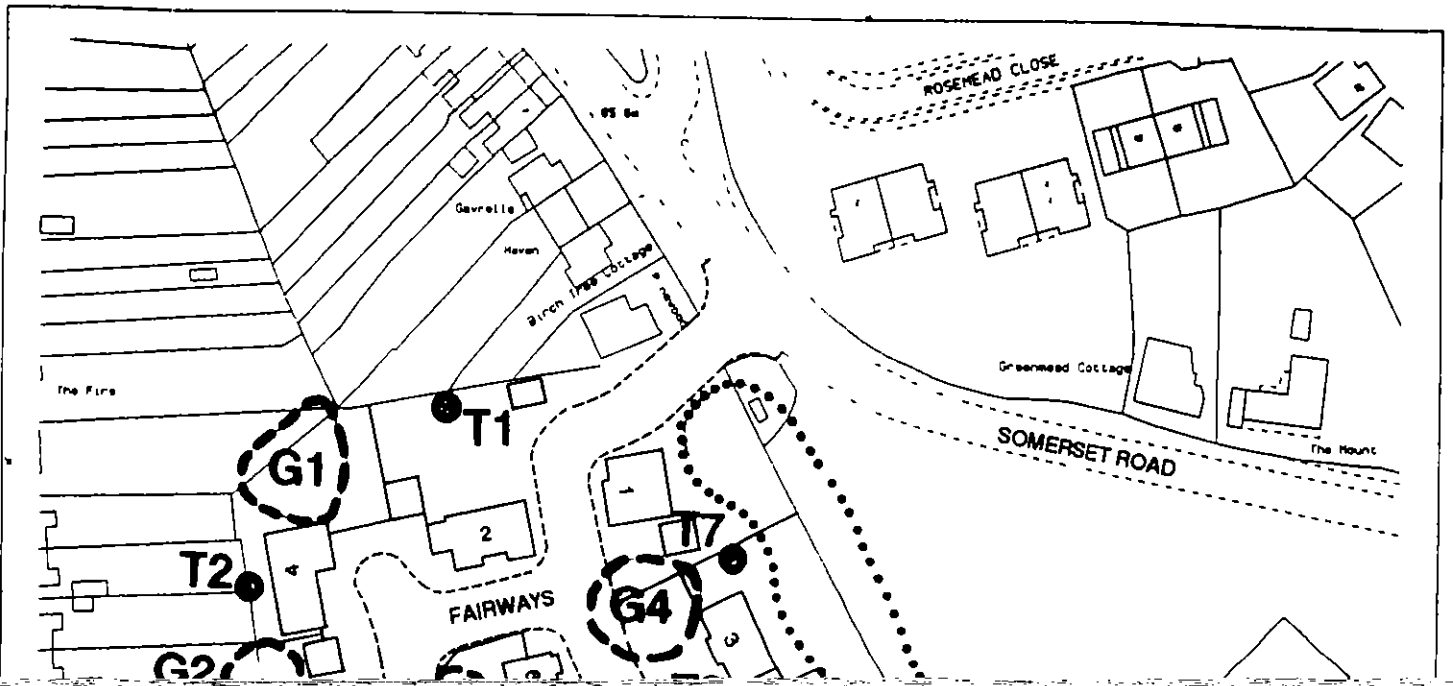
**WOODLANDS**

(Within a continuous black line on the map)

<u>No. On Map</u>	<u>Description</u>	<u>Situation</u>
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NONE

STL17



## 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 concerned 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 or 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, (or their successors in title), 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,

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

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

77-(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 fails to be determined by the authority

77-(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

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

Appeals against decisions

78-(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

Appeal in default of decision

78-(2) 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 77 above,

the provisions of Section 79 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

79-(1) 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

79-(2) 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

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

Power to revoke or modify the consent under the Order

97-(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

97-(3) 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

97-(4) The revocation or modification of consent shall not affect so much of those operations as has been previously carried out

98-(1) Subject to the provisions of Section 99 and 201 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State

98-(2) 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

98-(3) 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

modifications as he considers expedient

Unopposed  
revocation  
modification  
of consent

99-(1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 97 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 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

99-(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 of State that they wish for an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose and (b) the period (not less than fourteen 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 of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State

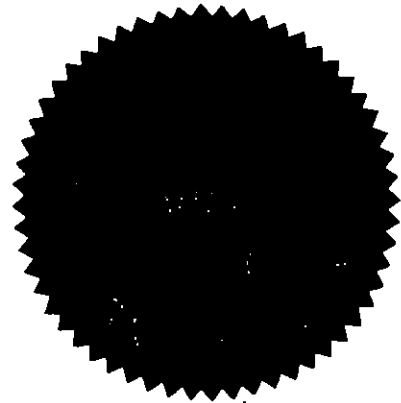
99-(3) The authority shall also serve notices to the same effect on persons mentioned in sub-section (1) above

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

99-(7) 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 98(1) of the Act

99-(8) 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 this Part or Part VII of the Act

**GIVEN** under **THE COMMON SEAL OF** )  
**THE COUNCIL OF THE BOROUGH OF** )  
**REIGATE AND BANSTEAD** this 29th )  
day of October One thousand nine hundred )  
and ninety-eight )



257/98

Authorised Signatory

**REIGATE AND BANSTEAD BOROUGH COUNCIL**

**TREE PRESERVATION ORDER NO. RE779**

**STATEMENT OF GROUNDS** for making a provisional Tree Preservation Order RE779 on those trees as detailed on the accompanying map and schedule, and located on land at **The Fairways and Pendleton Road, Redhill.**

- 1 These trees form an important visual amenity to this locality and the order is desirable to protect them from indiscriminate lopping, pruning, felling or other damage and to safeguard their future management

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**BOROUGH OF REIGATE AND BANSTEAD**

**TOWN AND COUNTRY PLANNING ACT, 1990**

**REIGATE AND BANSTEAD BOROUGH COUNCIL TREE PRESERVATION  
ORDER NO RE779/1998**

**Re LAND AT THE FAIRWAYS, REDHILL AND AT THE STONELEIGH,  
THE PETWORTH AND THE RIPLEY, PENDLETON ROAD, REDHILL**

To FIELD(address) 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 198 and 201 of the Town and Country Planning Act 1990, 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 201 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 beginning with the date on which the Order was made as specified in paragraph 13 of 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 28 days from the date of the service of the Notice of the Making of the Order 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 Council (after the consideration of any objections and representations received within the 28 day period specified in (b) above)

whichever first occurs

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

It is expedient in the interests 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

A certified copy 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, or )  
The Help Shop, The Horseshoe, Banstead, Surrey, or ) (9 00 a m - 1 00 p m )  
The Help Shop, 4 Victoria Square, Consort Way, ) (2 00 p m - 4 30 p m )  
Horley, Surrey )

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)

If no objections or representations are duly made or any so made are withdrawn, then not less than 28 days from the date of the service thereof, the Order may be confirmed (but without modification) as an unopposed Order by the Council

MARTIN BACON

Chief Executive

DATED 29th October, 1998

Town Hall,  
Reigate,  
Surrey, RH2 OSH

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 "

address	salutation	yours
Linden Homes South East Limited, Linden House, 34, Crowhurst Mead Godstone, Surrey, RH9 8BF	Sirs,	faithfully,
Linden Homes, Tiltedene, Stoke Road, COBHAM, Surrey, KT11 3AS	Sirs,	faithfully,
Mr & Mrs Macgregor, 58 Clarence Walk, Meadvale, REDHILL, Surrey	Mr & Mrs Macgregor,	sincerely,
The Owner/Occupier, The Stoneleigh, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, The Petworth, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, The Ripley, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 2, Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 4 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 6 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,

address	salutation	yours
The Owner/Occupier, 8 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 10 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 12 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 1 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 3 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 5 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 7 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 9 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 11 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 15 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, 17 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,

address	salutation	yours
The Owner/Occupier, 19 Fairways, REDHILL, Surrey	Sir/Madam,	faithfully,
Reigate & Banstead Borough Council (Leisure Services). Community Services Department, For the attention of Fran Hodgkinson	Madam,	faithfully,
The Owner/Occupier, Birch Tree Cottage, Somerset Road, REDHILL, Surrey	Sir/Madam,	faithfully,
The Owner/Occupier, Havering Patch, Pendleton Road, REDHILL, Surrey	Sir/Madam,	faithfully,