

*Lana Charges Copy*

BOROUGH OF REIGATE  
TREE PRESERVATION ORDER NO. 39, 1973  
TOWN AND COUNTRY PLANNING ACT, 1971

The Reigate Borough Council, on behalf of the Surrey County Council in this order called "the authority", in pursuance of the powers conferred in that behalf by section 60 and section 61 of the Town and Country Planning Act, 1971 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

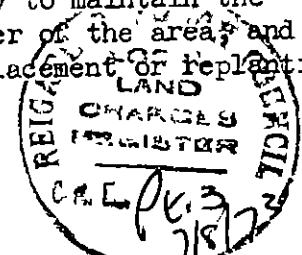
"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in 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 or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree 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.



1.

**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 -

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 contained in an operative scheme under the Town and Country Planning Act, 1932, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

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

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Secretary, as the case may be, or where an appeal has been made to the Secretary against the decision of the authority, from the date of the decision of the Secretary on the appeal.

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

13. (1) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on *2nd August 1973*

(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:
1. Any person who, in contravention of the Order, cuts down, wilfully destroys or tops or lops a tree in a manner likely to destroy it, shall be guilty of an offence and liable on conviction to a fine not exceeding £250 or twice the value of the tree whichever is the greater. (Section 102 (1)).
  2. Any other contravention of the Order shall constitute an offence attracting a fine not exceeding £50. (Section 102 (2)).
  3. If the offence is a continuing offence and is continued after conviction, the offender commits a further offence and is liable to a fine not exceeding £200 each day on which the contravention is continued. (Section 102 (3))
  4. If any tree (other than a tree to which the Order applies as part of a woodland) is removed or destroyed in contravention of the Order or is removed only by virtue of Section 60 (6) of the Act (see 2nd Schedule para. (3)), it is the duty of the owner of the land, unless on his application the local authority dispense with this requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can, (Section 62) and the local authority may enforce this duty. (Section 103)

14. This Order shall be known as "The Borough of Reigate (47 Warwick Road, Redhill) Tree Preservation Order No. 39".

FIRST SCHEDULETREES SPECIFIED INDIVIDUALLY

(Uncoloured and encircled in black on the  
Map)

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<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T.1	Oak	Within rear garden of 47 Warwick Road, Redhill.

○

TREES SPECIFIED BY REFERENCE  
TO AN AREA

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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 woodland scheme.
- \* (3) the cutting down, topping or lopping of a tree exempted from the provisions of this order by section 60 (6) of the Act namely a tree which is dying or dead or has become dangerous, or the cutting down, topping or lopping of which is in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.
- (4) the cutting down, 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 river authority established under the Water Resources Act 1963, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, the Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment Board in relation to the maintenance, improvement or construction of water courses or of drainage works; or
      - (iv) the Minister of Defence for the Royal Air Force, the Minister of Technology or the Board of Trade where in the opinion of such Minister or Board 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;

NOTE: Section 62(1) of the Act requires, unless on the application of the owner the local authority dispense with the requirement, that any tree removed or destroyed under section 60(6) of the Act shall be replaced by another tree of appropriate size and species. In order to enable the local planning authority to come to a decision, on whether or not to dispense with the requirement, notice of the proposed action should be given to the local planning authority which except in a case of emergency shall be of not less than five days.

(d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden;

(e) in pursuance of the powers conferred on the Conservators of the River Thames by virtue of section 105 of the Thames Conservancy Act 1932.

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), enure for the benefit of the land and of all persons for the time being interested therein.

Reference of Applications 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

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.

(6) 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.

Appeal in  
Default of  
Decision.

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.

Power to  
Revoke or  
Modify the  
Consent under  
the Order.

(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 subsection (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 subsection (2) of this section.

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

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

Unopposed  
Revocation or  
Modification of  
Consent.

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 is first displayed) within which

GIVEN under the COMMON SEAL  
of the Mayor Aldermen and  
Burgesses of the Borough of  
Reigate the *2nd*  
day of *August*  
One thousand nine hundred and  
*seventy three*

*d.S.*

*J. Curtis*

Mayor

*C. Buglilwell*

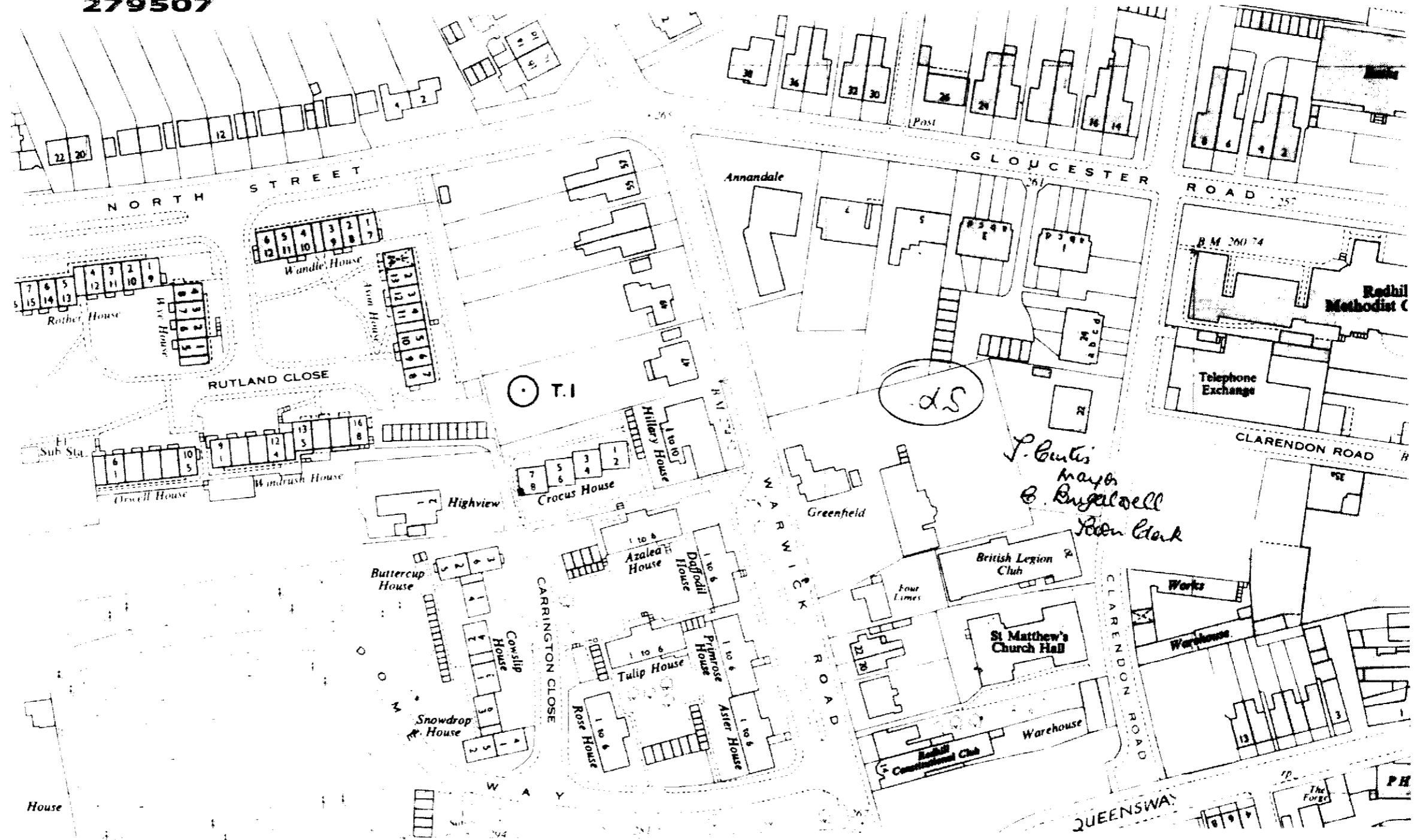
Town Clerk.



Special Document  
279507

# BOROUGH OF REIGATE

DWG. N<sup>o</sup> 150



DWG. N <sup>o</sup>		
DRAWN	TRACED	DATE

SCALES
1/1250

TREE PRESERVATION ORDER N<sup>o</sup> 39  
47 WARWICK ROAD, REDHILL

B. H. PATTINSON, B.Sc.,  
A.M.I.C.E., M.I.Mun.E., A.M.T.P.I.  
BOROUGH ENGINEER & SURVEYOR  
& PLANNING OFFICER  
TOWN HALL, REIGATE

Llc

IMPORTANT: THIS CO MUNICATION AFFECTS YOUR PROPERTY

BOROUGH OF REIGATE  
TOWN AND COUNTRY PLANNING ACT, 1971  
TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS,  
1969

BOROUGH OF REIGATE TREE PRESERVATION ORDER NO. 39 19 73

To: **EUROPA SECURITIES LIMITED, 17, PARK ROAD, LONDON, NW1 6XN**

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

TAKE NOTICE that the Mayor Aldermen and Burgesses of the Borough of Reigate acting by the Council of the said Borough (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, delegated to them by the Surrey County Council 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 by the Secretary of State for the Department of the Environment 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 namely **2nd August, 1973** and shall continue in force provisionally for a period of six months from that date or until the date upon which the Secretary of State for the Department of the Environment confirms the said Order or notifies the Council that he does not propose to confirm it whichever occurs first.

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 trees form a pleasing feature in the locality and their retention is essential to preserve the visual appearance of the surrounding area.

A copy of the said Order and of the map referred to therein has been deposited at the Town Hall, Reigate and will be open for inspection free of charge between the hours of 9.0 a.m. and 5.0 p.m. on weekdays.

ANY objection or representation with respect to the said Order may be made in writing to the Secretary of State for the Department of the Environment, Whitehall, London, S.W.1. 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 42 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.

C. W. BURCHETT

Town Clerk

Town Hall,  
REIGATE, Surrey.

(\*Regulation 7 is set out on the reverse of this Notice)

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

# Environmental Services Department

NIGEL CLIFFORD

Director



Contact Officer      Mr M B James  
Extn                      2313  
My Ref                  DES/DC/MBJ/BPC/REI-38/97P/1564  
Your Ref  
Date                      8th December 1997

DEVELOPMENT CONTROL  
Town Hall  
Castlefield Road  
Reigate Surrey RH2 0SH  
Tel 01737 242477  
Fax 01737 222135  
Minicom 01737 241900  
<http://www.reigate-banstead.gov.uk>

c c      Robinsons Chartered Surveyors, The Georgian House, Bell Street, Reigate, Surrey

Connick Tree Care  
New Pond Farm  
Woodhatch Road  
Reigate  
Surrey, RH2 7QH

c c      Land Charges  
c c      Tree Register  
c c      File 97P/1564  
c c      File REI-38

Dear Sir

**TREE WORK APPLICATION 97P/1564  
TREE PRESERVATION ORDER REI-38  
WITHDRAWAL OF TREE WORK APPLICATION  
HOWARD COURT, DOODS PARK ROAD, REIGATE**

Your application for works to trees at Howard Court, Doods Park Road, Reigate is considered withdrawn

Detailed inspection of the Tree Preservation Order records show that despite the order being served confirmation was incomplete. Therefore, your application has been withdrawn and consent from this Authority is not required for the works detailed in this instance

We apologise for any delay or inconvenience this may have caused, initially any proposed works are usually considered to require the normal formalities

Yours faithfully

D Woods  
Principal Planning Officer