WEST WILTSHIRE DISTRICT COUNCIL

TPO NO.		TPO type	
05/00003		IND	
Tree Species: LIME			
Location: 19 KINGFIELD GRANGE ROAD BRADFORD ON AVON			
Effective Date:	04/02/05	Date Confirmed:	23.6.05

05/00003/IND

Town and Country Planning Act 1990

The District of West Wiltshire (19 Kingsfield Grange Road Bradford on Avon) Tree Preservation Order 2004

The **West Wiltshire District Council** in exercise of the powers conferred on them by sections 198 [201[a]] [and] 203 [and 300] of the Town and Country Planning Act 1990[b] hereby make the following Order:

Citation

1. This Order may be cited as The District of West Wiltshire (19 Kingsfield Grange Road Bradford on Avon) Tree Preservation Order 2004.

Interpretation

2. In this Order "the authority" means the West Wiltshire District Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application Of Section 201

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 4 February 2005.

Prohibited Acts In Relation To Trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)[c] or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and subject to article *5,* no person shall:

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

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

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

Exemptions

5. (1) Nothing in article 4 shall prevent:

   (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land(d) of the statutory undertaker and the work is necessary:

      (i) in the interests of the safe operation of the undertaking;
      (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker: or
      (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order *1995*[e];

   (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;

   (c) the pruning, in accordance with good horticultural practice. of any tree cultivated for the production of fruit;

(a) Under section 199(i), tree preservation orders generally do not take effect until confirmed, but a direction may be given under section 201 for an order to take provisional effect immediately.

(b) Where the Order is to be made under the sections cited *and* section 300 of the Town and Country Planning Act 1990, all those provisions should be cited, as should the fact of the consent of the appropriate authority. As to the circumstances in which the consent of the Forestry Commission is required (and should be cited) *see* section 200(1) of that Act.

(c) Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping of trees which are dying, dead or have become dangerous, or the undertaking of those acts 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. Subsection (7) of that section makes section 198 subject to section 39(2) of the Housing and Planning Act 1986 (c.63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences under that Act to fell trees comprised in a tree preservation order).

(d) *See* section 263 of the Town and Country Planning Act 1990.

(e) S.I. 1995/418.

(d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act r deemed to have been granted (whether for the purposes of that Part or otherwise);

(e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;

(f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991[a]; or

(g) without prejudice to section 1 98(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989[b].

(2) In paragraph (1), "statutory undertaker" means any of the following:

a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

a relevant airport operator (within the meaning of Part V of the Airports Act 1986)[c],

the holder of a licence under section 6 of the Electricity Act 1989,

a public gas transporter,

the holder of a licence under section 7 of the Telecommunications Act 1984[d], to whom the telecommunications code (within the meaning of that Act) is applied,

a water or sewerage undertaker,

the Civil Aviation Authority or a body acting on behalf of that Authority,

the Post Office.

Applications For Consent Under The Order

6. An application for consent for the cutting down, topping, lopping or uprooting of any tree in respect of which his Order is for the time being in force shall be made in writing to the authority and shall:

(a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
(b) specify the work for which consent is sought; and
(c) contain a statement of the applicant's reasons for making the application.

Application Of Provisions Of The Town And Country Planning Act 1990

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

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

Directions As To Replanting

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

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

(a) 1991 *c.59. see* section 72.
(b) 1989 c.29.
(c) 1986c.31.
(d) 1984 c.12

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

(a) species;
(b) number of trees per hectare;
(c) the preparation of the relevant land prior to the replanting; and
(d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:

(a) the refusal of any consent required under this Order; or

(b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

(a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or

(b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person —

(a) for loss of development value or other diminution in the value of the land;

(b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

(c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or

(d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article:

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and "owner" has the meaning given to it by section 34 of the Forestry Act 1967.

Application To Trees To Be Planted Pursuant To A Condition

10. In relation to the tree[s] identified in the first column of Schedule 1 by the letter "C", being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].

Orders Made By Virtue Of Section 300

11. This Order takes effect in accordance with subsection (3) of section 300 (tree preservation orders in anticipation of disposal of Crown land).

Dated this 4th day of February 2005

The Common Seal of the West Wiltshire District Council was hereunto affixed in the presence of:

..... Member

..... Principal Lawyer



Signed on behalf of the West Wiltshire District Council

Rosie MacGregor

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the West Wiltshire District Council without modification on the ..... day of ..... or

This Order was confirmed by the West Wiltshire District Council, subject to the modifications indicated by *(state how indicated)*, ... The modification 2004 & 2005 as amended on front sheet ....., on the 23rd day of June 2005

P L Westbury

Authorised by the Council to sign in that behalf

~~**DECISION NOT TO CONFIRM ORDER**~~

~~A decision not to confirm this Order was taken by the West Wiltshire District Council on the ..... day of .....~~

~~.....~~

~~Authorised by the Council to sign in that behalf~~

VARIATION OF ORDER

This Order was varied by the West Wiltshire District Council on the ..... day of ....., under the reference number .....

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the West Wiltshire District Council on the ..... day of ....., under the reference number

.....

~~Authorised by the Council to sign in that behalf~~

SCHEDULE 1

Article 4

SPECIFICATION OF TREES

19 KINGSFIELD GRANGE ROAD BRADFORD ON AVON

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

Reference on Map	*Description*	*Situation**
T1	Lime	

TREES SPECIFIED BY REFERENCE TO AN AREA

(with dotted black line on the map)

Reference on Map	*Description*	*Situation**

GROUPS OF TREES

(within a broken black line on the map)

Reference on Map	*Description*	*Situation**

WOODLANDS

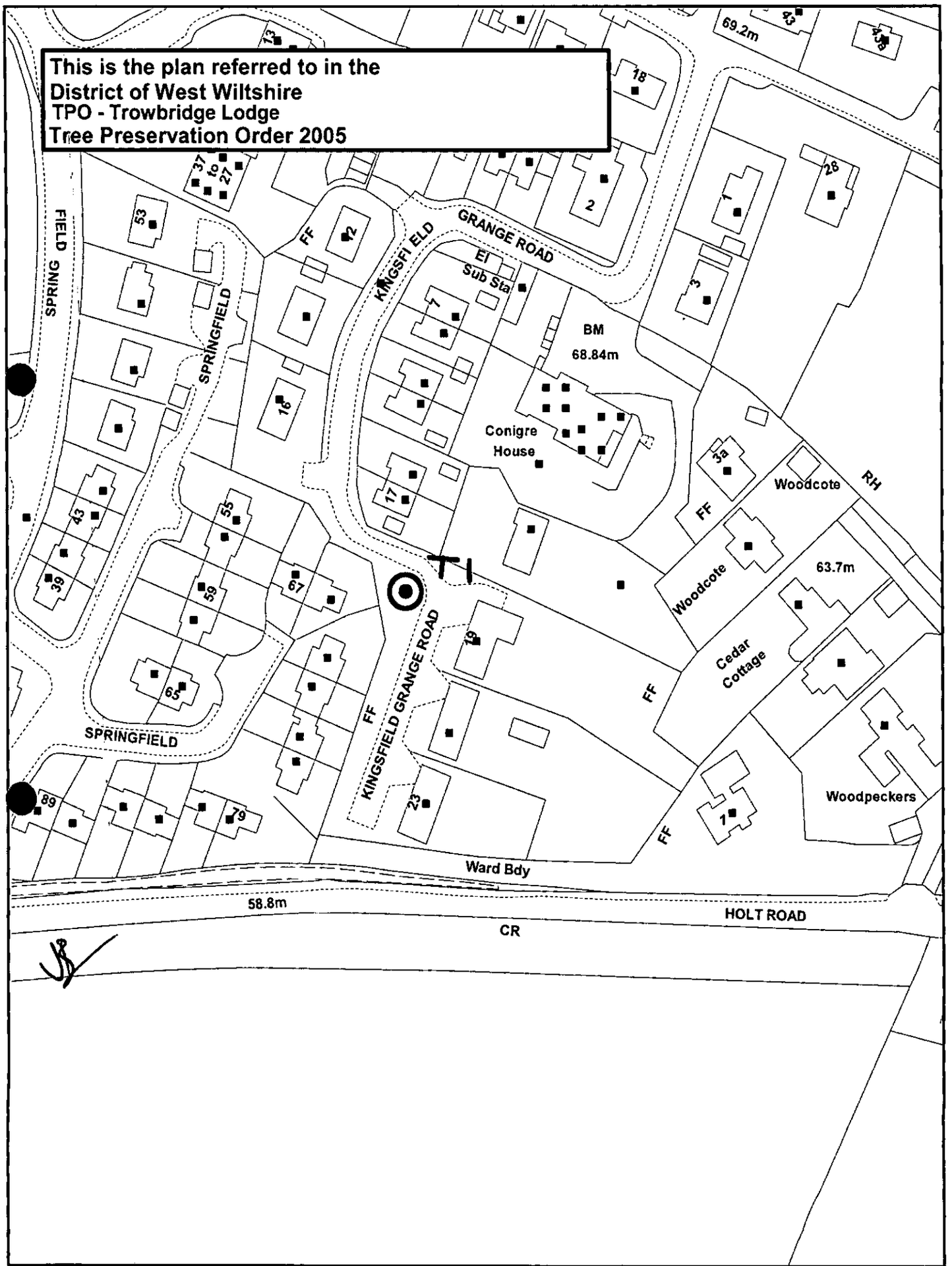
(within a continuous black line on the map)

Reference on Map	*Description*	*Situation**

* complete if necessary to specify more precisely the position of the trees.

TREE PRESERVATION ORDER

West Wiltshire
DISTRICT COUNCIL



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West Wiltshire District Council Bradley Road Trowbridge Wiltshire BA14 0RD
Tel: 01225 776655 Fax: 01225 770316 DX: 116891 Trowbridge 3 www.westwiltshire.gov.uk

Scale: 1:1250
Date: 28 January 2005
MSA: 100022961

N

SCHEDULE 2

Article 7

PART I

Provisions of the Town and Country Planning Act 1990 applied with adaptations or modifications

Provisions of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	(a) In subsection (1)- (i) omit— "in such manner as may be prescribed by a development order", "such" in the second place where it appears, and "as may be so prescribed", and (ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission (b) In subsection (2)— (i) after "contain" insert ". as regards each such order" and (ii) for paragraphs (a) and (b) substitute— '(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.". (c) Omit subsections (3) and (4) (as required by section 198(4)).
Section 70 (determination of applications: general considerations)	(a) In subsection (1)— (i) substitute— "Subject to subsections (IA) and (IB), where" for "Where"; "the authority" for "a local planning authority", "consent under a tree preservation order" for "planning permission" where those words first appear; and "consent under the order" for "planning permission" in both of the other places where those words appear; (ii) after "think fit", insert— "(including conditions limiting the duration of the consent or requiring the replacement of trees)": and (iii) omit "subject to sections 91 and 92,". (b) After subsection (I) insert— "(IA) Where an application relates to an area of woodland. the authority shall grant consent so far as accords with the practice of good forestry. unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area. (IB) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)". (c) Omit subsections (2) and (3).
Section 75 (effect of planning permission)	(a) In subsection (I) substitute— (i) "Any" for the words from "Without" to "any": (ii) "consent under a tree preservation order" for "planning permission to develop land": (iii) "the consent" for "the permission": and (iv) "the land to which the order relates" for "the land". (b) Omit subsections (2) and (3).
Section 78 (right to appeal against planning decisions and failure to take such decisions)	(a) In subsection (1) substitute— (i) "the authority" for "a local planning authority". (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear; (iii) "consent under such an order" for "planning permission" in the second place where those words appear; (iv) or paragraph (c) substitute— "(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority". (b) Omit subsection (2) (c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute— "in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served— (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow; (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.". (d) For subsection (4), substitute— "(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).". (e) For subsection *(5),* substitute— *"(5)* For the purposes of the application of section 79(1), in relation to an appeal made under subsection (I)(d), it shall be assumed that the authority decided to refuse the application in question.".
Section 79 (determination of appeals)*	(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority". (b) Omit subsection (3). (c) In subsection (4), substitute— (i) "section 70(1), (IA) and (IB)' for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule *5"* (ii) "consent under a tree preservation order" for "planning permission"; and (iii) "the authority" for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71".
*section 79 was amended by the Planning and Compensation Act 1991 (c. 34), section 18 and Schedule 7, paragraph 19.	(d) Omit subsections (6) and (6A). (e) In subsection (7), omit the words after "section 78".

PART II

Provisions Of The Town And Country Planning Act 1990, As Adapted And Modified By Part I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order:

(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and

(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

(1) Subject to subsections (IA) and (IB). where an application is made to the authority for consent under a tree preservation order:

(a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

(1) Where the authority:

(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;

(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction' or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (I), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (l)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

(1) On an appeal under section 78 the Secretary of State may:

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

(7) Schedule 6 applies to appeals under section 78.

Bradley Road Trowbridge Wiltshire BA14 0RD Tel: 01225 770344 / 770382
Fax: 01225 770314 DX 116891 Trowbridge 3 www.westwiltshire.gov.uk

West Wiltshire
DISTRICT COUNCIL

Our Ref: 05/00003/IND

CON_N

Date as Postmark

FILE COPY

The Owner/Occupier
Beaglers Green
3B Kingsfield Grange Road
Bradford On Avon
Wiltshire
BA15 1BE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir or Madam

The District of West Wiltshire (19 Kingsfield Grange Road Bradford on Avon) Tree Preservation Order 2004

We refer to our previous correspondence concerning the above. It was decided to confirm the Tree Preservation Order on 23.06.2005.

We therefore enclose a copy of the confirmed Order for your attention and retention.

The validity of a Tree Preservation Order cannot be challenged in any legal proceedings except by way of application to the High Court. An application to the High Court may be made by any person who is 'aggrieved' by a Tree Preservation Order on the grounds:

1 that the Tree Preservation Order is not within the powers of the Act; or

2 that the requirements of the Act or the 1969 Regulations have not been complied with in relation to the Tree Preservation Order.

To be 'aggrieved', the applicant should be able to show that he has a sufficiently direct interest in the matter.

An application must be made within 6 weeks of the date of the Local Planning Authority's confirmation of the Tree Preservation Order. The High Court may quash the Tree Preservation Order, or suspend its operation wholly or in part. Failure by the Local Planning Authority to comply with the requirements of the Act or Regulations is not in itself sufficient for the Court to quash a Tree Preservation Order; the Court must also be satisfied that the interests of the applicant have been 'substantially prejudiced' as a result. Before making an application under this ground, therefore, any would-be applicant may first wish to consider whether the Local Planning Authority's decision would have been more favourable to him if made in accordance with the statutory requirements.

Anyone thinking about making an application to the High Court is advised to take legal advice about the correct procedure to be followed (which is set out in Rules of Court) and the likely costs that would be incurred if the application failed.

Yours faithfully

D HUBBARD
Development Control Manager

For further enquiries please contact the above officer on ext 01225 776655 Ext 320, or by e:mail on planningoffice@westwiltshire.gov.uk

Enc

POSITIVE ABOUT DISABLED PEOPLE
INVESTOR IN PEOPLE

Order No.	05/00003/IND	Address	19 Kingsfield Grange Road Bradford On Avon Wiltshire BA15 1BE
U.P.R.N.	100121074211		
Status	CONF - Order Confirmed		

Title 19 Kingsfield Grange Road Bradford on Avon

Letter Type CONFN - Confirmation of Order letter (Neighbour) Neighbour Expiry Date 21.07.2005

Address	Letter Type	Date Printed	Reply Date	Ack. Date	Neighbourhood Consultee
Beaglers Green 3B Kingsfield Grange Road Bradford On Avon Wiltshire BA15 1BE	NOT_N CONFN	01.02.2005 23.06.2005			☐
15 Kingsfield Grange Road Bradford On Avon Wiltshire BA15 1BE	NOT_N CONFN	01.02.2005 23.06.2005			☐
17 Kingsfield Grange Road Bradford On Avon Wiltshire BA15 1BE	NOT_N CONFN	01.02.2005 23.06.2005			☐
21 Kingsfield Grange Road Bradford On Avon Wiltshire BA15 1BE	NOT_N CONFN	01.02.2005 23.06.2005			☐
23 Kingsfield Grange Road Bradford On Avon Wiltshire BA15 1BE	NOT_N CONFN	01.02.2005 23.06.2005			☐
67 Springfield Bradford On Avon Wiltshire BA15 1BA	NOT_N CONFN	01.02.2005 23.06.2005			☐
69 Springfield Bradford On Avon Wiltshire BA15 1BA	NOT_N CONFN	01.02.2005 23.06.2005			☐
71 Springfield Bradford On Avon Wiltshire BA15 1BA	NOT_N CONFN	01.02.2005 23.06.2005			☐
73 Springfield Bradford On Avon Wiltshire BA15 1BA	NOT_N CONFN	01.02.2005 23.06.2005			☐
75 Springfield Bradford On Avon Wiltshire BA15 1BA	NOT_N CONFN	01.02.2005 23.06.2005			☐
77 Springfield Bradford On Avon Wiltshire BA15 1BA	NOT_N CONFN	01.02.2005 23.06.2005			☐

OK Cancel

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Fax: 01225 770314 DX 116891 Trowbridge 3 www.westwiltshire.gov.uk

West Wiltshire
DISTRICT COUNCIL

Our Ref: 05/00003/IND CON_C

23 June 2005

FILE COPY

LETTERS SENT TO:

Mrs D Holmes, Bradford On Avon Town Council, St Margarets Hall St Margarets Street Bradford On Avon Wilts

District Highway Surveyor, Area Highway Office, 36 Lancaster Road, Bowerhill, Melksham, Wilts, SN12 6QT - Attention: Mr I Janes

Countryside Officer (Landscape), Environmental Services Department, Wiltshire County Council, County Hall, Trowbridge, Wiltshire - Attention: Steve Russell

Dear Sir

The District of West Wiltshire (19 Kingsfield Grange Road Bradford on Avon) Tree Preservation Order 2004

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1 that the Tree Preservation Order is not within the powers of the Act; or

2 that the requirements of the Act or the 1969 Regulations have not been complied with in relation to the Tree Preservation Order.

To be 'aggrieved', the applicant should be able to show that he has a sufficiently direct interest in the matter.

An application must be made within 6 weeks of the date of the Local Planning Authority's confirmation of the Tree Preservation Order. The High Court may quash the Tree Preservation Order, or suspend its operation wholly or in part. Failure by the Local Planning Authority to comply with the requirements of the Act or Regulations is not in itself sufficient for the Court to quash a Tree Preservation Order; the Court must also be satisfied that the interests of the applicant have been 'substantially prejudiced' as a result. Before making an application under this ground, therefore, any would-be applicant may first wish to consider whether the Local Planning Authority's decision would have been more favourable to him if made in accordance with the statutory requirements.

Anyone thinking about making an application to the High Court is advised to take legal advice about the correct procedure to be followed (which is set out in Rules of Court) and the likely costs that would be incurred if the application failed.

Yours faithfully

D HUBBARD
Development Control Manager

For further enquiries please contact the above officer on ext 01225 776655 Ext 320, or by e:mail on planningoffice@westwiltshire.gov.uk

Enc

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Bradley Road Trowbridge Wiltshire BA14 0RD Tel: 01225 770344 / 770382
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West Wiltshire
DISTRICT COUNCIL

Our Ref: 05/00003/IND CON_O

23 June 2005

FILE COPY

Owner Occupier
19 Kingsfield Grange Road
Bradford On Avon
Wiltshire
BA15 1BE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir or Madam

The District of West Wiltshire (19 Kingsfield Grange Road Bradford on Avon) Tree Preservation Order 2004

We refer to our previous correspondence concerning the above. It was decided to confirm the Tree Preservation Order on 23.06.2005.

We therefore enclose a copy of the confirmed Order for your attention and retention.

The validity of a Tree Preservation Order cannot be challenged in any legal proceedings except by way of application to the High Court. An application to the High Court may be made by any person who is 'aggrieved' by a Tree Preservation Order on the grounds:

1 that the Tree Preservation Order is not within the powers of the Act; or
2 that the requirements of the Act or the 1969 Regulations have not been complied with in relation to the Tree Preservation Order.

To be 'aggrieved', the applicant should be able to show that he has a sufficiently direct interest in the matter.

An application must be made within 6 weeks of the date of the Local Planning Authority's confirmation of the Tree Preservation Order. The High Court may quash the Tree Preservation Order, or suspend its operation wholly or in part. Failure by the Local Planning Authority to comply with the requirements of the Act or Regulations is not in itself sufficient for the Court to quash a Tree Preservation Order; the Court must also be satisfied that the interests of the applicant have been 'substantially prejudiced' as a result. Before making an application under this ground, therefore, any would-be applicant may first wish to consider whether the Local Planning Authority's decision would have been more favourable to him if made in accordance with the statutory requirements.

Anyone thinking about making an application to the High Court is advised to take legal advice about the correct procedure to be followed (which is set out in Rules of Court) and the likely costs that would be incurred if the application failed.

Yours faithfully

D HUBBARD
Development Control Manager

For further enquiries please contact the above officer on ext 01225 776655 Ext 320, or by e:mail on planningoffice@westwiltshire.gov.uk

Enc

POSITIVE ABOUT DISABLED PEOPLE
INVESTOR IN PEOPLE

Bradley Road Trowbridge Wiltshire BA14 0RD Tel: 01225 770344 / 770382
Fax: 01225 770314 DX 116891 Trowbridge 3 www.westwiltshire.gov.uk

West Wiltshire
DISTRICT COUNCIL

Our Ref: 05/00003/IND NOT_N

Date as Postmark

FILE COPY

The Owner/Occupier
73 Springfield
Bradford On Avon
Wiltshire
BA15 1BA

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir or Madam

The District of West Wiltshire (19 Kingsfield Grange Road Bradford on Avon) Tree Preservation Order 2004

Under the terms of the Town & Country Planning (Trees) Regulations 1999, this is a formal notice to let you know that on 28.01.2005 the Council made the above Tree Preservation Order. I am writing to you because the requirement states that we must notify the owner and occupier of any land adjoining the land on which the trees are situated.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet, Protected Trees: A Guide to Tree Preservation Orders, produced by the Department of the Environment, Transport and the Regions.

The Council has made the Order because:

This tree provides significant landscape, amenity and street scene value and until recently could be seen from many miles away. The tree has now been pollared, to monitor future works to ensure this tree continues to provide a visual amenity to the area a Tree preservation Order has been placed.

The Order took effect, on a provisional basis, on 04.02.2005. It will continue in force on this a further 6 months or until the Order is confirmed by the Council, which first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by . Your comments must comply with regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is printed overleaf. Send your comments to The Landscape Officer, Planning Services, West Wiltshire District Council, Bradley Road, Trowbridge, Wilts, BA14 0RD. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

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The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Mr C Kirk, Landscape Officer, on 01225 776655 Ext 232, or by e:mail on planningoffice@westwiltshire.gov.uk.

Yours faithfully

C KIRK
Landscape Officer

Enc

REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Objections and representations

4(1) Subject to paragraph (2), objections and representations –

(a) shall be made in writing and -

(i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

4(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

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West Wiltshire
DISTRICT COUNCIL

Our Ref: 05/00003/IND NOT_C

1 February 2005

FILE COPY

LETTERS SENT TO:

Mrs D Holmes, Bradford On Avon Parish Council, St Margarets Hall St Margarets Street Bradford On Avon Wilts

District Highway Surveyor, Area Highway Office, 36 Lancaster Road, Bowerhill, Melksham, Wilts, SN12 6QT - Attention: Mr I Janes

Countryside Officer (Landscape), Environmental Services Department, Wiltshire County Council, County Hall, Trowbridge, Wiltshire - Attention: Steve Russell

Dear Sir

The District of West Wiltshire (19 Kingsfield Grange Road Bradford on Avon) Tree Preservation Order 2004

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The Council has made the Order because:

> *This tree provides significant landscape, amenity and street scene value and until recently could be seen from many miles away. The tree has now been pollared, to monitor future works to ensure this tree continues to provide a visual amenity to the area a Tree preservation Order has been placed.*

The Order took effect, on a provisional basis, on 02.02.05. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, which first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

Cont'd...

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West Wiltshire
DISTRICT COUNCIL

Our Ref: 05/00003/IND NOT_O

1 February 2005

FILE COPY

Owner Occupier
19 Kingsfield Grange Road
Bradford On Avon
Wiltshire
BA15 1BE

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