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Authorised by the Council to sign in that behalf

**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
As amended by the Town and Country Planning (Trees) (Amendment)
(England) Regulations 2008**

TOWN AND COUNTRY PLANNING ACT 1990

**THE WARRINGTON BOROUGH COUNCIL (LYON'S LANE/LONGWOOD
ROAD/CAVERSHAM CLOSE AREA, APPLETON) TREE PRESERVATION ORDER
2011
(TPO 487)**

The Warrington Borough Council, in exercise of the powers conferred on them by sections 198 [201] and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as The Warrington Borough Council (Lyon's Lane/Longwood Road/Caversham Close Area, Appleton) Tree Preservation Order 2011.

Interpretation

2. In this Order “the authority” means the Warrington Borough 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 12th August 2011.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful 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 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;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
 - (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
 - (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;
 - (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, or 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; or
 - (g) without prejudice to section 198(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.

(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),
- 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 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.

Application of provisions of the Town and Country Planning Act 1990

6. (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

7. (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.

(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

8. (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 has 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 application and the documents and particulars accompanying it, 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

9. 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].]

Dated this 9th day of August 2011.

THE COMMON SEAL of the **WARRINGTON BOROUGH COUNCIL** was hereunto affixed in the presence of –

C. Gaughan
Authorised Signatory



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Cherry	In the front garden of 27 Lyon's Lane, Appleton.
T2	Cherry	In the front garden of 27 Lyon's Lane, Appleton.
T3	Sycamore	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T4	Sycamore	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T5	Sycamore	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T6	Birch	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T7	Birch	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T8	Birch	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T9	Lime	At the rear of 'Charnwood', 33 Lyon's Lane, Appleton.
T10	Birch	Within the front garden of 'Langland', 37 Lyon's Lane, Appleton.
T11	Atlantic Blue Cedar	Within the front garden of 'Langland', 37 Lyon's Lane, Appleton.
T12	Birch	Within the front garden of 'Langland', 37 Lyon's Lane, Appleton.
T13	Birch	Within the front garden of 'Langland', 37 Lyon's Lane, Appleton.
T14	Atlantic Blue Cedar	Within the front garden of 43 Lyon's Lane, Appleton.
T15	English Oak	Within the hedge at the rear of 61 Lyon's Lane, Appleton.
T16	English Oak	Within the hedge at the rear of 2 Dorney Close, Appleton.
T17	English Oak	In the verge between Lyon's Lane and 61 Lyon's Lane, Appleton.

T18	Deodar Cedar	Within the front garden of 61 Lyon's Lane, Appleton.
T19	Oak	Within the hedge at the side of 65 Lyon's Lane, Appleton.
T20	Hornbeam	Within the hedge at the side of 65 Lyon's Lane, Appleton.
T21	Hornbeam	At the front of 65 Lyon's Lane, Appleton.
T22	Hornbeam	At the front of 65 Lyon's Lane, Appleton.
T23	Weeping Willow	At the corner of Lyon's Lane/Longwood Road in Woodcroft Gardens, Appleton.
T24	Red Oak	Within the rear garden of 2 Woodcroft Gardens, fronting Longwood Road, Appleton.
T25	English Oak	Within the rear garden of 7 Woodstock Gardens, Appleton.
T26	English Oak	Within the rear garden of 9 Woodstock Gardens, Appleton.
T27	English Oak	At the rear of and between numbers 9 and 11 Woodstock Gardens, Appleton.
T28	English Oak	Within the rear garden of 11 Woodstock Gardens, Appleton.
T29	English Oak	Within the rear garden of 11 Woodstock Gardens, Appleton.
T30	English Oak	In the planting between Longwood Road and 2 Chiswick Gardens, Appleton.
T31	English Oak	Within the verge area fronting 6 Chiswick Gardens, Appleton.
T32	English Oak	Within the verge area between Longwood Road and 1 Chiswick Gardens, Appleton.
T33	Beech	Within the rear garden of 18 Woodstock Gardens, Appleton.
T34	Ash	Within the rear garden of 16 Woodstock Gardens, Appleton.
T35	Atlantic Blue Cedar	In front of numbers 4 and 5 Woodcroft Gardens, Appleton, within the grassed area.
T36	Beech	In the grassed area at the front of numbers 4 and 5 Woodcroft Gardens, Appleton.
T37	Lime	In the grassed area at the front of numbers 4 and 5 Woodcroft Gardens, Appleton.
T38	Lime	In the grassed area at the front of numbers 4 and 5 Woodcroft Gardens, Appleton.

T39	Lime	Within the front garden of 32 Lyon's Lane, Appleton.
T40	Beech	Within the front garden of 32 Lyon's Lane, Appleton.
T41	Oak	Within the front garden of 32 Lyon's Lane, Appleton.
T42	Yew	Within the front garden of 32 Lyon's Lane, Appleton.
T43	Beech	Within the front garden of 32 Lyon's Lane, Appleton.
T44	Beech	Within the front garden of 32 Lyon's Lane, Appleton.
T45	Lime	Within the front garden of 30a Lyon's Lane, Appleton.
T46	Beech	Within the front garden of 30 Lyon's Lane, Appleton.
T47	Beech	Within the front garden of 30 Lyon's Lane, Appleton.
T48	Oak	Within the front garden of 30 Lyon's Lane, Appleton.
T49	Beech	Within the front garden of 30 Lyon's Lane, Appleton.
T50	Oak	Within the front garden of 30 Lyon's Lane, Appleton.
T51	Sycamore	Within the front garden of 30 Lyon's Lane, Appleton.
T52	Sycamore	Within the front garden of 30 Lyon's Lane, Appleton.
T53	Oak	In the front garden of 30 Lyon's Lane, Appleton.
T54	Oak	At the front of 28 Lyon's Lane, Appleton.
T55	Sycamore	At the front of 28 Lyon's Lane, Appleton, and opposite the park entrance.
T56	Sycamore	At the front of 28 Lyon's Lane, Appleton, and opposite the park entrance.
T57	Sycamore	At the front of 28 Lyon's Lane, Appleton, and opposite the park entrance.
T58	Oak	Within the front elevation of 28 Lyon's Lane, Appleton.
T59	Yew	In the grounds of 28 Lyon's Lane, Appleton, and by the bollards.

T60	Yew	In the grounds of 28 Lyon's Lane, Appleton, and by the bollards.
T61	Sycamore	In the grounds of 28 Lyon's Lane, Appleton, and by the bollards.
T62	Oak	In the grounds of 28 Lyon's Lane, Appleton, and by the bollards.
T63	Oak	At the side of 28 Lyon's Lane, Appleton.
T64	Oak	At the side of 28 Lyon's Lane, Appleton.
T65	Oak	Outside 'The Cedars' Lyons Lane, Appleton, adjacent to the drive.
T66	Beech	Within the grounds of 'The Cedars' Lyon's Lane, Appleton.
T67	Yew	In the grounds of 'The Cedars', fronting Lyon's Lane, Appleton.
T68	Yew	In the grounds of 'The Cedars', fronting Lyon's Lane, Appleton.
T69	Beech	Within the grounds of 'The Cedars', facing Lyon's Lane, Appleton.
T70	Beech	In the grounds of 'The Cedars', adjacent to Lyon's Lane, Appleton.
T71	Yew	In the grounds of 'The Cedars', adjacent to Lyon's Lane, Appleton.
T72	Sycamore	In the grounds of 'The Cedars', adjacent to Lyon's Lane, Appleton.
T73	Sycamore	In the grounds of 'The Cedars' and next to 26 Lyon's Lane, Appleton.
T74	Oak	In the front grounds of 'Lyons House' Lyon's Lane, Appleton.
T75	Oak	In the front grounds of 'Lyons House' Lyon's Lane, Appleton.
T76	Yew	In the front grounds of 'Lyons House' Lyon's Lane, Appleton.
T77	Oak	Within 'Trinity House' grounds, adjacent to the boundary with 'Lyons House', Appleton.
T78	Sycamore	Within 'Trinity House' grounds and fronting Lyon's Lane, Appleton.
T79	Oak	Within 'Trinity House' grounds and fronting Lyon's Lane, Appleton.
T80	Oak	Within the front grounds of 'Trinity House', Appleton.

T81	Oak	Within 'Trinity House' grounds and adjacent to 'Deepam', Appleton.
T82	Oak	Centrally placed within the front grounds of 'Trinity House', Appleton.
T83	Oak	Near the front elevation of 'Trinity House' Lyon's Lane, Appleton.
T84	Oak	Centrally placed within the front grounds of 'Trinity House', Appleton.
T85	Oak	In the front grounds of 'Trinity House' nearest 'Lyons House', Appleton.
T86	Oak	Within the rear garden of 'Oak Tree House' on the boundary with 'Linden House', Appleton.
T87	Horse Chestnut	In the grounds of 'Trinity House' adjacent to the front elevation of the property.
T88	Oak	At the entrance to 'The Coppice' and 'Linden House', Appleton.
T89	Oak	In the grounds of 'Linden House' on the boundary with 'The Coppice', Appleton.
T90	Oak	In the grounds of 'Linden House' and adjacent to the boundary with 'The Coppice', Appleton.
T91	Oak	In the front grounds of 'Oak Tree House', Appleton.
T92	Oak	Adjacent to the access drive of 'Linden House', Appleton.
T93	Oak	Adjacent to the access drive of 'Linden House', Appleton.
T94	Oak	In the grounds of 'Oak Tree House', Appleton, nearest the front elevation.
T95	Lime	On the boundary of 'Deepam' and 'Trinity House' adjacent to Lyon's Lane in 'Deepam' grounds, Appleton.
T96	Oak	In the front grounds of 'Deepam' on the boundary with 'Trinity House', Appleton.
T97	Oak	In the front grounds of 'Deepam' near the boundary with 'Trinity House', Appleton.
T98	Sycamore	In the front grounds of 'Deepam' adjacent to Lyon's Lane, Appleton.
T99	Sycamore	Within the front grounds of 'Deepam', Appleton.
T100	Copper Beech	In the grounds of 'Deepam', Appleton, near the front elevation of the property.
T101	Oak	Within the front grounds of 'Deepam', Appleton.

T102	Oak	Centrally placed within the front grounds of 'Deepam', Appleton.
T103	Deodar Cedar	In the front grounds of 'Deepam' adjacent to the access road to numbers 24A and 24B Lyon's Lane, Appleton.
T104	Oak	Within the rear garden of 24A Lyon's Lane, Appleton.
T105	Norway Maple	On the boundary of 24A Lyon's Lane with 22a Lyon's Lane, Appleton.
T106	Oak	At the immediate front of 24A Lyon's Lane, Appleton.
T107	Oak	At the front half of 24A Lyon's Lane, Appleton.
T108	Oak	In the small verge between 22a Lyon's Lane and 24A Lyon's Lane, Appleton.
T109	Oak	Within the rear garden of 22a Lyon's Lane, Appleton.
T110	Oak	Within the rear garden of 22a Lyon's Lane, Appleton.
T111	Sycamore	Within the rear garden of 22a Lyon's Lane, Appleton.
T112	Sycamore	Within the rear garden of 22a Lyon's Lane, Appleton.
T113	Sycamore	Within the rear garden of 22a Lyon's Lane, Appleton.
T114	Oak	Within the rear garden of 22a Lyon's Lane on the boundary with 22b Lyon's Lane, Appleton.
T115	Oak	In the front garden of 22a Lyon's Lane, Appleton.
T116	Oak	In the front garden of 22a Lyon's Lane, Appleton.
T117	Oak	In the front garden of 22a Lyon's Lane, Appleton.
T118	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.
T119	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.
T120	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.
T121	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.

T122	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.
T123	Robinia	In the corner of 1 Caversham Close at its junction with Lyon's Lane and Broom Avenue, Appleton.
T124	Robinia	In the front garden of 1 Caversham Close, Appleton.
T125	Oak	Within the front garden of 25 Lyon's Lane, Appleton.
T126	Birch	Within the rear garden of 1 Caversham Close, Appleton.
T127	Robinia	In the front garden of 3 Caversham Close, Appleton.
T128	Ash	At the frontage of 7 Caversham Close, Appleton and the access to the woodland.
T129	Yew	Within the front garden of 7 Caversham Close, Appleton.
T130	Oak	In the garden of 'Trinity House' on its boundary with 'Oak Tree House' and 'Lyons House', Appleton.
T131	Hornbeam	In the front garden of 5 Caversham Close, Appleton.

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
NONE		

Groups of trees
(within a broken black line on the map)

Reference on map	Description	Situation
G1	6 Beech 1 Sycamore	Within the front garden of 'Bluebell Croft', 39 Lyon's Lane, Appleton.
G2	9 Birch	Between numbers 37 and 39 Lyon's Lane, Appleton.
G3	6 Limes	Within the rear garden of 32 Lyon's Lane, Appleton.
G4	3 Oak 2 Sycamore	Between the access to 'The Coppice' and 'Linden House', Appleton.

G5	Beech Hedge	On the boundary of 'Linden House' with numbers 34 and 38 Pangbourne Close, Appleton.
G6	2 Sycamore 1 Oak	Adjacent to the entrance to 'Deepam', Appleton.
G7	3 Oak 1 Sycamore	In the planting belt between numbers 1 and 5 Chalfont Close and Lyon's Lane, Appleton.
G8	9 English Oak	In the planting belt between numbers 1 and 5 Chalfont Close and Lyon's Lane, Appleton.
G9	4 Ash	Between numbers 12 and 19 Chiswick Gardens, Appleton, on the verge by the pond.

Woodlands

(within a continuous red line on the map)

Reference on map	Description	Situation
W1	Predominantly Oak, Alder, Sycamore	Between Broom Avenue and Lyon's Lane, Appleton.
W2	Woodland, Ash, Oak	Opposite Chessington Close in Dudlow's Green Park.
W3	Beech, Sycamore, Norway Maple	Between numbers 43 and 61 Lyon's Lane, Appleton, adjacent to the pond.
W4	Oak, Sycamore, Lime, Ash, Birch, Alder, Scots Pine, Hornbeam	To the rear of numbers 3 and 4 Dorney Close and numbers 63 and 65 Lyon's Lane, Appleton.
W5	Oak, Sycamore, Beech, Birch	Between 28 Lyon's Lane, and the driveway area to 'The Coppice', Appleton.
W6	Pine, Oak, Birch, Ash, Beech, Sycamore	Between numbers 23a and 25 Lyon's Lane, Appleton and backing onto Broomfields open space.

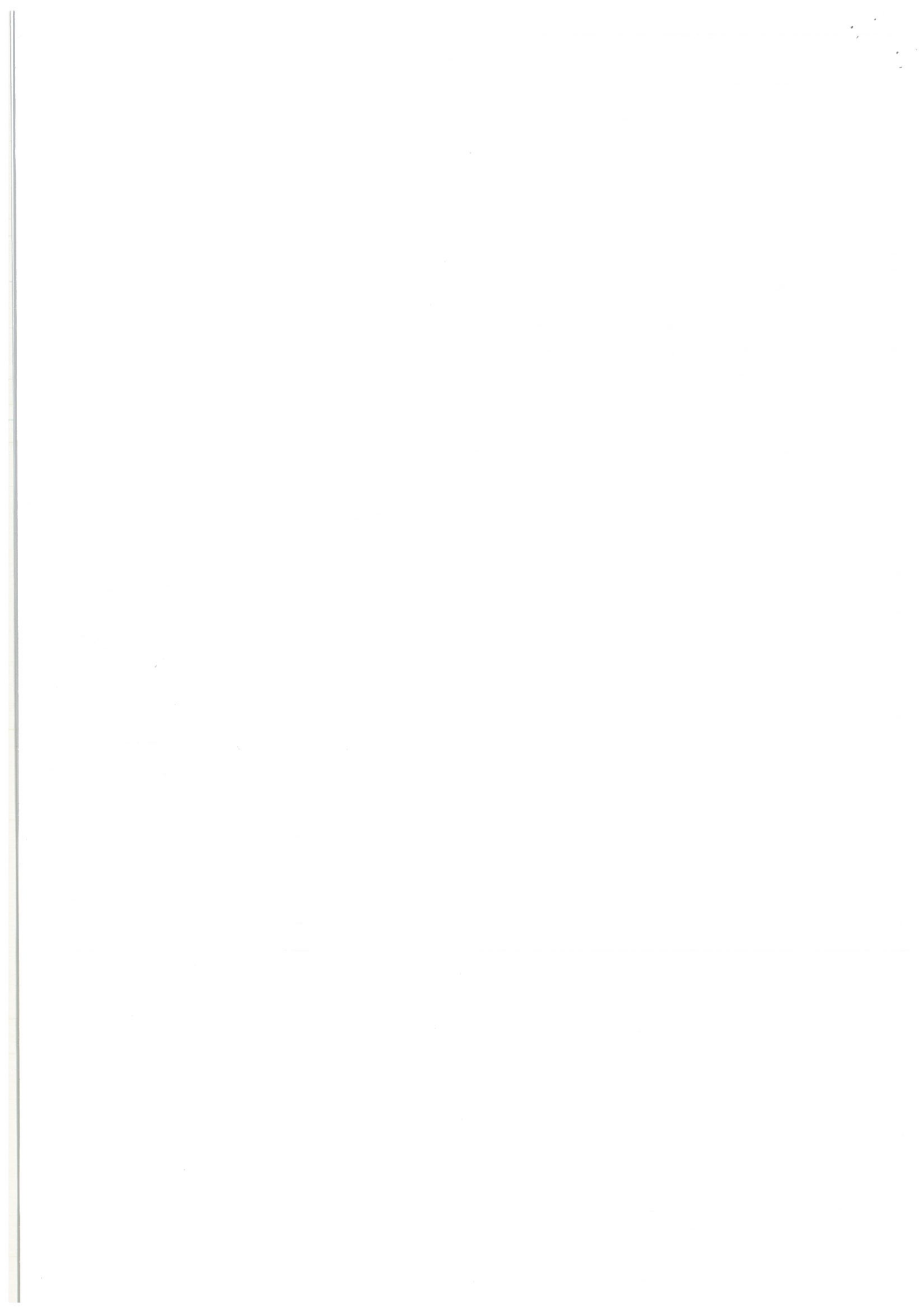
Common Seal of Warrington Borough Council was
affixed in the presence of:

[Signature]
Authorised Signatory



**TREE PRESERVATION ORDER (TPO 487)
LYONS LANE, APPLETON**

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SCHEDULE 2

PART I PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) omit—</p> <p style="padding-left: 80px;">“, in such manner as may be prescribed by a development order,”,</p> <p style="padding-left: 80px;">“such” in the second place where it appears, and</p> <p style="padding-left: 80px;">“as may be so prescribed”; and</p> <p style="padding-left: 40px;">(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p style="padding-left: 40px;">(i) after “contain” insert “, as regards each such order”; and</p> <p style="padding-left: 40px;">(ii) for paragraphs (a) and (b) substitute—</p> <p style="padding-left: 80px;">(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p style="padding-left: 80px;">(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.”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) substitute—</p> <p style="padding-left: 80px;">“Subject to subsections (1A) and (1B), where” for “Where”;</p>

	<p>“the authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert—</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”;</p> <p>(iii) omit “subject to sections 91 and 92.”.</p> <p>(b) After subsection (1) insert—</p> <p>“(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.</p> <p>(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).”.</p> <p>(c) Omit subsections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In subsection (1) substitute—</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</p> <p>(iii) “the consent” for “the permission”; and</p> <p>(iv) “the land to which the order relates” for “the land”.</p> <p>(b) Omit subsections (2) and (3).</p>

<p>Section 78 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) In subsection (1) substitute—</p> <ul style="list-style-type: none"> (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) for paragraph (c) substitute— <ul style="list-style-type: none"> “(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,”. <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order.” substitute—</p> <p>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—</p> <ul style="list-style-type: none"> (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.”.
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	<p>(d) For subsection (4), substitute—</p> <p style="padding-left: 40px;">“(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).”.</p> <p>(e) For subsection (5), substitute—</p> <p style="padding-left: 40px;">“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <ul style="list-style-type: none"> (i) “section 70(1), (1A) and (1B)” 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 sections 65 or 71.”. <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

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.
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- (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 (1A) and (1B), 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) ensure 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 (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.
- (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 (1)(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.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Cherry	In the front garden of 27 Lyon's Lane, Appleton.
T2	Cherry	In the front garden of 27 Lyon's Lane, Appleton.
T3	Sycamore	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T4	Sycamore	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T5	Sycamore	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T6	Birch	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T7	Birch	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T8	Birch	Within the front garden of 'The Haven', 29 Lyon's Lane, Appleton.
T9	Lime	At the rear of 'Charnwood', 33 Lyon's Lane, Appleton.
T10	Birch	Within the front garden of 'Langland', 37 Lyon's Lane, Appleton.
T11	Atlantic Blue Cedar	Within the front garden of 'Langland', 37 Lyon's Lane, Appleton.
T12	Birch	Within the front garden of 'Langland', 37 Lyon's Lane, Appleton.
T13	Birch	Within the front garden of 'Langland', 37 Lyon's Lane, Appleton.
T14	Atlantic Blue Cedar	Within the front garden of 43 Lyon's Lane, Appleton.
T15	English Oak	Within the hedge at the rear of 61 Lyon's Lane, Appleton.
T16	English Oak	Within the hedge at the rear of 2 Dorney Close, Appleton.
T17	English Oak	In the verge between Lyon's Lane and 61 Lyon's Lane, Appleton.
T19	Oak	Within the hedge at the side of 65 Lyon's Lane, Appleton.
T20	Hornbeam	Within the hedge at the side of 65 Lyon's Lane, Appleton.
T21	Hornbeam	At the front of 65 Lyon's Lane, Appleton.

T22	Hornbeam	At the front of 65 Lyon's Lane, Appleton.
T23	Weeping Willow	At the corner of Lyon's Lane/Longwood Road in Woodcroft Gardens, Appleton.
T24	Red Oak	Within the rear garden of 2 Woodcroft Gardens, fronting Longwood Road, Appleton.
T25	English Oak	Within the rear garden of 7 Woodstock Gardens, Appleton.
T26	English Oak	Within the rear garden of 9 Woodstock Gardens, Appleton.
T27	English Oak	At the rear of 9 Woodstock Gardens, Appleton.
T28	English Oak	Within the rear garden of 11 Woodstock Gardens, Appleton.
T29	English Oak	Within 2 Chiswick Gardens and immediately adjacent to the rear garden of 11 Woodstock Gardens, Appleton.
T30	English Oak	In the planting between Longwood Road and 2 Chiswick Gardens, Appleton.
T31	English Oak	Within the verge area fronting 6 Chiswick Gardens, Appleton.
T32	English Oak	Within the verge area between Longwood Road and 1 Chiswick Gardens, Appleton.
T33	Beech	Within the rear garden of 18 Woodstock Gardens, Appleton.
T34	Ash	Within the rear garden of 16 Woodstock Gardens, Appleton.
T35	Atlantic Blue Cedar	In front of numbers 4 and 5 Woodcroft Gardens, Appleton, within the grassed area.
T36	Beech	In the grassed area at the front of numbers 4 and 5 Woodcroft Gardens, Appleton.
T37	Lime	In the grassed area at the front of numbers 4 and 5 Woodcroft Gardens, Appleton.
T38	Lime	In the grassed area at the front of numbers 4 and 5 Woodcroft Gardens, Appleton.
T39	Lime	Within the front garden of 32 Lyon's Lane, Appleton.
T40	Beech	Within the front garden of 32 Lyon's Lane, Appleton.
T41	Oak	Within the front garden of 32 Lyon's Lane, Appleton.
T42	Yew	Within the front garden of 32 Lyon's Lane, Appleton.
T43	Beech	Within the front garden of 32 Lyon's Lane, Appleton.
T44	Beech	Within the front garden of 32 Lyon's Lane, Appleton.
T45	Lime	Within the front garden of 30a Lyon's Lane, Appleton.

T46	Beech	Within the front garden of 30 Lyon's Lane, Appleton.
T47	Beech	Within the front garden of 30 Lyon's Lane, Appleton.
T48	Oak	Within the front garden of 30 Lyon's Lane, Appleton.
T49	Beech	Within the front garden of 30 Lyon's Lane, Appleton.
T50	Oak	Within the front garden of 30 Lyon's Lane, Appleton.
T51	Sycamore	Within the front garden of 30 Lyon's Lane, Appleton.
T52	Sycamore	Within the front garden of 30 Lyon's Lane, Appleton.
T53	Oak	In the front garden of 30 Lyon's Lane, Appleton.
T54	Oak	At the front of 28 Lyon's Lane, Appleton.
T55	Sycamore	At the front of 28 Lyon's Lane, Appleton, and opposite the park entrance.
T56	Sycamore	At the front of 28 Lyon's Lane, Appleton, and opposite the park entrance.
T57	Sycamore	At the front of 28 Lyon's Lane, Appleton, and opposite the park entrance.
T58	Oak	Within the front elevation of 28 Lyon's Lane, Appleton.
T59	Yew	In the grounds of 28 Lyon's Lane, Appleton, and by the bollards.
T60	Yew	In the grounds of 28 Lyon's Lane, Appleton, and by the bollards.
T61	Sycamore	In the grounds of 28 Lyon's Lane, Appleton, and by the bollards.
T62	Oak	In the grounds of 28 Lyon's Lane, Appleton, and by the bollards.
T63	Oak	At the side of 28 Lyon's Lane, Appleton.
T64	Oak	At the side of 28 Lyon's Lane, Appleton.
T65	Oak	Outside 'The Cedars' Lyons Lane, Appleton, adjacent to the drive.
T66	Beech	Within the grounds of 'The Cedars' Lyon's Lane, Appleton.
T67	Yew	In the grounds of 'The Cedars', fronting Lyon's Lane, Appleton.
T68	Yew	In the grounds of 'The Cedars', fronting Lyon's Lane, Appleton.
T69	Beech	Within the grounds of 'The Cedars', facing Lyon's Lane, Appleton.
T70	Beech	In the grounds of 'The Cedars', adjacent to Lyon's Lane,

		Appleton.
T71	Yew	In the grounds of 'The Cedars', adjacent to Lyon's Lane, Appleton.
T72	Sycamore	In the grounds of 'The Cedars', adjacent to Lyon's Lane, Appleton.
T73	Sycamore	In the grounds of 'The Cedars' and next to 26 Lyon's Lane, Appleton.
T74	Oak	In the front grounds of 'Lyons House' Lyon's Lane, Appleton.
T75	Oak	In the front grounds of 'Lyons House' Lyon's Lane, Appleton.
T76	Yew	In the front grounds of 'Lyons House' Lyon's Lane, Appleton.
T77	Oak	Within 'Trinity House' grounds, adjacent to the boundary with 'Lyons House', Appleton.
T78	Sycamore	Within 'Trinity House' grounds and fronting Lyon's Lane, Appleton.
T79	Oak	Within 'Trinity House' grounds and fronting Lyon's Lane, Appleton.
T80	Oak	Within the front grounds of 'Trinity House', Appleton.
T81	Oak	Within 'Trinity House' grounds and adjacent to 'Deepam', Appleton.
T82	Oak	Centrally placed within the front grounds of 'Trinity House', Appleton.
T83	Oak	Near the front elevation of 'Trinity House' Lyon's Lane, Appleton.
T84	Oak	Centrally placed within the front grounds of 'Trinity House', Appleton.
T85	Oak	In the front grounds of 'Trinity House' nearest 'Lyons House', Appleton.
T86	Oak	Within the rear garden of 'Oak Tree House' on the boundary with 'Linden House', Appleton.
T87	Horse Chestnut	In the grounds of 'Trinity House' adjacent to the front elevation of the property.
T88	Oak	At the entrance to 'The Coppice' and 'Linden House', Appleton.
T89	Oak	In the grounds of 'Linden House' on the boundary with 'The Coppice', Appleton.
T90	Oak	In the grounds of 'Linden House' and adjacent to the boundary with 'The Coppice', Appleton.
T91	Oak	In the front grounds of 'Oak Tree House', Appleton.

T92	Oak	Adjacent to the access drive of 'Linden House', Appleton.
T93	Oak	Adjacent to the access drive of 'Linden House', Appleton.
T94	Oak	In the grounds of 'Oak Tree House', Appleton, nearest the front elevation.
T95	Lime	On the boundary of 'Deepam' and 'Trinity House' adjacent to Lyon's Lane in 'Deepam' grounds, Appleton.
T96	Oak	In the front grounds of 'Deepam' on the boundary with 'Trinity House', Appleton.
T97	Oak	In the front grounds of 'Deepam' near the boundary with 'Trinity House', Appleton.
T98	Sycamore	In the front grounds of 'Deepam' adjacent to Lyon's Lane, Appleton.
T99	Sycamore	Within the front grounds of 'Deepam', Appleton.
T100	Copper Beech	In the grounds of 'Deepam', Appleton, near the front elevation of the property.
T101	Oak	Within the front grounds of 'Deepam', Appleton.
T102	Oak	Centrally placed within the front grounds of 'Deepam', Appleton.
T103	Deodar Cedar	In the front grounds of 'Deepam' adjacent to the access road to numbers 24A and 24B Lyon's Lane, Appleton.
T104	Oak	Within the rear garden of 24A Lyon's Lane, Appleton.
T105	Norway Maple	On the boundary of 24A Lyon's Lane with 22a Lyon's Lane, Appleton.
T106	Oak	At the immediate front of 24A Lyon's Lane, Appleton.
T107	Oak	At the front half of 24A Lyon's Lane, Appleton.
T108	Oak	In the small verge between 22a Lyon's Lane and 24A Lyon's Lane, Appleton.
T109	Oak	Within the rear garden of 22a Lyon's Lane, Appleton.
T110	Oak	Within the rear garden of 22a Lyon's Lane, Appleton.
T111	Sycamore	Within the rear garden of 22a Lyon's Lane, Appleton.
T112	Sycamore	Within the rear garden of 22a Lyon's Lane, Appleton.
T113	Sycamore	Within the rear garden of 22a Lyon's Lane, Appleton.
T114	Oak	Within the rear garden of 22a Lyon's Lane on the boundary with 22b Lyon's Lane, Appleton.
T115	Oak	In the front garden of 22a Lyon's Lane, Appleton.
T116	Oak	In the front garden of 22a Lyon's Lane, Appleton.
T117	Oak	In the front garden of 22a Lyon's Lane, Appleton.

T118	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.
T119	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.
T120	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.
T121	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.
T122	Oak	In the boundary planting at the front of 22 Lyon's Lane, Appleton.
T123	Robinia	In the corner of 1 Caversham Close at its junction with Lyon's Lane and Broom Avenue, Appleton.
T124	Robinia	In the front garden of 1 Caversham Close, Appleton.
T125	Oak	Within the front garden of 25 Lyon's Lane, Appleton.
T126	Birch	Within the rear garden of 1 Caversham Close, Appleton.
T127	Robinia	In the front garden of 3 Caversham Close, Appleton.
T128	Ash	At the frontage of 7 Caversham Close, Appleton and the access to the woodland.
T129	Yew	Within the front garden of 7 Caversham Close, Appleton.
T130	Oak	In the garden of 'Trinity House' on its boundary with 'Oak Tree House' and 'Lyons House', Appleton.
T131	Hornbeam	In the front garden of 5 Caversham Close, Appleton.

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
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NONE

Groups of trees
(within a broken black line on the map)

Reference on map	Description	Situation
G1	6 Beech 1 Sycamore	Within the front garden of 'Bluebell Croft', 39 Lyon's Lane, Appleton.
G2	9 Birch	Between numbers 37 and 39 Lyon's Lane, Appleton.
G3	6 Limes	Within the rear garden of 32 Lyon's Lane, Appleton.
G4	3 Oak	Between the access to 'The Coppice' and 'Linden

	2 Sycamore	House', Appleton.
G5	A group of 42 Beech forming a screen	On the boundary of 'Linden House' with numbers 31, 34 and 36 Pangbourne Close, Appleton.
G6	2 Sycamore 1 Oak	Adjacent to the entrance to 'Deepam', Appleton.
G7	3 Oak 1 Sycamore	In the planting belt between numbers 1 and 5 Chalfont Close and Lyon's Lane, Appleton.
G8	9 English Oak	In the planting belt between numbers 1 and 5 Chalfont Close and Lyon's Lane, Appleton.
G9	2 Ash	The outermost 2 trees at either end of the existing group of ash trees between numbers 12 and 19 Chiswick Gardens, Appleton, on the verge nearest the woodland edge.

Woodlands

(within a continuous red line on the map)

Reference on map	Description	Situation
W1	Predominantly Oak, Alder, Sycamore	Between Broom Avenue and Lyon's Lane, Appleton.
W2	Woodland, Ash, Oak	Opposite Chessington Close in Dudlow's Green Park.
W3	Beech, Sycamore, Norway Maple	Between numbers 43 and 61 Lyon's Lane, Appleton, adjacent to the pond.
W4	Oak, Sycamore, Lime, Ash, Birch, Alder, Scots Pine, Hornbeam	To the rear of numbers 3 and 4 Dorney Close and numbers 63 and 65 Lyon's Lane, Appleton.
W5	Oak, Sycamore, Beech, Birch	Between 28 Lyon's Lane, and the driveway area to 'The Coppice', Appleton.
W6	Pine, Oak, Birch, Ash, Beech, Sycamore	Between numbers 23a and 25 Lyon's Lane, Appleton and backing onto Broomfields open space.

