

APPENDIX 4

Dated 30th June

19 89

TOWN AND COUNTRY PLANNING ACTS 1971-85

TREE PRESERVATION ORDER

relating to

Trees on land at West Preston, Manor,
Rustington.

Town and Country Planning Acts 1971-1985¹Insert title of
Order

2/89/R

TREE PRESERVATION ORDER, 19⁸⁹Insert name
of local
planning
authority

The Arun District Council

in this Order called "the authority", in pursuance of the powers conferred in the behalf by section 60 (and 61*) of the Town and Country Planning Act 1971 as amended † (and section 2 of the Town and Country Planning Act 1984§), and subject to the provisions of the Forestry Acts 1967 and 1979, hereby make 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 of State" means the [Secretary of State for the Environment] [Secretary of State for Wales].

2.—Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any 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: Where appropriate this Order has been updated to reflect statutory amendments which have resulted in the need to show substitutions or repeals of the prescribed form.

* Include only where Order contains a direction under section 61 of the Act.

† Section 60 is amended by section 10 of the Town and Country Amenities Act 1974 and Schedule 15 paragraph 13 and Schedule 34 Part X of the Local Government Planning and Land Act 1980. Section 61 is amended by Schedule 34 Part X and Schedule 15 paragraph 14 of the Local Government Planning and Land Act 1980.

‡ Include only where Order relates to Crown Land.

§ Map to be to a scale of not less than 25 inches to one mile (1:2500), except in the case of large woodlands when the scale shall be 6 inches to one mile (1:10000 or 1:10560).

¶ NOTE: If it is proposed to fell any of the trees included in this Order and the felling requires a licence under the Forestry Act 1967, an application should be made in the first place to the Forestry Commission.

(3) Where an authority submit an Order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State 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.

(5) 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 of State under subsection (2) of this section.

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

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

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

(4) The authority shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in subsection (2) (a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2) (b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 of the Act.

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

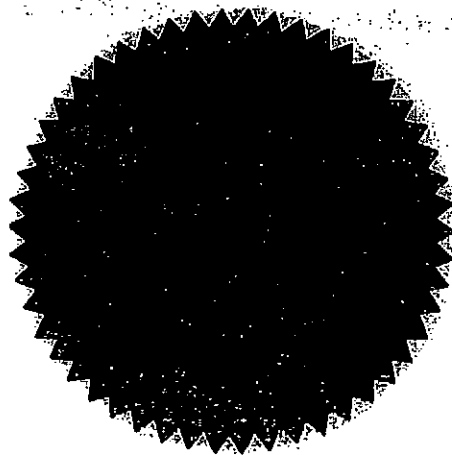
GIVEN under the Common Seal of the

the 30th June

19 89

Douglas Hamlin

Solicitor to the Council



521/89

FIRST SCHEDULE **TREES SPECIFIED INDIVIDUALLY***

(encircled in black on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>None</i>	<i>Situation.</i>
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TREES SPECIFIED BY REFERENCES TO AN AREA*

(within a dotted black line on the map)

<i>No. on Map.</i>	<i>Description</i>	<i>None</i>	<i>Situation.</i>
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GROUPS OF TREES*

(within a broken black line on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
G1	1 Walnut, 3 sycamore, 1 horse chestnut, 1 elm, 5 palm.	Manor Lane
G2	3 lime, 1 cedar, 6 evergreen oak, 1 holly, 3 sycamore, 1 acacia.	(West Preston Manor School)
G3	9 elm, 28 sycamore	Rustington.
G4	10 lime	
G5	2 Evergreen oak, 1 pine, 2 purple sycamore.	
G6	6 sycamore, 4 evergreen oak, 1 elm, 1 pine	
G7	14 sycamore, 1 ash	
G8	7 elm, 30 sycamore.	
G9	6 sycamore.	
G10	4 sycamore, 1 ash	

* The word "NONE" must be entered where necessary.

Tree Preservation Order Ref: TPO/R/2/89

Land at West Preston Manor, Rustington.

North: 

Scale: 1:1250

Based upon Ordnance Survey
Map with the sanction of the
Controller, H. M. Stationary
Office.

Arum District Council, Planning & Economic Development
Directorate

