

## **Town and Country Planning Act 1990**

### **The Rossendale Borough Council Tree Preservation Order No. 3 of 2017 (Clough End Road, Haslingden)**

The Rossendale Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order

#### **Citation**

1. This Order may be cited as the Rossendale Borough Council Tree Preservation Order No. 3 of 2017 (Clough End Road, Haslingden)

#### **Interpretation**

2. (1) In this Order "the authority" means the Rossendale Borough Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### **Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### **Application to trees to be planted pursuant to a condition**

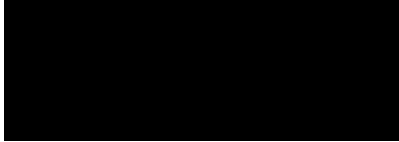
4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation

and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 28<sup>th</sup> day of July 2017

No. IN SEAL REGISTER  
115342

The Common Seal of ROSSENDALE )  
BOROUGH COUNCIL was affixed )  
to this Order in the presence of:- )



Authorised by the Council to sign in that behalf

## SCHEDULE

### Specification of trees

#### **Trees specified individually** (encircled in black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Beech	Near to Clough End Road, to the south-west of houses at Clough Gardens

#### **Woodlands**

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed-age stand of hardwoods, including Ash, Beech, Elm, Hawthorn, Holly and Sycamore	Land fronting Clough End Road, to the south-west of houses at Clough Gardens

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to England only, substantially revoke and replace the Town and Country Planning (Trees) Regulations 1999, to the extent to which they apply to England. They also revoke the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008.

Part 2 prescribes the form of tree preservation orders and the procedure for their making, provisional effect, confirmation, variation and revocation. The prescribed form is set out in the Schedule to the Regulations.

Part 3 of the Regulations sets out prohibited activities in relation to a tree protected by an order and exceptions. Under regulation 13 a tree protected by a tree preservation order may not be cut down, topped, lopped, uprooted or wilfully damaged or destroyed without the consent of the local planning authority, unless an exception applies. These exceptions are set out in sections 198(7) and 200(1) of the Town and Country Planning Act 1990, and in regulation 14 of the Regulations.

Section 198(7) provides exceptions relevant 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 (c. 69) 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).

Section 200(1) provides that a tree preservation order does not have effect in respect of anything done by or on behalf of Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision or anything done by or on behalf of any other person under a plan of works approved by the Forestry Commissioners under a forestry dedication covenant (as defined in section 5 of the Forestry Act 1967) or under conditions of a grant or loan made under section 1 of the Forestry Act 1979 (c. 21).

Regulation 14 contains exceptions to the requirement for consent and regulation 15 contains exceptions for trees in conservation areas.

Part 4 of the Regulations prescribes the procedure for applications for consent under tree preservation orders.

Part 5 prescribes the procedure for appeals and for their determination. Regulation 19 grants a right of appeal in respect of a refusal to grant consent, a grant of consent subject to conditions or a failure to determine an application for consent within the prescribed time period.

In Part 6, regulation 24 provides for compensation claims, subject to exceptions, to be made where loss or damage has been incurred as a consequence of a refusal to grant consent, a grant of consent subject to conditions or a refusal of approval required under a condition.

Part 7 contains miscellaneous provisions. Regulation 25 provides that the prescribed time for the purposes of sections 206(1)(b) (replacement trees) and 213(1)(b) (enforcement of controls as respects trees in conservation areas) is whenever the cutting down or uprooting of a tree is authorised only by virtue of regulations 14(1)(a)(i) or 14(1)(c) (dead or dangerous trees).

Regulation 26 revokes the Town and Country Planning (Trees) Regulations 1999, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No.2) (England) Regulations 2008, subject to transitional, transitory and saving provisions in respect of certain classes of order. This regulation also saves regulation 17 of the Town and Country Planning (Trees) Regulations 1999 (amendment to the Town and Country Planning General Regulations 1992).

Under section 193 of the Planning Act 2008 (c. 29), all tree preservation orders made prior to the date on which these Regulations come into force take effect with the omission of all of their provisions other than any that identify the order or identify the trees, groups of trees or woodlands to which the order applies.

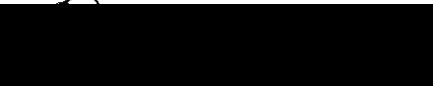
A full impact assessment of the effect that this instrument will have on the costs of business, charities and the voluntary sector has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk)). The assessment may also be accessed at [www.communities.gsi.gov.uk](http://www.communities.gsi.gov.uk).

CONFIRMATION OF ORDER

~~This Order was confirmed by Rossendale Borough Council without modification on the \_\_\_\_\_ day of \_\_\_\_\_ 201~~

This Order was confirmed by Rossendale Borough Council, subject to the modifications indicated by <sup>THE REPORT TO DEVELOPMENT CONTROL</sup> on the 16<sup>th</sup> day of JANUARY 2018

Signed on behalf of Rossendale Borough Council

.....  


Authorised by the Council to sign in that behalf

~~DECISION NOT TO CONFIRM ORDER~~

~~A decision not to confirm this Order was taken by Rossendale Borough Council on the \_\_\_\_\_ day of \_\_\_\_\_ 201~~

~~Signed on behalf of Rossendale Borough Council~~

~~.....~~

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

VARIATION OF ORDER

This Order was varied by Rossendale Borough Council on the \_\_\_\_\_ day of 201 by a variation order under reference number [insert reference number to the variation order] a copy of which is attached

Signed on behalf of Rossendale Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by Rossendale Borough Council on the \_\_\_\_\_ day of \_\_\_\_\_ 201

Signed on behalf of Rossendale Borough Council

.....

Authorised by the Council to sign in that behalf

ORDER AS MODIFIED.

Rossendale Borough Council (Clough End Road, Haslingden) Tree Preservation Order No 3 2017



Date 25/7/2017

Scale 1/1250

Centre = 378826 E 424412 N

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**Rossendale**  
BOROUGH COUNCIL