

THE LONDON BOROUGH OF BEXLEY

BERKHAMPSTEAD ROAD
BELVEDERE, KENT

TREE PRESERVATION ORDER 1980

Made on *19th* day *August* 1980

Under the Town and Country Planning Act 1971

Town and Country Planning Act, 1971

The London Borough of Bexley

Berkhampstead Road, Belvedere, Kent

Tree Preservation Order 1980

The London Borough of Bexley in this Order called "the authority" in pursuance of the powers conferred in that behalf by Section 60 (and Section 61) of the Town and Country Planning Act, 1971 (as amended by Section 10(1) of the Town and Country Amenities Act 1974) and subject to the provisions of the Forestry Act, 1967, hereby makes the following Order:

1. In this Order:

"the Act" means the Town and Country Planning Act, 1971;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and "The Secretary of State" means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, uproot, top, lop or wilfully damage or destroy or cause or permit the cutting down, uprooting, topping, lopping, 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 tree, group of trees or woodland 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 specify, if necessary by reference to a plan, 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, 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, the authority shall grant consent so far as accords with the principles of good forestry and shall not impose conditions on such consent requiring replacement or replanting.

(Note: If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act, 1967, application should be made not to the authority for consent under this Order but to the Conservator of Forests for a Licence under that Act (Section 15(5)).)

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions, they may when refusing or granting consent, certify in respect of any trees for which they are so refusing or granting consent that they are satisfied:

- (a) that the refusal or condition is in the interests of good forestry; or
- (b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless -

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
- (b) the authority with the approval of the Secretary of State dispense with replanting,

the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which, and the time within which, he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and Section 175 of the Town and Country Planning Act, 1971, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to:

- (a) species;
- (b) number of trees per acre, (hectare);
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall, if such condition or direction relates to land in respect of which byelaws made by a water authority since 31 March 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1 April 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in the exercise of any of its functions in relation to the maintenance, improvement or construction of watercourses or of drainage works restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the water authority, the drainage board, or the Greater London Council under those byelaws and the condition or direction shall have effect accordingly.

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage.

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10. In assessing compensation payable under the last preceding Article account shall be taken of:

- (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

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

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

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

13. (1) The provisions of Section 61 of the Town and Country Planning Act, 1971 apply to this order and the Order shall take effect on 19th day of August 1980.

(2) This order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.

Note: Any person who, in contravention of a tree preservation order, cuts down, uproots or wilfully destroys a tree, or wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it, is guilty of an offence under sub-section (1) of Section 102 of the Act, as amended, and is liable, on summary conviction, to a fine not exceeding £1000 or twice the value of the tree, whichever is the greater, or, on conviction on indictment, to an unlimited fine. If any person contravenes the provisions of a tree preservation order otherwise than as mentioned above he shall be guilty of an offence under sub-section (2) of Section 102 of the Act, as amended, and liable on summary conviction to a fine not exceeding £200; and in the case of a continuing offence under either of the aforementioned sub-sections of this section he is guilty of a further offence under sub-section (3) of Section 102 of the Act, as amended, and liable on summary conviction to an additional fine not exceeding £5 for each day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 60(6) of the Town and Country Planning Act, 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirements, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.

First Schedule

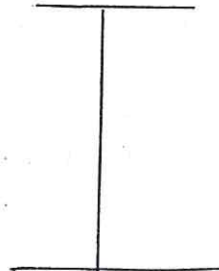
Trees Specified Individually

black and coloured
(Encircled green on the map hereto) but excluding that tree shown encircled
black and coloured red)

No. on Map	Description	Situation
T1	Sycamore	Within the site of No 8 Berkhampstead Road, Belvedere, Kent.
T2	Horse Chestnut	Within the site of Nos. 2 & 4 Berkhampstead Road, Belvedere, Kent
T3	Sycamore	Within the site of Nos. 1 & 3 Berkhampstead Road, Belvedere, Kent
T4	Oak	Within the site of Nos. 1 & 3 Berkhampstead Road, Belvedere, Kent.
T5	Lime	Within the site of Nos. 151 & 153 Picardy Road, Belvedere, Kent.

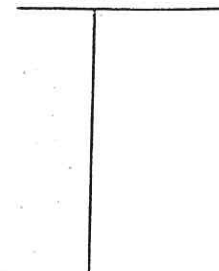
Trees Specified by Reference
to an Area

None



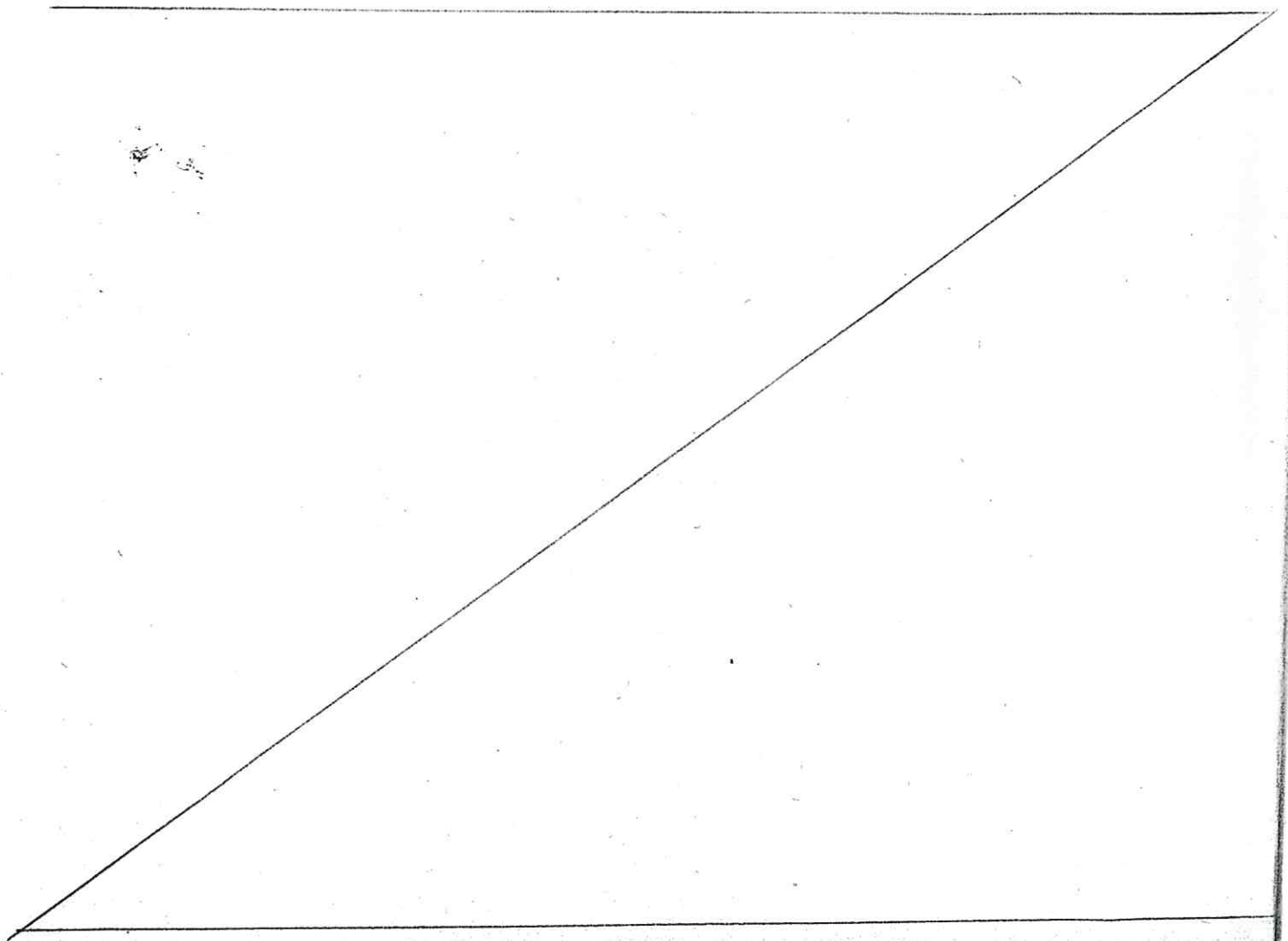
Groups of Trees

None



Woodlands

None



DATED

19th August

1980

LONDON BOROUGH OF BEXLEY

BERKHAMPSTEAD ROAD
BELVEDERE, KENT

TREE PRESERVATION ORDER 1980

BEXLEY CIVIC OFFICES
BROADWAY
BEXLEYHEATH
KENT DA6 7LB
Ref:- 9/12/87

Map referred to in the
[Berkhamstead Road,
Belvedere, Kent.]

London Borough of Bexley
Tree Preservation Order 1980

- T1 Sycamore
- T2 Horse Chestnut
- T3 Sycamore
- T4 Oak
- T5 Lime

Plan No. 80/1570
 Map Ref. TQ 4978 NW & SW
 Scale 1:500
 Date July 1980

Directorate of Development Services,
 Town Planning Department,
 Manor House, The Green, Sidcup, Kent, DA14 6BT
 Tel. 01-303-7777

