HILLINGDON
LONDON

RECORDED DELIVERY

Mr Bains
85 Mill Road
West Drayton
UB7 7EH

Our reference: JL/2009/666
Your reference:

9 December 2009

IMPORTANT - This communication may affect your property

Dear Mr Bains,

TOWN AND COUNTRY PLANNING ACT 1990 (As amended)
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999 – As amended by the Town and Country Planning (Trees)(Amendment)(England) Regulations 2008.
TREE PRESERVATION ORDER NO. 666
85 MILL ROAD, WEST DRAYTON

THIS IS A FORMAL ('regulation 3') NOTICE to let you know that on 4 December 2009 the Council made the above-mentioned tree preservation order ('The Order').

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping 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 Communities and Local Government (formerly the Office of the Deputy Prime Minister).

The Council has made this Order because the Sycamore (T1), Tree of Heaven (T2) and Yew (T3) are important features visible in the local landscape and contribute to the character and visual amenity of the Conservation area in which they are located.

Trees & Landscape Planning Team
Planning & Community Services
T.01895 250230 F.01895 277042
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The order took effect, on a provisional basis, on 9 December 2009. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever 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 the tree covered by the order.

If you would like to make any objections or other comments, please make sure we received them in writing by 15 January 2010. Your comments must comply with regulation 4 of the Town and Country Planning (Trees) Regulations, a copy of which is provided overleaf. Please send your comments to me at the above address. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made.

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 me at the address, telephone number or e-mail address below.

It is necessary for me to have the names and addresses of all the persons interested in the land concerned. I shall, therefore, be pleased if you will complete the enclosed form and return it to me as soon as possible. The form must be completed and returned to the Council. I enclose a pre-paid envelope for your reply.

The purpose of a Tree Preservation Order is to prevent the indiscriminate destruction, felling, lopping, or topping of trees and trees in groups, areas or woodlands considered worthy of preservation. In this case, the Sycamore (T1), Tree of Heaven (T2) and Yew (T3) have high amenity values and the loss of the trees would be most regrettable.

Written consent of the Council is required for any cutting down, lopping, topping or wilful destruction of a protected tree unless it is dying, dead, dangerous or causing a nuisance. However, it is advisable to obtain the written agreement of the Council that a tree falls into one of the above categories before undertaking or authorising any work. Otherwise, you could be liable to prosecution for contravening the Order.

Furthermore, under Section 206 of the Town and Country Planning Act 1990, it will be the duty of the owner to replace the tree where their removal was in contravention of a tree

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preservation order or where their removal was authorised only on the grounds that they were dead, dying or had become dangerous and is enforceable by a replanting enforcement notice. There is a right of appeal against such a notice to the Secretary of State.

The Council is unable to carry out works to trees and woodlands covered by Tree Preservation Orders. Arrangements for such works must be made by the applicant who must also bear the full cost. It would be impracticable for the Council to do otherwise as there are a considerable number of Tree Preservation Orders already in force and many more are projected.

For further information with regard to Tree Preservation Orders I would refer you to the enclosed guide. Please note the maximum fines quoted in this leaflet and in the note following paragraph 13 on the enclosed Order is £20,000 for "destruction" of a tree or on conviction on indictment to a fine of unlimited amount and, for other contraventions, a fine on summary conviction not exceeding level 4 on the standard scale i.e. £2,500. In respect of objections to Orders I would similarly refer you to the Guide and also to the Notice attached to the Order wherein procedural matters can be studied.

I trust that this information will be of help to you and I look forward to your co-operation in this matter.

Yours sincerely,

John Lawson

John Lawson
Principal Trees and Landscape Conservation Officer
Planning and Community Services TREEK41

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COPY OF REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999 (As amended) (Tree Preservation Order No. 666)

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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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

LONDON BOROUGH OF HILLINGDON TREE PRESERVATION ORDER No. 666 (2009)

In respect of

Three trees situated at 85 Mill Road, West Drayton

The LONDON BOROUGH OF HILLINGDON 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 LONDON BOROUGH OF HILLINGDON TREE PRESERVATION ORDER No. 666 (2009).

Interpretation
2. In this Order "the authority" means the LONDON BOROUGH OF HILLINGDON 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

- 9 DEC 2009.

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 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, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000,
- a universal postal service provider in connection with the provision of a universal postal service.

[1]

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.

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

(a) species;

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1 Article 6 omitted by regulation 2(4)(a) of the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008, Statutory Instrument 2008, No.2260

(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 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.

Dated: - 4 DEC 2009

The Common Seal of the MAYOR
AND BURGESSES of the LONDON
BOROUGH OF HILLINGDON
was hereunto affixed in the presence of -

.....

Signed on behalf of the LONDON BOROUGH OF HILLINGDON Council, by MEMBER OF THE COUNCIL

L.S.

.....

Officer authorised by the Council to sign in that behalf.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Botanical Name	Situation
T1	Sycamore	*Acer pseudoplatanus*	85 Mill Road, West Drayton
T2	Tree of Heaven	*Ailanthus altissima*	85 Mill Road West Drayton
T3	Yew	*Taxus baccata*	85 Mill Road West Drayton

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

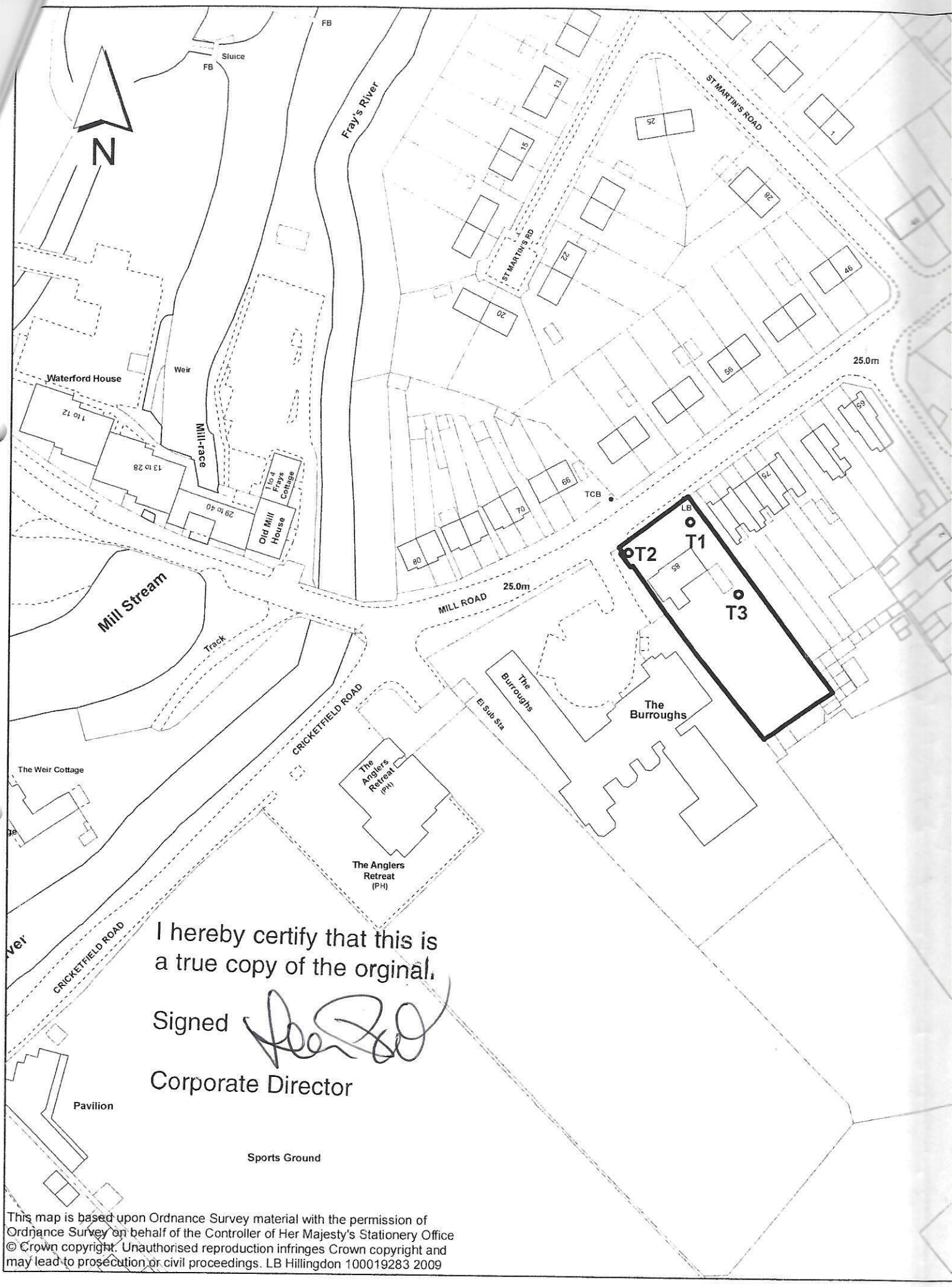
None

Groups of trees

None

Woodlands

None

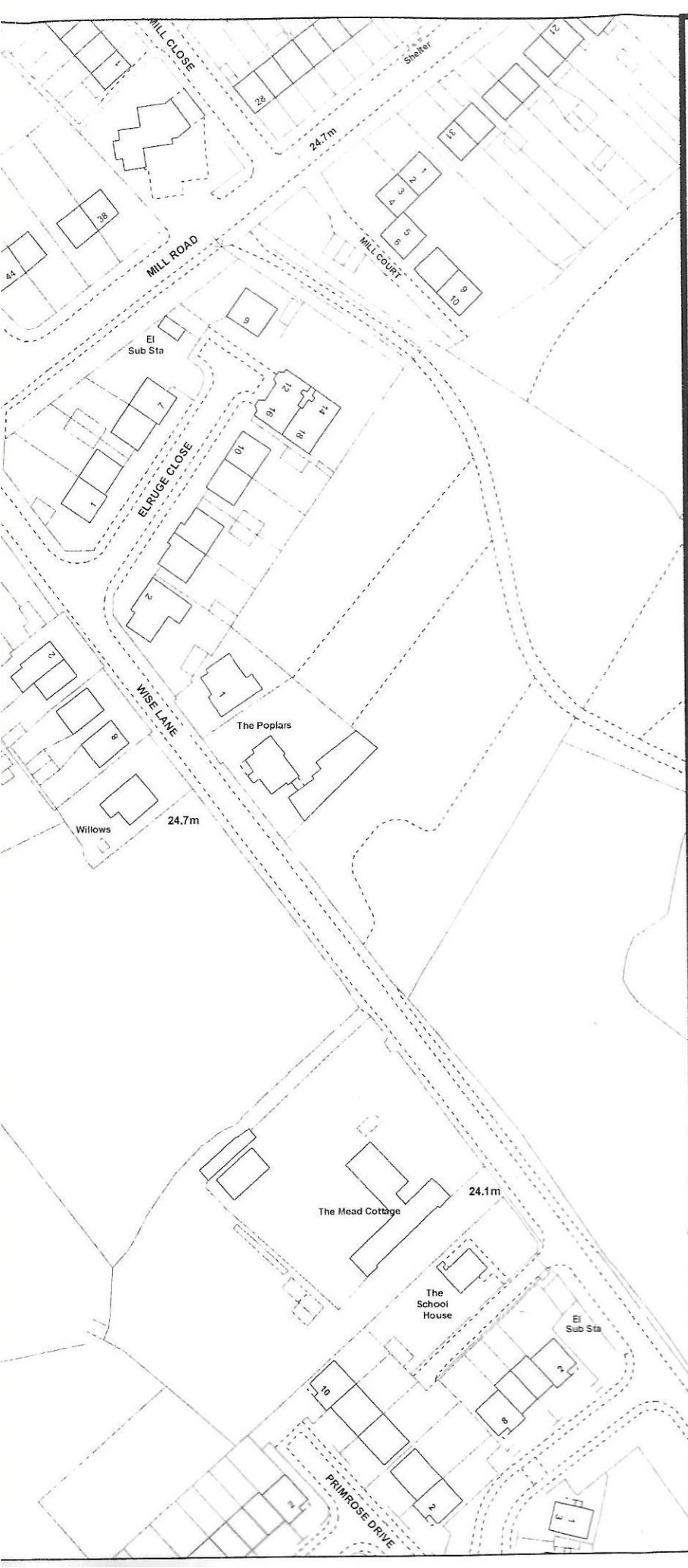


I hereby certify that this is a true copy of the orginal.

Signed

Corporate Director

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SIGNED

P Jackson.

MEMBER OF THE COUNCIL

SIGNED

AUTHORISED OFFICER

414015

T1 - Sycamore

T2 - Tree of Heaven

T3 - Yew

- 4 DEC 2009

85 Mill Road
West Drayton

Tree Preservation Order Number

666

LONDON BOROUGH OF HILLINGDON
Planning & Community Services
Civic Centre, Uxbridge, Middx, UB8 1UW
Telephone No. : 01895 250111

Scale: 1:1,250	HILLINGDON LONDON
Date: December 2009	
O. S. sheet: 0579 SE	

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)	(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 (1A) and (1B), 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 (1) insert— "(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).". (c) Omit subsections (2) and (3).
Section 75 (effect of planning permission)	(a) In subsection (1) 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	(a) In subsection (1) substitute—

and failure to take such decisions)	(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— "(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 (1)(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), (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.". (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 (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) 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 (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.

HILLINGDON
LONDON

Mrs Samir Bains
85 Mill Road
West Drayton
Hillingdon
UB7 7EH

Our ref JL/rr/CA4/1374

4th November 2009

Dear Mrs Bains

Re: TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 211 PROPOSED WORKS: TO CARRY OUT TREE SURGERY TO ONE YEW TREE AND ONE SYCAMORE TREE IN THE REAR GARDEN AT 85 MILL ROAD, WEST DRAYTON, WEST DRAYTON CONSERVATION AREA

Further to your notification of tree works received on the 13th October 2009.

As no objection has been received and the Council has not made a Tree Preservation Order to protect the above trees you can proceed with tree surgery to one Yew tree and one Sycamore tree in the rear garden.

Under Section 211 (3) (b) (ii) of the Act, the work must be completed before the expiry of two years from the date of your letter of notice, after which a further notice of intent to carry out the work will be required.

With regard to the Sycamore tree in the front garden a separate notification to fell the tree was received on the 29th October (by e-mail) this will be progressed under reference CA4/1380. I would advise that no work should be carried out to the Sycamore unless the Council has given you written consent or before the expiry of a period of six weeks from the date of receipt of your notification to fell the tree, whichever is the earlier.

Yours sincerely

John Lawson

John Lawson
Principal Trees and Landscape Conservation Officer
Planning and Community Services

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