**Article 4**

SCHEDULE 1

SPECIFICATION OF TREES

*Trees specified individually*

(encircled in black on the map)

| *Reference on map* | *Description* | *Situation* |
|---|---|---|
| T1 and T21<br>T2<br>T3<br>T4<br>(T5, T6 and )<br>T12 to T20 )<br>T22, T26 )<br>T7 to T10<br>T11<br>T23, T24, T25 | Sycamore<br>Beech<br>Lime<br>Birch<br><br>all Acer<br><br>Horse Chestnut<br>Poplar<br>Rowan | All at Downsway, Shoreham-by-Sea |

*Trees specified by reference to an area*

(within a dotted black line on the map)

| *Reference on map* | *Description* | *Situation* |
|---|---|---|
| None | [trees (of whatever species) within the area marked A1 on the map] | [*complete if necessary to specify more precisely the position of the trees*] |
| None | [the ash, beech, larch and oak trees within the area marked A2 on the map] | [*complete if necessary to specify more precisely the position of the trees*] |

*Group of trees*

(within a broken line on the map)

| *Reference on map* | *Description (including number of trees in the group)* | *Situation* |
|---|---|---|
| None | [2 ash trees, 3 elm trees and 3 oak trees] | [*complete if necessary to specify more precisely the position of the trees*] |

*Woodlands*

(within a continuous black line on the map)

| *Reference on map* | *Description* | *Situation* |
|---|---|---|
| None | [mixed hardwoods (mainly )] | [*complete if necessary to specify more precisely the position of the trees*] |
| None | [mixed conifers and deciduous trees (mainly )] | |

**Article 7**

SCHEDULE 2

PART I

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

| *Provisions of the Town and Country Planning Act 1990* | *Adaptation or modification* |
|---|---|
| Section 69 (registers) | (a) In subsection (1) –<br>(i) omit –<br>", in such manner as may be prescribed by a development order,",<br>"such" in the second place where it appears, and<br>"as may be so prescribed"; and<br>(ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission".<br>(b) In subsection (2) –<br>(i) after "contain" insert ", as regards each such other"; and<br>(ii) for paragraphs (a) and (b) substitute –<br>"(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and<br>(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.";<br>(c) Omit subsections (3) and (4) (as required by section 198(4). |
| Section 70<br>(determination of applications: general considerations) | (a) In subsection (1) –<br>(i) substitute –<br>"Subject to subsections (1A) and (1B), where" for "Where";<br>"the authority" for "a local planning authority";<br>"consent under a tree preservation order" |

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| | authority required by such a direction; or<br>(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,".<br>(b) Omit subsection (2).<br>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute –<br>"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served –<br>(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;<br>(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."<br>(d) For subsection (4), substitute –<br>"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).".<br>(e) For subsection (5), substitute –<br>"(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".<br>(b) Omit subsection (3).<br>(c) In subsection (4), substitute –<br>(i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5";<br>(ii) "consent under a tree preservation order" |

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|---|---|
| | for "planning permission" where those words first appear; and<br>"consent under the order" for "planning permission" in both of the other places where those words appear;<br>(ii) after "think fit", insert –<br>"(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and<br>(iii) omit "subject to sections 91 and 92,".<br>(b) After subsection (1) insert –<br>"(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.<br>(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 and replanting).".<br>(c) Omit subsections (2) and (3). |
| Section 75 (effect of planning permission) | (a) In subsection (1) substitute –<br>(i) "Any" for the words from "Without" to "any";<br>(ii) "consent under a tree preservation order" for "planning permission to develop land";<br>(iii) "the consent" for "the permission"; and<br>(iv) "the land to which the order relates" for "the land".<br>(b) Omit subsections (2) and (3). |
| Section 78 (right to appeal against planning decisions and failure to take such decisions) | (a) In subsection (1) substitute –<br>(i) "the authority" for "a local planning authority";<br>(ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;<br>(iii) "consent under such an order" for "planning permission" in the second place where those words appear;<br>(iv) for paragraph (c) substitute –<br>"(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that |

| | |
|---|---|
| | for "planning permission"; and<br>(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 section 65 or 71.".<br>(d) Omit subsections (6) and (6A).<br>(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) ensure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

*Section78*

(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 eight weeks beginning with the date on which the application was received by the authority,

   the applicant may be 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),

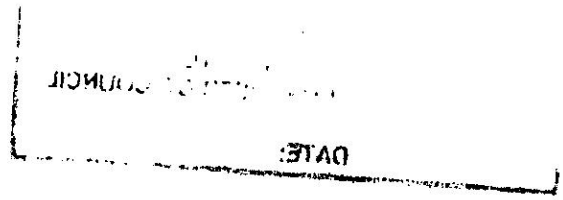
   and may deal with the application as if it had been made to him in the first instance.

(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.

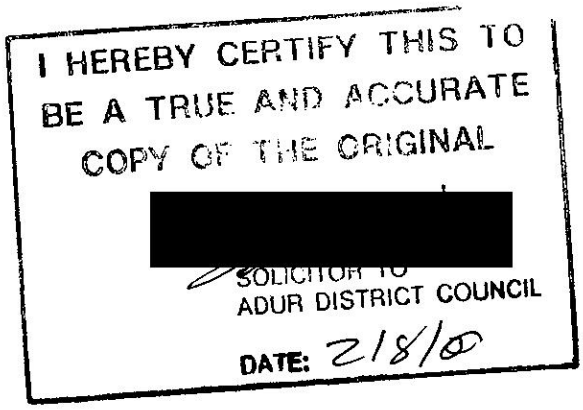


GIVEN under the Common Seal of

ADUR DISTRICT COUNCIL

[redacted] of August 2000

[redacted] Council


I HEREBY CERTIFY THIS TO
BE A TRUE AND ACCURATE
COPY OF THE ORIGINAL
[redacted]
SOLICITOR TO
ADUR DISTRICT COUNCIL
DATE: 2/8/00

TREE PRESERVATION ORDER
DOWNSWAY, SHOREHAM - BY - SEA

13.53 / 2 / 00 (SU)

T1 ; T21 ; SYCAMORE  T2 ; BEECH  T3 ; LIME  T4 ; BIRCH
T5 ; T6 ; T12 to T20 ; T22 ; T26 ; ACER  T7 to T10 ; HORSE CHESTNUT
T11 ; POPLAR  T23 ; T24 ; T25 ; ROWAN

ADUR
DISTRICT COUNCIL

# DEVELOPMENT SERVICES DEPARTMENT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