

VARIATION OF ORDER

This Order was varied by Rushmoor Borough Council on the 11/11/2022 by a variation order under reference number 435A a copy of which is attached. This order will now be referred to as 435V.

Signed on behalf of Rushmoor Borough Council by

Tim Mills

Tim Mills (Nov 11, 2022 15:34 GMT).....

Head of Economy, Planning and Strategic Housing

Authorised by the Council to Sign in that behalf

TIM MILLS
HEAD OF ECONOMY, PLANNING
AND STRATEGIC HOUSING
COUNCIL OFFICES
FARNBOROUGH ROAD, FARNBOROUGH
HAMPSHIRE
GU14 7JU
TEL: (01252) 398735

TREE PRESERVATION ORDER 435V MAP 1 OF 2 (WEST)

Tree Schedule: Please refer to Schedule 1

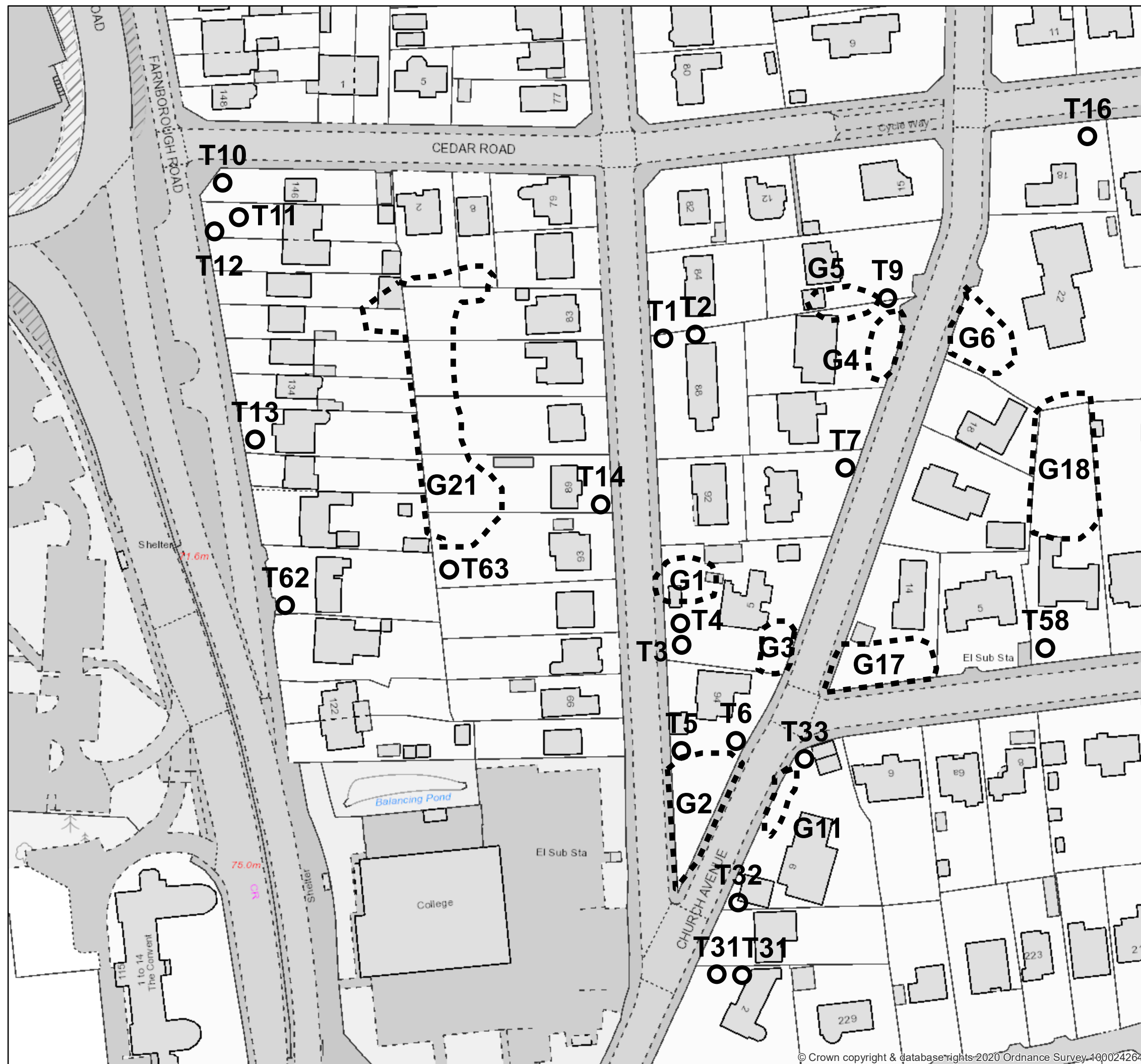
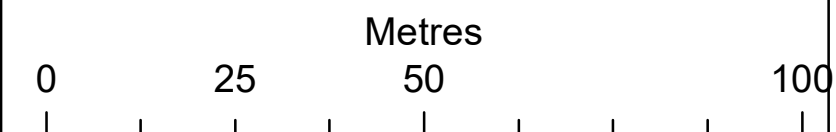
Location:-
Land affected by TPO 435V
between Cedar Road, Avenue Road,
Boundary Road and Farnborough Road
Farnborough
Hampshire

Tim Mills

Tim Mills (Nov 11, 2022 15:34 GMT)

Date: 19/10/2022

Scale: 1:1,000



TIM MILLS
HEAD OF ECONOMY, PLANNING
AND STRATEGIC HOUSING
COUNCIL OFFICES
FARNBOROUGH ROAD, FARNBOROUGH
HAMPSHIRE
GU14 7JU
TEL: (01252) 398735

TREE PRESERVATION ORDER 435V MAP 2 OF 2 (EAST)

Tree Schedule: Please refer to Schedule 1

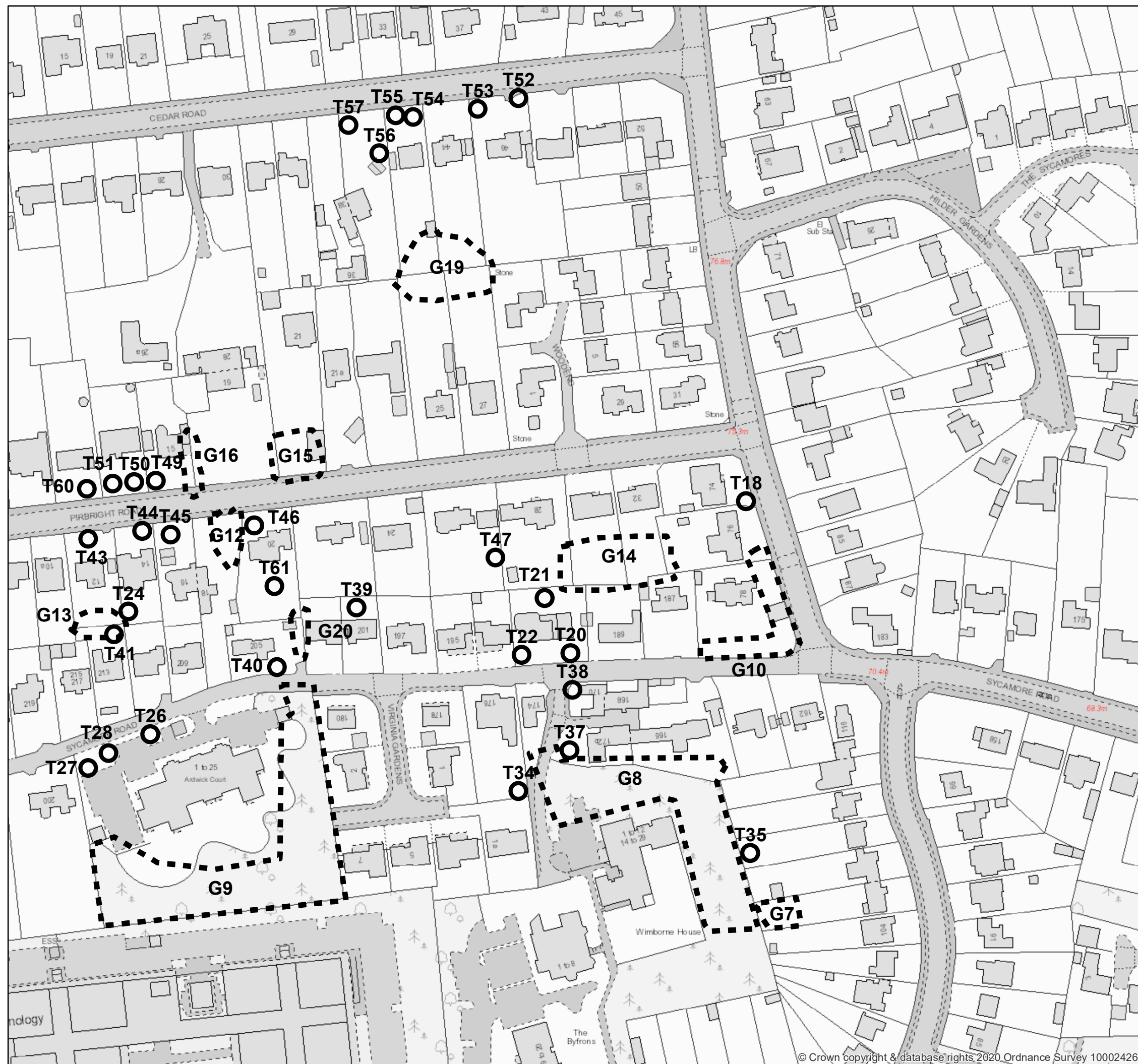
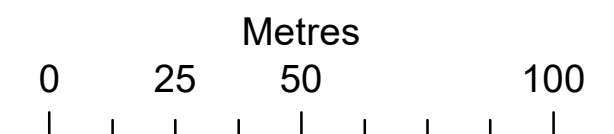
Location:-
Land affected by TPO 435V
between Cedar Road, Avenue Road,
Boundary Road and Farnborough Road
Farnborough
Hampshire

Tim Mills

Tim Mills (Nov 11, 2022 15:34 GMT)

Date: 19/10/2022

Scale: 1:1,500



Schedule

Specification of trees

Trees specified individually

(Encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Beech	11 Church Avenue
T2	Oak	11 Church Avenue
T3	Birch	5 Church Avenue
T4	Norway Spruce	5 Church Avenue
T5	Beech	94 Salisbury Road
T6	Scots Pine	94 Salisbury Road
T7	Oak	7 Church Avenue
T9	Sweet Chestnut	7 Church Avenue
T10	Sycamore	146 Farnborough Road
T11	Oak	144 Farnborough Road
T12	Yew	144 Farnborough Road
T13	Oak	132 Farnborough Road
T14	Beech	89 Salisbury Road
T16	Horse Chestnut	20 Cedar Road
T18	Oak	74 Avenue Road
T20	Oak	
T21	Beech	191 Sycamore Road
T22	Oak	191 Sycamore Road
T24	Scots Pine	14 Pirbright Road
T26	Holm Oak	190 Sycamore Road
T27	Cedar	190 Sycamore Road
T28	Cedar	190 Sycamore Road
T31	Tree Of Heaven	2 Church Avenue
T32	Oak	6 Church Avenue
T33	Sweet Chestnut	6 Church Avenue
T34	Beech	176 Sycamore Road
T35	Oak	110 Canterbury Road
T37	Sycamore	1-12, 14-29 Wimborne House, Sycamore Road
T38	Maple	170 Sycamore Road
T39	Beech	201 Sycamore Road
T40	Sycamore	205 Sycamore Road
T41	False Acacia	213 Sycamore Road
T43	Silver Birch	12 Pirbright Road
T44	Oak	14 Pirbright Road
T45	Beech	16 Pirbright Road
T46	Oak	20 Pirbright Road
T47	Larch	26 Pirbright Road
T49	Oak	15 Pirbright Road
T50	Oak	13 Pirbright Road
T51	Beech	13 Pirbright Road
T52	Sweet Chestnut	46 Cedar Road
T53	Yew	46 Cedar Road
T54	Oak	42 Cedar Road
T55	Sweet Chestnut	42 Cedar Road
T56	Beech	40 Cedar Road
T57	Oak	40 Cedar Road
T58	Oak	7 Pirbright Road
T60	Sweet Chestnut	11 Pirbright Road
T61	Sycamore	20 Pirbright Road
T62	Oak	126 Farnborough Road
T63	Pine	93 Salisbury Road

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	2 Scots Pine	5 Church Avenue
G2	2 Oaks	94 Salisbury Road
	4 Sweet Chestnuts	
	2 Birches	
G3	2 Scots Pines	5 Church Avenue
G4	2 Beeches	11 Church Avenue
G5	2 Beeches	13 Church Avenue
G6	3 Oaks	22 Church Avenue
	1 Beech	
G7	4 Birches	106 Canterbury Road
G8	9 Oaks	1-12, 14-29 Wimborne House, Sycamore Road
	3 Norway Maples	174 Sycamore Road
	2 Birches	172B Sycamore Road
	8 Cedar	166 Sycamore Road
	1 Beech	
	7 Pines	
	7 Hollies	
G9	16 Oaks	1-25 Ardwick Court, Sycamore Road
	3 Sweet Chestnuts	Ardwick Lodge, 190 Sycamore Road
	13 Pines	
	1 Strawberry Tree	
	8 Sycamores	
	2 Hollies	
	1 Horse Chestnuts	
	1 Cedar	
	1 Monkey Puzzle	
G10	2 Horse Chestnuts	76 & 78 Avenue Road
	7 Oaks	
	1 Scots Pine	
G11	2 False Acacias	6 Church Avenue
	1 Sweet Chestnuts	
G12	3 Beeches	18 Pirbright Road
	1 Oak	
G13	3 Robinas	12 & 14 Pirbright Road, 213 Sycamore Road
G14	2 Oaks	30 & 32 Pirbright Road
	4 Beeches	
	2 Sweet Chestnuts	
G15	1 Oak	19 & 21 Pirbright Road
	2 Beeches	
	1 Norway Maples	
G16	1 Oak	15 & 19 Pirbright Road
	2 Beeches	
	1 Sweet Chestnut	
G17	1 Sycamore	14 Church Avenue
	5 Oaks	
G18	2 Beeches	7 Pirbright Avenue, 22 Church Avenue
	3 Oaks	
G19	4 Beeches	25 & 27 Pirbright Road
	1 Sweet Chestnuts	42 & 44 Cedar Road
	1 Birch	
	1 Sycamore	
G20	1 Sycamore	203 & 205 Sycamore Road
	1 Oak	20 Pirbright Road
	1 Beech	

G21	7 Oaks	83-89 & 93 Salisbury Road
	5 Scots Pines	138 & 140 Farnborough Road
	1 Sycamore	2 & 8 Cedar Road

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	NONE	

Duplicate.

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**

TREE PRESERVATION ORDER 435A

Trees within Farnborough Park South, Farnborough, Hampshire, 2007

The Rushmoor Borough 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 TPO 435, Trees within Farnborough Park South, Farnborough, Hampshire, 2007

Interpretation

2. In this Order "the authority" means the Rushmoor Borough 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 8th June 2007.

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 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 public 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 or a body acting on behalf of that Authority,
- the Post Office.

Applications for consent under the Order

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall—

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

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;
- (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 has 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 statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, 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.

TREE PRESERVATION ORDER 435/435A
LIST OF ALL PEOPLE SERVED WITH ORDER AND NOTICE

The Owner/ Occupier
124 – 146 (evens), Top Flat 138
Farnborough Road
Farnborough
Hants GU14 7JH

The Owner/Occupier
5-15, 19-27 (odds), 21A Pirbright
Road
Farnborough
Hants GU14 7AB

No 17 Pirbright
Road .

The Owner/ Occupier
2, 8, 12, 15 Cedar Road
Farnborough
Hants GU14 7AF

The Owner/Occupier
1, 2, 3 Wood End
Pirbright Road
Farnborough
Hants GU14 7BA

The Owner/Occupier
5-13 (odds), 14,16,18,22
Church Avenue
Farnborough
Hants GU14 7AY

The Owner/Occupier
2, 4, 6 Church Avenue
Farnborough
Hants GU14 7AA

The Owner/Occupier
79-89 (odds), 93, 95, 97,
82, 84, 88, 92, 94
Salisbury Road
Farnborough
Hants GU14 7AE

The Owner/Occupier
50 Avenue Road
Farnborough
Hants GU14 7BH
The Owner/Occupier
6, 10-32 (evens) Pirbright Road
Farnborough
Hants GU14 7AD

The Owner/Occupier
18, 20, 22, 26A, 32-50 (evens)
Cedar Road
Farnborough
Hants GU14 7AX

The Owner/Occupier
187-197 (odds), 201, 203, 205,
209-217 (odds), 227, 229
Sycamore Road
Farnborough
Hants GU14 6RQ

The Owner/Occupier
1, 2, 3 Rush House
28 Cedar Road
Farnborough
Hants GU14 7AX

The Owner/Occupier
180 & 200 Sycamore Road
Farnborough
Hants GU14 6RH

The Owner/Occupier
74, 76, 78 Avenue Road
Farnborough
Hants GU14 7BG

No address

~~The Owner/Occupier
Ardwick Lodge
190 Sycamore Road
Farnborough
Hants GU14 6RH~~

The Owner/Occupier
1, 1A, 2, 3, 7 Virginia Gardens
Farnborough
Hants GU14 6RJ

No address

~~The Owner/Occupier
Site Office Ardwick Court
190 Sycamore Road
Farnborough
Hants GU14 6RH~~

The Owner/Occupier
164-170 (evens), 172B, 174, 176,
178 Sycamore Road
Farnborough
Hants GU14 6RG

The Owner/Occupier
1-12, 14-25 Ardwick Court
190 Sycamore Road
Farnborough
Hants GU14 6RH

The Owner/Occupier
1-12, 14-29 Wimborne House
Sycamore Road
Farnborough
Hants GU14 6RD

The Owner/Occupier
94-114 (evens)
Canterbury Road
Farnborough
Hants GU14 6QN

The Owner/Occupier
63-71 (odds) Boundary Road
Farnborough Road
Hants GU14 6SQ

Farnborough College of
Technology
Boundary Road
Farnborough
Hants GU14 6SB

The Owner/Occupier
1-8 The Byfrons
Boundary Road
Hants GU14 6SE

HCC Highways Sub-Unit
Council Offices
Farnborough Road
Farnborough
Hampshire
GU14 7JU

The Owner/Occupier
Braganza Court
124 Farnborough Road
Farnborough
Hants GU14 7JH

The Owner/Occupier
2 Braganza Court
124 Farnborough Road
Farnborough
Hants GU14 7JH

Linden Homes
Linden House
14 Bartram Road
Totton
Southampton SO40 9PP

Knellwood Ward Councillors: R Dibbs, A Jackman and P Taylor.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Beech	11 Church Avenue
T2	Oak	11 Church Avenue
T3	Birch	5 Church Avenue
T4	Norway Spruce	5 Church Avenue
T5	Beech	94 Salisbury Road
T6	Scots Pine	94 Salisbury Road
T7	Oak	7 Church Avenue
T8	Scots Pine	7 Church Avenue
T9	Sweet Chestnut	11 Church Avenue
T10	Sycamore	146 Farnborough Road
T11	Oak	144 Farnborough Road
T12	Yew	144 Farnborough Road
T13	Oak	132 Farnborough Road
T14	Beech	89 Salisbury Road
T15	False Acacia	20 Cedar Road
T16	Horse Chestnut	18 Cedar Road
T17	Douglas Fir	16 Church Avenue
T18	Oak	74 Avenue Road
T19	Larch	166 Sycamore Road
T20	Oak	
T21	Beech	191 Sycamore Road
T22	Oak	191 Sycamore Road
T23	Scots Pine	14 Pirbright Road
T24	Scots Pine	14 Pirbright Road
T25	Scots Pine	Ardwick Lodge 190 Sycamore Road
T26	Cedar	190 Sycamore Road
T27	Cedar	190 Sycamore Road
T28	Cedar	190 Sycamore Road
T29	Monterey Cypress	2 Church Avenue
T31	Tree Of Heaven	2 Church Avenue
T32	Oak	6 Church Avenue
T33	Sweet Chestnut	6 Church Avenue
T34	Beech	176 Sycamore Road
T35	Oak	110 Canterbury Road
T36	Oak	108 Canterbury Road
T37	Sycamore	1-12 14-29 Wimborne House, Sycamore Road
T38	Norway Maple	170 Sycamore Road
T39	Beech	201 Sycamore Road

T40	Sycamore	205 Sycamore Road
T41	False Acacia	213 Sycamore Road
T42	Silver Birch	22 Pirbright Road
T43	Beech	12 Pirbright Road
T44	Oak	14 Pirbright Road
T45	Beech	16 Pirbright Road
T46	Oak	20 Pirbright Road
T47	Larch	26 Pirbright Road
T48	Birch	15 Pirbright Road
T49	Oak	15 Pirbright Road
T50	Oak	13 Pirbright Road
T51	Beech	13 Pirbright Road
T52	Sweet Chestnut	46 Cedar Road
T53	Yew	46 Cedar Road
T54	Oak	42 Cedar Road
T55	Sweet Chestnut	42 Cedar Road
T56	Beech	40 Cedar Road
T57	Oak	40 cedar Road
T58	Oak	7 Pirbright Road
T59	Silver Birch	11 Pirbright Road
T60	Sweet Chestnut	11 Pirbright Road
T61	Sycamore	20 Pirbright Road
T62	Oak	126 Farnborough Road
T63	Pine	93 Salisbury Road

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

Reference on map	Description	Situation
	NONE	

Groups of trees
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	Scots Pine x2	5 Church Avenue
G2	Holly x1	94 Salisbury Road
	Oak x2	
	Sweet Chestnut x4	
	Birch x2	
G3	Scots Pine x2	5 Church Avenue
		94 Salisbury Road
G4	Beech x2	11 Church Avenue
G5	Beech x2	11 Church Avenue
		13 Church Avenue
G6	Oak x4	22 Church Avenue
	Beech x2	
G7	Birch x4	106 Canterbury Road

G8	Oak x9 Norway Maple x5 Birch x2 Cedar x9 Beech x4 Pine x9 Holly x7	1-12, 14-29 Wimborne House, Sycamore Road 174 Sycamore Road 172B Sycamore Road 166 Sycamore Road
G9	Oak x16 Sweet Chestnut x3 Pine x13 Strawberry Tree x1 Sycamore x8 Holly x2 Horse Chestnut x1 Cedar x1 Monkey Puzzle x1	1-25 Ardwick court, Sycamore Road Ardwick Lodge, 190 Sycamore Road
G10	Horse Chestnut x3 Oak x7 Scots Pine x1 Douglas Fir x1	76 and 78 Avenue Road
G11	False Acacia x2 Sweet Chestnut x1	6 Church Avenue
G12	Beech x3 Oak x1	18 Pirbright Road
G13	Birch x3	12 and 14 Pirbright Road 213 Sycamore Road
G14	Oak x2 Beech x4 Oak x2 Sweet Chestnut x2	30 Pirbright Road 32 Pirbright Road
G15	Oak x1 Beech x2 Norway Maple x1	19 and 21 Pirbright Road
G16	Oak x1 Beech x3 Sycamore x1	15 and 19 Pirbright Road
G17	Oak x5 Beech x3	14 Church Avenue
G18	Oak x3 Birch x1 Beech x4	7 Pirbright Road 22 Church Avenue
G19	Sweet Chestnut x1 Birch x1	25 and 27 Pirbright Road 42 and 44 Cedar Road
G20	Sycamore x1 Monterey Cypress x1 Sycamore x1 Oak x1 Beech x1	205 and 203 Sycamore Road 20 Pirbright Road

G21

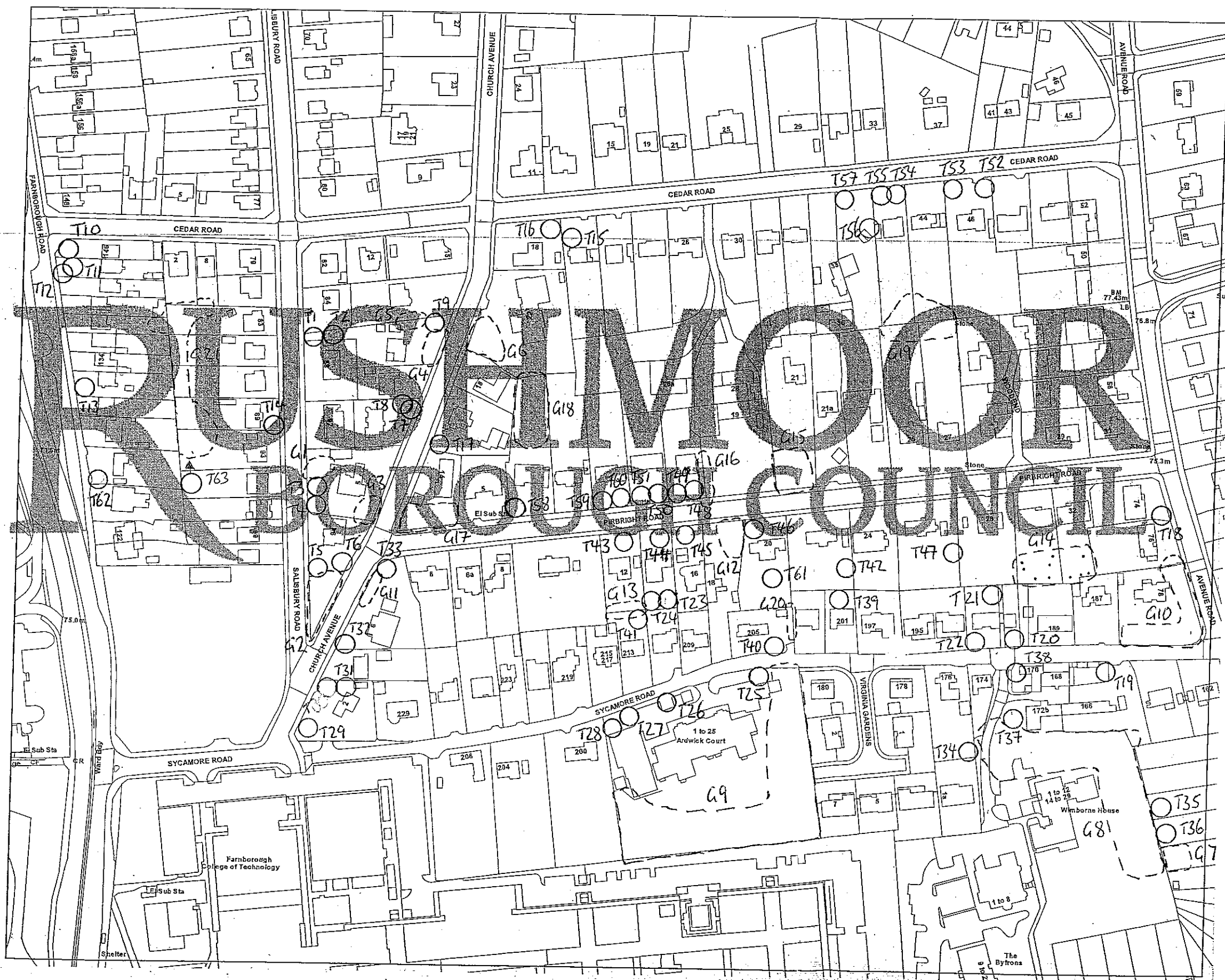
Oak x8
Scots Pine x6
Sycamore x1

83, 85, 87, 89 and 93
Salisbury Road
138 and 140 Farnborough
Road
2 and 8 Cedar Road

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	



R. May
LEADER OF
THE COUNCIL

K. A. ...
SOLICITOR TO
THE COUNCIL



RUSHMOOR BOROUGH COUNCIL

DIRECTORATE OF ENVIRONMENTAL SERVICES

KEITH HOLLAND, BA, MRTPI
HEAD OF PLANNING SERVICES
COUNCIL OFFICES
FARNBOROUGH ROAD, FARNBOROUGH
HANTS, GU14 7JU
TEL: (01252) 398398



TREE PRESERVATION ORDER No 435

TREE SCHEDULE: Please refer to Schedule 1

T1-T63 INDIVIDUAL TREES
G1-G21 GROUPS OF TREES

Location:-
Trees within Farnborough Park South,
Farnborough, Hampshire

Date: 01/06/2007
Map Reference: E: 487381 N: 155049
Scale: 1:2000

This product includes mapping data licensed from
Ordnance Survey with permission of the Controller
of Her Majesty's Stationary Office. © Crown
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Borough Council 10002464

TREE PRESERVATION ORDER: 435

Trees within Farnborough Park South, Farnborough, Hampshire, 2007

It is expedient in the interest of amenity to make provision for the preservation of trees on the above site and that a Tree Preservation Order should be issued in respect of the above site.

Signed



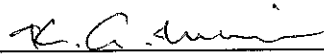
Head of Planning Services

Dated:

8.6.07

Agreed

Signed



Solicitor to the Council

Dated:

12/6/07

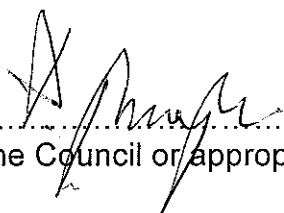
TREE PRESERVATION ORDER: 435

Trees within Farnborough Park South, Farnborough, Hampshire, 2007

Dated this 12th day of June 2007

The Common Seal of *Rushmoor Borough Council*
was hereunto affixed in the presence of –

14/07


.....
Leader of the Council or appropriate Council Member.


.....
Solicitor to the Council

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)	<p>(a) In subsection (1)—</p> <p>(i) omit—</p> <p>“, in such manner as may be prescribed by a development order,”,</p> <p>“such” in the second place where it appears, and</p> <p>“as may be so prescribed”; and</p> <p>(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p>(i) after “contain” insert “, as regards each such order”; and</p> <p>(ii) for paragraphs (a) and (b) substitute—</p> <p>(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p>(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.”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>

<p>Section 70 (determination of applications: general considerations)</p>	<p>(a) In subsection (1)—</p> <p>(i) substitute—</p> <p>“Subject to subsections (1A) and (1B), where” for “Where”;</p> <p>“the authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert—</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”; and</p> <p>(iii) omit “subject to sections 91 and 92,”.</p> <p>(b) After subsection (1) insert—</p> <p>“(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.</p> <p>(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).”.</p> <p>(c) Omit subsections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In subsection (1) substitute—</p> <p>(i) “Any” for the words from “Without” to “any”;</p>

	<ul style="list-style-type: none"> (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". <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In subsection (1) substitute—</p> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> "(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,". <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute—</p> <p>"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—</p>

	<p>(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;</p> <p>(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."</p> <p>(d) For subsection (4), substitute—</p> <p>"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."</p> <p>(e) For subsection (5), substitute—</p> <p>"(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."</p>
<p>Section 79 of (determination appeals)</p>	<p>(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <p>(i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5";</p> <p>(ii) "consent under a tree preservation order" for "planning permission"; and</p> <p>(iii) "the authority" for "the local planning authority and a development order may</p>

	<p>apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.”.</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>
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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.

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 199)
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**

RUSHMOOR BOROUGH COUNCIL

TREE PRESERVATION ORDER 435

Trees within Farnborough Park South, Farnborough, Hampshire, 2007


Under the provisions of Section 199 of the Town and Country Planning Act 1990, the Town and Country Planning (Trees) Regulations 1999 and The Planning And Compulsory Purchase Act 2004, Rushmoor Borough Council having considered eight written representations received in respect of the above Tree Preservation Order, this Order is hereby confirmed with modification as TPO 435A.

Signed.....

PP Head of Planning Services

Dated.....14/12/2007

AGREED

Signed.....

Solicitor to the Council

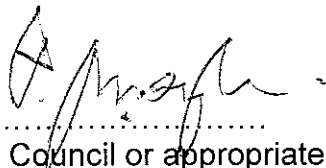
Dated.....17/12/07

CONFIRMATION OF ORDER 435A

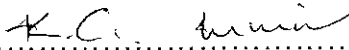
This Order was confirmed by Rushmoor Borough Council with the following modifications:

The Beech tree within G19 has been erroneously protected within the Order and is now omitted from Schedule 1 of TPO 435. The Pine tree T63 has now been correctly located at the rear of 93 Salisbury Road within the Order.

on the 17th day of December, 2007



.....
Leader of the Council or appropriate Council Member



.....
Solicitor to the Council

28/07

R. May
**LEADER OF
THE COUNCIL**
K. A. Smith
**SOLICITOR TO
THE COUNCIL**



RUSHMOOR BOROUGH COUNCIL

DIRECTORATE OF ENVIRONMENTAL SERVICES

KEITH HOLLAND, BA, MRTPI
HEAD OF PLANNING SERVICES
COUNCIL OFFICES
FARNBOROUGH ROAD, FARNBOROUGH
HANTS, GU14 7JU
TEL: (01252) 398398



TREE PRESERVATION ORDER No 435 A

TREE SCHEDULE: Please refer to Schedule 1

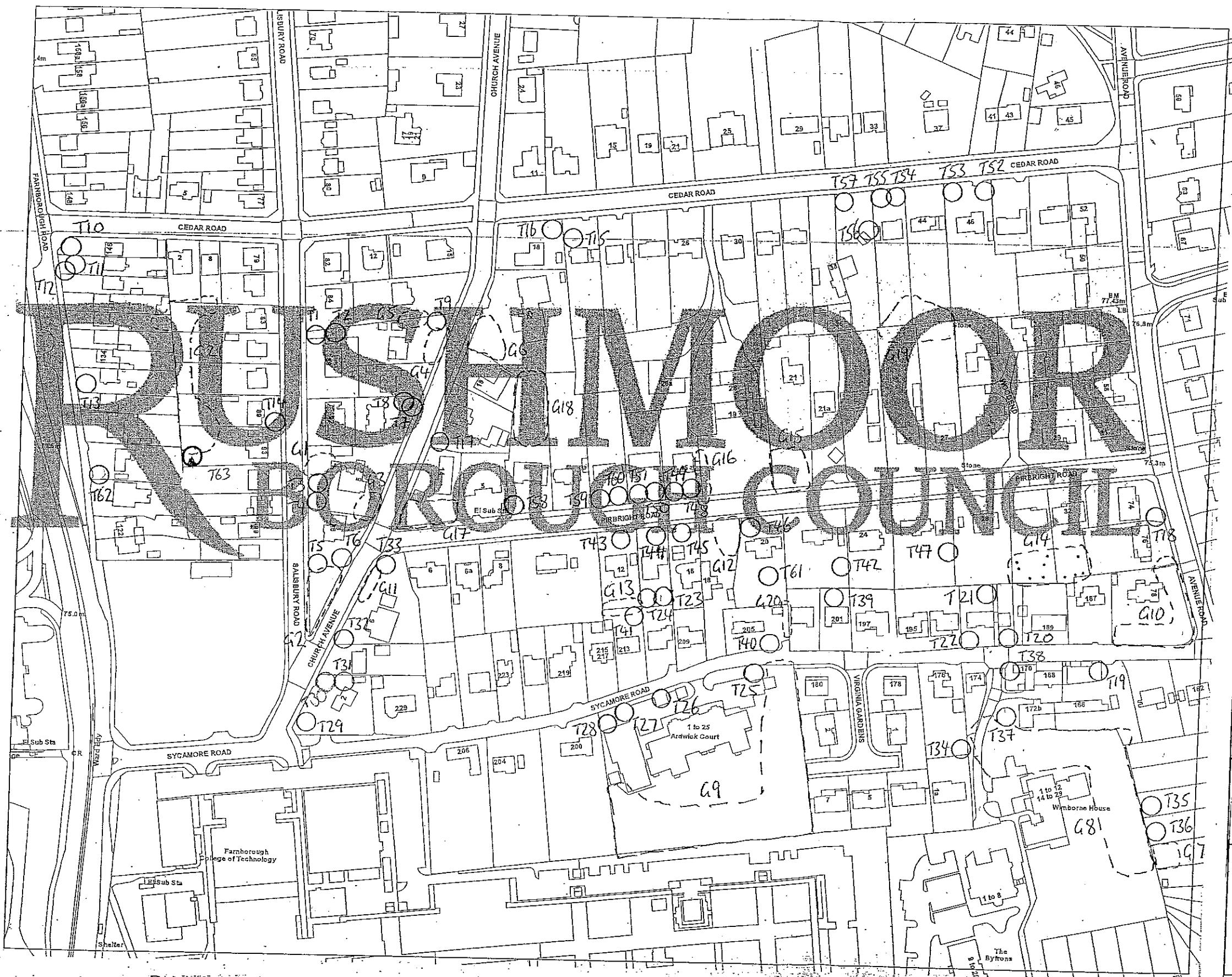
T1-T63 INDIVIDUAL TREES
G1-G21 GROUPS OF TREES

Location:-
Trees within Farnborough Park South,
Farnborough, Hampshire

Date: 01/06/2007
Map Reference: E: 487381 N: 155049
Scale: 1:2000

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Borough Council 10002464

K. A. Smith
**SOLICITOR TO
THE COUNCIL**




TPO 435V - Pack

Final Audit Report


2022-11-11


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