

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) REGULATIONS 1999
AS AMENDED BY THE TOWN AND COUNTRY PLANNING (TREES)
(AMENDMENT) (ENGLAND) REGULATIONS 2012

Tree Preservation Order: Edgworth Cricket & Recreational Club TPO 2019 (N29)

Blackburn With Darwen Borough Council

THIS IS A FORMAL NOTICE to let you know that on the 17th October 2019 the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of 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 Preservation Orders, produced by the Department of the Environment, Transport and the Regions.

The Council have made the order to ensure tree retention following concerns received by the local community that the trees in question are like to be felled. An amenity assessment has been carried out and the trees do provide amenity to the immediate surrounding area. (TEMPO assessment has been enclosed).

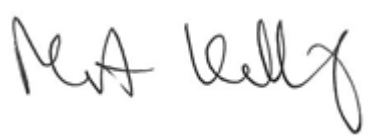
The Order took effect, on a provisional basis on the 17th October 2019. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, whichever first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before the decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like make any objections or other comments, please make sure we receive them in writing by 17th November 2019. Your comments must comply with Regulation 6 of the Town & Country Planning (Tree Preservation)(England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Martin Kelly, Director of Growth & Development, Blackburn With Darwen Borough Council. 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 Gavin Prescott, Planning Manager (Development Management), Blackburn With Darwen Borough Council, 01254 585694.

Date: 17th October 2019



Signed: Martin Kelly, Director of Growth & Development
on behalf of Blackburn With Darwen Borough Council, Old Town Hall, Blackburn BB1 7DY.

**COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREES)
(AMENDMENT) (ENGLAND) REGULATIONS 2012**

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 5(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.

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
As amended by the Town and Country Planning (Trees)(Amendment)(England)
Regulations 2012

MODEL FORM OF TREE PRESERVATION ORDER

Town and Country Planning Act 1990
Edgworth Cricket & Recreational Club TPO 2019

The Blackburn With Darwen 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 the Edgworth & Recreational Cricket Club TPO 2019

Interpretation

2. In this Order “the authority” means the Blackburn With Darwen 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 & Country Planning Act 1990.

Application of Section 201

3. The authority hereby direct that Section 201 (provisional tree preservation orders) shall to this Order and, accordingly, this Order shall take effect provisionally on the 21st June 2019.

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 order: 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 destructions of,

Any tree specified in Schedule 1 to this Order or compromised 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 –

Under paragraph (3) as it applied 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 17th October 2019



Signed
Director of Growth & Development
Authorised Officer

CONFIRMATION OF ORDER

This Order was confirmed by the Planning & Highways Committee of the Blackburn With Darwen Borough Council without modification on the day of

Dated this day of
The Common Seal of the Blackburn With Darwen Borough Council was hereunto affixed in the presence of –

.....
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	Situation
T1	Sycamore	Land to the east of the Clubhouse

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 black line on the map)

Reference on map	Description	Situation
G1	Sycamore x 59No Beech x 1No Lime x 4No Whitebeam x 3No Rowen x 2No Birch x 1No Ash x 3No Hornbeam x 4No Elm x 2No Chestnut x 3No	Land to the east, north and west of the recreation ground
G2	Sycamore x 24No Beech x 1No Lime x 12No Whitebeam x 4No Birch x 1No Ash x 1No Chestnut x 1No Cherry Tree x 3No Spruce x 1No	Land to the east, south and west of the bowling green

Woodlands (within a continuous black line on the map)

reference on map	Description	Situation
	None	