

# DISTRICT COUNCIL OF UTTLESFORD

COUNCIL OFFICES  
DEBDEN ROAD  
SAFFRON WALDEN  
ESSEX CB11 4AB  
Saffron Walden (0799) 23124

CHIEF EXECUTIVE OFFICER: J. F. Vernon, M.A. Oxon., Solicitor.  
DEPUTY CHIEF EXECUTIVE OFFICER: R. Bolton.

Your Ref.

My Ref.

T.8/17/1/85/HC

Please ask for Miss Desmond

9 October 1985

The Owners/Occupiers  
Green Corner  
The Downs  
Gt Dunmow

Dear Sir/Madam

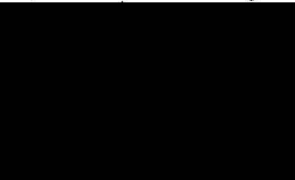
THE DISTRICT OF UTTLESFORD (GREAT DUNMOW) (No 1) TREE PRESERVATION  
ORDER 1985

On 8 October 1985, the Council confirmed the above named Order  
subject to modifications to show:-

- 1 The deletion of tree T.178
- 2 The deletion of tree T.189
- 3 The deletion of two Birch trees from group G.11
- 4 The deletion of one Oak tree and one Ash tree from group  
G.26
- 5 The deletion of two Poplar trees from group G.36
- 6 The revised description of tree T.80 and tree T.220
- 7 The revised location description of tree T.179

Accordingly, I attach a copy of the confirmation page to the Order  
and an amended copy of the Order itself.

Yours faithfully



Chief Executive Officer

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TOWN AND COUNTRY PLANNING ACT 1971

THE DISTRICT OF UTTLESFORD

(GREAT DUNMOW) (NO 1) TREE PRESERVATION ORDER 1985

The District Council of Uttlesford in this order called "the Authority" in pursuance of the powers conferred in that behalf by Section 60 and 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 make 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 mortgage 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, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, 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 trees, groups of trees and woodlands 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 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 by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

**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)).

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 the authority shall grant consent so far as accords with the principles of good forestry, 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, and shall not impose conditions on such consent requiring replacement or replanting.

(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 Act, 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 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 its functions in relation to 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 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 addressing the claim to the authority and leaving it at or sending it by post to the principal office of the authority.

(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.

**NOTE:** Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £400 or twice the sum which appears to the courts to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person liable on summary conviction to an additional fine not exceeding £5 for every 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 requirement, 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.

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FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY  
(Encircled in black on the map)

No on map	Description	Situation - Great Dunmow
T.1	Horse Chestnut )	On land at Parsonage Downs
T.2	Willow )	
T.3	Oak	On the southern boundary of OS Field 1628.
T.4	DELETED	
T.5	Oak	In the grounds of Wreeds House, Parsonage Downs.
T.6	Sycamore	On land at Parsonage Downs.
T.7	Oak	On the southern boundary of OS Field 4934.
T.8	Horse Chestnut )	In the grounds of The Sheiling, Parsonage Downs.
T.9	Lime )	
T.10	Willow )	On land at Parsonage Downs.
T.11	Horse Chestnut )	
T.12	Poplar )	
T.13	Thorn )	
T.14	Oak )	
T.15	Ash	In the grounds of Rosemary Cottage, Parsonage Downs.
T.16	Horse Chestnut	On land at Parsonage Downs
T.17	Oak	In the grounds of Burntwood Cottage, Parsonage Downs.
T.18	Sycamore	On land at Parsonage Downs.
T.19	Sycamore	On the southern boundary of OS Field 4518.
T.20	Ash	
T.21	Ash	
T.22	Sycamore	In the grounds of The Parsonage, Parsonage Downs.
T.23	Sycamore	
T.24	Horse Chestnut	In the grounds of Friars, Parsonage Downs.
T.25	Horse Chestnut )	On land at Parsonage Downs.
T.26	Oak )	
T.27	Horse Chestnut )	
T.28	Sycamore )	
T.29	Sycamore )	
T.30	Poplar	In the grounds of Friars, Parsonage Downs.

No on map	Description	Situation - Great Dunmow
T.31	Lime	) On land at Parsonage Downs
T.32	Horse Chestnut	
T.33	Horse Chestnut	In the grounds of Pink Cottage, Parsonage Downs.
T.34	Horse Chestnut	On land at Parsonage Downs.
T.35	DELETED	
T.36	Pine	) In the grounds of Pink Cottage, Parsonage Downs.
T.37	Pine	
T.38	Horse Chestnut	In the eastern corner of OS Field 2800, Beaumont Hill.
T.39	Ash	) Along the southern side of Newton Hall Drive.
T.40-46	Horse Chestnut	
T.47	Birch	) In the grounds of The Mead, Parsonage Downs.
T.48	Birch	
T.49	Willow	
T.50	Thorn	In the grounds of The Lodge, Parsonage Downs.
T.51	Thorn	In the grounds of 4 Parsonage Downs
T.52	Ash	On the northern boundary of OS Field 1982.
T.53	Horse Chestnut	) In the grounds of Clare Cottage, Parsonage Downs.
T.54	Horse Chestnut	
T.55	Ash	In the grounds of 7, Beaumont Hill.
T.56	Pine	) In the grounds of Beaumont House, Beaumont Hill.
T.57	Pine	
T.58	Sycamore	) In the grounds of 2 Beaumont Hill.
T.59	Sycamore	
T.60	Ash	On the northern boundary of an area of land to the south of Beaumont House, Beaumont Hill.
T.61	Ash	On the western side of the driveway to Clock House Cottage, Beaumont Hill.
T.62	Sycamore	) On land at the junction of Beaumont Hill and Church Street.
T.63	Holly	
T.64	Ash	
T.65	Sycamore	
T.66	Lime	



No. on map	Description	Situation - Great Dunmow
T.67	Horse Chestnut	In the grounds of The Limes, The Causeway.
T.68	Sycamore	On land to the east of Three Ways, The Causeway.
T.69	Lime	) In the grounds of The Limes, The Causeway.
T.70	Thorn	
T.71	Horse Chestnut	
T.72	Beech	) In the grounds of 71 The Causeway.
T.73	Thorn	
T.74	Ash	
T.75	Yew	
T.76	Walnut	) In the grounds of Little Orchard, The Causeway.
T.77	Walnut	
T.78	Ash	In the grounds of Hwori, 65 The Causeway.
T.79	Pine	On land fronting 51-57 The Causeway.
T.80	Oak <i>Field Maple</i>	) On land to the rear of 31 Godfrey Way.
T.81	Field Maple	
T.82	Ash	In the grounds of 33 Godfrey Way.
T.83	Beech	) Along the eastern boundary of OS Field 0043, Buildings Farm
T.84-87	Sycamore	
T.88	Field Maple	
T.89-90	Ash	
T.91	Oak	
T.92	Horse Chestnut	
T.93	Ash	
T.94	Oak	
T.95	Thorn	
T.96	Thorn	
T.97	Ash	
T.98	Thorn	
T.99	Ash	In the grounds of Pleasant House, The Causeway.
T.100-110	Sycamore	On land to the north of the Dunmow C of E Primary School, The Downs.
T.111	Beech	) In the grounds of 33 The Downs.
T.112	Yew	
T.113	Horse Chestnut	On land west of 43 North Street.
T.114	Weeping Willow	) In the grounds of Buildings Farm.
T.115	Sycamore	
T.116	Horse Chestnut	
T.117-119	Sycamore	
T.120	Lime	

No on map	Description	Situation - Great Dunmow
T.121	Walnut	In the grounds of Primrose Cottage, The Downs.
T.122	Holly	In the grounds of 4 The Downs.
T.123	Birch	In the grounds of the Dunmow C of E Primary School, The Downs.
T.124-126 T.127	Sycamore Ash	) In the grounds of Green Corner, The Downs.
T.128	Pine	In the grounds of 14 The Downs.
T.129-131	Horse Chestnut	In the grounds of Crows Nest, The Downs.
T.132	Yew	In the grounds of 6/7 The Downs.
T.133	Wellingtonia	In the grounds of Green Corner, The Downs.
T.134	Beech	) In the grounds of 8 The Downs.
T.135	Cypress	)
T.136	Beech	)
T.137	Oak	On land to the north of the Doctor's Pond, North Street.
T.138	Birch	On the highway frontage of the Youth Centre, North Street.
T.139	Field Maple	On the northern boundary of 18 Waldgrooms.
T.140	Field Maple	) On the northern boundary of
T.141	Ash	) 19 Waldgrooms.
T.142	Ash	On the northern boundary of 21 Waldgrooms.
T.143	Ash	On the northern boundary of 24 Waldgrooms.
T.144	Field Maple	) On the northern boundary of
T.145	Thorn	) 32 Waldgrooms.
T.146	Horse Chestnut	) Within OS Field 3329.
T.147	Willow	)
T.148	Horse Chestnut	)
T.149	Sycamore	)
T.150	Horse Chestnut	In the grounds of 18 Rosemary Crescent.
T.151	Oak	In the grounds of 17 Waldgrooms.
T.152	DELETED	

No on map	Description	Situation - Great Dunmow
T.153	Birch	In the grounds of 4 Rosemary Crescent.
T.154	Birch	In the grounds of 12 Rosemary Crescent.
T.155	Maple	On land at Rosemary Crescent.
T.156	Sycamore	In the north eastern corner of the Allotment Gardens between Jubilee Court and Waldgrooms.
T.157	Acacia	In the grounds of 48 Newton Green.
T.158	Lime	On the boundary between 55 and 56 Newton Green.
T.159	Lime	In the grounds of 2 Newton Green.
T.160	Oak	On land to the south of 58/60 Stortford Road.
T.161	Acacia	In the grounds of 50 Stortford Road.
T.162	Horse Chestnut )	On land to the north of the Stortford road/A.120 junction.
T.163	Horse Chestnut )	
T.164	Oak	On land situated between 52 Stortford Road and the highway.
T.165	Horse Chestnut	In the grounds of 50 Stortford Road.
T.166	Oak	In the grounds of 48 Stortford Road.
T.167	Walnut	In the grounds of 77 Stortford Road.
T.168	Oak	In the grounds of 44 Stortford Road.
T.169	Ash	In the grounds of 69 Stortford Road.
T.170	Walnut	In the grounds of 71 Stortford Road.
T.171	Oak	In the grounds of 42 Stortford Road.
T.172	Oak	In the grounds of 40 Stortford Road.
T.173	Horse Chestnut )	In the grounds of 2 High Stile.
T.174	Horse Chestnut )	

No on map	Description	Situation - Great Dunmow
T.175	Lime	On the boundary between 3 and 5 High Stile.
T.176	Lime	) On land situated between the Great Dunmow C of E Junior School off High Stile and the highway.
T.177	Lime	
<del>T.178</del>	<del>Horse Chestnut</del>	) In the grounds of 6 <sup>5</sup> / <sub>7</sub> Stortford Road. <i>In the grounds of 67 Stortford Road</i>
T.179	Horse Chestnut	
T.180	Sycamore	
T.181	Thorn	) In the grounds of 65 Stortford Road.
T.182	Horse Chestnut	
T.183	Sycamore	
T.184	Cedar	In the grounds of the Fire Station, Stortford Road.
T.185	Ash	) On land to the west of the Tennis Courts, at the rear of the E T Foakes Memorial Hall, Stortford Road.
T.186	Sycamore	
T.187	Thorn	
T.188	Thorn	
<del>T.189</del>	<del>Poplar</del>	<del>On land to the rear of the E T Foakes Memorial Hall, Stortford Road.</del>
T.190	Beech	In the grounds of 8 Stortford Road.
T.191	Scots Pine	On the southern boundary of the open area of land south of Rosemary Lane.
T.192	Scots Pine	) In the grounds of Talberds Ley, Star Lane.
T.193	Scots Pine	
T.194-196	Scots Pine	On the southern boundary of the open area of land west of Star Lane.
T.197-201	Lime	On the highway frontage of the E T Foakes Memorial Hall, Stortford Road.
T.202	Yew	) On the highway frontage of land situated between 4 and 6 Stortford Road.
T.203	Horse Chestnut	
T.204	Horse Chestnut	On land to the rear of the Great Dunmow C of E Junior School, High Stile.
T.205	Sycamore	In the grounds of 8 Westbury House, Stortford Road.

No on map	Description	Situation - Great Dunmow
T.206	Yew	) In the grounds of The Chequers ) Public House, Stortford Road.
T.207	Yew	
T.208	Oak	
T.209	Sycamore	
T.210	Ash	) In the grounds of Bank's Court, ) Chequers Lane.
T.211	Yew	) In the grounds of 5 Stortford ) Road.
T.212	Yew	
T.213	Ash	) On land off Standrums. )
T.214	Ash	
T.215	Ash	) In the grounds of The Saracen's ) Head Hotel, High Street.
T.216	Lime	) On land to the rear of 12 High ) Street.
T.217	Pine	
T.218	Cedar	) On land to the rear of 24-30 High ) Street.
T.219	Yew	
T.220	Ash <i>Horse Chestnut</i> )	
T.221	Beech	
T.222	Yew	
T.223	Yew	
T.224	Yew	

#### GROUPS OF TREES

(within a broken black line on the map)

G.1	10 Sycamore 1 Pine	) OS Field 1254, to the north of ) Parsonage Downs.
G.2	12 Alder 3 Birch 1 Field Maple 6 Beech 14 Sycamore 5 Pine 2 Ash 9 Thorn 25 Oak	) OS Field 1543 and Pt OS 1140, to ) the north of Parsonage Downs. ) ) ) ) ) ) ) ) ) )
G.3	2 Poplar 1 Red Chestnut 1 Thorn	) ) ) ) At the northern end of Parsonage ) Downs. )
G.4	2 Ash 4 Sycamore 1 Chestnut	) ) )
G.5	1 Ash 2 Sycamore 1 Chestnut	) In the grounds of Willow Cottage, ) Parsonage Downs. )
G.6	1 Chestnut 4 Sycamore	) On the northern boundary of OS ) Field 3704.



No on map	Description	Situation - Great Dunmow
G.7	30 Poplar	A belt of trees to the west and south of The Parsonage, Parsonage Downs.
G.8	3 Chestnut 4 Thorn 2 Lime 1 Ash	) Along the northern side of Newton Hall Drive, South of the Helena Romanes School.
G.9	1 Oak 1 Chestnut 2 Ash 1 Birch	) Along the southern side of Newton Hall Drive.
G.10	3 Oak 4 Ash 1 Hornbeam	) In the grounds of The Spinney, Newton Hall Road, Parsonage Downs.
G.11	<del>1</del> 3 Birch	In the grounds of Field House, Newton Hall Road, Parsonage Downs.
G.12	1 Holly 3 Sycamore	) In the grounds of Pink Cottage, Newton Hall Road, Parsonage Downs.
G.13	5 Birch	In the grounds of The Mead, Newton Hall Road, Parsonage Downs.
G.14	1 Sycamore 8 Lime 1 Oak 1 Chestnut 2 Willow 2 Ash	) Along the southern boundary of Parsonage Downs.
G.15	4 Lime 1 Chestnut 2 Oak 1 Ash	) Land situated between Nos 3 and 4 Newton Hall Road.
G.16	6 Thorn 1 Oak	) Along the boundary of OS fields 1982 and 3985.
G.17	1 Pine 2 Sycamore	) On the highway frontage, north of the driveway to Clock House Cottage, Beaumont Hill.
G.18	1 Oak 3 Yew 1 Sycamore	) In the grounds of Clock House, Beaumont Hill.
G.19	4 Oak 3 Field Maple 3 Hornbeam	) ) Along the eastern boundary of OS Field 0064.
G.20	5 Field Maple 5 Oak 11 Ash 3 Sycamore 2 Thorn 2 Beech	)

No on map	Description	Situation - Great Dunmow
G.21	19 Poplar	) Along the eastern boundary of OS ) Field 3257.
G.22	7 Poplar	
G.23	3 Ash 2 Field Maple 3 Thorn	) Along the boundary of OS Fields ) 0043 and 3257. )
G.24	5 Ash	
G.25	7 Sycamore 1 Ash	) ) Along the western boundary of OS ) Field 6243. )
G.26	4 5 Ash <del>1 Oak</del>	
G.27	4 Lime	Along the highway frontage of land adjacent to 33 The Downs.
G.28	4 Yew 1 Sycamore	) In the grounds of Down House, ) 43 North Street.
G.29	4 Yew 1 Hawthorn	
G.30	3 Thorn	On the southern boundary of OS Field 0043 and including 21 and 22 Waldgrooms.
G.31	4 Poplar	Land to the rear of 40 and 41 Waldgrooms.
G.32	4 Yew 1 Sycamore	) In the grounds of the Youth Centre, ) North Street.
G.33	24 Poplar 4 Sycamore 1 Oak 2 Lime	
G.34	4 Poplar 1 Thorn 2 Sycamore	) On land to the south of Rosemary ) Lane, opposite Rosemary Close. )
G.35	10 Poplar	
G.36	10 12 Poplar	Along the southern boundary of the open area of land south of Rosemary Lane.
G.37	3 Pine 18 Oak 1 Ash 1 Horse Chestnut	) ) On land to the south of 54-72 ) Stortford Road.
G.38	3 Horse Chestnut 1 Ash 2 Pine 10 Oak	

No on map	Description	Situation - Great Dunmow
G.39	1 Copper Beech ) 1 Oak ) 1 Thorn ) 3 Pine )	In the grounds of 46 Stortford Road
G.40	3 Copper Beech	In the grounds of 2 High Stile.
G.41	8 Sycamore ) 2 Ash ) 2 Thorn ) 1 Lime )	In the grounds of The Royal Oak Inn, Stortford Road.
G.42	1 Evergreen Oak ) 1 Variegated Holly ) 1 Chestnut ) 1 Ash (single stem) 1 Tree of Heaven ) 2 Sycamore )	In the grounds of Idaway, Stortford Road.
G.43	6 Sycamore	On land to the north of the Dunmow C of E Primary School, The Downs.
G.44	7 Birch	In the grounds of The Mead, Newton Hall Road.

**TREES SPECIFIED BY REFERENCE TO AN AREA**

NONE

**WOODLANDS**

NONE



## SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
  - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
  - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) The cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant;
- (3) the cutting down, uprooting, topping or lopping of a tree.
  - (a) in pursuance of the power conferred on the Post Office by virtue of section 5 of the Telegraph (Construction) Act 1908 and Section 21 of the Post Office Act 1969, or by or at the request of the Post Office where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulations and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
  - (b) by or at the request of
    - (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
    - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line.
    - (iii) a water authority established under the Water Act 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, or the Greater London Council, where the tree interferes or would interfere with the exercise of



any of the functions of such water authority, drainage board, or Council in relation to the maintenance, improvement or construction of water courses or of drainage works; or

- (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden;

### THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

33. (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

#### 35. Reference of application to the Secretary of State.

(1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Article 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this Section the Secretary of State shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.



(6) The decision of the Secretary of State on any application referred to him under this section shall be final.

### **36. Appeals against decisions**

(1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any appeal under this section shall be final.

**37. Appeal in default of decision.** Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either-

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

### **45. Power to revoke or modify the consent under the order.**

(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application



made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

(2) Subject to the provisions of section 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an Order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

(5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under subsection (2) of this section.

#### **46. Unopposed revocation or modification of consent.**

(1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

(2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

(3) The authority shall also serve notices to the same effect on the persons mentioned in subsection (1) above.





(4) The authority shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in subsection (2)(a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (2)(b) of this section, take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 of the Act.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

GIVEN under the Common Seal of the District Council of Uttlesford

this Second day of July 1985

The COMMON SEAL of the  
DISTRICT COUNCIL OF UTTLESFORD  
was hereunto affixed in the  
presence of:-

L.S.

P M MACPHAIL

Chairman

J F VERNON

Chief Executive Officer



TOWN AND COUNTRY PLANNING ACT 1971

THE DISTRICT OF UTTLESFORD

GREAT DUNMOW (No 1) TREE PRESERVATION ORDER 1985

The District Council of Uttlesford in pursuance of the powers conferred upon it by Regulation 8 (2) of the Town and Country Planning (Tree Preservation Order) Regulations 1969, and all other powers in that behalf hereby confirms the foregoing Order, subject to the modifications shown in red thereon.

GIVEN under the Common Seal of the District Council of Uttlesford  
this Eighth day of October 1985

THE COMMON SEAL of the  
DISTRICT COUNCIL OF  
UTTLESFORD was hereunto  
affixed in the presence  
of:-

Chairman of the Council

Chief Executive Officer

