

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

ST. ALBANS CITY AND DISTRICT COUNCIL
(Harperbury Hospital, Harper Lane, Shenley, Radlett)

TREE PRESERVATION ORDER NO. 1467

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
Town and Country Planning Act 1990

ST. ALBANS CITY AND DISTRICT COUNCIL
(Harperbury Hospital, Harper Lane, Shenley, Radlett)
TREE PRESERVATION ORDER No. 1467

The St. Albans City and District 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 St. Albans City and District Council, Harperbury Hospital, Harper Lane, Shenley, Radlett, Tree Preservation Order No.1467.

Interpretation

2. In this Order “the authority” means the St. Albans City and District 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 16th July 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.

Dated this Sixteenth Day of July 2007



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Authorised by the Council to sign in that behalf

SCHEDULE 1

SPECIFICATION OF TREES

ST. ALBANS CITY AND DISTRICT COUNCIL
(Harperbury Hospital, Harper Lane, Shenley, Radlett)
TREE PRESERVATION ORDER No.1467

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1-T99	Lime	Harperbury Hospital, Shenley, Radlett.
T100	Leyland Cypress	Harperbury Hospital, Shenley, Radlett.
T101	Cedar	Harperbury Hospital, Shenley, Radlett.
T102	Birch	Harperbury Hospital, Shenley, Radlett.
T103	Norway Maple	Harperbury Hospital, Shenley, Radlett.
T104	Conifer	Harperbury Hospital, Shenley, Radlett.
T105	Thuja	Harperbury Hospital, Shenley, Radlett.
T106	Thuja	Harperbury Hospital, Shenley, Radlett.
T107	Sycamore	Harperbury Hospital, Shenley, Radlett.
T108	Purple Leaved Plum	Harperbury Hospital, Shenley, Radlett.
T109	Purple Leaved Plum	Harperbury Hospital, Shenley, Radlett.
T110	Purple Leaved Plum	Harperbury Hospital, Shenley, Radlett.
T111	Thuja	Harperbury Hospital, Shenley, Radlett.
T112	Portugese Laurel	Harperbury Hospital, Shenley, Radlett.
T113	Portugese Laurel	Harperbury Hospital, Shenley, Radlett.
T118	Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
T119	Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
T120	Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
T121	Cherry	Harperbury Hospital, Shenley, Radlett.
T124	Weymouth Pine	Harperbury Hospital, Shenley, Radlett.
T125	Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
T126	Purple Leaved Plum	Harperbury Hospital, Shenley, Radlett.
T127	Tree of Heaven	Harperbury Hospital, Shenley, Radlett.
T129	Birch	Harperbury Hospital, Shenley, Radlett.
T130	Rowan	Harperbury Hospital, Shenley, Radlett.
T131	Rowan	Harperbury Hospital, Shenley, Radlett.
T132	False Acacia	Harperbury Hospital, Shenley, Radlett.
T133	Birch	Harperbury Hospital, Shenley, Radlett.
T134	Poplar	Harperbury Hospital, Shenley, Radlett.
T135	Poplar	Harperbury Hospital, Shenley, Radlett.
T136	Thuja	Harperbury Hospital, Shenley, Radlett.
T137	Tree of Heaven	Harperbury Hospital, Shenley, Radlett.
T138	Douglas Fir	Harperbury Hospital, Shenley, Radlett.
T139	Douglas Fir	Harperbury Hospital, Shenley, Radlett.
T141	Tree of Heaven	Harperbury Hospital, Shenley, Radlett.
T142	Tree of Heaven	Harperbury Hospital, Shenley, Radlett.
T143	Tree of Heaven	Harperbury Hospital, Shenley, Radlett.
T144	Thuja	Harperbury Hospital, Shenley, Radlett.
T145	Thuja	Harperbury Hospital, Shenley, Radlett.

T146	Thuja	Harperbury Hospital, Shenley, Radlett.
T147	Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
T148	Purple Maple	Harperbury Hospital, Shenley, Radlett.
T149	Purple Maple	Harperbury Hospital, Shenley, Radlett.
T150	Thuja	Harperbury Hospital, Shenley, Radlett.
T153	Field Maple	Harperbury Hospital, Shenley, Radlett.
T154	Field Maple	Harperbury Hospital, Shenley, Radlett.
T155	Field Maple	Harperbury Hospital, Shenley, Radlett.
T156	Field Maple	Harperbury Hospital, Shenley, Radlett.
T157	Purple Maple	Harperbury Hospital, Shenley, Radlett.
T158	Turkey Oak	Harperbury Hospital, Shenley, Radlett.
T159	Oak	Harperbury Hospital, Shenley, Radlett.
T160	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T161	Silver Maple	Harperbury Hospital, Shenley, Radlett.
T162	Silver Maple	Harperbury Hospital, Shenley, Radlett.
T164	Lime	Harperbury Hospital, Shenley, Radlett.
T165	Lime	Harperbury Hospital, Shenley, Radlett.
T166	Beech	Harperbury Hospital, Shenley, Radlett.
T167	Ash	Harperbury Hospital, Shenley, Radlett.
T168	Field Maple	Harperbury Hospital, Shenley, Radlett.
T169	Silver Maple	Harperbury Hospital, Shenley, Radlett.
T170	Field Maple	Harperbury Hospital, Shenley, Radlett.
T171	Silver Maple	Harperbury Hospital, Shenley, Radlett.
T172	Field Maple	Harperbury Hospital, Shenley, Radlett.
T173	Larch	Harperbury Hospital, Shenley, Radlett.
T174	Larch	Harperbury Hospital, Shenley, Radlett.
T175	Larch	Harperbury Hospital, Shenley, Radlett.
T176	Leyland Cypress	Harperbury Hospital, Shenley, Radlett.
T177	Atlantic Blue Cedar	Harperbury Hospital, Shenley, Radlett.
T178	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T179	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T180	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T181	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T182	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T183	Lime	Harperbury Hospital, Shenley, Radlett.
T184	Lime	Harperbury Hospital, Shenley, Radlett.
T185	Lime	Harperbury Hospital, Shenley, Radlett.
T186	Lime	Harperbury Hospital, Shenley, Radlett.
T187	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T188	Lime	Harperbury Hospital, Shenley, Radlett.
T189	Lime	Harperbury Hospital, Shenley, Radlett.
T190	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T191	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T192	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T193	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T194	Norway Spruce	Harperbury Hospital, Shenley, Radlett.
T195	Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
T196	Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
T197	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T198	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T199	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T200	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T201	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T202	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.

T203	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T204	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T205	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T206	Wild Cherry	Harperbury Hospital, Shenley, Radlett.
T207	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T208	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T209	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T210	Wild Cherry	Harperbury Hospital, Shenley, Radlett.
T211	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T212	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T213	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T214	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T215	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T216	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.
T217	Tree of Heaven	Harperbury Hospital, Shenley, Radlett.
T218	Blue Spruce	Harperbury Hospital, Shenley, Radlett.
T219	Blue Spruce	Harperbury Hospital, Shenley, Radlett.
T220	Blue Spruce	Harperbury Hospital, Shenley, Radlett.
T221	Blue Spruce	Harperbury Hospital, Shenley, Radlett.
T222	Horse Chestnut	Harperbury Hospital, Shenley, Radlett.

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	2 Spruce, 3 Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
G2	3 Thuja, 4 Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
G3	7 Thuja, 3 Ash, 1 Larch, 1 Crab Apple, 4 Lawsons Cypress, 5 Lime, 2 Pine, 1 Beech, 2 Norway Spruce, 1 Hornbeam, 1 Cypress	Harperbury Hospital, Shenley, Radlett.
G4	3 Thuja	Harperbury Hospital, Shenley, Radlett.
G5	4 Thuja	Harperbury Hospital, Shenley, Radlett.
G6	3 Thuja, 2 Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
G7	6 Thuja	Harperbury Hospital, Shenley, Radlett.
G8	3 Thuja	Harperbury Hospital, Shenley, Radlett.
G11	3 Maple	Harperbury Hospital, Shenley, Radlett.
G12	1 Horse Chestnut, 2 Beech	Harperbury Hospital, Shenley, Radlett.
G13	19 Thuja, 1 Willow, 1 Beech	Harperbury Hospital, Shenley, Radlett.
G15	8 Thuja, 1 Blue Spruce	Harperbury Hospital, Shenley, Radlett.

G17	7 Copper Beech, 6 Pine, 1 Lawsons Cypress	Harperbury Hospital, Shenley, Radlett.
G18	3 Maple	Harperbury Hospital, Shenley, Radlett.
G19	5 Lombardy Poplar	Harperbury Hospital, Shenley, Radlett.
G21	5 Lombardy Poplar	Harperbury Hospital, Shenley, Radlett.
G22	2 Lawsons Cypress, 3 Fir	Harperbury Hospital, Shenley, Radlett.
G23	25 Lombardy Poplar, 1 Sycamore	Harperbury Hospital, Shenley, Radlett.
G24	2 Tree of Heaven	Harperbury Hospital, Shenley, Radlett.

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
W1	Woodland including Lime, Beech, Cherry, Ash, Hornbeam, Poplar, Hawthorn, Oak, Larch, Pine, Yew, Holly, Horse Chestnut, Willow, Sycamore, Field Maple.	Harperbury Hospital, Shenley, Radlett.
W2	Woodland including Lime, Beech, Cherry, Ash, Hornbeam, Poplar, Hawthorn, Oak, Larch, Pine, Yew, Holly, Horse Chestnut, Willow, Sycamore, Field Maple.	Harperbury Hospital, Shenley, Radlett.
W3	Woodland including Lime, Beech, Cherry, Ash, Hornbeam, Poplar, Hawthorn, Oak, Larch, Pine, Yew, Holly, Horse Chestnut, Willow, Sycamore, Field Maple.	Harperbury Hospital, Shenley, Radlett.
W4	Woodland including Lime, Beech, Cherry, Ash, Hornbeam, Poplar, Hawthorn, Oak, Larch, Pine, Yew, Holly, Horse Chestnut, Willow, Sycamore, Field Maple.	Harperbury Hospital, Shenley, Radlett.
W5	Woodland including Larch, Lime, Thuja, Ash	Harperbury Hospital, Shenley, Radlett.
W6	Woodland including Larel, Larch, Thuja, Cypress, Ash, Hawthorn.	Harperbury Hospital, Shenley, Radlett.

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 style="padding-left: 40px;">(i) omit—</p> <p style="padding-left: 80px;">“, in such manner as may be prescribed by a development order,”,</p> <p style="padding-left: 80px;">“such” in the second place where it appears, and</p> <p style="padding-left: 80px;">“as may be so prescribed”; and</p> <p style="padding-left: 40px;">(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 style="padding-left: 40px;">(i) after “contain” insert “, as regards each such order”; and</p> <p style="padding-left: 40px;">(ii) for paragraphs (a) and (b) substitute—</p> <p style="padding-left: 80px;">(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 style="padding-left: 80px;">(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>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) substitute—</p> <p style="padding-left: 80px;">“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>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute—</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</p> <p>(iii) “the consent” for “the permission”; and</p> <p>(iv) “the land to which the order relates” for “the land”.</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions)	<p>(a) In subsection (1) substitute—</p>

<p>and failure to take such decisions)</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 style="padding-left: 40px;">"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—</p> <ul style="list-style-type: none"> (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." <p>(d) For subsection (4), substitute—</p> <p style="padding-left: 40px;">"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."</p>
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	<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 (determination of 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> <ul style="list-style-type: none"> (i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”; (ii) “consent under a tree preservation order” for “planning permission”; and (iii) “the authority” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.”. <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

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.

Dated 16th July 2007

ST. ALBANS CITY AND DISTRICT
COUNCIL

(Harperbury Hospital, Harper
Lane, Shenley, Radlett)

TREE PRESERVATION ORDER

No. 1467

TOWN AND COUNTRY
PLANNING (TREES)

REGULATIONS 1999

TOWN AND COUNTRY
PLANNING ACT 1990

Relating to two hundred and twenty
two individual trees, nineteen
groups of trees and six areas of
woodland situated within the
grounds of Harperbury Hospital,
Harper Lane, Shenley, Radlett,
Hertfordshire.

Harperbury Hospital- Tree Preservation Order Schedule

INDIVIDUAL TREES

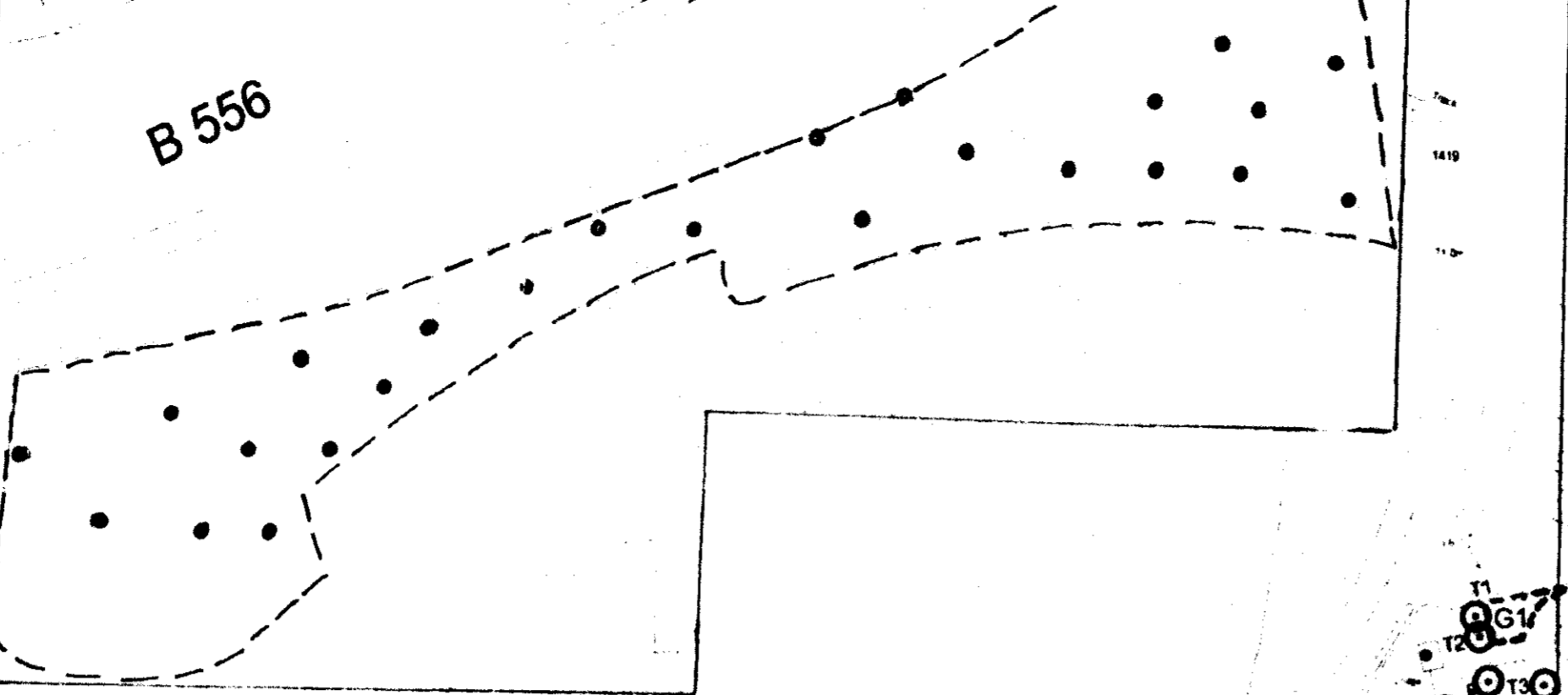
TPO No	Species
T1	
T99	Lime
T100	Leyland Cypress
T101	Cedar
T102	Birch
T103	Norway Maple
T104	Conifer
T105	Thuja
T106	Thuja
T107	Sycamore
T108	Purple leaved Plum
T109	Purple leaved Plum
T110	Purple leaved Plum
T111	Thuja
T112	Portugese laurel
T113	Portugese laurel
T118	Lawsons Cypress
T119	Lawsons Cypress
T120	Lawsons Cypress
T121	Cherry
T124	Weymouth Pine
T125	Lawsons Cypress
T126	Purple leaved Plum
T127	Tree of Heaven
T129	Birch
T130	Rowan
T131	Rowan
T132	False Acacia
T133	Birch
T134	Poplar
T135	Poplar
T136	Thuja
T137	Tree of Heaven
T138	Douglas Fir
T139	Douglas Fir
T141	Tree of Heaven
T142	Tree of Heaven
T143	Tree of Heaven
T144	Thuja
T145	Thuja
T146	Thuja
T147	Lawsons Cypress
T148	Purple Maple
T149	Purple Maple
T150	Thuja
T153	Field Maple
T154	Field Maple
T155	Field Maple
T156	Field Maple
T157	Purple Maple
T158	Turkey Oak
T159	Oak
T160	Horsechestnut
T161	Silver Maple
T162	Silver Maple
T164	Lime
T165	Lime
T166	Beech

INDIVIDUAL TREES

TPO No	Species
T167	Ash
T168	Field Maple
T169	Silver Maple
T170	Field Maple
T171	Silver Maple
T172	Field Maple
T173	Larch
T174	Larch
T175	Larch
T176	Leyland Cypress
T177	Atlantic Blue Cedar
T178	Horse Chestnut
T179	Horse Chestnut
T180	Horse Chestnut
T181	Horse Chestnut
T182	Horse Chestnut
T183	Lime
T184	Lime
T185	Lime
T186	Lime
T187	Horse Chestnut
T188	Lime
T189	Lime
T190	Horse Chestnut
T191	Horse Chestnut
T192	Horse Chestnut
T193	Horse Chestnut
T194	Norway Spruce
T195	Lawsons Cypress
T196	Lawsons Cypress
T197	Horse Chestnut
T198	Horse Chestnut
T199	Horse Chestnut
T200	Horse Chestnut
T201	Horse Chestnut
T202	Horse Chestnut
T203	Horse Chestnut
T204	Horse Chestnut
T205	Horse Chestnut
T206	Wild cherry
T207	Horse Chestnut
T208	Horse Chestnut
T209	Horse Chestnut
T210	Wild Cherry
T211	Horse Chestnut
T212	Horse Chestnut
T213	Horse Chestnut
T214	Horse Chestnut
T215	Horse Chestnut
T216	Horse Chestnut
T217	Tree of Heaven
T218	Blue Spruce
T219	Blue Spruce
T220	Blue Spruce
T221	Blue Spruce
T222	Horse Chestnut

**Harperbury Hospital
Detail of Group 3
Scale 1:500**

7 Thuja, 3 Ash, 1 Larch, 1 crab apple and 4 Lawson's Cypress, 5 Limes, 1 Pine, 1 Weymouth Pine, 1 Beech, 2 Norway spruce, 1 Hornbeam, 1 Cypress



Dated this Sixteenth Day of July 2007

P. Johnson

Authorised by the Council to sign in that behalf

GROUPS OF TREES

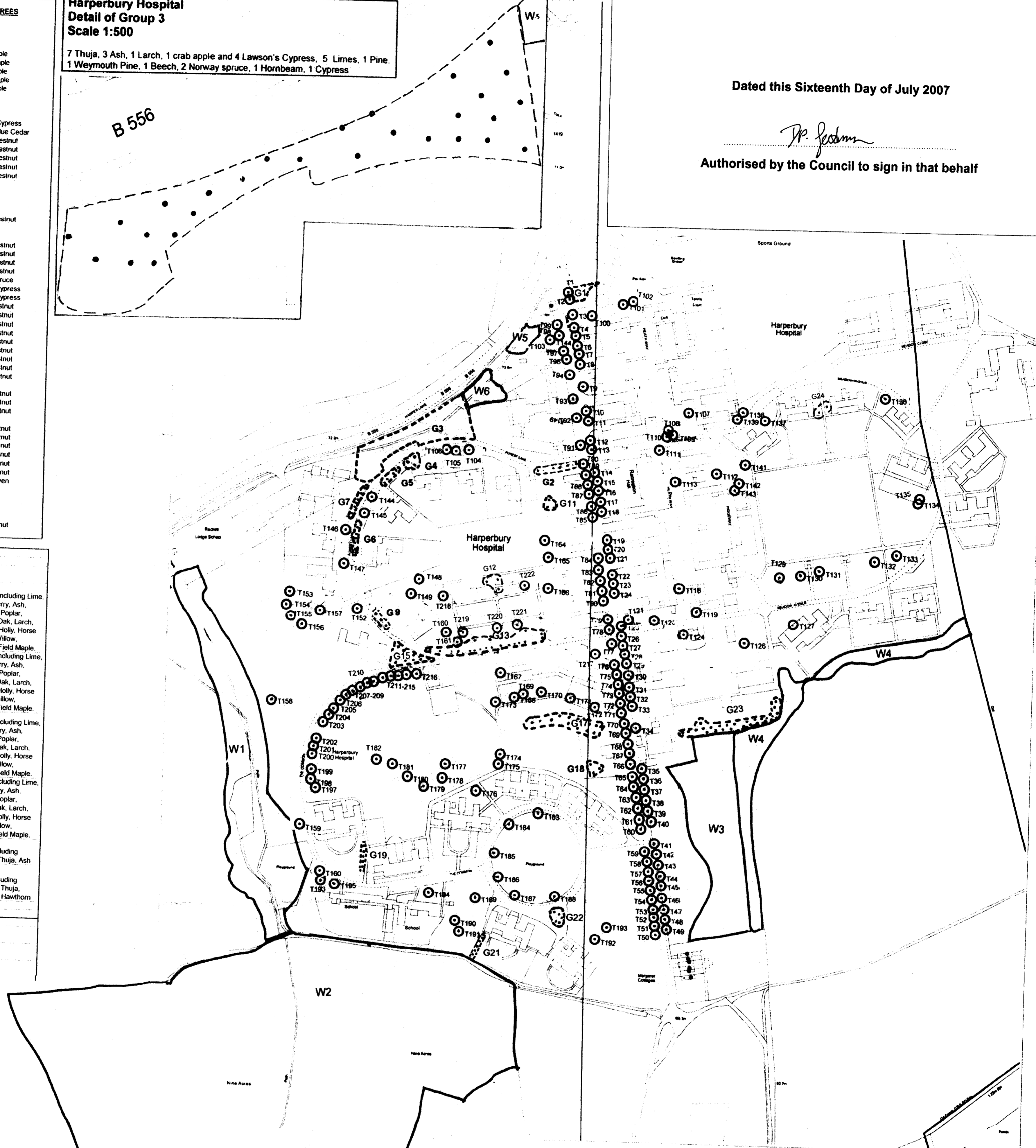
TPO No	Species
G1	2 Spruce, 3 Lawsons Cypress
G2	3 Thuja and 4 Lawsons Cypress
G3	7 Thuja, 3 Ash, 1 Larch, 1 Crab Apple and 4 Lawsons Cypress, 5 Lime, 2 Pine, 1 Beech, 2 Norway Spruce, 1 Hornbeam, 1 Cypress
G4	3 Thuja
G5	4 Thuja
G6	3 Thuja, 2 Lawsons Cypress
G7	6 Thuja
G8	3 Thuja
G11	3 Maples
G12	1 Horse Chestnut, 2 Beech
G13	19 Thuja, 1 Willow, 1 Beech
G15	8 Thuja and 1 Blue Spruce
G17	7 Copper Beech, 6 Pine, 1 Lawsons Cypress
G18	3 Maple
G19	5 Lombardy Poplars
G21	5 Lombardy Poplars
G22	2 Lawson Cypress, 3 Korean Fir
G23	25 Lombardy Poplars, 1 Sycamore
G24	2 Tree of Heaven
G23	Sycamore
G24	2 Tree of Heaven

WOODLANDS

TPO No	Species
W1	Woodland including Lime, Beech, Cherry, Ash, Hornbeam, Poplar, Hawthorn, Oak, Larch, Pine, Yew, Holly, Horse Chestnut, Willow, Sycamore, Field Maple.
W2	Woodland including Lime, Beech, Cherry, Ash, Hornbeam, Poplar, Hawthorn, Oak, Larch, Pine, Yew, Holly, Horse Chestnut, Willow, Sycamore, Field Maple.
W3	Woodland including Lime, Beech, Cherry, Ash, Hornbeam, Poplar, Hawthorn, Oak, Larch, Pine, Yew, Holly, Horse Chestnut, Willow, Sycamore, Field Maple.
W4	Woodland including Lime, Beech, Cherry, Ash, Hornbeam, Poplar, Hawthorn, Oak, Larch, Pine, Yew, Holly, Horse Chestnut, Willow, Sycamore, Field Maple.
W5	Woodland including Larch, Lime, Thuja, Ash
W6	Woodland including Laurel, Larch, Thuja, Cypress, Ash, Hawthorn

AREAS

TPO No	Species
None	



**Tree Preservation Order No.1467
Harperbury Hospital, Harper Lane,
Shenley, Radlett.**

1:2000

