

**TOWN AND COUNTRY PLANNING ACT 1990**

**HASTINGS BOROUGH COUNCIL**

**TREE PRESERVATION ORDER NO. 224 A**

**FORMER HARROW LANE CARAVAN PARK**

The Hastings Borough Council in this order called 'the authority', in pursuance of the powers conferred in that behalf by section 198 of the Town and country Planning Act 1990 and subject to the provisions of the Forestry Act 1967, hereby makes the following Order:

1. In this Order –

'the Act' means the Town and Country Planning Act 1990;

'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 mortgagee 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 said 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 carrying out of which consent is required.

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.

of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by the National Rivers Authority, an internal drainage board, a water undertaker or a sewerage undertaker (as defined in the Water Act 1989) or any other authority whose functions are now exercised by the above bodies, 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 condition or direction has effect subject to the requirements of the 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 in 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 198 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 principle office of the authority.

(2) The 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 205 of the Act.

13. (1) The provisions of Section 201 of the Act shall apply to this Order and the Order shall take effect from

**TREES SPECIFIED BY REFERENCES TO AN AREA**  
**(within a dotted black line on the map)**

Reference on Map	Description	Situation
A1	Trees of mixed deciduous and coniferous species with the area marked A1 on the map.	The grounds of the property known as the Harrow Lane Caravan Park.

**GROUPS OF TREES**  
**(within a broken black line on the map)**

Reference on Map	Description	Situation
	NONE	

**WOODLANDS**  
**(within a continuous black line on the map)**

Reference on Map	Description	Situation
	NONE	

the management of the airport, where in the opinion of such Secretary of State, Authority or person the tree obstructs the approach of aircraft to, or their departure from, any airport 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 1990 as adapted and modified to apply to this Order.

75 (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), ensure for the benefit of the land and of all persons for the time being interested therein.

#### ***Reference of applications to the Secretary of State***

77 (1) The Secretary of State may give directions to the authority on 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 Articles 4 and 5 of the Order shall apply as they apply to such 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 wish, give to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

#### ***Appeals Against Decisions or in default of decision***

78 (1) Where an authority

- (a) refuse an application for consent under the Order or grant it subject to conditions, or
- (b) give any certificate or direction, on granting consent,

97 (3) The power conferred by this section may be exercised at any time before the operations for which consent has been given have been completed:

97 (4) The revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

#### Procedure for s97 Orders: opposed cases

98 (1) Except as provided in section 99, an Order under section 97 shall not take effect unless it is confirmed by the Secretary of State.

(2) Where an authority submit such an Order to the Secretary of State for confirmation, they shall provide the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the statement on –

- (a) the owner of the land affected,
- (b) the occupier of the land affected, and
- (c) any other person who in their opinion will be affected by the Order.

(3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) If within that period such a person so requires, before the Secretary of State confirms the Order he shall give such an opportunity both to him and to the local planning authority.

(5) The period referred to in subsection (3) shall be 28 days from the service of the notice.

(6) The Secretary of State may confirm an Order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

(7) Where a notice has been served in accordance with the provisions of subsection (2) 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 this section.

#### Procedure for s97 Orders: unopposed cases

99 (1) This section applies where:

- (a) the authority have made an Order under section 97 above; and
- (b) the owner and occupier of the land and all persons who in the authority's opinion will be affected by the Order have notified the authority in writing that they do not object to it.

(2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise the fact that the Order has been made and the advertisement must specify –

**HASTINGS BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990  
BOROUGH OF HASTINGS TREE PRESERVATION ORDER NO.224**

The Schedules are amended to read:

**FIRST SCHEDULE**

**TREES SPECIFIED INDIVIDUALLY**  
**(encircled in black on the map)**

<b>No. on Map</b>	<b>Description</b>	<b>Situation</b>
T1	Oak	Harrow Lane Caravan Park
T2	Oak	
T3	Ash	
T4	Sycamore multi stem	
T5	Oak	
T6	Oak	
T7	Oak	
T8	Birch	
T9	Oak twin stem	
T10	Oak	
T11	Oak	
T12	Oak	
T13	Oak	
T14	Oak	
T15	Oak	
T16	Oak	
T17	Oak	
T18	Oak	
T19	Ash	
T20	Oak	
T21	Oak	
T22	Oak	
T23	Ash twin stem	
T24	Oak	
T25	Sycamore	
T26	Ash multi system	
T27	Oak	
T28	Oak	
T29	Oak	
T30	Oak twin stem	
T31	Oak	
T32	Ash	
T33	Ash	
T34	Ash	
T35	Sycamore	

## **REASON FOR MAKING THE VARIATION**

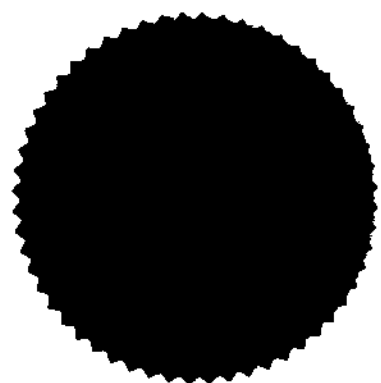
To accurately identify particular trees and groups of trees worthy of preservation within the site boundaries specified under the Tree Preservation Order 224. It is also recommended by the Department of Transport, Local Government and the Regions as good practice to replace area classifications Tree Preservation Orders with individual, group and/ or woodland classifications.

**TOWN AND COUNTRY PLANNING ACT 1990**  
**VARIATION OF ORDER NO. 224 – HARROW LANE CARAVAN PARK**

This Order was varied by the Hastings Borough Council on the 12th day of December 2001 under the drawing number 2269

.....  
Principal Solicitor

Authorised by the Council to sign in that behalf



**DETAILS OF VARIATION:**

The Schedule be amended to read:

**TREES SPECIFIED INDIVIDUALLY**  
**(Encircled in black on the map)**

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Oak	Harrow Lane Caravan Park
T2	Oak	
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T10	Oak	
T11	Oak	
T12	Oak	
T13	Oak	
T14	Oak	
T15	Oak	
T16	Oak	
T17	Oak	
T18	Oak	
T19	Ash	
T20	Oak	
T21	Oak	
T22	Oak	
T23	Ash twin stem	
T24	Oak	
T25	Sycamore	
T26	Ash multi system	
T27	Oak	
T28	Oak	
T29	Oak	
T30	Oak twin stem	
T31	Oak	
T32	Ash	
T33	Ash	



T34	Ash	
T35	Sycamore	

**GROUPS OF TREES**  
(within a broken line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G1	Consisting of Oak, Sycamore, Ash & Hawthorn	Frontage of Harrow Lane Caravan Park
G2	Consisting of 4 x Ash	
G3	Consisting of 2 x Ash and 1 x Birch	
G4	Consisting of Oak, Ash and Sycamore	
G5	Consisting of Birch and Oak	
G6	Consisting of Ash and Sycamore	

**Woodlands**  
(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
W1	Consisting of Oak, Birch, Ash, Hawthorn and Hazel	Harrow Lane Caravan Park
W2	Consisting of Oak, Birch, Ash, Sycamore, Hawthorn and Holly	

# HASTINGS BOROUGH COUNCIL PLANNING SERVICES

RECORD OF DECISION TAKEN TO <sup>VARY</sup>~~SERVE~~ AN EMERGENCY TREE PRESERVATION ORDER WITH AUTHORITY TO CONFIRM SUCH ORDER IF NO OBJECTIONS ARE RECEIVED

ADDRESS: FORMER HARROW LANE CARAVAN PARK,  
HARROW LANE ST. LEONARDS ON SEA TPO: 226

DESCRIPTION OF TREES/WOODLAND:  
INDIVIDUAL, GROUP AND WOODLAND

DECISION TAKEN: Agree variation

AUTHORITY AS PER STANDING ORDERS:

APPROVING OFFICER:  
SIGNATURE: Paul Lewis

DATE: 10/12/01

POST TITLE: Head of Planning

ANY COMMENTS:

- PLOT TO RELEVANT TPO MAP/ GIS
- COPY TO DC AND TO RELEVANT TPO FILE
- COPY TO LAND CHARGES
- ORIGINAL COPY TO BOROUGH SECRETARY

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THE COMMON SEAL OF HASTINGS BOROUGH COUNCIL was hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ in the presence of \_\_\_\_\_



**REGENERATION AND PLANNING DIRECTORATE**

Director of Planning and Environmental Services:  
**A. W. K FRY, R.I.B.A., Dip. T.P., M.R.T.P.I.**  
 Century House, 100 Menzies Road,  
 St.Leonards-on-Sea, East Sussex. TN38 9BB  
 Telephone: (01424) 783300 Fax: (01424) 783208

Title:  
**TREE PRESERVATION ORDER 224 A**  
**HARROW LANE CARAVAN PARK**  
**ST.LEONARDS-ON-SEA**

Date: 22nd Nov MMI	Scale: 1:1250
Drawing No. 2269	Drawn: D.W. D.
Revision:	

