

Home > Residents > Planning environment and community > Planning > Conservation > Tree preservation order TPO016

Tree preservation order-TPO016

Last Modified August 20, 2022



County Borough of Blackpool

Town and Country Planning Acts 1971

County Borough of Blackpool (Land at 145 And 147 Newton Drive)

Tree Preservation Order 1978

THE COUNCIL OF THE COUNTY BOROUGH OF BLACKPOOL, in this Order called "the Authority", in pursuance of the powers conferred in that behalf by Section 60 of the Town and Country Planning Act 1971, 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 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 sublessee) 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, or wilfully destroy or cause or permit the cutting down, topping, lopping 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 the 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.
(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.

Note

If it is desired to fell any of the trees included in this Order, 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))

5. Where the authority refuse consent under this Order or grant such consent subject to conditions that may when refusing or granting consent certify in respect of any tress 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) that the trees have an outstanding or special amenity value.
6. 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 Para III of the Act, or
 - (b) the authority with the approval of the Minister 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 25 of the Countryside Act 1968, 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;
 - (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, the authority shall if such condition or direction relates to land in respect of which byelaws made by a river authority, a drainage board, the Conservator of the River Thames or the Lee Conservancy Catchment Board 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 river authority or drainage board or the Conservators of the River Thames or the Lee Conservancy Catchment Board 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 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 sections 60 or 61 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 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 delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.
(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 Minister, as the case may be, or where an appeal has been made to the Minister against decision of the authority, from the date of the decision of the Minister 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 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 court 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 is 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.

First schedule

Trees specified individually (encircled in black on the map)

Number on Map	Description	Situation
1	Sycamore	145 Newton Drive
2	Ash	145 Newton Drive
3	Sycamore	145 Newton Drive
4	Sycamore	145 Newton Drive
5	Ash	145 Newton Drive
6	Sycamore	145 Newton Drive
7	Ash	145 Newton Drive
8	Ash	145 Newton Drive
9	Sycamore	145 Newton Drive
10	Ash	145 Newton Drive
11	Ash	145 Newton Drive
12	Sycamore	145 Newton Drive
13	Sycamore	145 Newton Drive
14	Sycamore	145 Newton Drive
15x	Willow	145 Newton Drive
16	Sycamore	145 Newton Drive
17	Sycamore	145 Newton Drive
18	Horse Chestnut	145 Newton Drive
19	Sycamore	145 Newton Drive
20	Sycamore	145 Newton Drive
21	Sycamore	145 Newton Drive
22	Sycamore	145 Newton Drive
23	Sycamore	145 Newton Drive
24	Plum (Ornamental)	145 Newton Drive
24A	Holly	145 Newton Drive
25	Plum (Ornamental)	145 Newton Drive
26x	Laburnum	145 Newton Drive
27	Holly	145 Newton Drive
28	Holly	145 Newton Drive
29	Holly	145 Newton Drive
30	Holly	145 Newton Drive
31	Holly	145 Newton Drive
33	Laburnum	145 Newton Drive
34	Laburnum	145 Newton Drive

35	Sycamore	145 Newton Drive
36	Laburnum	145 Newton Drive
37	Cherry (Ornamental)	145 Newton Drive
38	Sycamore	145 Newton Drive
39	Sycamore	145 Newton Drive
40	Sycamore	145 Newton Drive
41	Sycamore	145 Newton Drive
42	Sycamore	145 Newton Drive
43	Sycamore	145 Newton Drive
44	Sycamore	145 Newton Drive
45	Pear	145 Newton Drive
46	Sycamore	145 Newton Drive
47	Sycamore	145 Newton Drive
48	Sycamore	145 Newton Drive
49	Sycamore	145 Newton Drive
50	Sycamore	145 Newton Drive
51	Laburnum	145 Newton Drive
52	Elm	145 Newton Drive
53	Sycamore	145 Newton Drive
54	Sycamore	145 Newton Drive
55	Sycamore	145 Newton Drive
56	Sycamore	145 Newton Drive
57	Sycamore	145 Newton Drive
58	Sycamore	145 Newton Drive
59	Elm	145 Newton Drive
60	Sycamore	145 Newton Drive
61	Elm	145 Newton Drive
62	Elm	145 Newton Drive
63x	Sycamore	145 Newton Drive
64x	Sycamore	145 Newton Drive
65x	Elm	145 Newton Drive
66	Poplar	145 Newton Drive
67	Poplar	145 Newton Drive
68	Sycamore	145 Newton Drive
69	Elm	145 Newton Drive
70	Sycamore	145 Newton Drive

71	Willow	145 Newton Drive
72	Horse Chestnut	145 Newton Drive
73	Horse Chestnut	145 Newton Drive
74	Horse Chestnut	145 Newton Drive
75	Willow	145 Newton Drive
76	Horse Chestnut	145 Newton Drive
77	Horse Chestnut	145 Newton Drive
78	Willow	145 Newton Drive
79	Sycamore	145 Newton Drive
80	Apple	145 Newton Drive
81	Apple	145 Newton Drive
82	Poplar	145 Newton Drive
83	Apple	145 Newton Drive
84	Sycamore	145 Newton Drive
85	Sycamore	145 Newton Drive
86	Sycamore	145 Newton Drive
87	Willow	145 Newton Drive
88	Horse Chestnut	145 Newton Drive
89	Sycamore	145 Newton Drive
90	Poplar	145 Newton Drive
91	Poplar	145 Newton Drive
92	Poplar	145 Newton Drive
93	Poplar	145 Newton Drive
94	Poplar	145 Newton Drive
95	Poplar	145 Newton Drive
96	Poplar	145 Newton Drive
97	Poplar	145 Newton Drive
98	Poplar	145 Newton Drive
99	Poplar	145 Newton Drive
100	Poplar	145 Newton Drive
102	Poplar	145 Newton Drive
103	Poplar	145 Newton Drive
104x	Poplar	145 Newton Drive
105x	Poplar	145 Newton Drive
106	Poplar	145 Newton Drive
107	Sycamore	147 Newton Drive

108	Sycamore	147 Newton Drive
109	Apple	147 Newton Drive
110	Apple	147 Newton Drive
111	Apple	147 Newton Drive
112	Sycamore	147 Newton Drive
113	Sycamore	147 Newton Drive
114	Pear	147 Newton Drive
115	Holly	147 Newton Drive
116	Apple	147 Newton Drive
117	Apple	147 Newton Drive
118	Apple	147 Newton Drive
119	Lilac	147 Newton Drive
120	Laburnum	147 Newton Drive
121	Laburnum	147 Newton Drive
122	Cherry (Ornamental)	147 Newton Drive

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

No. on Map	Description	Situation
A1	The several trees of whatever species standing in the area numbered A1 on the map attached hereto	Land at the rear of 3 Sandon Place Blackpool

Groups of trees

No. on Map	Description	Situation
	NONE	

Woodlands

No. on Map	Description	Situation
	NONE	

Second schedule

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

- the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - 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;
 - the cutting down is in accordance with a plan of operations approved by the Forestry Commission, under such deed.
- The cutting down of any trees 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, topping or lopping of a tree
- (a) in pursuance of the power conferred on the Postmaster General by virtue of section 5 of the Telegraph (Construction) Act 1908;
 - (b) by or at the request of -
 - (i) a statutory undertaker where the land on which the trees are 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 river authority established under the Water Resources Act 1963, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, the Conservators of the River Thames or Lee Conservancy Catchment Board where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment Board in relation to the maintenance, improvement or construction of water courses or of drainage works; or
 - (iv) the Minister of Defence for the Royal Air Force, the Minister of Technology or the Board of Trade where in the opinion of such Minister or Board 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 (a) 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.

Reference of applications to the Secretary of State

- 35. (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.
- 35. (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction
- 35. (3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.
- 35. (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 an application which falls to be determined by the authority.
- 35. (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.
- 35. (6) The decision of the Secretary of State on any application referred to him under this section shall be final.
- (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 these operations as had 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.

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 and it appears to the authority that no claim for compensation is likely to arise under section 164 of this Act on account of the 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 and the notice shall include a statement to the effect that no compensation is payable under section 164 of this Act in respect of an order under section 45 of this Act which takes effect by virtue of this section and without being confirmed by the Secretary of State.
- (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 such Order to be submitted to him for confirmation such Order shall at the expiration of the period referred to in subsection 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(2) of this 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 or Part IV of the Town and Country Planning Act 1971.

THE COMMON SEAL of the Borough of Blackpool

was hereunto affixed this 22nd day of February 1979 by authority of the Council of the said Borough in the presence of

Mayor

Town Clerk



Location Plan showing Trees in TPO16

[↑ Back to top](#)

Blackpool Council

Municipal Buildings
Corporation Street
Blackpool
FY1 1NF

Information and help

[Accessibility](#)
[Contact us](#)
[Privacy and cookies](#)
[Terms and conditions](#)
[Blackpool Council companies](#)

Find my nearest

Enter your postcode to find your nearest schools, council services and more

Stay upto date

Sign up to our regular newsletters

Follow us



